Draft

PLANNING & ZONING COMMISSION
2007-2008 ZONING HEARINGS
RECORD AND REPORT
TUESDAY, JUNE 3, 2008 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: (0:00:48) Chairman Guttman called the meeting to order at 9:30 a.m.

PRESENT: William M. Guttman, Chairman
John H. Schuler, Member
Walter Anthony Dowell, Member
Eugene Lawrence, Member
Leslie A. Shaw, Member
Martin I. Klein, Alternate Member
E. James Ryan, Alternate Member
John S. Page, Director of Planning, Zoning & Building
Paul W. Castro, Zoning Administrator
John C. Randolph, Town Attorney

ABSENT: Alan S. Golboro, Secretary (absent pending classification)
Lowry M. Bell, Jr., Member (absent pending classification)
Floyd Wideman, Jr., Alternate Member (excused)

Let the record reflect that due to absences, all alternates will vote today.

RECORDING SECRETARY: Deborah A. Morakis

II. INVOCATION AND PLEDGE OF ALLEGIANCE: (0:01:50)
Ms. Morakis gave the invocation and led the Commission in the Pledge of Allegiance.

III. COMMENTS FROM THE PUBLIC: (0:02:35)
There were no comments from the public at this time.

IV. REGULAR AGENDA

1. Approval of May 6, 2008, Planning and Zoning Commission Minutes **(0:03:05)**

MOTION BY MR. KLEIN TO APPROVE THE MAY 6, 2008 MINUTES.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED UNANIMOUSLY AFTER ROLL CALL VOTE.

2. Discussion, Review and Approval of Updated EAR Based Comprehensive Plan Amendments **(0:03:56)**

Mr. Timothy Frank, Planning Administrator, provided the Commission with an overview of the Comprehensive Plan Amendments that were transmitted within the past week. Mr. Frank stated that the Future Land-use Maps that are included with the report have now been reviewed, parcel by parcel, and have been approved for final form. This new digitally formatted map is not a change from the old map, but, a modification from the old hand-colored map and stated that the page numbering on the maps is handled separately and once the final format is put together, the page numbers will fall into place. In addition, the other GIS colored maps are complete and in their final form in the report.

Mr. Frank mentioned that the twenty year capital improvement element is being modified and the latest twenty year capital improvement is in this report, but, staff expects that report will be updated before it is transmitted to the state.

Mr. Frank stated that an ordinance will be in the reference plan to demonstrate the Town's adherence to the Transportation Fair Share mitigation requirements of Senate Bill 360. Mr. Frank stated that when ordinances were reviewed, Mr. Randolph discovered that this Senate Bill 360 was already approved, enacted, and placed in the Town's Code of Ordinance. This item is now complete.

Mr. Frank stated that the ten year water supply plan, which is coming from the City of West Palm Beach, will catch up with this ordinance and be added when it becomes available. Mr. Frank stated that it was his understanding that Department of Community Affairs would accept this as an addendum to the report, and added that other minor upgrades are needed from the Solid Waste Authority, South Florida Water Management District and others.

Mr. Frank stated that all of the State's requirements for updating this document have been met and it is Staff's intention to approve this document, in it's current format, and submit it to the Town Council for approval, and then to the State for approval. The outdated data in the body of the text will not be updated on the initial submission. Staff will do that over the next two to three years. Mr. Frank repeated that all of the required data in the Goals, Objectives and Procedures have been updated to meet the State's standards. Upon adoption, the strike-out and underlined editing will be removed, which will further condense the document.

Staff recommends approval of this document to submit to Town Council and transmit to the State Department of Community Affairs.

Chairman Guttman proposed that comments and suggestions be made, all at once, rather than by chapter, and in the order of seniority. Mr. Guttman stated that his comments would be last and limited to substantive issues and any grammatical and typographical errors would be directed to Mr. Frank.

Mr. Schuler stated that he had reviewed the document, but, had no pertinent comments at this time.

Mr. Shaw stated, "We tend to lump anything that is not residential into one category. On one hand, we are looking to develop and to help promote community businesses. We are looking to have commercial areas where there are retail shops." Mr. Shaw stated, "there is not a retail shop that is going to be able to succeed in today's environment, unless it can attract a greater base of consumers and bring consumers in from off the island."

Mr. Shaw stated, "I see this personally from the standpoint of my own office, which is located in an office building in a retail zoning district. As a result, in order to rent an office you have to get a special exception, and, that is basically the only use of the building. There are other locations in the Town where we need to look at the zoning code. The comprehensive plan does not address this separation. How does this Code look at the needs of the businesses, offices and office environments and how they impact or do not impact the community."

Chairman Guttman suggested that Mr. Shaw meet with Mr. Frank to figure out which one of the chapters addresses the concerns that he just expressed. Chairman Guttman stated that sometime over the summer, the Planning and Zoning Commission would be designated the local planning agency (LPA) and the Commission would then have a planning function. Chairman Guttman stated, "As a planning agency, it is appropriate for the Commission to address substantive issues of the sort just raised, without taking a position before we look at it."

Mr. Dowell stated that he had spent time last week with Mr. Frank to review the publication and that he had no additional questions.

Mr. Lawrence made numerous suggestions for corrections to be made to the document and a discussion took place regarding several items in the report.

Ms. Veronica Close stated that Staff in both the Planning, Zoning & Building Department and the Public Works Department would be working together during the summer to iron out some conflicts in the Code of Ordinances in Chapters 62 and 66, related to seawalls and DEP issues.

Mr. Guttman urged Ms. Close to do this before the Comprehensive Plan was filed with the Treasure Coast Regional Planning office, because "we want to get this right from a comprehensive planning prospective as well."

Ms. Close stated that a generic statement may be added to the plan to indicate this is being done.

Mr. Lawrence asked about a reverse 9-1-1 system that would be developed to contact and inform residents and asked if the Council ever took some action to communicate with the residents during or after the hurricanes.

Mr. Frank stated that he was aware that the Town was not doing the radio relay that was once contemplated and that the reverse 9-11 system would become part of the county-wide system.

Chairman Guttman asked if this was an agenda item that the Town Council plans on addressing? "If it is not, it does not belong in the Comprehensive Plan." Chairman Guttman urged Mr. Frank to make it abundantly clear to the Town Council that the comp plan is calling for something the Town Council has not yet addressed.

Mr. Frank stated that he thought this was a county-wide issue.

Mr. Lawrence questioned whether or not the Town needed anything in this plan that involves educational facilities and stated that the Landmarks Commission or the Architectural Commission does not review schools.

Mr. Frank stated that the Landmarks Commission reviewed the Palm Beach Public School because the property was landmarked. The school board proposed putting "S" tiles on the roof. We rejected and barrel tiles were put on. We were challenged by the School Board and the legal department in Tallahassee ruled that the Architectural Review in the Town was a child of zoning and the School Board is only exempt from the building codes not the zoning codes. Plans were reviewed by the Landmarks Commission and subsequently the Town Council.

Mr. Lawrence asked for an explanation of why it would be necessary for the Town Council to approve a "level of service".

Mr. Frank explained that when there are levels of service accepted below the norm, you must state that you are accepting levels of service below the standard and state the reasons why you are accepting those levels. Mr. Frank gave, as examples, the areas in front of Mar-a-lago where the intersection does not meet the levels of service standard. Also, the intersection of Royal Poinciana Way, Cocoanut and Bradley Place does not meet the standard level of service. Mr. Frank stated, "When we do that, we must continuously monitor the situation and make sure the situation does not become more aggravated or become worse. If it does, we must take mitigation to correct those deficiencies. In the case of Mar-a-lago, when the service levels increased over the past twenty years, we introduced turn lanes and made improvements to the traffic circle on Southern Blvd. to alleviate the pressure."

Discussion continued regarding signs. Mr. Lawrence also commented regarding manufactured housing, rainwater and storm water and suggested additional minor corrections.

Mr. Klein thanked Mr. Frank and the Staff for doing a superb job under trying circumstances. Mr. Klein also commented regarding the drainage system and traffic system and suggested something be added to indicate what the Town plans to do about these issues. Mr. Klein also stated that the 2011/2012 zoning season indicates zoning regulations would be developed to maintain the character of Ibis Isle, Middle Road and the Sea Streets. Mr. Klein asked if the goal to adopt a prehistoric preservation ordinance by December 2008 was feasible.

Mr. Frank stated that could be one item that might be struck from the list. The Sea Streets study has been done and the Commission is committed to looking at these areas. The hurricane evacuation plan is a county-wide plan handled by IPARC and there will be an inter-local agreement associated with it.

Mr. Ryan thanked Staff for a lovely presentation and stated that most of his concerns had already been addressed by his fellow Commissioners. Mr. Ryan stated, "My concern is a more generic one regarding three conceptual ideas that are the guiding light for the plan. They all seem to discourage redevelopment or regional type planning or planning and redevelopment at a lower density than it is today. The Charrette for the Royal Poinciana Plan seemed to be a more grandiose overlay of what the development will be in that area and it seems not to be lower than what it is today."

Mr. Frank stated, "the Treasure Coast people were well aware of the Comprehensive Plan and the goals and objectives not to do anything to increase density. Their study did not propose increasing density. In the Royal Poinciana area, they made some recommendations of increasing the density of some of the retail areas, but, that was countermanded by reductions elsewhere. They were very careful to watch the numbers because they knew that as densities increase in this town, it further taxes the infrastructure such as the traffic system, sewer, water, and so forth."

Mr. Guttman read a small section from the report and made suggestions for additional corrections that should be made to the report.

MOTION BY MR. KLEIN TO RECOMMEND APPROVAL TO THE TOWN COUNCIL OF THE UPDATED EAR BASED COMPREHENSIVE PLAN AMENDMENTS, AS REVISED AT THIS MEETING.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED UNANIMOUSLY AFTER ROLL CALL VOTE.

V. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR (0:52:40)

Chairman Guttman called for comments from the Planning and Zoning Commission and Planning, Zoning and Building Director.

Mr. Shaw asked if a discussion would take place regarding future Planning & Zoning Commission meetings.

Chairman Guttman stated that there would be a joint meeting of the Planning & Zoning Commission, along with the Landmarks Commission and ARCOM on June 18, 2008, to look at a powerpoint presentation dealing with architectural designs emanating from the University of Miami School of Architecture Historic Preservation Studio. Chairman Guttman stated that he felt no further need for this Commission to meet during July, August or September.

MOTION BY MR. SHAW THAT THE PLANNING & ZONING COMMISSION NOT MEET DURING THE MONTHS OF JULY, AUGUST AND SEPTEMBER OF 2008.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED UNANIMOUSLY AFTER ROLL CALL VOTE.

Mr. Shaw commented regarding the study item list and suggested that the Commission analyze the merit of these items prior to spending money on consultants to study the items. Chairman Guttman made comments and advised Mr. Shaw of the discussion that took place at the May 2008 Planning & Zoning Commission meeting.

Mr. Klein and Mr. Ryan both stated that this topic was discussed at length at the May 2008 Planning and Zoning Commission meeting.

Mr. Page, Director of the Planning, Zoning & Building Department stated that additional communication would be forwarded to the Commission regarding the joint meeting on June 18th. Mr. Page stated that he has requested the presentation materials in electronic format and would forward that, together with the Treasure Coast Master Plan, as soon as possible. Mr. Page stated that he and Mr. Frank appreciated the time spent by the Commission on the updated EAR Based Comprehensive Plan Amendments. Mr. Page encouraged each of the Commission Members to contact him directly with any comments or suggestions and stated that he looked forward to working with the Commission.

Mr. Dowell suggested that signage issues could be left up to the neighborhoods and stated that he would like to see more community involvement.

Mr. Page responded and stated that the notion of allowing neighborhood residents to make decisions about signage could present a challenge since there could be a number of opinions that could be in conflict with Town Ordinances.

Mr. Robert Moore, Director of the South County Road Association was here representing businesses and residents who live in the South County Road area. Mr. Moore commented that at the last Chamber of Commerce meeting, Mr. Brindell spoke about the Town-Serving requirement. The concept of Town-Serving was put in the Town Ordinance in 1980 after an extensive study was done by Mr. William Brisson. The study was done after a survey of existing buildings and existing offices and retail within the Town of Palm Beach and the 2,000 square feet limitation came from that survey. Mr. Moore stated, "Today's modern technology gives us computerized occupational licenses which includes square footage. It is time to take another look. In 1980, there was no Gardens Mall or downtown, no Citiplace, no Wellington Green, no Town Center, etc. In that time frame, the Town has lost market share." Mr. Moore, on behalf of the South County Road Association, asked the Commission to consider looking at the Town-Serving requirement and stated that a query could easily be done to determine the average square footage of all businesses and offices in the Town.

Chairman Guttman stated that at the May Planning & Zoning Commission meeting, it was suggested that this item be added to the study list and there was strong support for doing that. "Unfortunately, the list was already too long, so it was not included. This is a contentious issue in the Town, yet, one that needs to be addressed." Chairman Guttman suggested that some progress could be made if the Chamber of Commerce, along with some other business organizations, worked with Mr. Page and held one or more workshops next season. "Just to begin to have a dialog about it."

Mr. Moore thanked Chairman Guttman for the suggestion and stated that he would speak to the Chamber of Commerce and to Royal Poinciana.

Mr. Klein suggested that Mr. Moore obtain the data he mentioned to bring back to the Commission. Mr. Klein also expressed his appreciation to Mr. Page for his dedication and accessibility and stated that he felt JP has done a remarkable job during his first six months at the Town.

Discussion continued regarding the designation of the Planning & Zoning Commission as the Local Planning Agency. Chairman Guttman stated that it was his intention that the Commission would use the various chapters of the Comprehensive Plan as a template for the Commission's planning process.

Mr. Moore stated that the business community and development community would like to echo the remarks made today regarding JP's first six months here. Mr. Moore stated that JP has been extremely accessible and very fair in listening to all issues.

Mr. Schuler asked Mr. Moore what type of change the South County group was looking for.

Mr. Moore explained that the threshold for town-serving was 2,000 square feet and stated that record keeping was difficult and costly. Mr. Moore stated that businesses would be looking for a review and increase in the square foot threshold.

Mr. Schuler suggested that a study be done to determine what types of businesses are now located on the island.

Chairman Guttman called for a motion to adjourn.

VI. ADJOURNMENT (1:25:40)

MOTION BY MR. SCHULER TO ADJOURN.
MOTION SECONDED UNANIMOUSLY BY THE COMMISSION.
MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

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William M. Guttman, Chairman	Alan S. Golboro, Secretary
Town of Palm Beach	Town of Palm Beach
Planning and Zoning Commission	Planning and Zoning Commission

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