PLANNING AND ZONING COMMISSION
2009-2010 ZONING REPORT
RECORD AND REPORT
TUESDAY, AUGUST 4, 2009, 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 (9:30:10 a.m.)

Chairman Golboro called the meeting to order at 9:30 a.m.

On roll call, Commission members present were:
Alan S. Golboro, Chairman
Leslie A. Shaw, Secretary
John Schuler
Eugene Lawrence
Floyd L. Wideman, Jr.
Martin I. Klein
C. Tanner Rose, Jr., Alternate Member
Lewis Crampton, Alternate Member

Staff members present were:
John Page, Director of Planning, Zoning & Building
Veronica Close, Asst. Director of Planning, Zoning & Building
Paul Castro, Zoning Administrator
John Lindgren, Planning Administrator
Debby Morakis, Recording Secretary

II. INVOCATION AND PLEDGE OF ALLEGIANCE (9:30:53 a.m.)

Ms. Morakis gave the invocation and led the Commission in the Pledge of Allegiance.

III. COMMENTS FROM THE PUBLIC (9:32:06 a.m.)

Ms. Anita Seltzer, 44 Cocoanut Row, addressed the Commission and commented that the Planning & Zoning Commission, not the Town Council, is now the Local Planning Agency. Ms. Selzer asked what the duties and responsibilities of the LPA were and what information the LPA needed to have in order to make decisions and recommendations to the Town Council.

John Page, Director of Planning, Zoning & Building, stated that he would access State Code and provide the correct section of the Code relating to the LPA. Mr. Page added that as the LPA, the Commission is a recommending body to the Town Council and as such, the best information provided by staff and outside consultants coupled with the Commission's experience and knowledge of the island would be what would necessary to make recommendations to the Council.

Chairman Golboro stated that he felt the LPA's job was to come up with the ideas for planning.

IV. PRESENTATION OF SENATE BILL 360 (9:35:20 a.m.)

Chairman Golboro introduced Shelley Eichner, Planning Consultant with Calvin Giordano & Associates who spoke about Senate Bill 360 and the Home Town Democracy Proposal. Ms. Eichner stated that the Bill was introduced by Bill Bennett, an electrical contractor from Bradenton. This law would apply to DULA's (Dense Urban Land Areas). Palm Beach County meets the criteria, and, therefore, Palm Beach is considered a DULA for purposes of legislation. Senate Bill 360 states that developments within a DULA are no longer subject to: transportation concurrency requirements or Development of Regional Impact Review, school concurrency requirements, the extension of deadlines to implement a financially feasible capital improvement plan, impact fee procedures and permit extensions. Ms. Eichner added that the City of Weston filed a lawsuit in July to challenge SB360 and nine other communities and counties have joined the lawsuit.

Mr. Klein stated that he had been engaged in a dialog on Senate Bill 360 with the Palm Beach County Attorney's office and that he had an email from them stating that, in their view, SB360 does not supersede the Town' s existing concurrency management system. Mr. Klein stated that he would forward the opinion and backup to Mr. Page for circulation to the Commission.

Mr. Shaw asked if there were issues that would directly impact residents, such as the permit expiration date issue. Ms. Eichner stated that the permit extension and road impacts would most directly impact residents. Communities now have the ability to require developers to mitigate or deny projects.

Discussion continued and Mr. Castro clarified the transportation issues and explained that the Town would no longer be able to deny a land-use amendment based on the impacts it might have or the degradation of the roadway system in the Town. Mr. Castro added that concurrency regulations currently exist in the Code of Ordinances and Comprehensive Plan.

Discussion continued and Ms. Eichner answered questions from the Commission.

Mr. Crampton suggested that the Commission consider a recommendation to the Council to join the other communities in the lawsuit. Chairman Golboro asked staff to bring the topic of SB360 back to the next meeting of the Planning & Zoning Commission for further discussion and a possible recommendation to Town Council.

Ms. Eichner provided the Commission with the Case number which was filed in Leon County. Case No. 09-CA-2639.

V. PRESENTATION OF HOME TOWN DEMOCRACY PROPOSAL(10:10:58 a.m.)

Ms. Eichner stated that the Home Town Democracy Proposal has been around for several years. It was initiated through petition drives and will be placed on the ballot on November 2, 2010. It will be known as Amendment #4. Ms. Eichner offered no personal opinions on Home Town Democracy but provided a lot of information on both sides of the issue. Ms. Eichner stated that if the bill is approved by 60% of Florida voters, it will become law.

Comments were heard from Chairman Golboro, Mr. Klein and Mr. Shaw. Ms. Eichner answered many questions for the Commission.

Town Council Member Bill Diamond asked if the proposed changes at Royal Poinciana Way and Royal Poinciana Plaza would be subject to this bill.

Ms. Eichner stated that if the bill passes, any changes in the Town if a land use plan amendment is required, would be required to be a referendum item on a ballot for voters.

Chairman Golboro suggested Staff provide a report to the Town Council at their next meeting.

VI. REGULAR AGENDA

A. Approval of June 2, 2009 Planning and Zoning Commission Minutes

MOTION BY MR. SCHULER TO APPROVE THE MINUTES OF THE JUNE 2, 2009 PLANNING & ZONING COMMISSION MEETING.

MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

Council Member Bob Wildrick of 220 Nightingale Trail stated that there are two documents that make for good government - one is the Town Charter and the other is the Comprehensive Plan. Mr. Wildrick stated that his concern is that neither of these should be changed and added that neither should be led by staff, changes should be led by the citizenry. Mr. Wildrick suggested the Commission consider rearranging several items on page 4 of proposal. Mr. Wildrick stated there are two schools of thought in the Town - those opposed to change and those who want a lot of change and added that he felt the process would promote division in the community, not solidarity. Mr. Wildrick suggested having point A and point B reversed which would promote involvement of the citizenry first before putting staff to work. The overall goal should be to bring the community together.

Mr. Klein stated that he agreed and Chairman Golboro stated that there were already several meetings held, but, it would be good idea to have another public workshop.

Mr. Wideman stated that at the last workshops only about four citizens showed up. The Chamber of Commerce and some developers were there but no citizens.

Mr. Shaw stated that he felt it was a bad idea. We have been bringing this proposal and dialog to the residents and to the community for at least three years. Mr. Shaw stated that the Commission needs to do what it has been asked to do and that is to step forward and analyze, review and recommend a design plan to move forward. Mr. Shaw stated that he felt after a consensus is reached then it would make sense for that plan to go to the Town Council, and let the Town Council, through a series of community workshops, develop a plan for implementation. Mr. Wideman stated that he agreed with Mr. Shaw.

Mr. Crampton stated that the Commission needs to do its job and to make sure the citizens of this community understand what is at stake. Mr. Crampton asked if the Commission could find ways to make the Planning & Zoning Commission meetings more open to the public and provide an opportunity to comment.

After additional discussion, Evelyn de Marcelles Marix, of 1570 No. Ocean Blvd., stated that she agreed with Mr. Wildrick. Many people told her that they did not know about the meetings at the Breakers. Ms. Marix stated that many people do not feel that they have any say in the matter.

Charlie Roberts of 310 Australian Avenue addressed the Commission and stated that he agreed with Mr. Wildrick and Mayor Marix. Mr. Roberts encouraged the Commission to re-invite the public to some meetings to hear the voice of the majority of the people.

Mr. Frank Lynch, on behalf of the Testa family stated that his concern was that it seems that we are going over old ground again. Based on public comment received in the beginning of the process, the application was revised. The Testa family is concerned that they are running out of time. The desire is to move this forward.

Additional comments were heard from Chairman Golboro. Mr. Diamond stated that the public has two fears. The first fear is that this has already been decided and the second is that this is precedent setting. "You have to make it clear that whatever is done here, that this does not constitute a precedent for any other development, any other place within the island."

Paul Castro added that the contract can be modified in order to get the job done. Comments were heard from Chairman Golboro. Mr. Klein stated that he does not disagree with Mr. Shaw but added that we owe it to the residents to try and bring them to a consensus.

MOTION BY MR. SCHULER TO RECOMMEND MOVING SECTIONS B AND A.
MOTION SECONDED BY MR. KLEIN.
Discussion continued. Chairman Golboro added that he felt it was an unnecessary motion since the initial workshop was already taking place. "Let's pass on that."

Anita Seltzer commented that there are members of the public who are concerned that this Commission did not have the benefit of that proposal before the Council made its decision. The contract was formalized after the resolution was passed.

Marcella Camblor clarified the list of meetings that would be included in the contract and added that only one meeting with staff has taken place to date.

Chairman Golboro called for a ten minute break at approximately 11:12 a.m.

The meeting was readjourned at 11:28 a.m.

B. Study Item Review:

1. Royal Poinciana Area Planning Study Workshop

Marcella Camblor, principal of Marcella Camblor & Associates, and formerly with the Treasure Coast Regional planning group, presented a power point presentation on the Royal Poinciana redevelopment area. Ms. Camblor stated that the goal of the Town's Comprehensive Plan is to maintain the Town's unique identity and its high quality of life through the efficient distribution of compatible land uses. That will not change.

Ms. Camblor answered questions from the Commission. Comments were heard from the Commission members and Mr. Shaw stated that he also works in the area. After a lengthy discussion, Chairman Golboro suggested staff bring this issue back to the Commission for their recommendation at the next meeting.

MOTION BY MR. WIDEMAN THAT STAFF BRING THIS ITEM BACK TO THE COMMISSION FOR THEIR RECOMMENDATIONS AT THE NEXT MEETING.
MOTION SECONDED BY MR. SCHULER.

Mr. Klein expressed his concern about waiting two meetings before this is brought back to the Commission. Mr. Klein stated that he would like to see what the conclusions look like.

Planning & Zoning Director John Page stated that in March of this year, this Commission had two workshop meetings at the Breakers and at that time, the Chairman asked each Commission member to list elements of the concept that they liked and disliked. Staff is in a position to turn the consultant on to the task as described.
After additional comments and discussion.

MOTION CARRIED UNANIMOUSLY.

A printed copy of the PowerPoint presentation was distributed to the Commission and Chairman Golboro suggested a break for lunch at 12:45 p.m.

The meeting readjourned at 1:55 p.m. For the record, Leslie Shaw arrived at approximately 2:10 p.m., and Gene Lawrence was not in attendance.

2. Required Garage Parking for Single-Family Homes

Paul Castro stated that the Town-serving study item will come before the Commission in September when Attorney Randolph can be present. Mr. Castro stated that staff just received direction from the Town Council to move forward. Mr. Page stated that staff would be happy to do this in house and anticipated the Commission would want to provide feedback.

The Commission requested staff come back next month with the proposed language.

Mr. Castro asked for further direction on front yard setbacks. Discussion took place.

Tom Bradford, Deputy Town Manager explained the proposed parking restrictions which are intended to mirror the existing plan.

MOTION BY MR. KLEIN TO MAKE THE ARLINGTON AND GAINESVILLE PLANS CONSISTENT.
MOTION SECONDED BY MR. SCHULER.
Mr. Shaw stated that he felt this item should not include service vehicles and suggested the word service be removed. Discussion continued.
MOTION PASSED 6 TO 1 AFTER A ROLL CALL VOTE WITH MR. SHAW DISSENTING.

3. Front Yard Setback Requirement in the R-B Zoning District

Mr. Castro apologized for any miscommunication regarding the study items and stated that staff would bring the items back to the Commission next month in add/delete format.

4. Residential Visitor Parking Permits

5. Modify the Provision for the Placement of Air Conditioning Units

Mr. Castro explained that larger lots in the R-B zoning district are required to have larger setbacks. Currently, only two air conditioning units are allowed. Staff would like to propose language that would provide more flexibility to allow four to five air conditioning units.

Chairman Golboro commented about chillers and Mr. Castro stated that only air conditioning units, not cooling towers would be involved.

Mr. Shaw suggested the language be modified to exclude cooling towers.

Mr. Castro stated that staff would bring this back to the Commission.

6. Housekeeping. Elimination of an Antiquated Point of Measurement Provision on Ocean Front Properties

Mr. Castro stated that staff believes this language is inconsistent with some recent code changes and should be eliminated. This item will be brought back to the Commission.

VII. COMMENTS FROM THE PUBLIC(1:36:58 a.m.)

Chairman Golboro called for comments from the public. There were no comments from the public.

Mr. Shaw suggested the exclusion from measurement of any use of underground space. Mr. Castro stated this is being looked at in the Royal Poinciana area district. Mr. Castro stated that the sub-basement does not count in cubic content ratio.

VIII. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR(1:40:15 a.m.)

John Page stated that copies of the materials provided by Mr. Klein regarding SB360 would be distributed via email to the Commission.

Mr. Page stated that the Commission previously discussed changing their meeting dates from the first Tuesday of the month to the third week of the month.
Chairman Golboro added that the felt that was a good idea and suggested the meetings be held on the third Tuesday.

Mr. Page recommended the change start in January 2010.

MOTION BY MR. WIDEMAN TO CHANGE THE PLANNING & ZONING COMMISSION MEETING DATES TO THE THIRD TUESDAY OF EACH MONTH BEGINNING IN JANUARY, 2010.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED 7-0 AFTER A R0LL CALL VOTE.

Mr. Page stated that staff will do whatever it possible can to pull people in for meetings relative to the Royal Poinciana area. The meeting venue may need to change due to seating capacity.

IX. ADJOURNMENT

The meeting was adjourned at 3:12 p.m. without benefit of a motion.

Respectfully Submitted,

Alan S. Golboro, Chairman Town of Palm Beach Planning & Zoning Commission	Leslie A. Shaw, Secretary Town of Palm Beach Planning & Zoning Commission