



**PLANNING AND ZONING COMMISSION AND LOCAL PLANNING AGENCY
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, MARCH 20, 2012, 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

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, Member
Martin Klein, Member
C Tanner Rose, Member
Lewis Crampton, Alternate Member
Jeffrey Cloninger, Alternate Member
Michael Spaziani, Alternate Member

Commission Members absent were: none

Staff Members present were:

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE(9:28:37 a.m.)

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

III. APPROVAL OF THE AGENDA(9:28:55 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. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN(9:30:50 a.m.)

Comments were heard from Mr. Klein.

MOTION BY MR. KLEIN TO NOMINATE MR. GOLBORO FOR CHAIRMAN.

MOTION SECONDED BY MR. ROSE.

MOTION CARRIED 6-0-1, WITH MR. GOLBORO ABSTAINED.

MOTION BY MR. ROSE TO NOMINATE MR. SHAW FOR VICE-CHAIR.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

V. COMMENTS FROM THE PUBLIC(9:33:53 a.m.)

Chairman Golboro noted for the benefit of court reporters present that these public meetings were recorded and available through the Town website. Mr. Golboro noted that comments from the public would be heard during old business and called for approval of the Minutes.

VI. APPROVAL OF FEBRUARY 21, 2012 PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY MINUTES(9:34:08 a.m.)

MOTION BY MR. SCHULER FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 21, 2012 MEETING.

MOTION SECONDED BY MR KLEIN.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

VII. OLD BUSINESS(9:34:41 a.m.)

Royal Poinciana Village Overlay: Return Recommendations to Town Council [Town Staff]

Chairman Golboro opened the floor to public comments and asked that they be limited to three minutes. Chairman Golboro stated that letters and emails had been received and would be made part of the record.

Polly Reed of 231 Chilean Avenue ceded her time to Susan Markin.

Susan Markin of 1450 North Lake Way, stated that she was here to represent the Neighborhood Association of Palm Beach, read a statement urging the Commission to rethink the plan. Ms. Markin presented a copy of her statement for the record.

Penny Townsend of 310 Via Linda used water bottles to demonstrate the various density options being considered and reminded the Commission that they are required to follow the Comprehensive Plan.

Anne Pepper of 333 Seaspray Avenue read a prepared statement for the record.

Raychel Lorentzen of 216 Garden Road read a statement indicating that she felt the parking study had not been done during peak usage and increased traffic had not been accounted for and added that she felt it would be premature and inappropriate to change the Comprehensive Plan or to relax the parking requirements.

Leta Foster of 345 Pendleton Lane and 64 Via Mizner stated that she owned two parking permits for spaces on Peruvian Avenue and recently purchased two additional parking spaces from the Town, but, she finds when returning between 6:00 and 9:30 p.m. none of her spaces are available. Ms. Foster stated that she felt the Town was not taking into consideration restaurant traffic.

Les Evans of 135 Seminole Avenue and 249-253 Brazilian Avenue spoke in favor of the overlay, stating that he was hearing a lot of innuendos and misinformation and felt no one was looking at the economics. Mr. Evans stated that in the past 10 years over 200 residences had been eliminated in the Town and that the internet, big-box stores, taxes and insurance limit the economic feasibility of what can be built.

Audrey Bender of 250 Bradley Place spoke about development in other areas including Naples which is now clogged with traffic. Ms. Bender stated that she felt the Town was a unique historic town and seemed vulnerable to a similar change.

Laurel Baker of 1909 S. Olive Avenue, West Palm Beach, and with the Chamber of Commerce, stated that she worked, lived and served the Town of Palm Beach for 35 years and also served on the Landmarks and ARCOM Commissions. Ms. Baker stated that she felt there was great potential in this Town, and, asked the Commission not to lose the future vision of Palm Beach.

Bill Cooley of 8 Windsor Court, along with his wife Judith (who ceded her 3 minutes to him), asked four questions of staff:

- Did you intend to leave the floor area ration (FAR) at 2.1 or lower it?
- If the FAR was 2.1 and if certain setbacks are cited in the ordinance, which would govern? FAR or suggested setbacks?
- Is your intent to allow construction of 300 foot long buildings on this block?
- Were the proposed changes to the ordinance and Comprehensive Plan drafted by Town staff or the applicant's attorney?

Mr. Cooley distributed to the Commission a letter from John Page dated December 23, 2008, to Brian Kosoy about the Town review processing procedure for redevelopment at the Royal Poinciana Plaza. Chairman Golboro asked that the discussion be contained to the RPVOA area and not the Royal Poinciana Plaza. Mr. Cooley urged that this Commission

not send this matter back to Town Council, but, instead add this item to a future agenda for further study by the Planning & Zoning Commission.

Juliette de Marcelles of 357 Crescent Drive, stated that her family has lived at that address since 1947 and said, “Please don’t fix what’s not broken and give it a little more time to be the way it is.”

David Barton of 216 Jamaica Lane stated that the Town is a barrier island and flood prone and added that he felt no one has taken the strategic plan seriously.

Per Lorentzen of 216 Garden Road, stated that he wanted to second the comments of most of the speakers heard today and urged the Commission to bear in mind the law of unintended consequences.

Lori Volk of 206 Phipps Plaza read a statement into the record and indicated that she had previously asked several questions which have gone unanswered. Ms. Volk entered her list of questions for the record and requested a response to her questions which include the following:

- What is the physical boundary of the “corridor”?
- How can the substitution of intensity for density be acceptable?

Jere Zenko of 232 Tangier Avenue compared the overlay to the Chevy Volt – trying to accomplish something but not making it. Ms. Zenko made several suggestions including: two year time limit, the Town start looking at the revenue side of the ledger, create an assessment district, install hedges in front of the gas station and between palm trees.

Anita Seltzer of 44 Cocoanut Row addressed the Commission and stated that since citizens are generally asked not to speak to the agenda she would like to have the benefit of the Commissioner’s comments before making her statement.

Chairman Golboro asked staff to address the many questions raised. Paul Castro, Zoning Administrator, addressed Mr. Cooley’s questions, explaining that this was a privately initiated application by the Testa family in 2006 and explained how the application has evolved since then.

Chairman Golboro suggested the Commission start discussion with the memo from John Page dated March 14, 2012.

Mr. Cloninger stated that he felt the true brilliance of citizens who spoke today was far superior to any outside consultants who might come in and added that he was saddened that the citizens had more respect than this Commission did for the Comprehensive Plan. Mr. Cloninger added that he felt this was the great majority who had spoken noting that more than 230 citizens had taken the time to send emails to the Town.

Mr. Spaziani agreed with Mr. Cloninger and added that his main concern was with residential density. Mr. Spaziani noted the glut of condos on the market in Town that are

losing value each year and said that he expects to see another glut of condos on the market once the baby boomers start to die off. “We need to look towards the future, not add more condos to an already gutted real estate market and not think about our future”, he said.

Mr. Crampton stated that he believed there was a real problem and commended the residents for speaking. He urged his fellow Commissioners to not go above 10 units/acre, stay at a 2-story height limit with possible 3-story towers to break up massing, keep the foot print for development as-is, follow parking equivalency provisions to allow greater flexibility, as proposed, and, to look at the proposal presented by citizens regarding the gas station tear down. Mr. Crampton suggested the Commission recommend to Council to loosen up the zoning requirements and look at other ways to provide incentives to the developer such as creating tax incentives.

Comments were heard from Mr. Rose who stated that he felt allowing a third floor in this district would not violate the Comprehensive Plan. Mr. Rose stated that he disagreed on the issue of density and felt the addition of 21 units would not stress the infrastructure. Mr. Rose said he felt a duty to express his feelings and that he was comfortable with what the Commission came up with.

Chairman Golboro stated that rather than comment about what was before the Commission, he wanted to talk about the tactics he felt were being used to intimidate the Commission including letters and articles that had been sent to the Town involving cases in Islamorada and elsewhere. Mr. Golboro stated, “You might end up getting what you want – nothing, and you might be very unhappy with winning either side of this case.”

Mr. Klein stated that he felt the Comp Plan was not a static document, but, instead was designed to help preserve the Town’s traditions. Mr. Klein asked staff to look at the language in Ordinance No. 29-2011, amending policy 2.4, which substitutes the words intensity for density, adding that he felt this may be confusing. Mr. Klein suggested 13 units/acre, since that is the largest number of units allowed in the R-D (2) Zoning District and also suggested a three year sunset provision.

Mr. Wideman commented that he felt the Commission served the citizens of the Town and not the Town Council. Mr. Wideman stated that he did not agree with increasing density since there was already a glut of condos in Town on the market now.

Mr. Lawrence agreed with Mr. Rose and stated that he felt strongly that Royal Poinciana Way needed rejuvenation and the overlay was needed to provide some incentives. Mr. Lawrence asked that the third floor be kept in order to avoid a “sugar bowl” effect and added that he felt the density was the carrot needed to get something done. Parking and principal of equivalency were good, but, preferred not to have the same footprint repeated.

Mr. Schuler stated that he felt there must be valid reasons for change and added that some of these topics were very complicated and sensitive and needed a more in-depth study. Mr. Schuler added that he felt the ideas that Mr. Crampton suggested needed to be discussed further and to rush to a decision would be wrong.

Mr. Wideman asked for an explanation of a statement in Mr. Page's memo regarding the requirement of a residential component of not less than 25%. Mr. Castro explained that proposal was brought out of the Testa application and a brief discussion ensued.

Mr. Shaw stated that he felt the Commission was off-track and that parking had to be the driving element here. Mr. Shaw made several comments and stated that he felt the building heights, as proposed, kept the character of the area, density becomes an element of parking, 15 to 18 units per acre should be allowed, the issue of principal of equivalency and public parking was imperative, green facades and vias should be required on larger properties, but, there should be no lot size restrictions if requirements could be met. Mr. Shaw added that he felt landmarked properties should have to go before the Landmarks Commission, and, that residential use should not be required.

Chairman Golboro reminded everyone that one of the problems encountered by Council was related to hardship and added that if the Zoning Code was not changed, then Council could do nothing in this area. Mr. Golboro added that he felt parking should be required to be underground. Mr. Golboro spoke about density and that he felt between 15 to 18 units would work and added that he felt the code for this area should be rewritten.

MOTION BY MR. KLEIN THAT THE PLANNING & ZONING COMMISSION AND LPA RECOMMEND TO COUNCIL TO ADOPT THE ROYAL POINCIANA WAY OVERLAY DISTRICT WITH A DENSITY OF 13 UNITS/ACRE, THE SUNSET PROVISION AFTER THREE YEARS, AND FURTHER STUDY OF OTHER CODE CHANGES BE CONTINUED.
MOTION SECONDED BY MR. SHAW.

A discussion took place and comments were heard from Mr. Shaw who stated he felt it would be beneficial to further increase the number of units. Mr. Rose stated he felt the 1 acre restriction was no longer needed and would prefer 15/acre. Mr. Crampton wondered why the density level at this area would be higher than other areas in town and urged the Commission to consider lowering the limit to 10/acre and added that things other than zoning could be used to get investors interested in area. Additional comments were heard from Mr. Klein and Mr. Cloninger who added there was an ordinance in Town that prohibited vehicles from being left on the street for more than 48 hours. Comments were heard from Mr. Rose and Mr. Wideman. Mr. Wideman stated that he felt this would only benefit developers, he did not see crumbling buildings in that area, he did not see "dog patch" on Sunset, he did see lots of people walking and no empty storefronts, and, that he felt six units was plenty.

Anita Seltzer addressed the Chairman and asked for an opportunity to comment. Ms. Seltzer asked the record show that Mr. Randolph was not present, nor were representatives of the Civic Association, the Citizens Association or other groups. Ms. Seltzer asked why the Commission would allow any reduction in parking without a competent parking study and asked if the Commission understood the principal of equivalency test. Ms. Seltzer asked that the minutes of previous meetings be entered into the record.

Mr. Shaw asked if Mr. Klein considered comments made by the Commission and Mr. Klein answered in the affirmative. A brief discussion took place and comments were heard by Messrs. Rose and Lawrence who both commented that they would prefer to increase to 15 units/acre.

MOTION BY MR. ROSE TO AMEND THE PREVIOUS MOTION BY INCREASING FROM 13 UNITS/ACRE TO 15 UNITS/ACRE.

AMENDED MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED 4-3 WITH MESSRS. SCHULER, WIDEMAN, KLEIN OPPOSED.

The earlier motion made by Mr. Klein was repeated with the change of density from 13 units/acre to 15 units/acre.

MOTION BY MR. KLEIN THAT THE PLANNING & ZONING COMMISSION AND LPA RECOMMEND TO COUNCIL TO ADOPT THE ROYAL POINCIANA WAY OVERLAY DISTRICT WITH A DENSITY OF 15 UNITS/ACRE, A SUNSET PROVISION AFTER THREE YEARS, AND FURTHER STUDY OF OTHER CODE CHANGES BE CONTINUED.

MOTION SECONDED BY MR. ROSE.

MOTION CARRIED 5-2 AFTER ROLL CALL VOTE WITH MESSRS. SCHULER AND WIDEMAN OPPOSED.

VIII. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR(11:47:40 a.m.)

Bill Cooley of 8 Winsor Court noted that a court reporter was present and stated that according to procedure, the meeting was recorded in anticipation of litigation.

Mr. Page indicated that the recommendations of the Commission would be presented to the Town Council at their next meeting.

IX. ADJOURNMENT (11:49:25 a.m.)

MOTION BY MR. SCHULER, SECONDED BY MR. SHAW, TO ADJOURN THE MEETING AT 11:50A.M.

Respectfully Submitted,

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

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