PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY
ZONING REPORT - RECORD AND REPORT
TUESDAY, JANUARY 18, 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-Chair
John Schuler, Member
Floyd Wideman, Member
C. Tanner Rose, Member
Eugene Lawrence, Member
Martin I. Klein, Member
Lewis Crampton, Alternate Member
Jeffrey A. Cloninger, Alternate Member
Michael Vincent John Spaziani, Alternate Member

Commission Members Absent: None.

Staff Members present were:
John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Recording Secretary

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF THE AGENDA

MOTION BY MR. KLEIN FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. SCHULER.
Chairman Golboro suggested that Comments From the Public on Any Item Not on the Agenda be moved up.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

There were no comments heard at this time.

IV. APPROVAL OF NOVEMBER 16, 2010 LOCAL PLANNING AGENCY AND PLANNING AND ZONING COMMISSION MINUTES (9:34:05 a.m.)

MOTION BY MR. KLEIN TO APPROVE THE MINUTES OF THE NOVEMBER 16, 2010 PLANNING AGENCY AND ZONING COMMISSION MEETING.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

V. OLD BUSINESS

Chairman Golboro called for ex-parte communication from the Commission Members and there was none declared.

The following items a. and b. were heard together.

a. Status Report on the Proposed Ordinances Regarding the Town-Serving Study

b. Consideration of the Proposal Which Would Allow the Reconstruction of Nonconforming Buildings and Structures After Non-Intentional Destruction

Paul Castro advised the Commission that staff had received direction from Town Council to proceed with the Town-Serving Ordinance, with modifications, as recommended by the Commission. Mr. Castro explained that in an effort to save time and money, the Non-Conforming Buildings and Structures item will be processed at the same time, advertised together and transmitted to the Department of Community Affairs at the same time. Both items will be brought to the Commission in February or March and will be sent to the DCA in March or April. The land development regulations for Town-serving and the Comprehensive Plan Amendments will have to go back to Town Council for second reading and then adoption.

Mr. Castro advised the Commission that at the last Town Council meeting, a discussion took place about potential implications that may arise as a result of some disaster such as acts of terrorism or acts of war. Mr. Castro stated that Town Council discussed the possibility of requiring residents to rebuild further west off the dune. Mr. Castro also stated that at the November meeting, during Commission discussion, Mr. Randolph reminded the Commission that if they were going to look at voluntary demolition and reconstruction they would be throwing out the non-conforming ordinance. Mr. Castro stated that the Commission decided by a unanimous vote to only deal with involuntary acts of demolition or destruction. The Town Council considered it and Council said to deal with involuntary destruction only, but, requested staff take it back to the Commission to see if there was anything else the Commission wanted staff to look at.

Comments were heard from Mr. Klein who stated that he felt the Commission was here to preserve the Town's heritage and to help residents.

Mr. Schuler asked if the Town had construction drawings for most projects in the Town and asked if staff was now requiring them.

Mr. Castro explained that some drawings may be on file but that they may no longer be relevant for rebuilding due to code changes. Mr. Castro added that when a job exceeds 50% of the value, it would need to be brought up to code. Architects would have to redraw plans to meet today's code but that existing site plans and elevations would be very useful.

Discussion continued and comments were heard from Mr. Rose regarding the 50% rule.

Mr. Cloninger stated he felt many, if not most, of the most attractive buildings in Town were non-confirming and that not having the ability to rebuild on the same footprint might lead to areas that look like the front of a "7-11" store.

Mr. Crampton stated that he felt the Town ought not to be seen as nitpicky when responding to the needs of its residents after a disaster and added that he was all for the Town doing as much as it could within the allowances of the code in the wake of a disaster.

Chairman Golboro stated that he remembered when Palm Beach Country Club wanted to renovate and extend their building they were not permitted to move even one foot.

Mr. Castro stated that he thought that might have been because they were east of the Coastal Construction Line. Discussion continued and Mr. Klein explained briefly the map of the Coastal Construction Control Line.

Mr. Castro commented that the Department of Environmental Protection and the Army Corps of Engineers would both have input into the Town's Comprehensive Plan changes.

Chairman Golboro suggested that the Town require the building owners provide the Town with an electronic copy of their architectural drawings and suggested the 50% rule be changed. Discussion continued.

Mr. Castro explained that the 50% rule could not be changed since it was part of the Florida Building Code, not the zoning code.

Mr. Lawrence stated that the structural codes have changed so dramatically over the years that he doubted any buildings would comply with the current code.

After further discussion, the following motion was made:

MOTION BY MR. SHAW TO ACCEPT STAFF'S RECOMMENDATION. MOTION SECONDED BY MR. KLEIN.

Mr. Page asked for direction from the Commission regarding any time restrictions on rebuilding. Discussion continued. Mr. Castro explained that the code is currently silent and suggested that a five year time limit might be appropriate. Mr. Shaw suggested the limit be three years with the option to come back for a two year extension. Chairman Golboro called for a vote on the motion.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Discussion continued among the Commission. Mr. Castro stated that staff's concern was that there might only be a certain number of available contractors and architects, etc. and that was how he arrived at a recommendation for a five year time limit.

MOTION BY MR. ROSE TO ALLOW FIVE YEARS AS THE OUTSIDE DATE FOR SUBMITTAL OF AN APPLICATION FOR PERMITS, AND, DURING THAT TIME, THE OWNER MUST PROCEED WITH REASONABLE DILIGENCE.
MOTION SECONDED BY MR. KLEIN.
After discussion,
MR. ROSE AMENDED HIS MOTION TO ALLOW FIVE YEARS AS THE OUTSIDE DATE TO <u>COMMENCE CONSTRUCTION</u> AND PROCEED WITH REASONABLE DILIGENCE.
Mr. Shaw suggested that annual reports be required. Discussion continued.
MR KLEIN RENEWED IS SECOND TO THE AMENDED MOTION.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Chairman Golboro volunteered Mr. Rose to assist staff with the drafting of the ordinance. Mr. Castro stated that the ordinance was already in draft format, but, he would run it by Mr. Rose.

c. Status Report on the Parking Study for the Royal Poinciana Way Area (10:32:09)

Veronica Close, Assistant Director of Planning, Zoning and Building provided a status report of the parking study being done by staff. Ms. Close reported that the study was brought about at the request of the Palm Beach Hotel for additional parking. Staff first established a GIS map of the area from Royal Poinciana Way up to Atlantic Avenue. Staff then input the results of Mr. Bradford's field study. Data from several software programs have been combined in an effort to determine the type of businesses within the C-TS district, the square footages, location of off-street parking, the required parking in the zoning code for each of those businesses, and, the recommended parking by ITE standards (Institute of Transportation Engineers), if that data is available. Once the data has been entered, then a determination will be made as to what parking adjustments would be needed or recommended or available to help parking on Sunrise Avenue and other areas. Ms. Close stated that the final data should be gathered and presented to the Planning & Zoning Commission in February.

After a brief discussion, comments were heard from Members of the Commission and Ms. Close stated that the study only included the C-TS Zoning District and added that she would email the map to all the Members.

VI. NEW BUSINESS (10:45:43 a.m.)

a. ORDINANCE NO. 5-11 An Ordinance Of The Town Council Of The Town of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Sections 134-172 To Change The Commencement Of Special Exceptions And Variances From Architectural Commission Or Landmark Preservation Commission Submission To Approval; Section 134-330 To Change The Commencement Of Site Plan Review As Architectural Commission Or Landmark Preservation Commission Submission To Approval; Sections 134-1107 And 134-1109 To Permit Office Uses On The First Floor In The Two Hundred Block Of Peruvian Avenue And Bradley Place In The C-TS Zoning District; Section 134-2175 By Providing An Exemption For The Two Hundred Block of Peruvian Avenue And Bradley Place In The C-TS Zoning District from Principal Equivalency For Required Parking; Sections 134-2436 And 134-2437 To Provide A Provision To Allow A Hanging Business Identification Sign For A First Floor Business Which Fronts On A Street; For Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Zoning Administrator Paul Castro started with Sections 1 and 2 of Ordinance No. 5-11, and explained the intent of the Ordinance.

MOTION BY MR. SCHULER TO APPROVE SECTIONS 1 AND 2. MOTION SECONDED BY MR. WIDEMAN.

Mr. Lawrence stated that he felt the change would reduce the amount of time allowed by at least one month.

Mr. Castro explained the application process and the timeline for approval by the Architectural Commission and Town Council.

Mr. Bob Moore of 420 Santa Fe Road, West Palm Beach, clarified that there are projects that come, as joint projects, to ARCOM for their recommendation involving variances and then to Town Council.

Mr. Castro explained that these projects first go to ARCOM for their recommendation on the variances noting that these projects can be conditionally approved by ARCOM, subject to getting Council approval.

Additional comments were heard by Messrs. Klein, Shaw, Moore and Rose. Discussion continued among the Commissioners.

MOTION PASSED 5 - 2 AFTER ROLL CALL VOTE WITH MESSRS. SHAW AND LAWRENCE OPPOSED.

Mr. Castro explained Sections 3 - 5 was an attempt to allow more flexibility in the two areas in both the uses, and, the conversion back and forth from retail and office.

Comments and questions were heard from Mr. Rose who asked about executive office suites and suggested there be a reference to the first floor in subparagraph 2.

Mr. Castro explained the executive office suites and that staff did not feel that it was appropriate to permit this on the first floor in the area and agreed to include the reference to the first floor as suggested by Mr. Rose.

A discussion took place regarding switching from office to retail and back, parking calculations and the Principal of Equivalency provision. Mr. Castro stated that the Principal of Equivalency provision had been in the Code for a long time and added that he felt it might have been added because of the parking deficiencies in the area.

Comments were heard from Messrs. Rose, Spaziani, Shaw and Klein.

MOTION BY MR. KLEIN TO ADOPT SECTIONS 3 – 5, WITH MODIFICATIONS AS SUGGESTED BY MR. ROSE.
MOTION SECONDED BY MR. WIDEMAN.

Comments were heard from Anita Seltzer of 44 Cocoanut Row, who stated that she felt it was unfortunate that Attorney Randolph was not here. Ms. Seltzer stated that she felt the system worked as-is so why change it. Ms. Seltzer asked that Mayor McDonald's comments from the December 15, 2010 Town Council meeting be placed into the record.

Comments were heard from Chairman Golboro who spoke about spot zoning.

MOTION BY MR. SHAW TO DENY APPROVAL OF SECTIONS 3 – 5, AS PROPOSED.

Mr. Klein withdrew his earlier motion to approve.

MOTION TO DENY SECTIONS 3 – 5 SECONDED BY MR. SCHULER.

Comments were heard from Mr. Crampton and discussion continued.

Mr. Klein stated that he was troubled with the concept of spot zoning and noted that the Commission existed at the behest of the Town Council. The Commission rendered its best judgment and it was not accepted.

Mr. Castro explained the reason why this was back in front of the Commission.

MOTION CARRIED 6 – 1 AFTER ROLL CALL VOTE, WITH MR. LAWRENCE OPPOSED.

Chairman Golboro called for a ten minute break. The meeting reconvened at 11:40 a.m.

Mr. Castro continued with Sections 6 and 7 and explained the provisions for building identification and business signs.

Discussion continued among the Commission Members and Mr. Castro explained the current approval process with both the Landmarks Commission and the Architectural Review Commission.

Mr. Wideman stated that he thought adding signs in the arcades would clutter the pedestrian walkway and would prefer to see them also allowed in the vias.

Mr. Shaw stated that he liked the idea, but, felt that making the sign uniform would lose value. Mr. Shaw requested the reference to uniformity be left up to the ARCOM or Landmarks Commissions.

Mr. Castro explained that staff felt it should be only the business identification signs and not include phone numbers, etc. and noted that signs are not currently permitted above the first floor.

Discussion continued among the Commission and Mr. Lawrence noted that second floor businesses are generally listed on a directory on the first floor.

MOTION BY MR. KLEIN TO APPROVE, AS ADVANCED, ITEM 6 - 7 OF ORDINANCE NO. 5-11, IN ARCADES AND VIAS; FOR FIRST FLOOR TENANTS ONLY; SECOND FLOOR SIGNS TO BE ALLOWED AT STAIRWELLS; AND WITH THE EXCLUSION OF THE WORD UNIFORMITY.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED 6 – 1 AFTER A ROLL CALL VOTE, WITH CHAIRMAN GOLBORO OPPOSED.

b. Rescheduling of the February 15, 2011 Planning and Zoning Commission/Local Planning Agency Meeting

Mr. Page explained that due to the rescheduling of the February Town Council meetings, it would be necessary to reschedule the February 15, 2011 Planning & Zoning Commission/Local Planning Agency Meeting. After a brief discussion, the following motion was made:

MOTION BY MR. KLEIN TO RESCHEDULE THE NEXT PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY MEETING FOR FEBRUARY 22, 2011.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY WITHOUT BENEFIT OF A ROLL CALL VOTE.

VII. COMMENTS FROM THE PUBLIC ON ANY ITEM NOT ON THE AGENDA (11:49:01 a.m.)

During the Approval of the Agenda, comments were called for earlier in the meeting and none were heard.

VIII. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR (11:49:05 a.m.)

Chairman Golboro expressed his opinion that Council Member Diamond had talked against the decision made by ARCOM regarding the Howard Johnson building project. Chairman Golboro stated that he felt he needed to take the side of the Architects who were responsible for trying to get the most out of their buildings. Chairman Golboro felt that Council should have kicked the project back to the Architectural Commission.

Council Member Bill Diamond, of 220 Wells Road, stated that he had objected to the manner in which the decisions were made by ARCOM, not to what the Architect presented. Mr. Diamond added that he felt ARCOM failed to give appropriate direction.

Chairman Golboro also commented that he felt that if Council were to push, Publix might consider the use of printed order forms for use by 33480 residents only. Mr. Golboro commented that he felt the Southern Blvd. store was always overstaffed and could easily process these orders for residents that have trouble with transportation.

Mr. Diamond stated that he appreciated the idea and felt this was an excellent suggestion, but, felt this should be worked out privately and confidentially with Publix management.

Mr. Klein commented that he felt there was one piece of unfinished business left, the Royal Poinciana area. Mr. Klein stated that to do nothing was not the right thing to do.

Mr. Page stated that there was no obligation that the Planning & Zoning Commission meet each month.

Chairman Golboro recommended that one or two of the summer meetings be cancelled or scheduled in advance in order to allow Commission Members to schedule vacations. Chairman Golboro requested this item be placed on the agenda in February or March for consideration.

IX. ADJOURNMENT

MOTION BY MR. SHAW TO ADJOURN.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED UNANIMOUSLY.

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