

MINUTES
PLANNING AND ZONING COMMISSION
2003-2004 ZONING HEARINGS
Tuesday, May 18, 2004 at 9:30 a.m.
360 South County Road, Palm Beach
Town Council Chambers

I Call to Order and Roll Call: Chairman Kleid called the meeting to order at 9:30 a.m.

PRESENT: Richard M. Kleid, Chairman
 Lowry M. Bell, Secretary
 Peter S. Broberg, Member (arrived at 9:35 a.m.)
 Jorge A. Sanchez, Member (arrived just after roll call)
 Joanna Golino, Member
 Harrison M. Robertson, Member
 Nancy M. Murray, Member
 Elizabeth S. Murphy, Alternate Member (arrived just after roll call)
 Susan Markin, Alternate Member
 John Schuler, Alternate Member
 John C. Randolph, Town Attorney (arrived at 9:37 a.m.)
 Veronica B. Close, Asst. Dir. of Planning, Zoning & Building
 Paul W. Castro, Zoning Administrator

ABSENT: Robert L. Moore, Director of Planning, Zoning & Building
 William F. Brisson, Zoning Consultant

RECORDED AND TRANSCRIBED BY: Cynthia M. Delp

II Pledge of Allegiance

III Procedures for Input by the General Public:

Mr. Kleid asked if there were any members of the public who wished to be heard relative to any general matters related to the Planning and Zoning Commission business. Mr. Kleid advised that any person wishing to be heard must state his name and address, and

must limit comments to three (3) minutes. He stated that the commission will also allow comments from the public regarding any specific agenda item during discussion of that item.

There was no person in the audience at this time who wished to address the Planning and Zoning Commission.

IV **Approval of the April 20, 2004 Minutes of the Planning and Zoning Commission Meeting:**

MOTION BY MR. ROBERTSON FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. BELL.

MOTION CARRIED UNANIMOUSLY.

V **Study Item Regarding Proposed Modification of Intersection Vision Requirement in Chapter 134, Zoning**

Ms. Close stated that the members have been provided with a final report from American Consulting Engineers, Inc., relative to intersection vision, and Mr. Brian Mirson, with that company, was present to elaborate on such report. The report includes eight (8) typical intersection conditions found within the town.

Mr. Mirson offered a summary of the report, and entertained questions after that. He explained that the eight typicals reference the varying right-of-way widths of Town streets. A general assumption used in the study is that a typical vehicle is 16'6" in length. Another assumption used in the study is that drivers tend to stop within 3 feet of the travel lane of the major roadway. Using these two assumptions, then, it was determined that the typical driver's eye placement is at 11.3 feet from the travel lane of the major roadway, and 3.5 feet above the ground. Mr. Mirson reviewed each of the typicals calling particular attention to portions of private property which are impacted within a sight triangle. This review revealed that there is more impact to private property when the right-of-way is narrow. In situations where the right-of-way is wide, there is potential impact to parking spaces within the sight triangle, if there are parking spaces up to the corner.

Mr. Bell questioned why the consultant did not study the specific areas where the worst traffic conditions occur. Mr. Mirson responded that they were not charged with doing a specific traffic analysis for problem intersections. Instead, it was a study to develop sight triangles (typicals) for an entire community. Ms. Close interjected that an analysis of crash data and the intersections involved in those would be handled in Phase II of this study, which has not yet been authorized by the Town Council. Mr. Bell's point was that there may be problem intersections within the Town which are contributing to accidents, and these may have nothing to do with sight lines at all. He felt this should be studied before making any sweeping changes which will affect the entire Town. Mr. Castro explained that the goal was to propose regulations to improve sight visibility on all of the

Town streets. The consultant's task was to arrive at an industry standard that would be reasonable to the residents. Mr. Castro stated that the recommendations being made by Mr. Mirson represent the cumulative work of our Town engineers and Mr. Mirson's firm to provide a workable solution for the community with as minimal an impact as possible to the residents, while still providing a safe intersection visibility to enable persons to safely navigate on Town streets. Phase II would examine specific accident data, determine the causes of the accidents, and make a determination as to whether sight visibility played a role in the accident. He added that staff believes that it would be prudent to proceed forward with a new standard for the Town to help visibility at Town intersections.

It was noted that the crash data, provided by the Police Department, indicates approximately 175 crashes which occurred between January 2001 and February 2004. Under Phase II, if approved, each of the accident reports will be reviewed, and the consultants will look for common denominators within the data.

Mrs. Golino noted that the report assumes that a car stops 3 feet back from an intersection, and that is a crucial number because that number establishes the sight triangle. She commented that most people inch up to the intersection, and sometimes inch into the intersection. Mr. Mirson stated that 3 feet was a prudent minimum for purposes of the sight distance analysis. Mrs. Golino stated that it bothers her that the greatest impact to vegetation and property owners is on the streets where crashes are few. As such, she advocated recommending to the Town Council that the Phase II analysis be undertaken to determine why crashes occurred. Mr. Mirson responded that a new set of standards must be adopted first, and secondly, an implementation plan which the Town finds suitable could be developed.

Mr. Broberg questioned how a sight triangle would be implemented on private property. Ms. Close stated that if a new standard is adopted, it would be implemented on new construction and major remodels first. Mr. Broberg then asked about hedges which might inhibit sight visibility. Mr. Randolph responded that an amortization schedule could be adopted that all hedges would have to come into compliance by 2012, for example.

Ms. Markin noted that since the driver's eyes are located back much further than the front bumper of a car, realistically, many times vehicles have to pull out into the right-of-way in order to safely proceed. Secondly, she stated that there are fewer accidents in the north end of town largely because fewer cars travel in that area, but as the population becomes larger and younger, the situation will become worse.

Mr. Robertson inquired whether stopping 3 feet from the travel lane is a standard. Mr. Mirson replied that while 3 feet has been used in some other communities, some communities use as much as 6-8 feet as their standard.

Mr. Bell noted that of the approximate 170 accidents reported, over 80 of them occurred on Royal Palm Way, a commercial area, where buildings exist in the setback. He also called attention to Items 4 & 5 in the Executive Summary, suggesting that the word “redevelopment” be corrected to “new construction and redevelopment”.

Ms. Murphy emphasized what a harrowing experience it is, as a driver, to have to inch up to the zero point in order to safely proceed. As such, she supported the 3 foot stop from the travel lane, or even a greater distance. She also asked Mr. Randolph to review the code to determine whether public safety issues can take precedence over private property rights so that swift action to cut/remove hedges or reduce parking spaces can be taken to rectify glaring problems, rather than adhering to an amortization schedule.

Mr. Randolph replied that public safety is a primary consideration, but this must be balanced with property rights. He added that the commission is discussing adopting new sight triangle regulations, but in fact, there have been existing sight triangle regulations in the code for years which the Town has been reluctant to enforce due to public outcry and property rights. He saw two issues to be resolved, i.e., whether the existing sight triangle regulations should be modified, and secondly, whether enforcement of same should be immediate or according to an amortization schedule.

The commission asked Mr. Mirson to review the recommendations from the report. They are summarized on Pages 7 and 8 of the report (*Intersection Sight Distance Evaluation Guidelines* prepared by American Consulting Engineers of Florida, LLC). His primary recommendation was to move forward with new minimum standards for sight triangles and to proceed with Phase II relative to examining crash data and considering implementation methods.

MOTION BY MR. BELL TO ASK THE CONSULTANT TO PROCEED WITH THE PHASE II STUDY NOW, PRIOR TO ACCEPTANCE OF THE PHASE I STUDY, WITH THE UNDERSTANDING THAT THE PHASE I DATA WILL BE RE-REVIEWED AFTER SUBMISSION OF THE PHASE II DATA.

MOTION SECONDED BY MRS. MURRAY.

Under discussion, Yvelyne de Marcellus Marix of 1570 North Ocean Boulevard commented that a great many of our problems are caused by a general disregard for the existing regulations, coupled with hesitant enforcement practices. While she was in favor of studying new regulations, she saw no reason to delay enforcement using existing regulations. She suggested that we “clean up our act”, including the property owners, and stated that the concept of “grandfathered hedges” is very questionable.

Mr. Sanchez noted that the speed limit was reduced last year on the major streets, and he wondered if that was taken into consideration in the report. Secondly, although measures

can be taken to reduce the number of accidents, there will always be accidents. He called attention to the fact that while these efforts to create and/or enforce regulations are well intended, strict enforcement of same may ruin the look of the town. The accident data shows that there were very few accidents in the north end of Town, even before the speed limit was lowered. It was his opinion that as a result of existing conditions with poor vision and hedges, etc. drivers tend to be more careful, so the impediments may actually make drivers more cautious. He added that there are intrinsic problems at driveways of private homes, especially when coupled with large hedges. He agreed with former Mayor Marix that we should review the existing code regulations and work with them before any changes are made.

Mr. Mirson responded that there are sight triangle regulations in the code now, but they have not been implemented. He charged the commission to be sure that the tools (regulations) being used are updated and appropriate, but noted that approving revised sight triangle regulations has no bearing on when and how implementation is accomplished.

MOTION CLARIFIED BY MR. BELL THAT HE AGREES WITH MR. SANCHEZ AND MRS. MARIX THAT THE COMMISSION MUST HAVE INFORMATION RELATIVE TO THE TRAFFIC PROBLEMS (THE SUBJECT OF PHASE II), PRIOR TO TAKING FURTHER ACTION.

MRS. MURRAY ACKNOWLEDGED ACCEPTANCE OF THE CLARIFICATION OF THE MOTION.

Mrs. Golino asked for the staff reaction to the motion, as it was her impression that staff was in favor of passing Phase I. She questioned if it was possible to incorporate an amortization schedule into the motion as she felt it was very important. Ms. Close responded that staff would be reluctant to recommend an amortization schedule now, but it could be part of Phase II. Ms. Close stated that the existing sight triangle regulations are more stringent, and less effective than the proposed. Staff feels that the new standards are more appropriate, especially in their application to new construction and redevelopment, and staff agrees that Phase II should be studied over the summer, including how to apply the new standards to existing properties.

Ms. Markin stated that the previous request of the Planning and Zoning Commission, to make the regulations more accommodating and customized to Palm Beach, has been satisfied in the report. She felt the new standards should be adopted, as proposed, and then choose whether and how to enforce them at a later date. She mentioned that parking spaces which obscure sight visibility at intersections can be handled by the Town with absolutely no impact to private property rights. Ms. Markin felt that the Town should make the commitment to take the first steps toward eradicating sight visibility problems by eliminating parking spaces if they present a safety issue, before expecting residents to

make the first move to remove and/or move hedges which have been there for years.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. GOLINO TO ADOPT THE RECOMMENDED STANDARDS AS PRESENTED WITH THE IDEA THAT STAFF WILL ALSO, DURING PHASE II, STUDY AN AMORTIZATION SCHEDULE AND HOW THE STANDARDS ARE TO BE IMPLEMENTED BOTH ON REDEVELOPMENT AND EXISTING PROPERTIES.

MOTION DIED FOR LACK OF A SECOND.

Mr. Kleid thanked Mr. Mirson for an excellent presentation.

VI Any other items

Mr. Kleid announced that Mr. Peter Broberg was given the Guardian Law Award by the Legal Aid Society of Palm Beach County.

Mr. Kleid announced that at the Town Council meeting of May 11, 2004, he presented the Planning and Zoning Commission's request for a joint meeting with the Town Council in May to jointly discuss the Council's policy regarding zoning growth, variances and special exceptions. The consensus of the Town Council was that they did not wish to hold a joint meeting in May, but would meet with the Planning and Zoning Commission at a later date, but only after the Planning and Zoning Commission has met jointly with ARCOM and the Landmarks Preservation Commission. As such, Mr. Kleid asked Ms. Close to arrange a joint meeting in mid-November for the Planning & Zoning Commission, Architectural Commission, and Landmarks Preservation Commission.

Ms. Close asked the commission if there are any other study items for the next zoning season. Mrs. Murray read part of a letter which was sent to the Town Council in April from a former member of what was then the Zoning Commission. The author has lived in Town for 55 years, with the first ten of them in the north end. The author wrote that Palm Beach is undergoing "mansionsization" which could very well destroy the desirable aspects of the east/west streets in the north end. She asked the Planning & Zoning Commission to use the ratio of Cubic Content vs. lot area, and deny "misfits" which are substantially larger than the other homes on the street. Ms. Murray asked staff to study whether this would work on the seven (7) streets staff was going to choose for a neighborhood study.

Later in the meeting, Ms. Close asked for clarification relative to Mrs. Murray's request to study the cubic volume of the house as it relates to the size of the lot, i.e, the CCR. Mrs. Murray requested staff to look at the direct ratio of those measurements, rather than a sliding scale. Mr. Castro stated that staff has studied the CCR every year for the past ten years, and has been directed to study the reduction of the CCR to 3.5, together with bonus zoning and the creation of

a neighborhood index. Staff will also study seven streets as they relate to cubic volume.

Mr. Broberg mentioned that the town is very concerned about storm water drainage, yet he sees Town yard maintenance staff and private yard contractors blowing debris out onto the road, which in turn will clog the storm drains. He requested that a regulation be created to prohibit blowing yard debris out into the road. Ms. Close stated that ORS will be studying landscape practices with regard to noise, and during discussion of that subject at a recent Town Council meeting, the staff recommended that the Town consider prohibiting the practice of placing yard clippings out on the road. It is not, however, a matter for the zoning season. Mr. Broberg requested that the Planning and Zoning Commission be notified of the ORS meeting.

Secondly, Mr. Broberg stated that a particular house at the end of his street, Monterey Road, holds charitable parties three nights a week, every other week, all winter long. This clogs the streets with parked cars, and quite often blocks residents' driveways. Mr. Broberg requested that the Planning and Zoning Commission study regulating the number of parties, charitable or otherwise, which can be held at a private home during the season.

Mr. Schuler commented regarding Mrs. Murray's earlier request after she read the letter about "mansionsization". He felt this was a very important issue, and it should be placed on the workshop agenda.

Mr. Kleid noted that the revised mission statement was to be discussed at this meeting, but it was not on the agenda. Ms. Close stated that staff was not ready to bring this item back to the Planning and Zoning Commission at this time.

Mr. Kleid pointed out that the next zoning season will be very demanding, and as such, members should be alerted that there will most likely be more meetings than in previous years.

At this point, Mr. Randolph stated that a vote is needed to request staff to study the additional study items mentioned today. He also further clarified Mrs. Murray's request stating that staff should look at the CCR ratios on a given street, and if new construction or a redevelopment exceeds that ratio, it should not be permitted. Mr. Randolph acknowledged that staff could already be looking at this information in the neighborhood index and cubic content study. Mr. Castro replied that staff is already looking at this data.

In lieu of a motion, Mr. Kleid stated that unless there are any objections to any of the study items mentioned, the commission so directs the staff to study same. Mr. Randolph clarified that staff will not be studying Mr. Broberg's first item related to yard clippings as that subject is appropriate for the ORS. As such, Mr. Broberg withdrew that item from the zoning study items.

Mr. Sanchez requested that the Town make more of an effort to make the cycling lanes as smooth and clean as possible to keep the cyclists away from traffic. Ms. Close stated that staff will pass on this concern.

VII Adjournment

MOTION BY MR. ROBERTSON TO ADJOURN THE MEETING AT 11:05 A.M.

MOTION SECONDED BY MR. SANCHEZ.

MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Richard M. Kleid, Chairman
Planning and Zoning Commission

Lowry M. Bell, Jr. Secretary
Planning and Zoning Commission

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