ROYAL POINCIANA WAY COMMITTEE
RECORD AND REPORT - DRAFT
TOWN EMERGENCY OPERATION CENTER
THIRD FLOOR
355 SOUTH COUNTY ROAD, PALM BEACH
FRIDAY, FEBRUARY 15, 2013, 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 of the meeting by contacting Debby Morakis, Secretary to the Royal Poinciana Way Committee at (561) 227-6411. As a point of reference, you will find recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER AND ROLL CALL (9:31:48 a.m.)

Chair Pucillo called the meeting to order at 9:31 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
Alan S. Golboro

Committee Members absent: None

Staff members present were:

John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Secretary to the Royal Poinciana Way Committee

II. INVOCATION AND PLEDGE OF ALLEGIANCE (9:32:53 a.m.)

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

III. APPROVAL OF THE AGENDA (9:32:59 a.m.)

Chair Pucillo summarized changes to the agenda that had been requested including moving Public Comment first, followed by Consideration of Other Incentives, Consideration of Approval of the Proposed Contributing Building Report, Consideration of Design Guidelines separately, Consideration of Zoning Regulations and finally Adjournment. Ms. Buck asked that a "Next Steps" item be added for discussion. Ms. Markin asked that an opportunity to show slides be included and it was agreed that would be done after Public Comment. It was the consensus of the Committee that the agenda be revised without benefit of a motion.

VIII. PUBLIC COMMENT (9:34:44 a.m.)

Comments were heard from Audrey Bender, 330 South Ocean Blvd., who urged the Committee to not go forward with the proposal and maintain the integrity of Palm Beach.

Comments were heard from William Cooley, 8 Windsor Court, who urged the Committee to leave the street and the Comprehensive Plan alone and make a few changes to the C-TS Zoning District regulations instead.

Chair Pucillo noted that some of the suggestions he heard indicating there would be radical changes to the area were inaccurate and offered to meet with anyone to discuss the proposal.

Ms. Markin provided a graphic presentation to demonstrate what development under the existing C-TS zoning regulations would look like compared to development under the proposed PUD-5 regulations. Architectural renderings were presented using power point and a discussion ensued.

Chair Pucillo recognized Landmarks Commissioner, Bill Strawbridge of 223 Atlantic Avenue. Mr. Strawbridge stated that he felt it was clear to him, as an architect, that this ordinance, as crafted, would do the job.

VII. CONSIDERATION OF OTHER INCENTIVES FOR DEVELOPMENT UNDER THE PUD-5 (10:07:24 a.m.)

Chair Pucillo started off discussion of incentives for development under the PUD-5, noting that he had done a rough parking analysis for each property in the area. Mr. Pucillo explained that the parking study done for the Town in 2011 showed that 380 parking spaces would be required for the Royal Poinciana Way area. That would require nearly 62,000 square feet of parking in a 98,000 square foot block, or nearly two thirds of the block. Mr. Pucillo added that he felt the study was flawed and did not include any parking for Testa's Restaurant or the twenty residences on the block. Thus the actual percentage of the block that would need to be covered by parking would likely be even higher than two thirds.

Using the Testa property as an example, Mr. Pucillo compared the parking requirements for redevelopment using the C-TS regulations and the PUD-5 regulations. Mr. Pucillo explained that the C-TS regulations would require 182 spaces, not including parking for a

restaurant use; noting that 57% of the lot would be covered with parking lot, not including drive isles. With drive isles more than two thirds of the Testa property would be parking. Mr. Pucillo explained that using the PUD-5 regulations much of the existing parking would be grandfathered. To redevelop using 10 units/acre, 69 spaces would be required, and, those spaces would cover approximately 20% of the surface of the lot. The point of this is simply that parking requirements under CT-S zoning have created many issues, and the largest incentive of the PUD-5 is easing those requirements.

Comments were heard from Ms. Buck who asked if commercial properties would need to meet the FEMA elevation requirements if developed under PUD-5. Paul Castro, Zoning Administrator, stated that commercial properties only had to flood proof the first floor and would not be required to raise the elevation. Ms. Buck stated that she felt the Landmark ordinance was misunderstood and suggested an incentive be considered that might waive permit fees for preservation when developing under PUD-5. A brief discussion ensued and comments were heard from Chair Pucillo who felt Council would not be in favor of waiving fees. Mr. Page stated that permit fees were regulated by State Statute and Mr. Ives agreed that would set a precedent that would have to apply to the entire town.

Dr. Jane Day addressed the Commission and explained the historic property tax credits available for Landmarking properties. Dr. Day described the tax abatement process and explained that Landmarking benefits could be transferred to a new property owner and added that Federal tax credits are available for renovating commercial properties. Dr. Day stated that program is administered by the National Park Service in conjunction with the State Historic Preservation Office and the Federal Historic Preservation Tax Incentive program offers 20% federal income tax credits for qualified rehabilitation projects. Dr. Day stated that Historic Preservation easements could also be done, usually in the form of a deed, to place restrictions on development or changes to a property and transfers the responsibility to a qualified preservation office such as the Preservation Foundation or National Trust. Dr. Day answered questions from Committee members regarding the Landmarking incentives and comments were heard from Ms. Markin who stated that she felt no one would want to Landmark their property when the increase in property value due to development and increase in density would outweigh tax incentives.

Comments were heard from Ms. Buck who suggested the Town consider having the street placed on the National Historic Register. Mr. Golboro asked Dr. Day if she felt this area would pass as a Landmark District and Dr. Day stated that she was unsure, explained the steps previously taken when the Janus Report was done, and, explained her experiences when Town Hall was listed. Dr. Day stated that creating a National Register District was possible but could not be done over owner objection. Dr. Day suggested that property owners be polled to see if they want to create a district since it would require their approval.

Mr. Ives asked if the amount of local tax abatement was based on the property value and Dr. Day confirmed and further explained how the incentive program worked.

Chair Pucillo stated that he felt it would be appropriate to have the Council consider looking into the creation of a district but was not sure when that should happen. Mr.

Pucillo explained that he felt developing under the PUD-5 offered a higher level of protection than Landmarking alone, but, felt the tax benefits could be significant and development under the PUD-5 could result in a lot of voluntary Landmarking of properties.

Comments were heard from Ms. Markin who asked if the Town was ever successful in keeping a building from being demolished if it were not landmarked. Dr. Day explained that the Architectural Review Commission Ordinance did not have criteria for denial. Ms. Markin stated that the Landmarks Commission was legally restricted by what it could or could not do.

Discussion continued and Chair Pucillo offered examples of possible development scenarios using the C-TS zoning regulations compared to the PUD-5 regulations. Chair Pucillo stated that he hoped that incentives made it attractive enough for someone to develop under the PUD-5 and that to develop under PUD-5, historically or architecturally contributing buildings could not be torn down.
Ms. Markin asked that a graphic be provided to demonstrate what is going to stay and what is not going to stay and asked if we could legally keep people from tearing down their building if they are contributing and want to use the PUD-5 regulations. Attorney Randolph stated that could be done since it was a voluntary proposal. Chair Pucillo noted that the graphics requested by Ms. Markin were already included in Dr. Day's report.

Ms. Buck asked Dr. Day to clarify if Landmarked structures ever had renovations where parts of the building were torn out and Dr. Day stated that happened all the time.

VI. CONSIDERATION AND APPROVAL OF RECOMMENDATION ON PROPOSED CONTRIBUTING BUILDINGS REPORT AND PUD-5 DESIGN GUIDELINES

(11:04:06 a.m.)

Chair Pucillo started a discussion regarding the proposed Contributing Buildings Report and spoke about the Testa building, using slides of the site plan to explain the possible development differences if this property were to be classified as urbanistically contributing compared to architecturally contributing. Dr. Day suggested that bullet points be added in her report under Testa's Restaurant, Testa's Via, Island Home and P Goodwin that would read "This building could qualify for local designation under at least the first criterion of the LPC Ordinance", to let people know in the future what the thinking was rather than have these properties in a category designed and identified by Mr. Mouzon. It was noted that no definition of "urbanistically contributing" would be found on the internet. Dr. Day showed slides of the sides and rear of the Testa property and stated that she felt the property was not architecturally contributing since those three sides of the building were not worth preserving. Dr. Day asked the Committee for direction to add bullet points under Testa's Restaurant, Testa's Via, Island Home and P Goodwin. Comments were heard from Ms. Buck who stated that she felt that would be helpful. Ms. Buck proposed and read into the record a definition of "urbanistically contributing". Discussion continued.

After a short break, Chair Pucillo called the meeting back to order at 11:40 a.m.

Chair Pucillo read the definition of "Urbanistically Contributing" into the record and after discussion it was the consensus that Dr. Day would add bullet points to read "This building could qualify for local designation under at least the first criterion of the LPC Ordinance". Dr. Day proposed other language changes to include adding language "below each illustration". It was suggested that the word "loss" be changed in the language to be more positive. Attorney Randolph suggested to add "... and shall therefore be preserved". Chair Pucillo agreed, Ms. Buck agreed, and, it was the consensus of the Committee to make those changes.

Discussion continued regarding the contributing category for Tropical Fruit and comments were heard from Ms. Markin, Ms. Buck and Chair Pucillo. Dr. Day confirmed that the property could be torn down if they did not choose to develop under the guidelines.

Chair Pucillo called for further discussion regarding the definition of "Architecturally Contributing". Attorney Randolph suggested language be added "....and shall be preserved". Chair Pucillo then read the definition into the record and it was agreed that "overall whole" would be changed to "character". Dr. Day read the new language into the record again. Discussion continued regarding the definition for "Historically Contributing". Chair Pucillo stated that he felt he had unanimity in the definitions. After comments were heard from Ms. Buck, Chair Pucillo noted that he would make a presentation to Council and that the Planning & Zoning Commission would have another opportunity to review these definitions and make changes. Chair Pucillo called for a motion to approve the Contributing Building Report, as revised today.

MOTION BY MR. IVES TO APPROVE THE CONTRIBUTING BUILDING REPORT, AS REVISED TODAY.
MOTION SECONDED BY MR. ROSE.
MOTION CARRIED UNANIMOUSLY WITHOUT BENEFIT OF A ROLL CALL.

Ms. Markin urged that pictures of these building be imposed on the graphic of the street to identify which buildings or frontages need to be kept. Chair Pucillo stated that he felt that was something Planning & Zoning could address. Ms. Buck suggested that recommendation be made to the Commission. Mr. Page spoke about the potential cost of computer modeling and expressed his concern for funding. Ms. Markin suggested that Preservation Foundation and Civic Association should donate it and Mr. Ives stated that he would present it to the Board.

Chair Pucillo called for discussion regarding Mr. Mouzon's report. Chair Pucillo noted that page 14 would be removed and added that he felt it was important the definitions be right and expressed his concern in having definitions in two documents. Ms. Murray suggested the word "at" be changed to "in" in Article I and it was agreed. Mr. Ives suggested the word "should" be changed to "shall" and it was noted that the definitions of those words were included and by changing the verbiage it would change the intent. Mr. Page noted a conflict of definitions between the Mouzon report and zoning ordinance and

it was agreed that a sentence would be added; "to extent not inconsistent with definitions in the zoning code Section 134-2 the following definition shall govern". Discussion continued.

MOTION BY MR. IVES TO APPROVE THE DESIGN GUIDELINES, WITH CHANGES.
MOTION SECONDED BY MS. BUCK.
Ms. Buck suggested that Mr. Mouzon and Dr. Day be invited to a joint meeting of the Landmarks Commission and Planning and Zoning Commission. Dr. Day stated that she thought what was being suggested was a teaching session. It was agreed that would be a good idea.
MOTION CARRIED UNANIMOUSLY.

IV. APPROVAL OF THE JANUARY 29, 2013 ROYAL POINCIANA WAY COMMITTEE MINUTES (12:10:32 a.m.)

MOTION BY MR. GOLBORO FOR APPROVAL OF THE MINUTES OF THE JANUARY 29, 2013 MEETING.
MOTION SECONDED BY MR. IVES.
Ms. Buck noted that a correction needed to be made to her quote on page 4 regarding limiting assemblages of lots fronting Royal Poinciana Way. Ms. Murray suggested a change to page 2.
MOTION AMENDED BY MR. GOLBORO TO APPROVE THE MINUTES WITH CHANGES.
AMENDED MOTION SECONDED BY MR. IVES.
MOTION CARRIED.

Chair Pucillo called for a recess at 12:27 p.m. and reconvened the meeting at 12:35 p.m.

V. CONSIDERATION AND APPROVAL OF RECOMMENDATION ON PROPOSED PUD-5 ZONING REGULATIONS (12:12:38 a.m.)

Mr. Castro stated that he added language to the document regarding amendments and discussion ensued. Chair Pucillo called for comments or edits to each page. Ms. Buck noted two typos in the first paragraph and missing punctuation. Ms. Buck noted her concern that a developer would demolish then sell so that the new owner could develop under the PUD. Chair Pucillo stated they would have to wait five years. Mr. Rose noted a change to page 3, "an amendment thereto". A discussion ensued regarding the reference to "appropriate scaled model" and "linear footage" referenced on page 4 and it was agreed to use 200 linear feet. Discussion continued and Mr. Castro noted that scaled models for houses of 10,000 square feet or more are required for ARCOM. Attorney Randolph suggested the scale model portion be removed and discussion continued. Chair Pucillo stated that he felt the definition of an appropriate scaled model would have to be left to the Planning & Zoning Commission. Mr. Rose read suggested changes to page 5 regarding amendments and Mr. Castro explained that any PUD could be amended using the quasi-judicial and legislative process. Mr. Rose noted a minor change to page 6, no changes were necessary on pages 7 through 13, a typographical error was corrected on page 14, a

minor change to page 15, a font would be corrected on page 16, and, Mr. Castro read a change regarding parking and curb cuts. Mr. Rose spoke about the words "encouraged" and "associated curb cuts". Chair Pucillo asked if there were any changes to Page 17. A brief discussion took place regarding the 35% third story and frontages on Royal Poinciana Way. Mr. Castro stated that the Design Guidelines would require that development be in character with the street. It was the consensus that no changes were needed on page 17. On page 18 it was determined that a date-certain for the sunset provision would be determined after the PUD was adopted by Council.

MOTION BY MR. IVES TO APPROVE THE REVISED ZONING PROVISIONS FOR THE PUD-5 WITH REVISIONS MADE TODAY.
MOTION SECONDED BY MR. ROSE.
MOTION CARRIED 6-1 WITH MS. MARKIN OPPOSED.

Chair Pucillo spoke about the "next steps" and explained that this recommendation would go to Council for consideration in March. Mr. Pucillo stated that he would acknowledge the work of the Committee and that he felt they were sending a great product to the Council. Mr. Pucillo stated that he would not necessarily be recommending the PUD-5 be adopted, he would recommend Council consider it and forward it on to the Planning & Zoning Commission, as the Local Planning Agency, that will have to adopt an amendment to the Zoning Code to create the PUD-5. Mr. Pucillo stated that he hoped Council would send it to the Planning and Zoning Commission for further study, noting that the Planning & Zoning Commission would have the authority to adopt it, reject it, and make revisions, additions and deletions to the language. Mr. Pucillo stated that he was pleased that two members of the Committee were on the Planning & Zoning Commission. Mr. Castro interjected that the LPA would not adopt it, but, could make a recommendation as the LPA to the Council that it be adopted in ordinance form. Mr. Pucillo stated that at that time, there would be two readings of the ordinance by Council.

Attorney Randolph stated that simultaneously with consideration of the zoning ordinance, consideration of the Comprehensive Plan Amendments would take place and the Comprehensive Plan Amendments would be transmitted to the Office of Economic Opportunity in Tallahassee for review. Once the Comprehensive Plan Amendments are approved by Tallahassee, the second reading of the ordinance would take place, and, if adopted, it would be approved and could take a number of months.

Mr. Castro added that there would be a significant amount of notice requirements and legal advertisement requirements at both the LPA level and at Council for first and second reading. After a brief discussion it was stated this would take between six to eight months.

Comments were heard from Mr. Golboro who spoke about interstate commerce and the confluence of suburban nature zoning and changes in the courts to prohibition of chain establishments. Mr. Rose and Chair Pucillo were in agreement. Ms. Murray and Ms. Buck both spoke about a recent presentation they heard by Architect and Planner, Andres Duany. Ms. Buck read a quote by an architectural critic from the NY Times, "A building does not have to be an important piece of architectural to become a first rate landmark.

Landmarks are not created by architects. They are fashioned by those who encounter them after they are built. The essential feature of a landmark is not its design but the place it holds in a city's memory. Compared to the place it occupies in social history, landmarks' artistic qualities are incidental."

Mr. Golboro complimented staff and Mr. Pucillo on their detail, patience and professionalism. Ms. Buck agreed and Mr. Rose commented the he was honored to have served on this Committee and added, "I've had so much fun I can't wait to do this again on Planning & Zoning."

Mr. Pucillo thanked Dr. Day, adding "We never could have done this without you" and applause was heard from the Committee.

Mr. Ives stated, "I hope there is something of this besides just the document we produced that will serve as an example to the other Commissions and Committees and future Committees the Town will have."

IX. ADJOURNMENT

MOTION BY MR. IVES THAT THE COMMITTEE ADJOURN AT 1:20 P.M.
MOTION SECONDED.
MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

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