PLANNING AND ZONING COMMISSION AND LOCAL PLANNING AGENCY
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 SOUTH COUNTY ROAD, PALM BEACH
TUESDAY, JUNE 21, 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 (9:30:00 a.m.)

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

Alan Golboro, Chairman
Leslie Shaw, Vice Chairman
John Schuler, Member
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

Staff Members present were:

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE (9:31:06 a.m.)

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

III. APPROVAL OF THE AGENDA (9:32:11 a.m.)

MOTION BY MR. SCHULER 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 (9:34:00 a.m.)

Chairman Golboro called for comments from the public on any item not on the agenda. There were no comments heard from the public at this time.

V. APPROVAL OF APRIL 19, 2011 PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY MINUTES (9:34:10 a.m.)

MOTION BY MR. WIDEMAN FOR APPROVAL OF THE MINUTES OF THE APRIL 19, 2011 PLANNING & ZONING COMMISSION MEETING.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

VI. NEW BUSINESS (8:29:25 a.m.)

a. TIME CERTAIN: 9:45 a.m. Presentation from Ryan Matthews, Florida League of Cities, relative to the legislative session of 2011, with News of Changes Pertaining to Comprehensive Planning in the State of Florida.

John Page, Director of Planning, Zoning, Building, introduced Ryan Matthews, a Legislative Advocate and Law Clerk with The Florida League of Cities.

Mr. Matthews provided the Commission Members and the public with hand outs and used a power point presentation to explain about the history of growth management and recent changes regarding growth management laws. Mr. Matthews explained that the Department of Community Affairs would be sunsetted after this year and explained some of the changes brought about by HB 7207, known as the Community Planning Act. Some of the major changes in HB 7207 include the expedited state review process, optional transportation and school concurrency at the local level, streamlining of the Evaluation and Approval Report (EAR) process; elimination of financial feasibility, State agencies would only be able to comment on their areas of interest, and, the repeal of 9J-5.

Mr. Matthews explained the Town's previous Comprehensive Plan Amendment process for submittal to the DCA as well as the proposed changes for new submittals. The new process will save approximately 60 to 70 days of communication time

between the Town and the DCA. Several charts and graphs were demonstrated to explain many of the changes. It was noted that many "glitch" bills should be expected during the 2012 legislative session and the Florida League of Cities hopes to send out a survey to find out any questions cities might have so those concerns could be addressed. Mr. Matthews then answered questions and addressed comments from the Commission.

Chairman Golboro asked if the Town would continue to use the "expedited short form" due to its size. Mr. Matthews agreed.

Mr. Crampton asked who would hear the case if a citizen challenged the Comprehensive Plan. Mr. Matthews stated that if a third party were to challenge the Comp Plan, the Town would be granted a fairly debatable standard and it would go through the Division of Administrative Hearing process.

Mr. Schuler applauded the simplification of this process.

Mr. Shaw asked about school and transportation concurrency versus opting out. Mr. Matthews noted that the Town would have the ability to opt back in if that would suit the Town's needs.

Mr. Rose stated that he felt the Town's Comp Plan had certain policies regarding density imbedded within it and wondered how this would affect policy issues. Mr. Matthews noted that it would make it easier to make changes to the Comp Plan as much as the Town would like.

Mr. Crampton asked about critical areas such as wetlands, beach areas, etc. Mr. Matthews stated there had not been much discussion as to what would fall under that definition.

Mr. Spaziani commented that he felt dealing with five different departments would be more time consuming than dealing with only DCA and wondered if any money would be saved. Mr. Matthews stated that DCA would be sunsetting and other agencies were merged for efficiency. Money would be saved but jobs would probably be lost.

Mr. Klein thanked Mr. Matthews and asked if there were goals or recommendations for 2012. Mr. Matthews stated that FLOC oversees five policy committees which expect to see a change towards getting back to funding infrastructure that will make growth happen and he expected more changes next year.

Chairman Golboro asked about the elimination of money for beaches in the state budget and what environmental impact that might have. Mr. Matthews stated that he felt it was too soon to tell.

Chairman Golboro invited comments from the public and Alexander Ives of the Preservation Foundation thanked Mr. Matthews for his presentation and asked when the ten year review on the Comp Plan would take place. Mr. Page answered that the process would begin in 2013 and would now be streamlined.

Mr. Spaziani asked if streamlining the EAR would save the town money and Mr. Page stated that significant funds had been expended in years past and added that staff felt the process would now be completed at a lower expense.

Chairman Golboro asked if the Land Planning Agency needed to take any action soon. Mr. Page stated that staff and the Commission would make recommendations to the Council. It was determined that staff would bring this back to the Commission at the next meeting.

b. Discussion on the Procedure for the Planning and Zoning Commission/LPA members to Add Items on the Agenda.

Chairman Golboro noted that Council has established a procedure for adding items to an agenda and asked that any member desiring to add an item to an agenda should submit the request to Mr. Page ten days prior to the meeting.

MOTION BY MR. KLEIN TO ADOPT A POLICY RELATIVE TO ADDING ITEMS TO THE PLANNING & ZONING COMMISSIONAGENDA.
MOTION SECONDED BY MR. WIDEMAN.
After a brief discussion,
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Mr. Page clarified that any member requesting an item be added to the agenda should notify him ten days prior to the meeting and Staff would continue to confer with the Chairman.

c. Adaptation to Climate Change: Comments from Commissioner Rose.

Commission Member Rose introduced the topic and stated that he had recently read an article in the New York Times that addressed Chicago's initiatives regarding taking adaptive measures with the anticipated increase in temperatures. Mr. Rose stated that he knew the Town was already taking some initiatives but suggested it might be helpful to see what other communities in south Florida are doing regarding this matter. Mr. Rose noted that insurance companies do have a stake in this.

Chairman Golboro stated that after he had built a garage in Chicago he was required to add greenery to the roof which caused the loss of 15 parking spaces.

Bill Diamond, 220 Wells Road, speaking for himself and not the Council, stated that he felt there was a strong minority that disputed the warming trend and added that he thought there were plenty of safeguards already in place regarding the use of solar

energy. Mr. Diamond added that he preferred not to incur taxpayer expense to move on this.

Mr. Rose suggested requesting staff look at what other communities are doing which should not be overly expensive or burdensome.

Mr. Crampton stated that he felt Mr. Rose was asking a good question. Painting roofs white could save the Town and residents money. Mr. Crampton added that he was just recently asked to serve on a sustainability committee in the City of West Palm Beach and added that if they have ideas there he would pass them on to staff.

Chairman Golboro stated that he felt it was worth looking at but not spending money on. Mr. Page stated that staff could look at what other communities were doing at no direct expense. Discussion continued.

Mr. Klein commented that he felt that the Commission should have a meaningful discussion regarding the topic. Chairman Golboro stated that he felt all was in agreement and Mr. Page stated that he would prepare some material for a meeting in the future.

Mr. Spaziani suggested that staff look at this environmental issue in the Miami area and Mr. Page stated that he thought staff might contact the Florida League of Cities.

Laurel Baker of the Palm Beach Chamber of Commerce stated that she felt the Town should set the example.

d. Discussion: Scheduling of Upcoming Meetings.

Chairman Golboro stated that he had spoken to staff and noted that meetings would not be needed for July and August.

MOTION BY MR. SHAW TO CANCEL THE JULY 19, 2011 AND AUGUST 16, 2011 MEETINGS OF THE PLANNING & ZONING COMMISSION.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Mr. Shaw stated that he had asked that a policy be set to establish when the Commission would meet.

Mr. Klein disagreed and stated that he felt the Commission should meet on a monthly basis and preferred to leave the schedule the way it was. Messrs. Crampton and Wideman agreed and it was the consensus of the Commission to continue to meet monthly.

VII. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR (10:56:16 a.m.)

Mr. Shaw stated that he wanted to place the issue of the use of South County Road south of The Breakers and north of Seaspray Avenue for parking on the agenda for consideration of whether the Planning & Zoning Commission should be involved in any land use changes that result. Mr. Shaw stated that he felt large projects should come to the Commission, even if just for an oversight review.

Chairman Golboro stated that he would discuss this matter with Town Council.

Mr. Shaw explained that when the building code changed, many homes that were compliant under the old building code were being given the benefit of insurance policies for wind that met those standards. Those standards have changed and now require a state mitigation report. People are now electing to not carry wind storm coverage on their homes since they cannot afford it. Mr. Shaw wondered how many homes on the island have no windstorm coverage and what would happen if there were a disaster. A brief discussion ensued and Mr. Page offered to bring the Building Official to a future Planning & Zoning Commission meeting to discuss code changes. Many comments were heard from the Commission members and Mr. Schuler asked if the Florida League of Cities had any solutions. Mr. Matthews stated that the League runs the Florida Municipal Insurance Trust and there could be some information available through the FLOC, and, he would forward it.

Zoning Administrator Paul Castro reported that Ordinance No's 1-4 were adopted or would be adopted by August or September.

Chairman Golboro reported that he met with Testa's and an application would be coming to the Commission in September. Mr. Golboro then asked for a report about the bushes growing too high on Lake Trail and along A1A noting that the ocean view has been lost. Mr. Wideman noted that he stopped twice and talked to Code Enforcement staff about the ocean vista. Mr. Page stated that he would be happy to take their concerns to the Code Enforcement Department requesting that the existing ordinance be enforced. Mr. Shaw asked if that should include site triangle maintenance as well. Mr. Castro noted that there had been a lengthy discussion on this several years ago and more stringent regulations were adopted, but, it was the conscious decision that those intersections where there was not a major renovation or a new home being built were not being touched but, they were going to over time enforce those more stringent regulations. Mr. Castro stated that he would talk to Marty Gauthier, Town Engineer, about enforcing site triangles on new private drives.

Discussion continued and Mr. Klein suggested this item be added to a future agenda. Mr. Castro noted that the Ocean Vista requirements were relaxed by this Commission and Council. Mr. Castro stated that staff could come back in September and further explain the regulations that exist today and Code Enforcement could give the Commission an update on the Ocean Vista and the Lake Vista.

Mr. Page again thanked Mr. Matthews from the Florida League of Cities for his presentation. Mr. Page reminded the Commission that there would be an additional session on Thursday for the required ethics training that was mandated by voters. Mr. Page suggested the Commission Members contact the Town Manager's Office to sign up. A brief discussion continued.

Mr. Page noted that Attorney Randolph recently provided the Commission with definitions on spot zoning.

Ms. Veronica Close, Assistant Director of Planning, Zoning, Building explained that Town Council has directed staff to further abbreviate minutes for all Board and Commission meetings in order to save staff time and also since technology now exists that allows anyone to go to the Town web site and listen to any meeting.

VIII. ADJOURNMENT (11:31:17 a.m.)

MOTION BY MR. SCHULER TO ADJOURN AT 11:31 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