



**PLANNING AND ZONING COMMISSION AND LOCAL PLANNING AGENCY
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, SEPTEMBER 20, 2011, 9:30 a.m.**

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording (tape or CD) of the meeting by contacting Debby Morakis, Secretary to the Planning & Zoning Commission at (561) 227-6411. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER AND ROLL CALL (9:30:19 a.m.)

Chairman meeting to order at 9:30 a.m. On roll call, Commission Members present were:

Alan Golboro, Chairman
Leslie Shaw, Vice Chairman
Eugene Lawrence, Member
Floyd Wideman, Jr., Member
Martin Klein, Member
C. Tanner Rose, Member
Lewis Crampton, Alternate Member
Jeffrey Cloninger, Alternate Member
Michael Spaziani, Alternate Member

Commission Members absent: John Schuler, Member (excused)

Staff Members present were:

John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Secretary to the Planning & Zoning Commission

For the record, Alternate Member Crampton voted in Mr. Schuler's absence.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (9:32:03 a.m.)

Ms. Morakis led the Commission with the invocation and Pledge of Allegiance.

III. APPROVAL OF THE AGENDA (9:32:42 a.m.)

MOTION BY MR. WIDEMAN FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

IV. COMMENTS FROM THE PUBLIC ON ANY ITEM NOT ON THE AGENDA (9:33:13 a.m.)

Chairman Golboro called for comments from the public on any item not on the agenda. There were none.

V. APPROVAL OF JUNE 21, 2011 PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY MINUTES (9:33:20 a.m.)

MOTION BY MR. WIDEMAN FOR APPROVAL OF THE MINUTES OF THE JUNE 21, 2011 PLANNING & ZONING COMMISSION MEETING.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

VI. NEW BUSINESS

a. Proposal to Allow Green Markets in Commercial Districts in the Town.

Tom Bradford, Deputy Town Manager, stated that what was before the Commission was the concept for a Green Market. Mr. Bradford reported that earlier this year, the Town Council had received a request to allow a green market to take place at the Royal Poinciana Plaza. The Town Council rejected that by a vote of 4-1. The Council did state that if something more concrete were to come back they would give it further consideration. In May, the same person submitted a letter with an idea to use the Apollo parking lot. Since Ordinances would need to be changed, staff took this request to the Ordinances, Rules, and Standards Committee (ORS). Mr. Bradford reported that ORS favored the concept but only with specific conditions and at specific locations. Staff was requested to refer the matter to the Planning & Zoning Commission for input on possible locations, conditions, fees, definitions, etc., and, to solicit input from the Chamber of Commerce.

Mrs. Adele Kahn of 231 and 235 Peruvian Avenue stated that she and her husband were greatly opposed to a green market next to her building on Peruvian Avenue noting that a rodent problem in the area would be worsened by a green market.

John Eubanks, speaking on behalf of Palm Beach Towers, stated their opposition to green markets in the area as there could be unintended consequences that would endanger the 1979 agreement with the Royal Poinciana Plaza.

John Archer, President of Royal Poinciana Association, stated that his group was the first to bring this idea to the Town, but, added that his group was now split down the middle on this. Mr. Archer added that their biggest concerns were that newcomers

wishing to do business in Palm Beach be held to the same high standards as existing businesses.

Earl Hollis, who has an office on Peruvian Avenue, stated that he had been in Town for 65 years and was against a green market. Mr. Hollis added that extra police would be needed and costs, including insurance, would be high.

Comments were heard from Ruby Rinker, of 1840 So. Ocean Blvd., who also owns a property at 225 Peruvian Avenue stated, "Why dumb down our standards. We have beautiful stores to send our maids to. It is a dumb idea".

The Chairman called for comments from the Commission and Mr. Spaziani stated his main concerns would be how this would benefit residents and how the Town might tax this use or derive income from it.

Mr. Cloninger stated that he felt there were no benefits to the Town or its residents in allowing green markets and added that he felt this would be a detriment to the merchants in Town.

Mr. Rose asked if the Chamber of Commerce had expressed an opinion and Mr. Bradford reported that the Chamber of Commerce had written a letter posing a number of questions and concerns. Mr. Bradford stated the Chamber felt it might not be harmful to allow this on a temporary, trial basis. Mr. Bradford noted that the Worth Avenue Association also came to the ORS and Council meetings and were in favor of approving this since many of the stores in the area were closed on Sundays.

Additional comments were heard from Mr. Rose who asked how the issue of Town-serving would be dealt with.

Mr. Shaw expressed his concern for the surrounding residents and stated he would not be in favor, adding that he was concerned about permitting the use on a trial basis since the code would still need to be changed.

Mr. Wideman stated that since the meeting began his opinion had been completely changed and he would not be in favor of permitting this use.

Mr. Lawrence stated that he felt there would need to be an overwhelming statement of demand for this use to warrant approval and he did not hear that.

Mr. Klein stated that he wanted the Commission to use its planning role and asked for staff recommendations.

Mr. Bradford stated that staff did not have a recommendation and Mr. Page added that in the past, the community was strict about permissible uses.

Mr. Crampton stated that he liked the concept and congratulated ORS and the Town for considering this.

Chairman Golboro stated that he felt the protests heard were site specific and his concerns were in permitting open retail uses on sidewalks. Mr. Golboro asked if the Houses of Worship had expressed support.

MOTION BY MR. KLEIN TO RECOMMEND THE TOWN NOT AMEND ITS ORDINANCES TO ALLOW THE CONCEPT OF GREEN MARKETS.

MOTION SECONDED BY MR. SHAW.

MOTION CARRIED 6 TO 1 AFTER A ROLL CALL VOTE, WITH MR. ROSE OPPOSED.

Mr. Rose stated that he would prefer to see further discussion of the matter. Comments were heard by Mr. Bill Diamond, 220 Wells Road, who stated that this was brought to the Commission in order to gauge interest and thanked the residents for their comments.

Recording Secretary Morakis asked for a brief five minute break at approximately 10:15 a.m. due to a computer server problem. The meeting reconvened at 10:20 a.m.

b. [Adaptation to Climate Change-Green Initiatives and Smart Growth Policies.](#)

Mr. Page stated that in June staff was asked to check with other communities to see what they were doing regarding smart growth policies and green initiatives. Mr. Page reported that Palm Beach had obtained access to federal monies by making Town facilities more energy efficient.

Mr. Bradford stated that in 2009 the Town applied for an energy efficiency block grant from the State which was derived from federal dollars received through a stimulus bill a few years prior. Mr. Bradford explained the two different programs that were available in this State and added that the Town applied for and received a \$250,000 grant. Mr. Bradford further explained that the Town's program had a three-pronged approach. First, the Town was purchasing up to three hybrid vehicles to replace traditional vehicles. Second, the Town would do an energy audit of several Town facilities including the Public Works facility, North Fire Station, South Fire Station, and Recreation Center. Third, a community outreach element. Mr. Bradford stated that an expo/workshop was being planned for the Emergency Operation Center, which would include an opportunity to hear from citizens and businesses. It was noted that demand for electric vehicle charging stations would soon increase since over 1million, 100% electric vehicles are expected to be on the roads in the United States within the next 12 months. Mr. Bradford added that he suspected a lot of other sophisticated energy conservation measures were happening in Town and hoped to bring those ideas to the expo. Mr. Bradford encouraged the Commission to consider changes to Town codes relative to roofing, reflectors, greenery, LEED building programs, incentives, etc.

Comments were heard from several Commission Members and it was suggested that staff contact the City of West Palm Beach for information about their energy conservation measures. Mr. Page noted that incremental steps had already been taken by the Town which included increasing open space requirements, increasing the amount of roof area used for solar power, smart irrigation, etc., and added that staff was looking for more input from the Commission to further define the issue, adding that the ORS Committee would meet to look at Chapter 66 which establishes minimum landscape requirements. Mr. Page mentioned there was a new four county climate pact, which consists of Monroe, Miami-Dade, Broward and Palm Beach Counties that would be meeting on a regular basis. It was suggested that Mayor Coniglio invite them to address a future Planning & Zoning Commission meeting.

A brief discussion ensued with comments heard from Commission Members. Mr. Page stated that he would visit with the City of West Palm Beach to gather information on what has been successful for them and would report back to the Commission.

Chairman Golboro suggested Item c. Transportation Concurrency be heard after Item d.

c. [Transportation Concurrency and School Concurrency Requirements](#) (11:23:06)

Mr. Page explained to the Commission that changes in State law regarding Comprehensive Planning now give the option to local communities to eliminate concurrency requirements. Mr. Page advised the Commission that Staff recommended those two elements be maintained.

John Lindgren, Town Planner stated that traffic and school concurrency requirements were ways to maintain the residential and historical character of the Town and confirmed staff's recommendation to maintain these elements.

MOTION BY MR. KLEIN TO RECOMMEND THE TOWN RETAIN THE EXISTING TRANSPORTATION CONCURRENCY AND SCHOOL CONCURRENCT PROVISIONS IN THE COMP PLAN.

MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

d. [Code Enforcement Personnel: Ocean and Lake Vista Requirement/Enforcement.](#) (10:52:13 a.m.)

Chairman Golboro introduced the topic and stated that the Commission had reviewed the Ocean Vista requirements several years before.

Zoning Administrator, Paul Castro, stated that staff had provided a recommendation to the Commission at that time, and, based on public input, the Commission modified staff's recommendation. Additional comments were heard from Chairman Golboro,

and, Mr. Wideman stated that he had been concerned with this for several years and was unsure why the Code was not being enforced.

Raychel Houston of the Code Enforcement Department addressed the Commission and stated that the Code was being actively enforced in 2008, but, staffing shortages prevented aggressive enforcement in 2009 and beyond.

Mr. Klein stated that he was previously on the Code Enforcement Board and noted that he felt the Code Enforcement Department was doing a good job at that time. Mr. Klein asked what could be done to help Code Enforcement.

Mr. Castro explained the problem being experienced in the beach area district where houses in excess of 200,000 square feet do not have to meet the Ocean Vista requirement and added that some of the beach houses built prior to 1993 were grandfathered and did not have to meet the Ocean Vista requirements. Mr. Castro explained the intent of the height limitations to maintain the ocean vista and added that half the lot cannot exceed 30 inches and the other half of the lot cannot exceed four feet. Mr. Castro suggested that the reference to size be removed from the ordinance.

Rob Walton, Code Enforcement, read from the Ordinance and explained another issue regarding exotic plants and added that he has been meeting with a gardener regarding issues on the Lake front.

After a lengthy discussion, Mr. Page requested authorization from the Commission to facilitate a meeting with Code Enforcement and Zoning personnel to discuss this matter and come back to the Commission with a recommendation.

Lynn George of 249 Mockingbird Trail, stated that she has been concerned with this issue for a long time and requested someone look at the corner views, the three Hibiscus bushes at Seagate Avenue going into the Sailfish Club, and, the one-way road coming from Four Arts which is a dangerous corner with overgrown vegetation.

- e. [Update on the Testa Family, Inc., Comprehensive Plan Amendment and Zoning Text Amendment Application.](#)

Chairman Golboro requested a report from Mr. Page regarding the Testa Family, LLC Application for the Comprehensive Land Use Plan Amendment.

John Page, Director of Planning, Zoning, and Building reported that staff reviewed the application and determined that it was complete. Mr. Page noted that the application would be before the Commission for their recommendations at the October Planning & Zoning Commission Meeting. If approved, the Ordinances amending the Comprehensive Plan and Zoning Ordinance would be heard by the Commission for a recommendation to Town Council in November.

VII. COMMENTS OF THE PLANNING & ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR (11:25:46 a.m.)

A discussion took place regarding filming in residential areas. Comments were heard from several Commission Members. Mr. Page noted that Chapter 22 of the Town Code addressed filming in residential areas and added there were no provisions for revenue. A discussion took place regarding filming and comments were heard from several Commission Members. It was suggested the Town look at how other cities deal with this issue. Chairman Golboro suggested asking the Town Council if they want the Commission to review this issue.

**MOTION BY MR. KLEIN TO DIRECT STAFF TO REQUEST TO THE TOWN COUNCIL THAT THE PLANNING & ZONING COMMISSION REVIEW THE ENTIRE ISSUE OF FILM MAKING WITHIN THE TOWN OF PALM BEACH.
MOTION SECONDED BY MR. WIDEMAN.**

A discussion continued. Comments were heard from Bob Wildrick, 220 Nightingale Trail, who stated that he was speaking as a resident and not as a Council Member. Mr. Wildrick added that he felt the Commission showed great wisdom in voting against green markets. The motion was restated for the record and clarified by Attorney Randolph.

MOTION FAILED 3-4 AFTER A ROLL CALL VOTE WITH MESSRS. SHAW, LAWRENCE, WIDEMAN AND ROSE OPPOSED.

**MOTION BY MR. SHAW THAT THE PLANNING & ZONING COMMISSION CONSIDER REVIEWING A FILM OPTION FOR THE TOWN OF PALM BEACH.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.**

Jeffrey Cloninger brought up the issue of parking kiosks on South County Road and stated that he felt it would hurt the local businesses and residents in the area. A brief discussion ensued and Mr. Page reported that this issue is under discussion at the Town Council. Mr. Page advised the Commission that the Council has directed the Commission review sections of the zoning code regarding setbacks and structures on either side of the Coastal Construction Control Line. Also, the question of whether a yacht charter/sales business would be considered office use or retail use.

VIII. ADJOURNMENT

**MOTION BY MR. WIDEMAN TO ADJOURN AT 11:55 A.M.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Alan S. Golboro, Chairman
Town of Palm Beach
Planning & Zoning Commission

Leslie A. Shaw, Secretary
Town of Palm Beach
Planning & Zoning Commission