ROYAL POINCIANA WAY COMMITTEE
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
FRIDAY, OCTOBER 19, 2012, 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 [redacted] 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 Pucillo called the meeting to order at 9:35 a.m. On roll call, Committee Members present were:

Michael Pucillo, Chair
C. Tanner Rose
Alexander C. Ives
Barbara Lindsay Buck
Susan Markin
Nancy Murray (arrived at 9:37 a.m. and left at 12:04 p.m.)
Alan S. Golboro

Committee Members absent: None

Staff members present were:
John Page, Director of Planning, Zoning, Building
Debby Morakis, Secretary to the Royal Poinciana Way Committee

II. [redacted] **(9:38:12 a.m.)**

Ms. Morakis led the Committee with the Invocation and Pledge of Allegiance.

III. [redacted] **(9:38:13 a.m.)**

MOTION BY MR. GOLBORO FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MS. MARKIN.
MOTION CARRIED UNANIMOUSLY WITHOUT BENEFIT OF A ROLL CALL.

IV. [redacted] **(8:28:40 a.m.)**

Comments were heard from Michael Spaziani, 322 Seaspray Avenue, who stated that he prepared a spreadsheet to demonstrate his analysis of the condominiums in the area, adding that occupancy rate was above 90% and populations were down 20%. Mr. Spaziani answered questions from Ms. Markin, and, comments were heard from Chair Pucillo regarding the economy and that he felt the best the Committee could do was to come up with a plan that worked for the Town whenever the marketplace recovered.

Comments were heard from Mrs. Buck who stated that she was optimistic that the Committee could come up with something better than what had been presented by developers in the past.

Mr. Golboro asked what the highest and best use was for the Testa parcel and Mr. Spaziani answered that he felt it would be retail on the first floor with offices on the second floor, adding that there was no demand for additional residential in the area.

Comments were heard from Les Evans of 249, 251 and 253 Royal Poinciana Way, who stated that while he respected Mr. Spaziani, he disagreed noting that he felt there was no need for additional office space with the advent of home offices. Mr. Evans referenced his website that tracked home and condo sales since 2007, adding, “The past is great, but, the future is what we are planning for.”

Anne Pepper, 333 Seaspray Avenue, NAPB, presented a photo banner showing the existing street and what it could look like with the proposed two and three story development. The Sunset Avenue side was also shown and it was demonstrated what it could look like with all the potential residential units added. Ms. Markin further described the photos on the banner, adding that a photography student had been hired to create the banner to demonstrate what the area would look like if fully built out. Mrs. Buck stated that she noticed the picture showed no preservation at all and no vias and added that she felt this was why design standards were needed. Mr. Ives added that he felt what was shown in the photos was what was not wanted. Mr. Rose read from the proposed language and stated that he felt there were at least nine properties on the street that would be preserved and he felt the language in the PUD would not create the scape presented.

Comments were heard from Ms. Markin who read the first paragraph of the code for the C-TS Zoning District and added that she felt it was not the devil she thought it was.

Mrs. Pepper added that she thought the C-TS Zoning District might need to be tweaked. Additional comments were heard from Mr. Evans who disagreed with Ms. Markin and Ms. Pepper. Chair Pucillo stated that he respects the opinions of all Committee members even when they disagreed and felt they were all trying to get to the right place.

Audrey Bender, 330 South Ocean Blvd., stated that she moved from Greenwich and Naples because of development and added that she felt the voice of development was being heard and the voice of the people was not being heard.

Due to technical problems, a five minute break was taken at 10:30 a.m. in order to restart the recording system. Chair Pucillo called the meeting to order at 10:36 a.m.

Penny Townsend, 310 Via Linda, stated that she felt this discussion deserved more time. Chair Pucillo noted that this would not be done by November and agreed, “We need to take the time to get it right.”

Bill Cooley, 8 Windsor Court, congratulated Chair Pucillo and staff for their outstanding work on this Committee and read a statement into the record, quoting several provisions of the Comprehensive Plan and documents from the Florida League of Cities. Mr. Cooley indicated that he felt the increase in density was in direct contradiction of the Comprehensive Plan.

Chair Pucillo addressed Mr. Cooley’s comments and Paul Castro, Zoning Administrator, explained the modification and amendment process to the Comprehensive Plan and indicated that any modifications would go concurrently to the Committee, Planning & Zoning Commission and Town Council. Upon first reading, they would be transmitted to the Department of Economic Development. Chair Pucillo stated that he felt the section of the Code referencing approval was unclear and he would discuss it with Attorney Randolph. Mr. Castro stated that currently there was no PUD provision in the commercial land use category.

Ms. Markin commented that she felt there were many sections of the text that were confusing and asked what would happen to the Comprehensive Plan after the five year sunset provision of PUD-5. Mr. Castro explained that unless language was adopted in the plan that the State would agree to allow those provisions to sunset, a Comprehensive Plan Amendment would be required.

Comments were heard from Lori Volk who asked several questions including whether there was ad valorem tax credits available for Landmarking only the façade of a structure, and, the transfer of development rights. Ms. Volk submitted an excerpt from an article she read and displayed a photograph of the area, indicating that she felt it would be impossible to develop parcel by parcel without having unity of title for the whole block and not create reverse spot zoning.

V. <u>CONSIDERATION OF DRAFT PUD-5 REGULATIONS AND RELATED DRAFT COMPREHENSIVE PLAN AMENDMENTS</u>

Chair Pucillo explained the process provided for in Town code and Florida statute for the adoption of PUD-5 and indicated it would be a long process with a lot of opportunity to make revisions. Chair Pucillo began a discussion to consider the draft PUD-5 regulations and comments were heard by Chair Pucillo, Mr. Rose and Ms. Markin who stated that she would like to see incentives to keep contributing buildings included in the PUD. It was agreed that the word redevelopment would be moved in front of the word development.

Mrs. Buck clarified language in her proposed edits to add “further incentivize new development and/or redevelopment of non-contributing buildings to be consistent with the character of those buildings that have been designated historically contributing."

Chairman Pucillo called for a quick break at 11:37 a.m. in order to deal with some technical recording issues. Chair Pucillo called the meeting to order at 11:45 a.m.

Ms. Murray commented about quantification of preservation and suggested a percentage be included in the language. Chair Pucillo agreed.

Mr. Castro mentioned the Bert Harris Act and expressed his concern with the direction of the Committee adding that if the direction was preservation, then some property owners would be treated differently than others. Discussion ensued.

Ms. Markin suggested using the current C-TS zoning as the base, adding incentives like parking and taxes. Mrs. Buck stated that she wanted to keep the historical Main Street. Mr. Golboro made suggestions that the Planning & Zoning Commission study changing the name from Royal Poinciana Way to Main Street and to keep 50% of the structure including the frontage.

Mr. Castro suggested that staff make the proposed changes and bring them back for the next meeting and Chair Pucillo requested these ideas incorporated in a next draft.

Mr. Ives stated that he was in support of the Main Street line being added, and, Chair Pucillo suggested a percentage (50%) for preservation of a contributing structure and also adding a provision that would prohibit someone from tearing down a contributing building then applying for the PUD-5.

For the record, Ms. Murray left the meeting at 12:04 p.m.

Mr. Rose stated that he was concerned about some of the language on page 2 of Mrs. Buck's document and felt he wanted to see this as a vibrant mixed use community. Ms. Markin disagreed with Mr. Rose and stated that she felt the residential component was always a secondary part of the street.

Mrs. Buck noted that the average size of the 33 living spaces on this street was between 192 and 500 square feet and asked what the total square footage was in residential and commercial uses and noted what happened in New York City and Seattle where commercial areas were converted to residential use. Chair Pucillo suggested language be added that would require any condominium documents be submitted along with a PUD application and suggested moving the references to noise and odor. Mr. Golboro suggested the word condo be changed to residential. Mr. Rose agreed and comments were heard from Ms. Markin regarding noise and odor. Chair Pucillo noted that references to noise and odor should be moved to the appropriate section.

Mr. Rose made suggestions to combine sections (d) and (e). Mrs. Buck suggested adding language that the Bradley House was included for architectural design only, and, suggested that the word “contributing” be added as a defined term.

Comments were heard from Ms. Markin who stated that she felt the objective needed to be clarified - to preserve contributing buildings with incentives and rebuild non-contributing buildings. After further discussion, Mr. Page confirmed that staff would work from Mrs. Buck’s draft and discussion moved to the next section of the draft (134-477). Mrs. Buck noted that there was no mechanism other than Landmarking to prevent historic structures from being demolished. Ms. Markin stated that she felt the PUD-5 was incenting them to tear structures down. Discussion continued with comments heard from Mr. Golboro regarding demolition and discussion ensued about the ARCOM and Landmarks Commission and Council approvals for demolition. Mr. Castro answered questions about the C-TS zoning district.

Chair Pucillo noted subsections (j), (k) and (l) in section 531 and Mr. Castro asked and it was agreed to segregate PUD-4 and PUD5 in section (j). Mr. Castro noted that section (k) was required. Mrs. Buck noted there were two types of approvals, tentative and final and stated she was concerned about requiring an architectural model only in the final approval and requested a model be required with the initial application. Chair Pucillo suggested language be included to spell out what would be required and Mr. Castro agreed that he would cross reference the code sections. Regarding 532 (a), Mr. Castro noted that he would address the process with the Local Planning Agency.

Ms. Markin asked if there could be a prohibition on variance requests for someone who decided not to be in the PUD-5. Mr. Page stated that he would consult with Attorney Randolph but thought the possibility of prohibiting an application for a variance would be a difficult legal issue. Discussion continued about variances and hardship requirements.

Discussion then moved to parking lots and curb cuts and Chair Pucillo stated that he felt they would have to be looked at on a case by case basis. Discussion ensued regarding parking lots, curb cuts and whether ARCOM could approve them.

Mrs. Buck asked if the words mass and bulk were synonymous and Messrs. Page and Castro both agreed. It was determined that the word bulk would be used for consistency. Discussion moved to the subject of height and Chair Pucillo noted that height was not in the Comprehensive Plan. Mr. Castro stated that staff would use the same verbiage as used in the Comprehensive Plan and the Zoning Code.

Discussion ensued regarding some suggested edits to page 5, and Mr. Castro noted that those provisions related to all PUD’s. Mrs. Buck asked if common areas or vias could be locked and Mr. Castro answered only if Council approved it.

Chair Pucillo suggested the concepts for grant or denial be moved to subsection 8. Discussion continued about common space and public space and Mr. Castro stated that common open space was a mix of public/private adding that he would provide a definition for the next meeting.

At 1:15 p.m., Chair Pucillo called for a 30 minute break. Chair Pucillo called the meeting to order at 1:56 p.m. and discussion continued with page 7 of the draft. Ms. Markin asked about "substantial compliance" and Mr. Castro noted that in the near future the process would be streamlined to eliminate the tentative approval process. Discussion continued about limitations that might be placed on disruptive construction and Mr. Castro noted this had been addressed by ORS and Council and it was determined that it would not be fair to prohibit someone from improving their property because of a neighboring project. The bridge project was discussed and Mr. Page indicated that the existing infrastructure would accommodate an increase in density. Discussion continued regarding assemblage of multiple properties and whether to include a maximum size limitation. Comments were heard from Mrs. Buck and Mr. Rose indicated he was not concerned about the size. Mr. Golboro suggested a limitation of 1.25 acres. Mr. Ives indicated he was not concerned about a large area being done by one architect. Ms. Markin stated that she thought the Town was protected from a consolidated look in the C-TS district. Mr. Castro stated that if too many restrictions were placed on the PUD-5 no one would use it. Ms. Markin felt the existing shops would be lost to attrition and chain stores would go into the larger spaces created by consolidation. Chair Pucillo suggested a building length limitation of 150 linear feet be included. Mr. Golboro noted that he wanted to see pedestrian traffic.

Mr. Castro explained the purpose of platting property was to allow assemblage and stated that he would work with the urban planner and report back to the Committee. Mr. Rose commented that the 3,000 square feet limitation in the C-TS district would apply. Mr. Golboro suggested the Committee editorialize their comments within the margin of the draft regulations. Chair Pucillo spoke briefly about the draft report he was working on. Ms. Markin asked for a chart comparing the C-TS and PUD-5 zoning regulations. Chair Pucillo asked the Committee to send their comments to Mr. Page for distribution and added that he felt the subject of assemblage should be deferred to allow staff to work on that language.

Mrs. Buck expressed her concern about volume referencing the property owned by Mr. Evans that currently has 7 units, adding that she felt bonuses should not be given if he reduced the density to 3 units but increased the square footage. Chair Pucillo explained the definition of density was the number of units not people and discussion continued.

Ms. Markin noted her recent parking experience in Charleston and added that she feared for the merchants who would be lost due to lack of available parking. Chair Pucillo spoke briefly about underground parking and Mrs. Buck suggested the Committee take a field trip noting one of the tenants there told her he parked his vehicle at Green's.

Discussion took place regarding the corner buildings and whether residential units should be permitted on the second floor. Chair Pucillo stated that he was uncomfortable with restricting residential use from the corners but felt it would be a mistake to take it out of PUD-5. Mr. Rose stated that he was concerned about spot zoning and wanted this to be attractive and not left on the shelf. Discussion continued and Mrs. Buck stated that she was opposed to changes in use from office to residential when fronting main street, but, was ok with small residential units on the interior and back side. Chair Pucillo stated that he felt the corners should not be taken out and Ms. Markin stated she felt an incentive for owners to landmark their properties needed to be included. Chair Pucillo stated he felt the PUD-5 was an alternative concept to Landmarking to achieve preservation.

John Lindgren, Planning Administrator, asked if the Committee was trying to preserve the use or the buildings, and briefly spoke about adaptive reuse which would give the property owners the most flexibility.

Comments were heard from Mr. Ives who spoke about the available tax abatement and Mr. Golboro stated that the property at the corner of County Road concerned him. Discussion continued about edits to page 14 of the draft and Chair Pucillo suggested that the design standards section be deferred. Discussion continued with comments heard from Mr. Golboro regarding the use of the words story and floor and Mr. Castro explained the differences.

Mr. Ives stated he was concerned about the maximum height and overall height and Mr. Castro explained, stating that he would look at that and come back with a recommendation and also report what the current maximum height is. Mrs. Buck suggested staff include on the panorama photo they are working on the height on the buildings. Mr. Page explained the difficulty encountered in finding someone to produce the panorama photo and the delay due to the insurance requirement.

Ms. Markin asked for clarification of the loading zone requirements and Mr. Castro explained the code and the ability to keep the grandfathered parking and loading zones. Comments were heard from Chair Pucillo who added that he felt putting on-site loading zones with curb cuts was inconsistent with what was trying to be achieved. Mr. Castro read 691 (f) and explained the intent. Discussion continued regarding density and parking. Mr. Castro noted that a provision was added to the language that would not allow curb cuts on Bradley or County Road and went on to explain the Principal of Equivalency (POE) and how it would come into play when changing uses. Discussion continued regarding applying grandfathered parking to residential uses and it was agreed that residential use would not be encouraged on Royal Poinciana Way. After discussion, Mr. Castro explained that Bradley House would need a special exception to convert from a hotel to residential units and would be required to meet code. Discussion continued and Mr. Castro stated he would provide an inventory of grandfathered spaces. Ms. Markin expressed her concern with mixing office and residential on the same floor using City Place as an example, and, Mr. Castro stated that scenario currently existed on Worth Avenue.

Chair Pucillo called for discussion to move to commercial use parking and Mr. Castro explained that any intensity of use would trigger the requirement to provide parking. Discussion continued and Mr. Castro explained that the business tax receipt program was used to track the number of seats and square footage for commercial spaces.

Mr. Golboro asked if townhouses with underground garages were permitted and Mr. Castro answered that the parking would have to be below grade and provided a definition of townhouse. Mr. Castro asked if residential use would be permitted on the first floor on Sunset Avenue and discussion ensued. Mr. Castro stated that residential use on the first floor for lots on Sunset Avenue would be permitted by special exception. It was noted that vias would still be required to go through.

VI. SCHEDULING OF THE NEXT COMMITTEE MEETING

Chair Pucillo suggested staff work on a revised version of the draft to bring back to the Committee to review and added that discussion regarding the Comprehensive Plan and design guidelines would also take place at the next meeting of the Committee which would be scheduled for mid-November. Chair Pucillo noted that he would provide a verbal report of the Committee's progress to the Town Council at their November meeting.

Ms. Markin requested that a hard copy of the draft documents be provided and it was also suggested that each page of the draft be dated. Ms. Markin suggested that the Committee consider additional creative ways to get owners to landmark their properties. Mrs. Buck suggested the Committee consider other incentives to encourage property owners to landmark their properties. Mr. Ives stated he was concerned but looked forward to discussing it at the next meeting.

VII. ADJOURNMENT

MOTION TO ADJOURN BY MR. GOLBORO AT 4:38 P.M.
MOTION SECONDED BY MR. IVES.

Respectfully Submitted,

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Michael Pucillo, Chair
Town of Palm Beach
Royal Poinciana Way Committee