

PLANNING AND ZONING BOARD  
TOWN OF PALM BEACH SHORES  
247 EDWARDS LANE

**Regular Meeting**

**Tuesday, June 23, 2009 7:00 p.m.**

Carol Hurst, Chairperson X

Jason Prince, member   

Jodi Samanich, member X

Diane McLaughlin Wimbrow, member X

Rick Ziegler, Vice Chairman X

Rick Laabs, alternate member X

Pamela Murray, alternate member X

Brad Biggs, Attorney X

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1. **CALL TO ORDER**
  - a. **Pledge of Allegiance**
  - b. **Roll Call**
2. **APPOINTMENT OF CHAIRMAN**
3. **APPROVAL OF MINUTES:**
  - a. **Minutes of May 26, 2009 meeting**
4. **AGENDA APPROVAL:**  
**Additions, substitutions, deletions.**
5. **STAFF REPORTS:**
  - a. **Town Zoning Official**
  - b. **Town Clerk**
6. **MISCELLANEOUS BUSINESS:**
  - a. **SPR09-5 & A/AR09-5 Dr. & Mrs. Gary Lammert, 313 Bamboo Road, lot 394.**  
**PUBLIC HEARING**  
**Applicant proposes construction of addition and renovations to existing one story single family residence.**
    - b. **Discussion: hedges**
7. **BOARD COMMENTS:**
8. **PUBLIC COMMENTS:**
9. **ADJOURNMENT.**

**MINUTES**

The meeting was called to order at 7:00 p.m. by Rick Ziegler. Mr. Ziegler explained that for personal reasons, Carol Hurst had stepped down as Chairperson, so the Appointment of a new Chairman was added to the agenda. Roll call revealed that all members were present except Jason Prince. Also present were Attorney Brad Biggs, Zoning Official Manual Palacios, Town Clerk Carolyn Gangwer and Assistant Clerk Sue Franklin.

**2. APPOINTMENT OF CHAIRMAN**

Carol Hurst nominated Rick Ziegler as new Chairman, and the vote was unanimously in favor. Mr. Ziegler nominated Carol Hurst as Vice Chairman, and Ms. McLaughlin

Wimbrow nominated Jody Samanich. Ms. Hurst is the new Vice Chairman, with 3 votes to 2 for Ms. Samanich.

### **3. APPROVAL OF MINUTES**

The minutes of the **May 26<sup>th</sup>, 2009 Local Planning Agency and regular meetings were approved** unanimously.

### **4. AGENDA APPROVAL**

The **agenda was approved with the addition of:**

6 c. Discussion: traffic calming

6 d. Discussion: hurricane preparedness

### **5. STAFF REPORTS**

#### **a. Town Zoning Official/Code Enforcement Officer**

##### **1) Update on current construction projects**

Zoning Official Manny Palacios provided a project tracking sheet. With regard to 343 Blossom Lane, he stated that this project is 99% finished, with only a small portion of landscaping still to be done. He has sent notices to the property owner regarding the incomplete landscaping. Ms. McLaughlin Wimbrow asked if the driveway would be redone, and Mr. Palacios responded that it is not required. Cracks have to be repaired and it must be seal-coated. He added that he would send a Notice of Hearing on Friday, June 26<sup>th</sup> if he had not received a response from the homeowner.

The DolceVita project has received its Certificate of Occupancy, and the boat and trailer have been removed, but the dumpster is still on the property. Mr. Palacios explained that the dumpster must be removed by the first of the week. Also, missing paver stones have been replaced and weeds pulled. To his knowledge, no units have been sold. As far as property taxes are concerned, the value of the land is currently the major portion of taxes. As individual condo units are sold, finished, and receive their Certificate of Occupancy, they will be added to the tax rolls.

Dr. McCranels' new home is almost ready for occupancy.

##### **2) Code Enforcement update**

Code Enforcement Officer Manny Palacios stated that he had sent notices to some of the properties in District B regarding the maintenance of parking areas, and he expects to receive some responses soon.

The bank has taken possession of 106 Inlet Way.

Mr. Palacios has sent Friendly Notices to several homeowners regarding the posting of street numbers on their homes, and also to those who have boats parked in the front yard.

**b. Town Clerk**

Town Clerk Gangwer distributed the recap from the June 3<sup>rd</sup>, 2009 Development Review Committee meeting.

Alternate member Rick Laabs gave a brief overview of the proposed hotel project at 106 Inlet Way. He explained that Anne Slocum, real estate agent, and architect Ray Berry presented this to the Development Review Committee. It was determined that the public access road to the east could be considered the fire lane. Other parking issues could be resolved by providing additional underground parking and offering valet service. If done properly there will be no need to request a variance. Once approved, this project will be offered to investors, showing the highest and best use of the land.

Chairman Ziegler opined that the Development Review Committee recaps provided by Ms. Gangwer are extremely useful.

**6. MISCELLANEOUS BUSINESS**

**a. SPR09-5 & A/AR09-5 Dr. & Mrs. Gary Lammert, 313 Bamboo Road, lot 394.**

**PUBLIC HEARING**

**Applicant proposes construction of addition and renovations to existing one story single family residence.**

No plans were submitted for this project, so it was tabled until the July 28th meeting. Since there are only two small changes required, it does not have to reappear before the Development Review Committee in July.

**b. Discussion: hedges**

A copy of the recap of the hedge discussion from the Joint Workshop in April was included in the Planning and Zoning Board's packet. There was a lengthy discussion which included the following points:

**Chairman Ziegler** opined that the Board seems to agree that in the rear, height should either be restricted to 12' or some height that does not encroach on the power lines. He would recommend a height of the highest eave line of the two properties, keeping clear of power lines. He added that most members seemed to agree that from the front of the building to the front easement should be 6'. Hedges in the 3' easement should be 3 or 4'. The definition of a hedge should be fine-tuned, and he recommended that the Board

consider special rules for properties adjacent to public property and/or parks.

**Diane McLaughlin Wimbrow** opined that the code should be as broad as possible with the focus on safety. She is not overly concerned with the “corridor view” along the street, as long as safety is considered.

**Vice Chairman Hurst** was concerned with the definition of a hedge, and the difference between a hedge (which is manicured) and a stand of trees, which can grow taller and help ensure privacy. She was not concerned about restricting height in the rear as long as there’s no interference with power lines, and she agreed that the safety triangle is the most important thing.

**Rick Laabs** referred to a suggestion made at a previous meeting by Commissioner McCranels. Mr. Laabs explained that if you draw a string between the two neighboring eaves, the string height at the property line should be the maximum height. He also suggested looking at the code of other similar-sized Towns, and agreed on the safety issue.

**Attorney Brad Biggs** cautioned that if the code is too difficult to read and interpret, it will be difficult to enforce.

**Jody Samanich** agreed with the importance of the safety triangle and was concerned that whatever code is decided upon be enforceable. She suggested talking to the Town landscaper, and taking a walk around the Town to see how the proposed changes would affect various properties.

**Alternate member Pam Murray** agreed that the code should not be too restrictive.

#### COMMENTS FROM THE PUBLIC

**Jim Vizzi** opined that there are too many restrictions in place. Code should be less restrictive but keep safety triangle a priority.

**Jody Samanich moved to recommend amending the hedge code so that there will be no restriction on hedge height from the front of the house to the rear property line, keeping power lines in mind, and no maximum height in the front, but encourage strict enforcement of the safety triangle and visibility with any vegetation and/or hedges in front. Rick Laabs seconded the motion and it passed unanimously.**

#### **c. Discussion: traffic calming**

Chairman Ziegler led the discussion. He handed out Commissioner McCranels’ drawing that was presented to the Commission. The Chairman explained that Dr. McCranels’ proposal was for traffic calming, especially in the 100 block, keeping in mind that fire trucks and emergency vehicles will still need to be able to get through. Mr. Ziegler wanted to bring this up to get the Board members’ opinions.

**Diane McLaughlin Wimbrow** suggested that the area on Atlantic Avenue from Inlet Way to Claremont Lane also be taken into consideration, since there are many renters on Inlet Way who go too fast through that area and ignore the stop sign at Claremont Lane.

**Vice Chairman Hurst** mentioned that on her street, Sandal Lane, there is a “sober house” on the corner of Ocean Avenue, and people come from there up Sandal Lane at a high rate of speed. She conceded that the speed limit, 25 mph, is fast for the narrow streets of our Town, and rather than have additional traffic-calming measures she would prefer that the speed limits be more strictly enforced by the Police Department.

**Attorney Biggs** cited State Statute Chapter 316 which sets certain parameters for traffic. It allows the Town to set its own rules for stopping and certain other things but the parameters defined by the State must be adhered to.

**Diane McLaughlin Wimbrow** suggested that an evaluation be done to see where additional stop signs should be placed. Ms. Wimbrow opined that a good example of traffic calming is on Westminster, off Flagler Drive. The roads were narrowed and trees were added, which slowed traffic.

**Rick Laabs** mentioned that the stop sign on Lake Drive by Captain’s Walk is dangerous, especially on Thursday nights when there’s a lot of traffic and the drivers are unfamiliar with the area. Mr. Palacios responded that a flashing red light could be installed there.

When **Pam Murray** mentioned that many of the reflectors on the streets were missing, Town Clerk Gangwer stated that she would mention this to the Public Works department.

**It was decided that this discussion would be placed on the July Planning and Zoning Board agenda for a more formal discussion. Commissioner McCranels and a representative from the Police Department will be invited to attend.**

**d. Discussion: hurricane preparedness**

**Ms. Samanich** explained that she had requested this discussion because she has two main concerns: 1) Landscapers who trim prior to a hurricane are supposed to remove the debris but this does not always happen.

**Town Clerk Carolyn Gangwer** responded that debris cannot be placed on an empty lot, because Waste Management will not pick up anything that is not in front of an addressed property. She added that the County announces the deadline for debris pickup before a hurricane. After the storm, a different company is contracted for collection of storm debris.

**Ms. Samanich’s** second concern: Before the 2005 hurricane, her neighbor did not lower the clamshell shutters or secure his trash cans, and during the hurricane the clamshells damaged her roof and the trash can lids damaged her car. Who is responsible for making

people in Town comply with the hurricane preparedness rules?

**Mr. Ziegler** opined that after the storm, she would have legal recourse and her neighbor would be liable.

**Ms. Gangwer** explained that once a storm is named, the Chief of Police in his capacity as the Town's Emergency Manager, is in charge of enforcement and the Police Department has an emergency manual that they adhere to. Time permitting, the Building Official or Code Enforcement Officer is called in to identify problems with construction sites, etc., to ensure that all sites are properly "battened down." The Emergency Manager is ultimately in charge of looking out for the safety of the Town's residents.

With no public comment, the meeting was adjourned at 9:00 p.m.

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Sue Franklin, Assistant Clerk

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Rick Ziegler, Chairman