PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 SOUTH COUNTY ROAD, PALM BEACH
TUESDAY, MARCH 15, 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

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 I. Klein, Member
C. Tanner Rose, Member
Lewis Crampton, Alternate Member
Michael Vincent John Spaziani, Alternate Member

Commission Members absent were:

Jeffrey A. Cloninger, Alternate Member (unexcused)

Staff Members present were:

John Page, Director of Planning, Zoning, Building
Veronica Close, Assistant Director
Paul Castro, Zoning Administrator
Debby Morakis, Recording Secretary

II. INVOCATION AND PLEDGE OF ALLEGIANCE (9:32:56 a.m.)

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

III. APPROVAL OF THE AGENDA (9:33:42 a.m.)

MOTION BY MR. WIDEMAN FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.

IV. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN (9:35:42 a.m.)

Attorney Randolph opened the floor for nominations for Commission Chair. Comments were heard from Mr. Klein who then nominated Mr. Golboro for Chairman.
No other nominations were heard.

MOTION BY MR. KLEIN TO DECLARE MR. GOLBORO CHAIRMAN.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY AFTER A VOICE VOTE.

Attorney Randolph then opened the floor for nominations for Vice-Chairman.

MOTION BY MR. WIDEMAN TO NOMINATE MR. SHAW AS VICE-CHAIRMAN.
MOTION SECONDED BY MESSRS. KLEIN AND SCHULER.
There were no other nominations.
MOTION CARRIED UNANIMOUSLY AFTER A VOICE VOTE.

V. COMMENTS FROM THE PUBLIC ON ANY ITEM NOT ON THE AGENDA (9:36:40 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.

VI. APPROVAL OF THE FEBRUARY 22, 2011 PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY MINUTES (9:37:18 a.m.)

Chairman Golboro noted that the minutes should be corrected to include Veronica Close, Assistant Director, as being present at the February meeting.
MOTION BY MR. KLEIN FOR APPROVAL OF THE FEBRUARY 22, 2011 MINUTES WITH CORRECTION.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

VII. OLD BUSINESS

a. Royal Poinciana Area Parking Study [Town Staff].

Veronica Close, Assistant Director of Planning, Zoning, Building and Bud Donta, GIS Coordinator, used a power point presentation to demonstrate maps that were created for the parking study. Ms. Close explained that information in the study included actual available parking, required parking, and, stated that columns were added to the report to indicate any surplus or deficit parking. Ms. Close explained that the Palm Beach Code and the Institute of Traffic Engineers requirements were both used in the study. Ms. Close stated that the results indicated a deficit of 1,562 spaces according to the Town Code, and, a deficit of 1,258 spaces according to the ITE Code. Ms. Close noted that staff thought the data was very accurate for Commission purposes, but, staff would recommend retaining a consultant if the Commission wished to recommend further studies.

Tom Bradford, Deputy Town Manager, stated that due to a number of variables found in using GIS data, he chose to walk each street to do a verification of the data. Mr. Bradford noted that the Town also used the ITE data as a check and balance during the 2006-2007 town-wide traffic study. Mr. Bradford stated that he found a deficit of 903 spaces when taking into consideration the residential parking. Mr. Bradford added that two blocks had come forward to request a change to residential parking only on their blocks.

Chairman Golboro suggested the study include a range of dates to indicate when the study was done.

Vice-Chairman Shaw suggested the title of the report be changed from “study” to “inventory”, which would more accurately depict the collection of data. Mr. Shaw asked if the off-street parking lot with 126 spaces located behind Green's Pharmacy was used as a rental and wondered if there were any other commercial parking facilities included in the area, and added that he felt there was an obligation to make sure that lots that were being used as a rental business have the required business tax receipt.

Paul Castro, Zoning Administrator, stated that staff was not sure if that was a rental lot and noted the lot had been grandfathered as a general parking lot for over fifty years. Mr. Castro added that the Diocese had been told in the past that in order to do “shared parking” they would need Town Council approval.

Comments were heard from Messrs. Rose and Schuler, who asked how a street was designated as residential parking.

Mr. Bradford explained the petition process and resulting survey needed to determine if a street would be eligible to be designated for residential parking.

Mr. Bradford noted that once eligibility was determined, the Police Chief would make a recommendation to the Town Manager.

Mr. Klein asked who was responsible for designating the different streets and locations for different types of parking, and, Mr. Bradford stated that the Police Department usually made that determination based on what was seen on the street.

Mr. Crampton asked how much of the deficit was in residential parking and Mr. Bradford acknowledged that there were some residential uses within the district. Mr. Castro pointed out the primary residential units on the map. Discussion continued. Chairman Golboro noted that there were also some spaces on Sunset Avenue that should be included.

Mr. Shaw wondered if the Commission should not look into using the ITE Standard as the Town standard. Ms. Close explained the ITE standard and stated that a thorough study would be required before adopting it. Mr. Bradford stated that it was a policy decision of which standard to use and offered to work with the Commission to make that analysis take place if the Commission decided to do that.

Mr. Shaw stated that he would like to see a determination made that businesses met the parking requirements before being issued a business tax receipt.

Mr. Rose stated that he had driven around the area looking at parking and asked why the 300 block of Park Avenue had been designated as no parking either side. Mr. Bradford stated that he thought the right-of-way in that block was not wide enough for parking.

Additional comments were heard from Mr. Klein and Chairman Golboro complimented staff on a beautifully presented and statistically correct study.

b. Comments From the Building Official Regarding Building Code Requirements For Reconstruction of Buildings Unintentionally Damaged or Destroyed [Town Staff].

Jeff Taylor, Building Official, advised the Commission that the Town fell under national, state and local jurisdictions and explained the national flood insurance program managed by the Federal Emergency Management Agency (FEMA). Mr. Taylor explained the FEMA requirements that a building located within the special flood hazard area, which includes 85% of all parcels in the Town, that sustains substantial damage must be rebuilt or elevated to meet the base flood elevation, which varies in the Town from 7 to 9 feet above mean sea level. Mr. Taylor added that the Town adds an additional six inches of free board elevation on top of that. Mr. Taylor explained that substantial damage was defined as damage of any origin where the cost to restore the building to its pre-damage condition equals or exceeds 50% of the building's market value before the damage occurred. Failure to comply with this requirement would make flood insurance unavailable to the building and could jeopardize the Town from participating in the National Flood Insurance Program.

Mr. Taylor explained some of the Florida building codes in affect today. Mr. Taylor stated that non-structural alterations or repairs, if less than 50% of the building's market value, could be made using the same materials originally used, providing they did not adversely affect any structural member or the fire resistance rating of any part of the building or structure. Mr. Taylor stated that with few exceptions, any structural damage would require evaluation and analysis by an engineer for structural stability and submitted to the building official. If the damage was less than 30% of floor area or roof area, the repair must meet the code in which it was built. If more than 30% of the total floor area or roof area was damaged or altered within a 12 month period, the evaluation and analysis would have to demonstrate that the altered building complied with the current Florida Code for wind load.

Mr. Taylor answered questions from the Commission and added that Planning & Zoning Department staff member Bill Bucklew had become a Certified Flood Plain Manager.

Mr. Rose asked about the overlay of the Coastal Construction Line and Mr. Taylor stated that he thought approximately 80% of the structures on the beach were at least partially east of the CCCL. Comments were heard from Mr. Klein who stated that he felt the inequity between single-family and multi-family residences had now been alleviated.

c. Status of the Testa Family, LLC, Application to Amend the Town's Comprehensive Plan and Zoning Code for the Royal Poinciana Way to Sunrise block from Bradley Place to North County Road [Town Staff].

Mr. Page reported that he and Mr. Castro had recently met with Mr. Tom Testa and Attorney Frank Lynch regarding the status of their application, which was still pending in front of the Planning & Zoning Commission. Mr. Page reported that they are considering revisions to their application, and, they hoped the focus would be on the square block where their property sits and not on their particular property.

Mr. Spaziani suggested that the definitions of overlays and spot zoning be put in the code.

Mr. Rose stated that his understanding of spot zoning was developed by case law and that there was no definition.

Mr. Golboro added that he went to three sources for the definitions and got three different definitions.

Attorney Randolph stated that it would not be usual to see those definitions included the code and offered to provide definitions for these terms for the Commission's use.

Bill Diamond, 220 Wells Road, asked why the Testa application should apply to the whole square block and not just to their property.

Mr. Castro explained that would be spot zoning and added that Testa's was unable to get 100% of the neighboring property owner's approval in order to petition the Town to rezone their property. Mr. Castro then explained the concept of an overlay.

Additional comments were heard from Mr. Shaw who stated that he had been under the impression that the Worth Avenue Design Guidelines were an obligation and not an option. Mr. Castro explained that they were an option to give more flexibility to property owners.

A brief discussion continued and Mr. Spaziani expressed an interest in seeing those definitions included in the Code.

VIII. NEW BUSINESS (10:56:18 a.m.)

a. Business Directory and Menu Signs [Town Staff].

Chairman Golboro called for ex-parte communication and none was declared.

Paul Castro, Zoning Administrator, explained that menu boards and directory signs were looked at in several areas of Town. Mr. Castro presented pictures to the Commission of some existing signs in the vias and noted that staff would recommend flexibility in the code to allow signs of different sizes as well as hanging signs. Mr. Castro explained that signs were generally granted a staff approval in lieu of having to appear in front of the Architectural Review Commission. Mr. Castro asked the Commission for further direction.

Mr. Shaw suggested there be a maximum height for a directory sign; non-uniform coloring be permitted; and, suggested these signs not be staff approved. Mr. Shaw wondered if there was ever any consideration given to an on-street directory maintained by the Worth Avenue Association.

Mr. Castro and Mr. Page both stated they were not aware of such a directory.

Mr. Rose stated that he felt staff was moving in the right direction with directory signs and Mr. Klein stated that he would like to see staff's recommendation at the next meeting.

Mr. Castro stated that an ordinance would be advertised and brought back to the Commission, as the LPA, at its next meeting.

Mr. Crampton agreed and asked if Laurel Baker had comments.

Laurel Baker, Palm Beach Chamber of Commerce, stated that she felt the directional signs at both ends of the vias between Worth Avenue and Peruvian Avenue were important and helpful and added that she felt hanging signs would add to the charm in the vias.

Chairman Golboro suggested Ms. Baker approach the Worth Avenue Association about having directory signs for Worth Avenue installed and added that he felt the Commission would look favorably upon that.

Mr. Wideman added that he felt directory signs should be restricted to print only with no logos permitted, there should be a definitive size, and, menu signs should be restricted to near the entrance of restaurants only.

Mr. Castro asked for guidance on chalk boards or menu special signs and Messrs. Wideman and Schuler agreed they should not be permitted and menu signs should be restricted to the entrance of a restaurant. Mr. Shaw stated that he felt these should be permitted.

Chairman Golboro added that he felt the landlords and the Worth Avenue Association should handle this and it should not be a matter for consideration by the Commission.

Mr. Castro stated staff would bring back language that was controlling but flexible.

b. Status Report on the Florida Department of Community Affairs [Town Staff].

Mr. Page reported that he had been in touch with Scott Dudley of the Florida League of Cities about potential changes proposed for State government. Mr. Page stated that the League has an educational outreach program and indicated that he hoped to schedule a speaker to address the Commission in the spring. Mr. Page added that he had also asked the League for a white paper to give the Commission a sense of the sorts of changes being talked about, but, that none was yet available. Mr. Page then read an excerpt from a memo from the Regional Planning Council that addressed proposed changes to the RPC budget that would reduce the DCA staff from 358 to 40 employees and reduce their budget by 83 percent. Mr. Page speculated that DCA could be eliminated entirely or folded into another department.

c. Discussion of Staff Presentation on Department Functions [Town Staff].

Mr. Page advised the Commission that the Town had initiated an educational program last year called "Inside Palm Beach Government", which was intended to educate the public about the sorts of things many Town Departments do. The program ended due to budget cuts but Mr. Page suggested that a presentation could be made to the Commission at its next meeting, if it was of interest to the Commission.

Chairman Golboro stated that he felt this presentation would take between 90 minutes and 2 hours and added that he felt it important for the Commission to hear and suggested staff make the presentation in an afternoon session after the next Commission meeting.

MOTION BY MR. KLEIN TO ACCEPT STAFF'S RECOMMENDATION.
MOTION SECONDED BY MR. SCHULER.
Mr. Page suggested that staff prepare and make the presentation immediately following the next Commission meeting.
It was noted by the Chairman that no motion was needed.

IX. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR (11:33:10 a.m.)

There were no additional comments from Mr. Page or the Members of the Commission.

Chairman Golboro explained his vote on Ordinance No. 5-11, and, added that he was happy to see the ordinance pass.

X. ADJOURNMENT (11:34:55 a.m.)

MOTION TO ADJOURN BY MR. SHAW.
MOTION SECONDED BY MR. SCHULER.
The meeting adjourned at 11:34 a.m.

Respectfully Submitted,

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Alan S. Golboro, Chairman	Leslie A. Shaw, Vice Chairman
Town of Palm Beach	Town of Palm Beach
Planning & Zoning Commission	Planning & Zoning Commission