PLANNING AND ZONING COMMISSION AND LOCAL PLANNING AGENCY
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, FEBRUARY 21, 2012, 9:00 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(9:34:40 a.m.)

Chairman Golboro called the meeting to order at 9:34 a.m. On roll call, Commission Members present were:

Alan Golboro, 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:
Leslie Shaw, Vice Chairman (excused)

Staff Members present were:
John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Secretary to the Planning & Zoning Commission

For the record, Alternate Member Crampton voted in Mr. Shaw's absence.

I. INVOCATION AND PLEDGE OF ALLEGIANCE(9:36:49 a.m.)

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

III. APPROVAL OF THE AGENDA(9:38:51 a.m.)

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

IV. COMMENTS FROM THE PUBLIC ON ANY ITEM NOT ON THE AGENDA(9:39:52 a.m.)

No comments were heard from the public at this time.

V. APPROVAL OF JANUARY 17, 2012 PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY MINUTES(9:39:58 a.m.)

MOTION BY MR. SCHULER FOR APPROVAL OF THE JANUARY 17, 2012 PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY MINUTES.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

VI. NEW BUSINESS

a. ORDINANCE NO. 3-2012

Paul Castro, Zoning Administrator, explained that Ordinance No. 3-2012 had been advertised as required by law so the Commission, as the Local Planning Agency, could consider and make a recommendation to the Town Council. Mr. Castro stated that staff added one item in the Ordinance to correct a discrepancy having to do with outdoor seating, adding a fee of $150.00 and an annual renewal fee of $50.00. Mr. Castro stated that in addition, a few other items that had been vetted out by the Commission were added to the Ordinance including construction east of the coastal construction control line, a proposal to eliminate the perimeter landscape open space requirements for R-B lots that are 20,000 square feet or more in area, housekeeping to change occupational license to business tax receipt, and, provide a provision to prohibit strobe or flash lighting. Mr. Castro answered questions from the Commission and a brief discussion ensued.

MOTION BY MR. WIDEMAN FOR APPROVAL OF ORDINANCE NO. 3-2012.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

b. Registering Service Providers in the Town (Staff update to January discussion).

John Page, Director of the Planning, Zoning & Building Department noted that staff was asked to look at the possibility of registering employees or companies that do work on the island. Mr. Page explained that until 1985, the Town had a program that was challenged and deemed unconstitutional. The Town continues to offer a voluntary ID program for residents and businesses that is offered at a nominal cost. Mr. Page stated that staff was not recommending that any new registration program be established at this time.

Attorney Randolph explained the Town's Vehicle for Hire registration program and answered questions from the Commission.

c. Minimum Dwelling Unit Sizes (Staff update to January discussion).
Mr. Page provided a staff update regarding the issue of dwelling unit sizes. Mr. Page noted that several definitions currently exist in the code to define dwellings and the various forms of dwellings. Although no size regulations currently exist, the code does regulate dwelling unit density, height, lot coverage, building setbacks, minimum lot size and off-street parking. Mr. Page noted that several times in the past the Town has addressed this issue through changes in the code, the last time in 2005, and, after much input from the public it was determined that no further limit on dwelling unit sizes should be established. Mr. Page advised the Commission that staff would not recommend any changes to size limits. Mr. Page also noted that staff was looking at the issue of population loss and had requested from the US Census Bureau block by block information for comparison of the numbers from 2000 to 2010 to determine where those losses have occurred.

d. Digitized Zoning Map (Staff update).
Mr. Page explained that staff had been working with the Information Systems staff to make the Town's zoning map available in a digitized format and would provide a presentation at a future meeting.

VII. OLD BUSINESS (9:59:03 a.m.)

None.

VIII. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR (9:59:14 a.m.)

Comments were heard from several members of the Commission regarding the Royal Poinciana area and the recent action taken by Council.

Mr. Crampton stated that he agreed with the Council vote, that he felt the project was too large for the Town, and urged the Commission not to shrink from the challenge of trying to make this ordinance better for the Town, always respecting what the residents want.

Mr. Rose stated that he felt the Commission needed to get some input from staff, distill what it was told by the Council, and move quickly and not wait until May or June when most of the Town would be gone.

Mr. Wideman stated that he heard his fellow Commissioners, Town Council, and the people of the Town speaking about the project and wondered what they were trying to accomplish. Mr. Wideman stated that he felt the proposal that the Commission sent to the Council did not benefit anyone other than Testa's and said, "Leave it alone, the buildings are not collapsing. There are no empty store windows. We are beating a dead horse and we are not listening to the people of the town."

Mr. Klein stated that he felt the Commission had an obligation to the Town, the residents, and itself to do what was correct to review this again, whatever the outcome may be.

Mr. Page provided the Commission with an overview of the most recent Council meeting relative to the Commission's recommendation on the Testa's proposal for the Royal Poinciana area overlay. Mr. Page stated that the traffic concurrency numbers had been achieved and added that the applicant's engineer testified that the infrastructure in the area was adequate for the proposed density. The Council remanded the project back to the Planning & Zoning Commission for further discussion and requested the Commission return comments on how the application might be modified so that the Council could move ahead. Mr. Page stated that the three biggest outstanding issues were density, height and off-street parking regulations.

Mr. Schuler stated that he felt it was very important not to rush into a decision on this issue.

Mr. Klein stated that the Commission had four years of study and added, “We did not get it right the first time or this time and we need to get it right.”

Mr. Cloninger stated that he agreed with Messrs. Schuler and Wideman and cautioned the Commission that anything it did had to be slow, deliberate and correct. Mr. Cloninger said, “The citizens have made it clear the way they feel. It would be a slap in the face to the residents to say we are going to lead this charge again.”

Mr. Crampton stated that he agreed with Messrs. Schuler and Cloninger on their points, adding that he felt the Commission needed to be deliberate, take its time, and talk to people in order to “get it right”.

Mr. Page advised the Commission that since Mr. Shaw was not in attendance he had put his ideas in an email which Mr. Page stated he would share at the appropriate time.

Chairman Golboro urged the Commissioners to listen to the audio recording of the February Town Council Meeting. Mr. Golboro voiced his concern that any action of the Planning & Zoning Commission needed to happen during season and that he felt the Commission’s obligation would be to provide a recommendation to Council by April. Chairman Golboro suggested the Commission call a special meeting prior to the March 21, 2012, Planning & Zoning Commission Meeting for further discussion.

Attorney Skip Randolph advised the Commission that a special meeting could be called providing legal notice requirements were met and it was the consensus of the Commission to schedule a special meeting. Mr. Page advised the Commission of the legal notice requirements and suggested the Commission meet on March 12, 2012 and/or March 13, 2012, if necessary.

MOTION BY MR. KLEIN TO SET AN ADDITIONAL MEETING OF THE PLANNING & ZONING COMMISSION FOR MARCH 12, 2012, AND/OR MARCH 13, 2012, IF NECESSARY.
MOTION SECONDED BY MR. ROSE.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Mr. Schuler stated that he was in favor of scheduling another meeting but not in favor of rushing to a decision.

Chairman Golboro again urged the Commission to listen to the February Council meeting. Mr. Page stated that he would email directions on how to access the meeting audio recording from the Town’s website.

A statement was read by Mr. Spaziani relative to comments made at the February 16, 2012 Town Council meeting by Mayor Coniglio. Mr. Spaziani explained to the Commission that he felt the comments were as a result of the Mayor’s frustration in having to recuse herself and not participate in the Council’s discussion of the Royal Poinciana area project. Mr. Spaziani stated that he felt the Mayor’s derogatory comments were defamatory and based upon incorrect information in the Property Appraiser’s office and called for a public apology. Mr. Spaziani thanked the Commission for its hard work and dedication and ensured the Commission it was his intent to serve the public to the best of his ability and apologized for the uneasy rapport between him and the Mayor.

Mr. Cloninger stated that he felt no one should have to apologize for wanting to be an active participant in a democracy or for doing what should be incumbent upon them as a Commission Member. Mr. Cloninger added that he also felt that he did not see the residents who spoke a certain way as protestors but as the vast majority.

Chairman Golboro asked a general question about green space and if set-backs could be planted on and Mr. Castro stated that the setback requirements would have to be met, the only way to get relief would be the variance or waiver process, but, planting could be done in the setback.

IX. ADJOURNMENT

MOTION BY MR. WIDEMAN TO ADJOURN AT 10:32 A.M.
MOTION SECONDED BY MR. CRAMPTON.
MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

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