



**ROYAL POINCIANA WAY COMMITTEE
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
FRIDAY, SEPTEMBER 14, 2012, 1:00 p.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] (12:49:31 p.m.)

Chairman Pucillo called the meeting to order at 1:03 p.m. On roll call, Committee Members present were:

Michael Pucillo, Chair
C. Tanner Rose
Alexander C. Ives
Barbara Lindsay Buck
Susan Markin
Nancy Murray

Committee Members absent:
Alan S. Golboro

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

Several attempts were made unsuccessfully to connect via polycom with Paul Castro, Zoning Administrator, who was out of the office.

II. [REDACTED] (12:57:19 p.m.)

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

III. [REDACTED] (1:01:31 p.m.)

Chair Pucillo explained that after an advisory opinion was rendered by the Ethics Commission, it was determined that in order to avoid the perception of a conflict of interest, Paul Leone should tender his resignation. On behalf of the Committee, Chair Pucillo expressed his gratitude to Mr. Leone for his commitment to the Town and service to the Committee. Chair Pucillo also noted for the record that Alan Golboro had been appointed to the Committee but was unable to be in attendance due to a prior commitment.

MOTION BY MS. MARKIN FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED 6-0 AFTER A ROLL CALL VOTE.

IV. [REDACTED]
(1:02:03 p.m.)

Chair Pucillo recommended deferral of the approval of the August 13, 2012 minutes in order to allow corrections to be made. It was noted that Ms. Buck would submit her changes in writing and Ms. Murray and Mr. Ives asked that their comments on page 5 be corrected. It was the consensus of the Committee to defer the approval of the minutes until the next meeting. No motion was made.

V. **PUBLIC COMMENT**

William Cooley, 8 Windsor Court, asked that he be permitted to comment at the end of the meeting after he heard deliberations. Chair Pucillo noted that he had read comments previously provided by Mr. Cooley and agreed to defer public comment from Mr. Cooley.

VI. [REDACTED]
(1:05:22 p.m.)

a. [REDACTED]

Chair Pucillo stated that he felt there were two questions before the Committee: the extent to which this serves as a guideline for what is a contributing structure to Royal Poinciana Way and to what extent this might be a standard for future development in the area.

Dr. Jane Day, Preservation Consultant for the Town's Historic Preservation Commission, addressed the Committee and explained that she had looked at the old atlas maps and the 1919 Sanborn Fire Insurance map to determine what buildings might be contributing and not contributing to PUD5. Ms. Jay stated that she also looked at the National Register for historic places and publications on Main Street places and determined that what exists on Royal Poinciana Way was a two part commercial block. Dr. Day explained that in order to develop criterion for deciding which buildings would be contributing or not, she used Chapter 54 of the Landmark Preservation Code and noted that she determined there were not enough Landmarked structures to make a district. Dr. Day stated that by using

existing photographs she determined it was not a homogeneous block and there were many styles of architecture which she felt added to the beauty of the street.

Chair Pucillo led discussion of the Committee and suggested the Committee consider that Dr. Day's report be adopted and referenced in the code similar to the references in the Code to the Worth Avenue Design Guidelines. Comments were heard from Ms. Buck who proposed the Committee accept all of Dr. Day's recommendations. Mr. Rose stated that he liked Dr. Day's report but was worried about having too many reports attached to the code, noting his concern for "void for vagueness".

Ms. Markin stated that she understood Mr. Rose's comments but agreed with Ms. Buck adding that she felt being preservation minded with an open mind to development within reason was the only way to keep the character of the street.

Mr. Ives agreed with Mr. Rose, felt there could be trouble with having two reports with inconsistencies, and, asked how new contributing buildings could be added. Dr. Day noted that preservation standards were fluid and looked to the future and added that she was conservative in the examples she chose as contributing buildings now, comparing the area to the art deco area in South Beach.

Ms. Murray stated that she liked Dr. Day's comment that the goal of historic preservation was not to prohibit development but to encourage it.

Dr. Day noted that she felt the problem with the Gulfstream pattern book was it was too narrow and added that she felt the Town had great architects and that she had great faith in the ability of the Landmarks Preservation Commission and ARCOM to reign them in when they needed to do that.

Comments were heard from Attorney Randolph who noted Mr. Rose's comments about "void for vagueness" and not wanting to include too much in the code. Attorney Randolph noted his concern was whether the Committee wanted to allow Council, on an ad hoc basis, to determine whether a building was contributing or if the Committee was in advance going to adopt in the code those buildings that were contributing. Mr. Randolph noted that he felt a policy decision would have to be made and the better way to do it would be to designate those structures that were contributing in the report attached to the code so that the Council would have that to refer to.

Chair Pucillo asked if it would be possible to designate some properties as presumptively contributing, allowing for the ability for someone to present their own expert testimony that they should be designated as contributing. Attorney Randolph stated that it would have to be looked at carefully but that it would not preclude someone from arguing that they were contributing or not.

Ms. Buck proposed including the historically contributing buildings identified by Janus Research and the State of Florida, in addition to Jane Day's list, encouraging the Committee to err on the conservative side when establishing the list of buildings that contribute to the historic character. She encouraged a discussion among the committee members to discuss both the eligibility of this street to go on the national historic register (as Janus Research and the State of Florida suggested it qualified) and to take advantage of the local historic property tax exemption.

Dr. Day explained how the Janus report was triggered by the bridge reconstruction process and noted the difficulties encountered when she went to Tallahassee to have the Town Hall designated by the National Register. Dr. Day answered questions from the Committee and discussion continued about the National Register, available tax credits, and, the tax abatement process.

Comments were heard from Ms. Markin who stated that she felt it was important to include input from a higher standard, noting that she felt they were creating their own report by using the multiple resources available. Mr. Randolph felt it would be liberalizing the code by adding more buildings as contributing, giving an opportunity for an applicant to show the building they wish to reconstruct has the features of these buildings listed as contributing and if the list were expanded to include more it would allow the applicant more arguments. Discussion continued and Mr. Ives wondered if it was beyond the purview of the Committee to consider the creation of a National Register area. Ms. Buck suggested the contributing buildings from all the reports be combined.

Chair Pucillo suggested and it was the consensus of the Committee to issue a report to be incorporated by reference in the code. Mr. Pucillo asked Dr. Day to edit her report to include the two buildings that the Janus report added and that would be the report of this Committee. Dr. Day agreed.

Discussion continued about the inclusion of some panoramic pictures of both sides of the street to supplement the report and it was determined that Mr. Page would facilitate that. Dr. Day suggested that it would be helpful to include a few sentences on each different architectural style in the report and it was agreed that she would provide that.

Discussion continued and comments were heard by Ms. Markin who stated that she felt the Town had for years come up with reasons not to place its most historic street on the National Registry. Chair Pucillo stated that he did not disagree but felt the Committee was trying to come up with guidelines and standards for the PUD5 and that it should not be a requirement that it be a historic district to be included in PUD5. Ms. Markin stated that she felt it could be done in tandem and Mr. Pucillo stated that he did not feel it should be part of the code. Attorney Randolph agreed the Committee could recommend that research be done about the

creation of a national historic district, but, the Committee did not need to spend a lot of time on that now.

Chair Pucillo stated that he would include in his report to Council the recommendation that the Town pursue the designation of the area as a historic district. Ms. Markin stated that she felt the long term benefits to the Town and to the property owners should be shown but that should be separate from the PUD.

b.

[REDACTED]

Chair Pucillo introduced a brief discussion on the residential uses in this area and it was noted that in past discussions of the Committee it was determined that residential uses would be precluded on the first floor on Royal Poinciana, but, townhouses would be allowed on Sunset Avenue. Mr. Rose suggested the definition of residential unit be reviewed to make sure hotels and motels were not included. Ms. Buck noted that it was important for the Committee to keep in mind that while this is a mixed-use Main Street, it is primarily commercial and the residential uses are secondary. When defining the PUD-5, she said it was important for the committee to agree that part of what we are trying to preserve is this primarily commercial district with some ancillary residential uses, and she asked if others agreed. Ms. Markin agreed. Mr. Ives agreed, adding that he felt no offices should be permitted on the first floor and residences should not be permitted on the corners of the street. A brief discussion ensued and Attorney Randolph stated that the underlying provisions of the C-TS district would apply unless specifically amended by the provisions of the code being drafted. Mr. Page read the last portion of the residential use definition and discussion ensued regarding the corner anchors of the street. It was suggested that a provision prohibiting residential uses on the corners be included in the code. It was also suggested that a mix of residential or office uses be permitted above the first floor. Chair Pucillo suggested staff look at the area to determine if there were already residences there. Discussion continued about curb cuts on Royal Poinciana Way and it was determined that a prohibition on curb cuts would be included in the code. Mr. Page referenced page 15 of the draft document regarding parking and discussion continued regarding grandfathered parking in the area and the potential for consolidation of properties.

Chair Pucillo called for a break. The meeting reconvened at 3:00 p.m. Chair Pucillo requested discussion take place regarding the sunset provision before density in order to include Attorney Randolph.

e.

[REDACTED]

Attorney Randolph explained the Burt Harris Act and the importance of including a sunset provision in the code. After a brief discussion, it was the consensus of the Committee to include a five year sunset provision.

c. [REDACTED]

d. [REDACTED]

Chair Pucillo stated that as previously discussed, this five acre area would be permitted to use a base line of 10 units/acre in PUD5 but two instances would permit the increase in density to 13 units/acre: when reducing density by 50% or more, or, if all parking went underground.

Comments were heard from Ms. Markin who asked for an example of how an increase of density could happen. Chair Pucillo provided the example of Mr. Evan's property which is approximately 1/5 acre with 7 residential units. Under the existing code, the property owner could tear it down and put one residential unit there. In the PUD5, the property owner could go from 7 units to 2 or 3 residential units. Comments were heard from Ms. Markin who stated that she felt the individual land owners may want to sell their property to a developer who may want to consolidate properties and once that happened, everything she liked about the area would go away.

Mr. Rose noted that he felt residential use was the most benign use possible and that he did not think the PUD5 would be viable without a residential factor of at least 13. The discussion continued and Chair Pucillo reiterated that no one could increase density to 13 units/acre unless all the parking went underground.

Ms. Buck stated that she felt that density was not necessarily a set number, but instead this committee was trying to achieve the objective stated in Jane Day's draft of coming up with an ordinance to preserve the Contributing buildings of our historic main street and encouraging redevelopment of the non-contributing buildings in a manner consistent with the character of the Contributing buildings. Ms. Buck added that she was unable to visualize what the residential component would look like or how it would fit behind the preserved buildings. She suggested a model be created so we can visualize what the built-out street would look like and that we enlist the help of a qualified urban design professional to create design guidelines. She added that size of the residential unit does matter; that today the 35 residential units combined are less than 30,000 square feet total, and that if we had 63 units there and they were all the size Testa's proposed, we could end up with 120,000 square feet of residences.

Mr. Ives stated that he was in support of what this Committee had come up thus far, was still mixed on the issue of parking, but felt the density of 10/13 was okay since that was used elsewhere in Town. Chair Pucillo commented that he felt ARCOM and Landmarks would be the place for the experts and models. Ms. Markin referred to the Comprehensive Plan noting that multi-family moderate density was intended to accommodate and preserve residential development at a maximum density of 6 dwelling units/acre with a maximum height of two stories, and, the maximum high density was intended to accommodate residential development at a maximum density of 13 units/acre. Ms. Markin wondered about

the motivation for increasing density, adding that she felt it was the job of the Committee to do the homework and put it on paper in order to make ARCOM and Council's jobs easier.

Discussion continued and Mr. Rose suggested the Committee look at the language in Section 134-476 (d), noting that whatever was built would have to be consistent with the character, architecture, scale, massing and placement and that he felt ARCOM had a very tight set of tools to work with.

Mr. Ives stated that he felt if there was an antagonist here it was the C-TS zoning district and not a developer. Ms. Markin agreed the C-TS zoning was the problem but added that she felt the Committee was going beyond fixing that, adding, "If you want to make the changes and don't increase the density, I'm there."

Comments were heard from Bill Strawbridge of 223 Atlantic Avenue who stated that he had been concerned with the density from the beginning. Mr. Strawbridge suggested the Committee consider placing three alleys/vias through that block and spoke about the density at Major Alley, adding that he was concerned with "bundling" and that it might end up looking like New York City or City Place. Chair Pucillo noted that the density at 223 Atlantic Avenue was 64 units/acre and that it was zoned for 6 units/acre.

Bill Cooley, 8 Windsor Court, stated that he did not want to see any changes in that area and preferred to leave the density the way it was in order to deter development. Mr. Cooley wondered how an ordinance could be changed when it was in direct contradiction of the Comprehensive Plan and suggested the Committee move forward with PUD5 leaving height, density and mass alone.

Comments were heard from Chair Pucillo who spoke about density in various areas of Town, noting several changes that he felt would be required in the Comprehensive Plan including the addition of PUD5.

Paul Leone, President of the Breakers and a Town resident, reinforced his commitment to the community and stated that he felt change was good. Mr. Leone stated that he felt there was no logical argument against this and hoped the Committee would turn a deaf ear to the vocal minority and do the right thing.

Town resident Penny Townsend thanked the Committee and stated that she felt they were doing the right thing. Ms. Townsend said that she was unable to visualize the suggested changes and supported Ms. Buck's recommendation that a model be provided.

Chair Pucillo requested a short break and the meeting reconvened at 4:30 p.m.

Comments were heard from Ms. Markin who stated that she hated to see someone like Mr. Cooley perceived as someone who was divisive in the Town, adding that

she felt he always did a lot of homework and his points were always in the spirit of trying to keep and develop Palm Beach in a way that was good for everyone. Ms. Markin spoke about property owners having the option of using the PUD5 or not, noting that she felt the problem was really with the C-TS zoning district and suggested that changes be made to the C-TS zoning district.

Discussion continued and Chair Pucillo stated that he felt the concept of the PUD5 was the better, less restrictive option and there was less risk of taking rights away, adding that the Committee should try and focus on this as “a carrot”. Mr. Rose stated that he hoped the Committee would be giving the owners enough incentive to give up the C-TS zoning in favor of increased residential use and if it prevented them from using the C-TS and preserved the historic nature it was a win-win.

Ms. Buck expressed the concern that, like Ms. Markin, she had hoped that we could get rid of the CT-S zoning with this PUD-5 process, but there is nothing to stop one owner from developing under CT-S next to an owner who develops under PUD-5. She asked if there was a quid pro quo with PUD-5, that if they develop under it, they don’t demolish and they must preserve (if they have a contributing building). Chair Pucillo confirmed and commented that he felt the requirement to provide models needed to be in the Code but that the Committee did not need to see models now. Discussion continued with comments from Ms. Buck and Chair Pucillo spoke about the design standards coming from the embellishments of Dr. Day’s report.

Ms. Murray stated that she felt this was a stagnant area, not up to Palm Beach standards and that she wanted to see change. Ms. Markin stated that while she appreciated Dr. Day’s work on the report, she felt this was only a starting document and unless the Committee was very specific they would not get what they wanted there. Ms. Markin noted that a two story restaurant or bar would now be permitted and added that she felt there was more money made selling liquor than renting residential units. Discussion continued and Ms. Markin stated that she would prefer to see a prohibition on bars on the second floor. Chair Pucillo added that there was a 3,000 square foot limitation in the C-TS zoning district and that the requirement to be town-serving would still apply.

Bill Strawbridge addressed the Committee and stated that Taboo once applied for approval of a restaurant on the second floor at their current location and that the project was approved but never moved forward. Discussion continued about the square footage limitation and Town-serving requirements. Mr. Ives asked if the Committee wanted to reconsider including some incentive not to assemble property with a maximum lot size in place. Mr. Rose felt that would not be a good idea and Chair Pucillo stated that he felt that a developer would have a difficult time with the limitations and restrictions in the code.

VII. [REDACTED] (4:44:41 p.m.)

Discussion continued and Chair Pucillo summarized by stating that he felt this was a very constructive discussion, the PUD5 concept had been thoroughly hashed out and he felt the Committee understood what it was and what it wasn't. Chair Pucillo stated that he felt the draft documents needed work and suggested their approval be postponed until the next meeting, that he wanted a consensus from the Committee, that he shared the concerns of the Committee but was unsure how to proceed without creating serious legal liabilities. Chair Pucillo then asked for approval from the Committee to move forward with the PUD5 concept.

MOTION BY MR. IVES THAT THE COMMITTEE MOVE FORWARD WITH THE CONCEPT OF THE PUD5.

MOTION SECONDED BY MR. ROSE.

Discussion continued and Ms. Markin stated that she was not against the concept of the PUD5, but, if it incorporated an increase in density she could not vote in favor at this time. Mr. Ives clarified his motion was for the concept of a historic PUD5. Comments were made by Ms. Buck and Chair Pucillo added that he thought the motion was intended to include the density levels, uses and restrictions as discussed. Mr. Ives confirmed his motion was in support of the general concept as it stands now but was open to more discussion at the next meeting.

MOTION CARRIED 5-1 WITH MS. MARKIN OPPOSED.

Chair Pucillo stated that he was pleased with the progress made thus far and that staff had work to do. Mr. Pucillo stated that he would draft a report in advance of the next meeting.

VIII. [REDACTED] (4:48:57 p.m.)

A brief discussion ensued about scheduling the next meeting of the Committee. It was the consensus to tentatively schedule the next meeting of the Committee for October 19, 2012 at 9:30 a.m.

Ms. Markin requested that the Committee review the draft documentation as a group at the meeting and Chair Pucillo agreed.

IX. [REDACTED] (4:51:49 p.m.)

Without benefit of a motion, the meeting adjourned at 5:22 p.m.

Respectfully Submitted,

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