

PLANNING & ZONING COMMISSION
2006-2007 ZONING HEARINGS
RECORD AND REPORT
MONDAY, MARCH 19, 2007

- I. **CALL TO ORDER AND ROLL CALL:** Mr. Bell, Acting Chairman, called the meeting to order at 9:30 a.m.

PRESENT: Lowry M. Bell, Jr., Secretary
John H. Schuler, Member
Alan S. Golboro, Member
William M. Guttman, Member
Elizabeth S. Murphy, Member
Leslie A. Shaw, Member
Walter Anthony Dowell, Alternate Member
Eugene Lawrence, Alternate Member
Floyd Wideman, Jr., Alternate member
Veronica B. Close, Director of Planning, Zoning & Building
Paul W. Castro, Zoning Administrator
Tim Frank, Planning Administrator
John C. Randolph, Town Attorney
William F. Brisson, Zoning Consultant

ABSENT: Harrison M. Robertson, Chairman (excused)

(Please note that in light of Mr. Robertson's absence, Mr. Bell chaired the meeting and Mr. Lawrence was a voting member at the meeting.)

RECORDING SECRETARY: Deborah A. Morakis

- II **INVOCATION AND PLEDGE OF ALLEGIANCE:** Ms. Morakis delivered the invocation and all joined in the Pledge of Allegiance.

- III **APPROVAL OF RECORD AND REPORT, 2-22-07, 3-01-07 AND 3-08-07**

Mr. Guttman and Mr. Golboro noted corrections to the report of 2-22-07 and 3-01-07 and all documents were thereafter approved.

A MOTION WAS MADE BY MR. GUTTMAN, AND SECONDED BY MR. SCHULER, TO ACCEPT MINUTES AS REVISED. THE MOTION PASSED UNANIMOUSLY.

IV. REGULAR AGENDA

A NEW BUSINESS:

1. Consideration of Zoning Season Staff Report, Phase II

Study Item 2: Part I, Review of variance criteria to consider additional categories, primarily relating to non-landmarked structures.

William Brisson, Zoning Consultant and Senior Planner with LaRue Planning & Management Services, Inc., briefly described the background and analysis relating to the Staff's proposals for providing flexibility in the Zoning Code. He referred the Commission to the Staff recommendations in Study Item #2 involving general conditions for waivers, and specific provisions for administrative waivers of certain dimensional requirements for single-family homes built prior to 1980, and entertained questions from the Commission.

Mr. Guttman offered a series of comments and questions regarding the appropriateness of the use of word "reconstruction" and "undesirable" in the waiver provision, and a time frame for rendering decisions.

Mr. Brisson suggested that a notice procedure for abutting property owners be added and Mr. Randolph suggested that an appeal procedure is also needed.

Mr. Guttman also noted the proposal was "too formulaic." After additional discussion, including comments by Mr. Randolph, it was decided that it should be formulaic in nature if waivers are to be approved administratively.

Mr. Guttman suggested the front yard should be the least flexible to avoid resembling Boca Raton.

He expressed concern about asking for a "quid pro quo" if the Town Council's aim is to make it easier to modify existing homes. Mr. Castro responded that this was the initial direction given by the Town Council, and a procedure they have followed in the past.

Mr. Shaw noted he liked the approach the Staff was taking in working with the existing code and recognizing the design elements from years ago. He agreed with Mr. Guttman about not requiring a "give back" in the waiver provisions.

Mr. Shaw voiced his opinion relative to the rear yard being more of a lifestyle focal point than the front yard and how the required front yard setback should be reduced while considering the nature of the street, the presence of sidewalks and other physical considerations.

Mr. Lawrence reminded the Commission and Staff that there is a 2 ½ foot easement along the rear property line and that the rear yard setback should recognize this. He also noted he is not in favor of a "quid pro quo" but likes the Staff's approach in providing flexibility to make the zoning fit the built environment.

Mr. Golboro asked for information on the number of variances the Town Council handled over the past 12 months. Staff responded they would try to provide an answer.

Mr. Guttman suggested that the Staff should update the analysis of variance applications contained in the earlier Siemon & Larsen Report; it may indicate patterns.

There was considerable discussion among the Commission members relating to what should be the minimum side yard setback, in order to ensure safety. The possibility of using fire safety and minimums contained in the Building Code were discussed, as well as a definitive separation between buildings. The final consensus was that the original recommendation by Staff was adequate and any requirement in the Building Code for separation of structures will still apply.

There was considerable discussion about the current process for variances, what goes or does not go before ARCOM, and whether or not the Staff is the appropriate review authority.

AFTER CONTINUED ATTEMPTS TO FORMULATE A RECOMMENDATION, A MOTION WAS MADE BY MR. GUTTMAN, AND SECONDED BY MR. GOLBORO, TO ACCEPT THE RECOMMENDATIONS BY STAFF AS MODIFIED BY CONSENSUS BY THE PLANNING & ZONING COMMISSION, AS THEY RELATE TO WAIVERS FOR NON-LANDMARKED SINGLE-FAMILY STRUCTURES BUILT BEFORE 1980. THE MOTION PASSED UNANIMOUSLY.

The items on which a consensus was reached were:

- Item number 3 on page 5 of the Staff Report pertaining to “an undesirable change in the character of the neighborhood” should be deleted.
- The requirements for “give backs” should be deleted.
- The minimum rear yard setback should be modified to accommodate the 2 ½ foot easement, but to still reflect some relaxation from the standard minimum rear yard requirement.
- Add provisions for notification of adjacent property owners, timing for action by the director on the waiver request; and an appeal process.

Study Item 2: Part II, Review of variance criteria to consider additional categories, relating to landmarked structures.

Mr. Brisson explained how Landmark designation and the nonconforming provisions in the code are in conflict and suggested that Landmark properties be exempted from the provisions of the nonconforming sections of the Zoning Code pertaining to extension, expansion, conversion, enlargement, and alteration. He further explained that the Staff recommendations for providing dimensional waivers for Landmark properties are largely based on the earlier recommendations in the Siemon & Larsen Report, but have been somewhat modified by Staff.

Mr. Brisson also explained that the waivers would be heard by the Landmarks Preservation Commission (LPC), and either ratified by the Town Council on its consent agenda, or pulled from the consent agenda for further discussion.

Mr. Guttman noted he felt the Staff recommendations were an improvement upon the Siemon & Larsen recommendations, but asked why a waiver for cubic content was not included. Mr. Castro responded that since no variances from the CCR have recently been granted by the Council, Staff did not believe a waiver of this requirement should be included in the Staff's proposal.

Mr. Bell asked if someone would have the opportunity to object. Ms. Close responded in the affirmative, explaining that an interested party could attend the LPC meeting.

Mr. Lawrence reiterated his comment about how the 2 ½ foot easement in the rear yard needs to be considered.

Mr. Golboro suggested that if a Landmark property is on the National Register, the Town should notify the National Registry when a waiver is requested or approved. Mr. Randolph responded that this could be done. Mr. Frank noted that the Town's ordinance is more strict than the federal regulations as they pertain to landmarked properties.

A MOTION WAS MADE BY MR. GUTTMAN, AND SECONDED BY MR. GOLBORO, TO ACCEPT THE STAFF RECOMMENDATIONS AS MODIFIED BY CONSENSUS BY THE PLANNING & ZONING COMMISSION AND WITH THE INCLUSION OF A WAIVER FOR CUBIC CONTENT, AS THEY RELATE TO WAIVERS FOR LANDMARK STRUCTURES. THE MOTION PASSED ON A VOTE OF 6:1, MS. MURPHY DISSENTING.

The items on which a consensus was reached were to increase the minimum rear yard setback allowed by a waiver to be 7 ½ feet, and to limit the minimum street rear yard setback allowed by a waiver to be 20 feet.

Ms. Markin spoke briefly, emphasizing that the Town's overriding goal is to avoid overbuilding, even on Landmark properties.

Mr. Bell announced that since members of the public were present to speak to the restaurant/nightclub issue, that it would be considered next.

Study Item 13: Review of restaurant/night club uses.

Mr. Brisson briefly described the situation, identifying the number of nightclubs and restaurants in the Town and the differences between the types of entertainment allowed in each. He summarized his discussion with three restaurant owners and the different types of entertainment they would wish to see allowed. Mr. Brisson explained that Staff believes more detailed research needs to be done in order to develop regulations that will be appropriate to the unique character of the Town of Palm Beach and take into account the proximity of restaurants and nightclubs to residential areas uses. He briefly described the Staff's initial thoughts about how different levels

of entertainment might be accommodated, and invited input from the Commission and the public that could be used in the Staff's continuing study.

Mr. Schuler asked for more explanation of the differences between nightclubs and restaurants, and Mr. Castro responded.

Mr. Golboro felt that noise measurements need to be taken at the door of the establishment, that enclosed and open restaurants need to be differentiated, and questioned why a singer would not be allowed on a Friday and Saturday night.

Mr. Guttman asked what residential districts were generally near restaurants. Mr. Castro responded that there are some restaurants close to single-family districts and some close to multi-family districts.

Mr. Guttman suggested that it is important to involve the residents that are likely to be near restaurants that might provide entertainment, before the regulations are developed so that the Town does not go too far down the road without sufficient input from affected residents.

Mr. Shaw commented on the difference between entertainment associated with the dinner hours and late night entertainment not associated with dinner. He also suggested that the matter not be put off until next year, but that perhaps the summer could serve as a test period during which some limited increase in the level of entertainment could be allowed in restaurants. Mr. Bell agreed with Mr. Shaw.

Ms. Murphy stated she would like to see a map of the locations of nightclubs and restaurants in the Town. She also questioned the purpose of regulating interior sound levels and prohibiting dancing in restaurants. She feels that Palm Beach needs more of both (i.e., live music and dancing).

Mr. Dowell asked about the level of complaints received. Mr. Castro responded that there are complaints about grandfathered nightclubs and restaurants, and that these take a lot of staff time to address.

Mr. Richard Day, owner of Island Palm Restaurant spoke briefly explaining how he would like to be allowed to have a small combo and dancing, particularly on Friday and Saturday nights; and that if he could, the restaurant would serve food later into the evening, perhaps 11:00 p.m. or midnight. He noted he has room for a dance floor. Now, after his customers finish dinner, they go to one of the clubs in the hotels where they can listen to music and dance.

Maurizio Ciminella, owner of Amici Bar & Ristorante, also spoke at length. Among other topics, he explained that he would also like to be able to provide entertainment. He noted that Palm Beach is a resort town and that there are varying age groups in the Town with different entertainment tastes. He noted that Palm Beach needs to allow for varying levels and types of entertainment to be a vibrant community.

Arlene Desiderio of Renato's Restaurant, spoke briefly supporting the need for restaurants to be able to provide entertainment. Mr. Guttman asked if the demand was coming from residents or

nonresidents. She responded “both.”

Mr. Wideman mentioned he felt a restaurant should be allowed to have a piano or trio, as Club Collette does, but that no major changes are needed.

Discussion ensued as to the appropriateness of developing regulations now for use during the summer or deferring until next year.

Ms. Close suggested that we could “fast-track” this item and bring it before the Commission in early Fall.

Mr. Guttman emphasized he is opposed to expanding the level of entertainment in restaurants without involving residents in the process early on.

A MOTION WAS MADE BY MR. GUTTMAN, AND SECONDED BY MR. SCHULER, TO APPROVE THE STAFF RECOMMENDATION TO STUDY THE ISSUE OVER THE SUMMER AND TO INCLUDE OUT-REACH EFFORTS TO OBTAIN INPUT FROM RESIDENTS WHO LIVE NEAR RESTAURANTS. THE MOTION PASSED ON A VOTE OF 4:3, MESSRS. GOLBORO, SHAW AND BELL DISSENTING.

Mr. Golboro commented that nothing has been learned unless the Planning & Zoning Commission recommends to the Town Council to ease up the burden on Staff to allow time to do the zoning studies over the summer.

The meeting broke for lunch at 12:15 pm and resumed at 1:30 pm.

Study Item 9: Study delegating the authority to consider and decide on variance, site plan reviews and special exceptions to an appointed board or commission.

Mr. Brisson briefly explained that this issue was originally discussed during the 2004-05 Zoning Season. While some changes have been made to the text of the study item, Staff has reached the same conclusions. These conclusions were:

A hearing officer is the preferred approach to handle variances, but the more common alternative would be to use an appointed board. Staff believes either would be preferable to the current process whereby the Town Council hears variances.

Appeals should go directly to Circuit Court and not to the Town Council. If the Town Council hears the appeals, there will be more appeals and much of the anticipated reduction in the Town Council’s workload would be lost.

The recommendation to use a hearing officer for variances contemplates the incorporation of provisions providing for increased flexibility in the implementation of the dimensional requirements of the Zoning Code.

Mr. Brisson noted that the waiver provisions previously discussed by the Commission represent the initial step toward providing the needed flexibility. With regard to site plans and special exceptions, he said the Staff recommendations remained as originally stated during the 2004-05 Zoning Season – that Staff administratively review site plans involving single-family and two-family uses on platted nonconforming lots in the R-AA, R-A and R-B districts with the Town Council continuing to review all other site plans.

Mr. Brisson stated that, while the Staff's formal recommendation is to continue the process of the Town Council reviewing site plans and special exceptions, there is merit in having these reviews go before a recommending body prior to being heard by the Town Council. A recommending body provides a sounding board for the item and potential problems are frequently identified and resolved before the item is heard by the Council. He noted, however, that this would require additional staff in the Planning, Zoning & Building Department. Mr. Guttman stated that he has reversed his opinion on this matter and now believes the Town Council should handle variances. He explained his position which, among other factors, was based on his concern that an appointed board or hearing officer would be less likely to be consider mitigating factors that may favor the variance, despite the questionable presence of a hardship. He also felt the difficulty in interpreting the definition of a hardship and its legal connotations support such decisions being made by the elected Town Council.

Mr. Golboro stated that he felt we should eliminate the hardship rule; it's causing more problems.

Mr. Wideman stated he is strongly in favor of the Town Council reviewing and deciding upon all three issues (i.e., variances, site plans and special exceptions) and that the hardship rules should not be eased.

Mr. Shaw noted that the Town Council is elected to govern and oversee and he favors an appointed board made up of qualified persons with an understanding of architecture and the ability to understand what they are seeing. He noted that being one-step removed from the Council is an improvement, but that he does not favor using a hearing officer.

Ms. Murphy supports retaining the hardship rule. She also mentioned that if the Town Council wants to delegate the hearing of variances, she favors an appointed board, not a hearing officer.

Mr. Lawrence favors leaving the hearing of variances to the Town Council because he feels these issues require a considerable level of judgement. He agreed with Mr. Guttman that delegation should not occur until such time as flexibility is incorporated into the Zoning Code.

Mr. Guttman then read comments that he had prepared for this item. He stated that since at least the early 1990s, various groups and individuals in town have recommended that the Town Council delegate decision-making in variance and special exception cases to a professional body. This would, they argued, streamline Council meetings and discourage excessive grants of variances. He said he used to be one of those calling for delegation of decision making in zoning cases now. But he had changed his viewpoint over the last few years.

He noted that according to the Siemon & Larsen Study released in 2004, a straight-forward

application of the “unnecessary and undue hardship” rule in variance cases during the seven-year period covered by that Study would have resulted in the disapproval of variance applications otherwise considered desirable by Palm Beachers. The Study found that the Town Council uses variances to provide flexibility in an otherwise inflexible zoning code by granting variances under some vague version of the practical difficulties test in situations where the outcome is desirable but where the circumstances do not amount to an unnecessary and undue hardship.

Mr. Guttman observed that in recent years the Town Council has adopted an unusual procedure in considering variances where it believes granting the variance might be a desirable outcome but where the Council is also concerned that the application might fail the hardship test. It sends the variance request to ARCOM for input. What’s going on here, he asked? Mr. Guttman speculated that the Council believes there is an element of mitigation when ARCOM recommends a project that has architectural merit. In such cases, the Council is apt to grant the variance on whatever theory of hardship that presented to it, normative or not.

Mr. Guttman then said he agreed with the staff’s recommendation concerning the delegation of variance cases to a hearing officer as set out on page 19 of the Staff Report, if, but only if, an element of standard-based flexibility is added first throughout the entire zoning code — and not just to nonconforming lots and landmarked buildings. Why, he asked? Because if the Town were to delegate zoning decisions in variance cases under the present code, it would court two dangers: (1) decisions that block otherwise desirable outcomes because the decision-maker strictly applies the unnecessary and undue hardship rule or (2) decisions that are too liberal, that result from giving the decision-maker — unaccountable to the voters — too much discretion. So, he said, the Town should first write reasonable flexibility into its zoning code, and then unburden the Town Council by delegating decision-making in zoning cases to a zoning professional.

Mr. Guttman also said he was concerned that the staff’s proposal may balkanize the development decision-making process. It seems, he observed, terribly inefficient to delegate decision-making in variance cases to a professional hearing officer, but retain Town Council decision-making on site plan reviews and special exceptions. Many development applications seek both variances and special exceptions and sometimes require site plan review.

In addition, Mr. Guttman commented that he was concerned about using a Zoning Board of Adjustment or Zoning Board of Appeals to decide variance cases because the unnecessary and undue hardship test has an unusual legal meaning that is apt to be difficult for non-lawyers to apply to the facts in evidence at a hearing. It is, he observed, very easy to forget that an undue hardship in a legal sense means a hardship that renders it virtually impossible to use the land for the purposes for which it is zoned.

Finally, Mr. Guttman said he was concerned about using appointed Boards in an advisory capacity in special exception cases and site plan reviews. He said it seemed to add just another duplicative and bureaucratic layer to an already unwieldy decision-making process. How would that unburden the Town Council, he asked?

Ms. Close provided some information to the Commission as to the numbers of variances, special

exceptions and site plans heard by the Council since the late 1970's.

Mr. Golboro stated he agrees that more staff are needed and recommended that the Town add more staff to the Building, Planning and Zoning Department.

A MOTION WAS MADE BY MR. GUTTMAN, AND SECONDED BY MR. LAWRENCE, TO DISAPPROVE THE STAFF RECOMMENDATIONS AND TO CONTINUE THE CURRENT PROCEDURES FOR VARIANCES, SITE PLAN REVIEWS AND SPECIAL EXCEPTIONS. THE MOTION FAILED ON A VOTE OF 3:4 WITH MS. MURPHY AND MESSRS. GOLBORO, SHAW AND BELL DISSENTING.

After discussion among the Commissioners restating the various versions of a motion concerning deferral, a motion was made by Mr. Golboro as follows:

A MOTION WAS MADE BY MR. GOLBORO, AND SECONDED BY MR. SHAW, TO DEFER THE QUESTION OF DELEGATING AUTHORITY FOR VARIANCES, AND REVIEWS OF SITE PLANS AND SPECIAL EXCEPTIONS, UNTIL SUCH TIME AS THE TOWN COUNCIL HAS (1) DECIDED WHETHER OR NOT, OR TO WHAT EXTENT, IT WILL INCLUDE THE PREVIOUSLY RECOMMENDED WAIVER PROVISIONS AND (2) PROVIDES THE PLANNING AND ZONING COMMISSION WITH DIRECTION AS TO THE EXTENT OF FLEXIBILITY THE TOWN COUNCIL PREFERS TO BE INCORPORATED INTO THE ZONING CODE. THE MOTION PASSED BY UNANIMOUS VOTE.

Study Item 10: Study the establishment of regulations for home use licenses in the Town's Residential Districts.

Mr. Brisson explained that allowing a home occupation would be a drastic departure from the zoning philosophy of the Town. However, in recommending including a home office as an accessory use in residential districts, the Staff is recognizing the evolution of how business is more and more frequently conducted by computer and other electronic means of communication. Mr. Brisson went on to identify the specific conditions that would be required to ensure that the use of a home office would not be noticeable from outside the home and would be compatible with the residential neighborhood.

Mr. Shaw felt it would be pointless not to allow at least one employee, such as secretary, or to allow a bookkeeper to visit the home office, since such a prohibition would surely be violated.

Mr. Wideman saw no need to permit an employee.

Ms. Murphy strongly opposed the entire idea of permitting a home office in residential areas. She noted the possibility of scam artists using a Palm Beach address.

Mr. Dowell asked why there needed to be a regulation of home offices and to what extent there were complaints now concerning people having an office in their homes. Mr. Castro explained that one cannot get an occupational license without an address. Therefore, they cannot get a business bank account.

When asked if letterhead with the home address would be allowed, Mr. Castro responded in the affirmative.

Mr. Guttman suggested that the proposed regulations are pretty tight, but suggested if a home office is allowed, perhaps there should be some provision recognizing that delivery of equipment such as a computer may occur occasionally.

Ms. Murphy commented that allowing a home office will encourage more strangers to come in and out of the house. She wants to prevent degrading the residential feeling.

Mr. Dowell voiced agreement with Ms. Murphy.

There was a general discussion of how some people work at home, or bring their work home, and how numerous businesses have evolved to the point where most, if not all, of their business is conducted via the internet or other electronic means.

Mr. Ripley, of the Preservation Foundation, noted that people could capitalize on the Palm Beach name and address and the Town would have no control. He supported Ms. Murphy and Mr. Dowell in their opposition to allowing home offices.

Ms. Murphy reiterated her concern over using letterhead with a home address, the possibility of scam artists and her general opposition to allowing home offices.

Mr. Wideman mentioned that correspondence would all be via e-mail and the letterhead is not a salient point.

Mr. Ryan, 2860 South Ocean Boulevard mentioned that condos frequently prohibit home offices. He explained that one cannot control how people send you things, and that a home office would increase the number of deliveries and that allowing home offices could cause problems for the condominiums.

Mr. Golboro asked about condo management offices and Mr. Castro responded that they are allowed now. Mr. Golboro said that if the Town allows home offices, the condos could still enforce their own rules.

Mr. Dowell noted that allowing a home office would result in a lot of cold calls to the office by salespersons.

A MOTION WAS MADE BY MR. SHAW, AND SECONDED BY MR. GOLBORO, TO APPROVE THE STAFF RECOMMENDATION.

After discussion indicating that a majority of the members would vote against the motion, Mr. Golboro withdrew his second and the motion died.

A MOTION WAS MADE BY MS. MURPHY, AND SECONDED BY MR. GUTTMAN, TO DISAPPROVE THE STAFF RECOMMENDATION AND LEAVE THE SITUATION AS IT NOW EXISTS. THE MOTION PASSED ON A VOTE OF 6:1, MR. SHAW

DISSENTING.

Study Item 1: Study a provision to prohibit the use of portable on-demand storage and temporary storage trailers.

Mr. Castro explained the situation and the trend among residents to bring in temporary storage units and, while they are intended to be temporary, they are frequently left in place for extended periods of time. Staff recommended prohibiting such temporary storage units.

It was noted that PODS is a tradename, and that any regulation should deal with a more generic description.

Mr. Shaw expressed his feeling that the Town cannot just prohibit them. He suggested that they be permitted for a short, defined period.

Mr. Golboro noted that this type of activity (temporary storage while one moves into or out of a home) has been going on for years, but has only become specifically noticeable recently. He suggested that the Town mainly needs to ensure that the situation is temporary (perhaps two or three days to load/unload) and that no name is displayed.

Mr. Wideman agreed that the Town cannot prohibit the activity, but should allow it for perhaps three to four days.

Mr. Guttman also suggested a temporary period (perhaps one to three days.)

Ms. Close suggested a period of 72 hours.

A MOTION WAS MADE BY MR. SHAW, AND SECONDED BY MS. MURPHY, TO ALLOW SUCH PORTABLE, TEMPORARY STORAGE UNITS FOR A PERIOD OF UP TO 72 HOURS. THE MOTION PASSED ON A UNANIMOUS VOTE.

Study Item 12: Study the recent trend in conversion of hotels into condominium hotels.

Mr. Brisson explained that there is limited information available at this time and it is difficult to determine its applicability to the Town of Palm Beach. He stated that the materials presented to the Commission at this time are for informational and discussion purposes to elicit thoughts and input from the Commission for continued study by Staff over the summer. He then went on to explain some of the characteristics of condotels and Staff's initial thoughts as to their possible implications to the Town of Palm Beach. He also suggested that the Town's definition of a hotel needs to be revisited with regard to the permissibility of kitchen facilities and the extent that other services and facilities should be required in order to qualify as a hotel. Mr. Brisson explained that condotels might need to be regulated somewhat differently in commercial districts and residential districts.

Mr. Castro reminded that hotels are allowed a density that is generally twice that of multi-family residential uses and that this needs to be considered so that equivalent density is retained when hotel units are converted.

Mr. Guttman agreed that the definition of a hotel needs revision. He also noted that we need to understand what, if any, potential threats are associated with conversion of existing hotels to, or construction of new, condotels. He said he is not against mixed use but and that if a hotel is converted to a residential use, the residential density must should prevail. Mr. Guttman suggested that the staff look at other communities and check with ULI Urban Land Institute and other “think tanks”.

Mr. Golboro expressed his concern over a possible lack of responsibility and continuity in ownership and management.

A MOTION WAS MADE BY MR. GUTTMAN, AND SECONDED BY MR. LAWRENCE, TO ACCEPT THE STAFF RECOMMENDATION TO FURTHER STUDY THE ISSUE OVER THE SUMMER. THE MOTION PASSED ON A UNANIMOUS VOTE.

2. Royal Poinciana Area Planning Study

Ms. Close updated the Commission on the status of this project. She noted that Calvin Giordano, a local firm the Town was considering using, submitted cost estimates in the same general range as the more prominent national firms with stronger reputations.

She explained that the Town has contacted Treasure Coast Regional Planning Council’s (TCRPC) Urban Design Studio as a possible participant as a result of suggestions she had received from members of the community. She explained the nature and qualifications of this agency and potential benefits to the Town. She noted that the TCRPC could prepare the Plan, the associated amendments to the Town’s Comprehensive Plan and incorporate the necessary changes into the Zoning Code. She also explained the Regional Planning Council’s ability to underwrite a portion of the cost of the study. Ms. Close commented that Staff would like to initiate work this summer.

Mr. Guttman expressed his concerns over using the TBRPC Urban Design Studio because he believes its focus is on “new urbanism” and form-based zoning, which the Town has not yet embraced. He feels this would be a major departure for the Town. He also questioned what would be the role of the Planning and Zoning Commission.

Mr. Guttman noted he would like to be aware of the scope of services for this project and his preference is for proposals and cost estimates from some of the notable experts in the field; specifically, Ray Gindroz (Urban Design Associates), Alex Garvin, Dover Cole, Jaqueline Robinson, etc. He also suggested that the Staff would be capable of incorporating the Master Plan Concept into the Zoning Code.

Ms. Murphy asked about the geographic scope of the study area and Ms. Close responded.

Mr. Golboro mentioned that the consultants should submit proposals outlining what they think needs to be done. We shouldn’t be telling them.

Mr. Lynch representing, the Testa family, commented they support the Town staff recommenda-

tion for using the TCRPC. He noted their application for a Comp Plan amendment will be reviewed by the TCRPC and that this could assist in their development process. They have agreed to defer their application, but would like to see the process move forward as quickly as possible.

John Ripley of the Preservation Foundation also supported the TCRPC group and would be happy to talk with the Town about helping.

There was general discussion about the scope of the study, both in content and geographic area. Ms. Close responded to a series of such questions. The discussion also included the role of the TCRPC in reviewing comprehensive plans and amendments, and the need of the Town to obtain the best and brightest assistance at a fair price.

A MOTION WAS MADE BY MR. GUTTMAN, AND SECONDED BY MR. GOLBORO, THAT THE STAFF SOLICIT LETTERS OF INTEREST AND GENERAL COSTS FROM URBAN DESIGN ASSOCIATES (RAY GINDROZ), DUANY-PLATTER-ZYBEK, ALEXANDER GARVIN, AND JACQUELINE ROBINSON, WITH A RESPONSE TIME IN MID-APRIL AND A FORMAL RECOMMENDATION TO TOWN COUNCIL IN LATE APRIL. THE MOTION PASSED ON A UNANIMOUS VOTE.

B. OLD BUSINESS

1. Role of the Planning and Zoning Commission

Mr. Guttman commented that there has been a tremendous amount of planning in the Town over the past few years, much outside of the Planning and Zoning Commission. He recounted a discussion with Jim Murley of FAU who noted that this is a good thing, but that there would likely be a need for coordination of the various planning efforts.

Mr. Guttman proposed that the Planning and Zoning Commission should assume the role of the Town's Local Planning Agency (LPA) now held by the Town Council. He also suggested that the P&Z review the progress of the Comprehensive Plan in implementing the Goals, Objective and Policies on a regular basis more frequently than the EAR is required by the State (perhaps every two to three years); and that this evaluation also include needs and opportunities assessments to identify new planning initiatives.

MOTION BY MS. MURPHY, SECONDED BY MR. GUTTMAN, RECOMMENDING THAT THE TOWN COUNCIL DESIGNATE THE PLANNING AND ZONING COMMISSION AS THE LOCAL PLANNING AGENCY (LPA). THE MOTION PASSED ON A UNANIMOUS VOTE.

The Commission then discussed other ways to monitor the Comprehensive Plan prior to completion of the next Evaluation and Appraisal report, required every five years, but currently scheduled for every seven years by the Florida Department of Community Affairs. Ms. Close indicated that the staff will be preparing a new matrix which is used to track progress on completing the goals and objectives that will be adopted during the next eighteen months as part of the EAR-based Comprehensive Plan amendments, and would be happy to provide status

MOTION BY MS. MURPHY, SECONDED BY MR. GUTTMAN, RECOMMENDING THAT THE TOWN COUNCIL DESIGNATE THE PLANNING AND ZONING COMMISSION AS THE LOCAL PLANNING AGENCY (LPA). THE MOTION PASSED ON A UNANIMOUS VOTE.

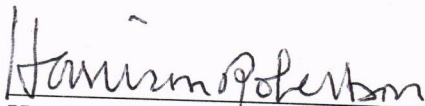
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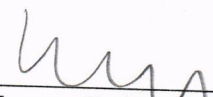
MOTION BY MR. GUTTMAN, SECONDED BY MS. MURPHY, RECOMMENDING THAT THE STAFF SHARE WITH THE PLANNING COMMISSION AN ANNUAL ASSESSMENT OF PROGRESS IN IMPLEMENTING THE GOALS, OBJECTIVES, AND POLICIES OF THE PLAN INCLUDING PROVIDING THE PLANNING COMMISSION WITH THE UPDATED MATRIX PREPARED BY STAFF. THE MOTION PASSED ON A UNANIMOUS VOTE.

The Commission also discussed other ways to monitor new issues which arise between state-required reviews of the Comprehensive Plan, and how to solicit community input. Ms. Close indicated that if the Commission would like, the Staff can prepare a proposed framework for providing periodic updates on the comprehensive plan, and a method and timeline to solicit community input, and review comp plan and other issues on a regular basis prior to the next Evaluation and Appraisal Report. The Commission indicated that Staff should develop this for the Commission's consideration at their next meeting.

The meeting was adjourned at 4:30 p.m.

Respectfully Submitted,


Harrison Robertson, Chairman
Town of Palm Beach
Planning and Zoning Commission


Lowry Bell, Secretary
Town of Palm Beach
Planning and Zoning Commission