ROYAL POINCIANA WAY COMMITTEE
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
THURSDAY, DECEMBER 20, 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. [redacted] **(9:41:05 a.m.)**

Chairman Pucillo called the meeting to order at 9:30 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. [redacted] **(9:41:20 a.m.)**

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

III. [redacted] **(9:43:11 a.m.)**

Chair Pucillo called for a moment of silence for the victims and families of the Newtown, Connecticut tragedy.

MOTION BY MR. IVES FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MS. MARKIN.
MOTION CARRIED UNANIMOUSLY.

IV. [redacted] (9:43:23 a.m.)

Chair Pucillo called for a motion to approve the minutes. Ms. Murray stated that according to her notes, at the last meeting the Chair had conducted an informal poll of the Committee regarding their opinion of the use of the PUD-5 versus a subset of the C-TS zoning regulations. Ms. Murray added that she felt it was important to include this in the minutes since communication was recently received from Mr. Cooley. Ms. Markin stated that she did not receive the minutes until the meeting and requested that in the future the minutes be distributed earlier. It was noted by Mr. Castro and Mr. Page that the minutes had been distributed via email a week in advance of the meeting and also via hard copy to the Committee members with their packets.

MOTION BY MR. IVES TO DEFER APPROVAL OF THE MINUTES OF THE NOVEMBER 29, 2012 MEETING. The motion was not seconded, but, Chair Pucillo noted the consensus of the Committee was to defer consideration of the minutes.

V. [redacted] (9:46:18 a.m.)

1. [redacted]

   Dr. Day addressed the Committee and reported that she had been in contact with Steve Mouzon of the Urban Design League in Miami and had offered to meet with him at his convenience. Dr. Day stated that the plan was to complete the guidelines during the first week in January and that document would be circulated to staff and the Committee as soon as possible. Dr. Day noted that she would also continue to rework the original document that had been previously presented to the Committee to include the history of the Town, any suggested corrections, an outline of the buildings showing the four categories (historically and architecturally contributing, architecturally contributing, urbanistically contributing and non-contributing), as well as those definitions. A brief discussion ensued regarding the scheduling of the next Royal Poinciana Way Committee meeting to accommodate scheduling Mr. Mouzon's presentation. After a brief discussion, it was determined that the next meeting of the Committee would be scheduled for 9:30 a.m. on January 17, 2013. Chair Pucillo requested the work product be distributed to the Committee at the earliest possible date for the Committee to review and consider and it was suggested and agreed that the Landmark's Commission members be invited to attend that presentation at the January 17 meeting of the Royal Poinciana Way Committee.

2. [redacted]

   Chair Pucillo noted that a document was received late the previous day from Mr. Cooley. Copies of that document were distributed to the Committee members.

Chair Pucillo recognized Mr. Cooley of 8 Windsor Court, who addressed the Committee and stated that he and others have the strong belief that the PUD-5 was "overkill" and could be better accomplished by a subset to the ordinance. Mr. Cooley stated that Nancy Stroud was hired to come up with a proposal and noted there were two versions: an outline and a "fleshed out" version which would be distributed to the Committee at a later date. Chair Pucillo requested anything being submitted to the Committee be done in a timely manner in advance of the next meeting.

Comments were heard by Chair Pucillo who made several observations regarding Ms. Stroud's presentation at the last meeting. Mr. Pucillo stated that he was still more comfortable with the PUD-5 approach, but, was heartened by the fact that there seemed to be a lot of agreement on substantive issues such as open space, residential use being secondary and limited to the second floor, provisions for grandfathering parking, curb cuts, architectural models, limitations on demolition, guidelines, and, the notion of additional density over 6 units/acre. Mr. Pucillo noted that her suggestion of the transfer of development rights was not something he wished to consider. Mr. Pucillo addressed Ms. Stroud's concerns regarding potentials for abuse regarding specific categories addressed in the PUD-5 and the PUD process, noting that it was agreed that the process for approvals of PUDs needed to be updated and that would be a mission for the Planning & Zoning Commission. It was also noted that was already on a laundry list of items to be considered by the Planning & Zoning Commission. Chair Pucillo commented about other areas of concern raised by Ms. Stroud including variances and lot area use restrictions and asked that staff make it clear those would not apply to PUD-5. Mr. Pucillo commented about the application provision and the section of the code dealing with Town Council's findings and conclusions as well as the disclosure sections and suggested the words "are" or "are not" be added to the language. Further comments were heard from Chair Pucillo regarding his observations with respect to the choice of PUD-5 versus the subset.

Comments were heard from Susan Markin who attempted to summarize in layman's terms what the concerns expressed by Ms. Stroud relative to the PUD are. Ms. Markin noted that this "beast" was not being used elsewhere and that PUDs usually have only one owner, not multiple owners as in this area. Ms. Markin noted the reason an expert was hired to come up with guidelines was to help provide control on what could be built, limiting density, height and mass. Ms. Markin added that she felt the reason changes to the PUD process were being considered was that the process was too flexible and there was no ability to control the outcome.

Chair Pucillo noted that PUDs had been used in the Town of Palm Beach for more than thirty years.

Mr. Rose stated that he felt after spending a considerable amount of time considering the PUD-5 route he would not want to switch to a different vehicle unless there were things that staff felt could not be addressed in the PUD-5. Mr. Rose added, "It would not be fair to the Committee to use this procedural issue as a Trojan horse."

Mr. Golboro agreed with Ms. Markin that this had not been done with multiple owners in small scale, but, added that he had been involved in a similar project in Cleveland. Mr. Golboro stated that he felt the Committee should continue with the PUD since he felt everyone knew it is one piece of land, one city block.

Ms. Buck stated that she felt the Committee had come a long way with creating a roadmap for preserving the main street, vacant lots and non-contributing buildings. Ms. Buck added that the vehicle used was not particularly important to her but what was important was that it be easily understood and added that she hoped the Committee could keep an open mind and "get it right".

Comments were heard from Mr. Ives who stated that he preferred the PUD-5 approach and hoped the public would not think the Committee was trying to create a "disguise".

Additional comments were heard from Ms. Markin who stated that she felt all the things being discussed were attainable in the C-TS subset with a simpler and cleaner code rewrite.

Discussion continued and Attorney Randolph stated that he had met with Ms. Stroud, respected her opinion, but, had not changed his opinion that this was just another way to "skin a cat". Mr. Randolph added that he did not share her concern about moving forward with the PUD and that he felt the Committee needed to focus on the criteria that would be used in the process. Chair Pucillo agreed adding that he felt the PUD gave the Town more control.

Mr. Ives stated that he was concerned this not set a precedent in Town which is why he leaned toward the PUD-5 and not the subset.

Chair Pucillo led discussion regarding proposed language changes on page 6. Comments were heard from Ms. Buck, Mr. Rose and Ms. Markin. Attorney Randolph made suggestions to language revisions and it was suggested that Mr. Castro make those changes to bring back to the Committee in the next version.

Chair Pucillo provided the Committee with revisions to his analysis and Mr. Castro displayed the revised chart on the overhead. Mr. Pucillo explained some likely scenarios and discussion ensued. Mr. Pucillo noted a provision had been added to the proposed regulations that would preclude consolidation of properties.

Ms. Buck stated she had done a site visit with Dr. Day and pointed out that only one of the 28 units there was non-contributing, the average size of the apartments there was less than 600 square feet, and, that her concern was with cubic volume.

Ms. Markin asked what the maximum height of a building on that street was now and Paul Castro, Zoning Administrator, answered 25 feet plus 10 feet for pitched roofs. Mr. Castro explained what the code currently allowed and discussion continued. Further comments were heard from Ms. Markin regarding density and Chair Pucillo explained possible scenarios to demonstrate a reduction in density.

Comments were heard from Mr. Ives regarding height and Mr. Castro suggested the Committee ask the consultant what the appropriate height would be for a three story element. Chair Pucillo stated that he felt allowing residential use on the backside might lead to townhouses. Discussion continued and Ms. Buck proposed changes to language. Mr. Castro explained massing and bulk as well as the proposed language for special exception uses and the administrative approval criteria for combination projects. Discussion continued.

Dr. Day explained the current practice that the Commission gives a recommendation to Council if a variance would negatively impact the historic structures or the area explaining that the recommendation is non-binding to the applicant and requires the applicant come back to the Commission for formal Certificate of Appropriateness (COA) in order to go forward with a project. Discussion continued and Mr. Castro explained the administrative policy, Chair Pucillo shared Mr. Castro's concerns and Mr. Rose stated that he felt this was setting bad precedent, was overburdening, and that more faith should be placed in our Commissions. After comments from Ms. Buck regarding the notice requirements, it was determined that Dr. Day would speak to Mr. Mouzon for a recommendation.

Discussion continued, Ms. Markin referenced the purpose section on page 1 and suggested the language "and preservation, where applicable" be added. It was agreed. Mr. Rose suggested that (e) and (f) be folded into (d). A brief discussion ensued regarding the different PUD districts and Ms. Markin asked for a map to demonstrate how far through to Royal Poinciana Way the residential dwelling units on the south side of Sunset Avenue could be. Mr. Castro explained. Discussion continued regarding vias and Mr. Castro explained that a via would be considered public open space only if open to the public. Mr. Castro noted there should be language included to ensure that through walkways were encouraged.

Mr. Golboro mentioned adverse possession as a potential for financing problems and Attorney Randolph stated that he did not feel that would cause concern. Attorney Randolph suggested it would be easy to strike some of the archaic provisions such as those relating to tentative approval and it was agreed staff would go through and make a list of those possible changes in advance of the next meeting.

Chair Pucillo called for a short break at 11:33 a.m. and the meeting was reconvened at 11:47 a.m.

Mr. Golboro asked if current building requirements would have to be met in the event of fire and it was confirmed by Attorney Randolph who noted this would not have to be included in PUD language. Mr. Golboro asked if a separate set of variance criteria should be established for this area and Attorney Randolph stated that he felt the same criteria as elsewhere should be used.

3. [redacted]

No discussion.

4. [redacted]

Chair Pucillo raised the issue of the parking lot on Royal Poinciana Way currently owned by the Breakers and explained a provision for a possible solution was being added tentatively for discussion.

Ms. Markin stated that she was not against the idea and felt it was a creative way to fix the issue, suggesting that a requirement to make any future buildings face Royal Poinciana Way might be added to the code. Ms. Buck stated that she felt it was a good idea but would prefer to hear a recommendation from Mr. Mouzon. Dr. Day stated that Mr. Mouzon had already suggested to her that it would be a good idea to have one-story retail on that lot.

Mr. Rose stated that he was opposed to curb cuts in general and would be in favor of as many carrots as possible to do away with existing curb cuts.

Ms. Murray mentioned the danger she witnessed with the loading zone on Bradley and it was noted that was not permitted and was an enforcement issue. Discussion continued regarding loading and delivery zones and it was suggested that the requirement to provide some access from the Sunset side be maintained. It was the consensus of the Committee that this was a good idea. Chair Pucillo noted that he had a discussion with Paul Leone who stated that he would not be opposed to having the Breakers look at this in a tentative manner, explaining that the Breakers view projects in a four to five year timeframe. Discussion continued regarding this parcel and it was noted that any new structure would be required to be retail and the employee parking requirement would be eliminated.

5. [redacted]

Chair Pucillo opened the floor for discussion of any additional issues. None heard.

VI. PUBLIC COMMENT

Chair Pucillo called for public comment. None was heard.

VII. [redacted] (12:09:34 p.m.)

The Committee was reminded that the next meeting of the Royal Poinciana Way Committee was scheduled for January 17, 2013 at 9:30 a.m.

VIII. [redacted] (12:09:44 p.m.)

MOTION BY MR. IVES TO ADJOURN AT 12:09 P.M.
MOTION SECONDED.
MOTION CARRIED UNANIMOUSLY WITHOUT BENEFIT OF A ROLL CALL.

Respectfully Submitted,

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