

**MINUTES
JOINT WORKSHOP
OF
PLANNING AND ZONING COMMISSION
LANDMARKS PRESERVATION COMMISSION
ARCHITECTURAL COMMISSION**

**WEDNESDAY, NOVEMBER 17, 2004
AT 2:00 P.M.**

I CALL TO ORDER AND ROLL CALL:

PLANNING AND ZONING COMMISSION MEMBERS PRESENT:

Richard Kleid, Chairman	Susan Markin
Lowry Bell, Secretary	Jorge Sanchez
Harrison Robertson	Nancy Murray
John Schuler	Elizabeth Murphy
Joanna Golino	Peter Broberg

LANDMARKS PRESERVATION COMMISSION MEMBERS PRESENT:

Ann Blades, Vice Chairman	Wendy Victor, Secretary
Patrick Segraves	Lee Hanley
Jack Pyms	
Judy Hoffman	
Eileen Morris	

ARCHITECTURAL COMMISSION MEMBERS PRESENT:

Floyd Wideman, Chairman	Dr. Marvin Rosenberg
William Feldkamp	Leslie Diver
Eric Adams	Leslie Shaw
Morgan Wheelock	Thomas Youchak
Nikita Zukov	

OTHERS PRESENT:

Allen Wyett, Town Council President
David Ober, Preservation Foundation
Veronica Close, Assistant Director of Planning Zoning & Building
Paul Castro, Zoning Administrator
Timothy Frank, Planning Administrator
Cindy Delp, Recording Secretary

II WELCOME AND PURPOSE OF MEETING - RICHARD KLEID, CHAIRMAN, PLANNING AND ZONING COMMISSION

Mr. Richard Kleid, Chairman of the Planning and Zoning Commission called the joint workshop to order at 2:09 p.m., and welcomed all commission members. Mr. Kleid explained that this meeting was designed to outline the function and mission of each of the commissions, and how the three commissions relate to one another, as well as providing a forum to share common goals and common concerns.

III SELF-INTRODUCTIONS OF COMMISSION MEMBERS

Mr. Kleid asked each commission member in attendance to state his/her name and the commission he/she serves.

IV REVIEW OF FUNCTION, MISSION AND INTERACTION OF COMMISSIONS - STAFF

Mr. Kleid asked staff to explain the role of the three commissions.

Mr. Frank stated that the Architectural Commission was founded in the 1920's as the Art Jury. It was established by the Town to regulate aesthetics within the town. The Architectural Commission regulates the exterior appearance of all new structures (including color), and regulates changes to existing structures (excluding color) which can be seen from the public right-of-way. The Landmarks Preservation Commission was developed in 1979, and regulates the exterior of buildings, including color and interior courtyards, without regard to their ability to be seen from the public right-of-way. Another difference is that the Landmarks Preservation Commission has jurisdiction over demolitions and subdivisions, while the ARCOM ordinance contains no criteria for denial of a demolition. The Landmarks Preservation Commission reviews landscape in its entirety. The Architectural Commission reviews landscape plans for new construction and some major additions/renovations. Public notice requirements differ between the two commissions, but administratively, they operate very similarly.

Mr. Castro stated that the Planning and Zoning Commission acts in a quasi-judicial capacity in review of zoning changes, Comprehensive Plan land use amendments or PUD amendments. The role of the Planning and Zoning Commission is to initiate zoning code amendments or Comprehensive Plan amendments, review the Comprehensive Plan, and make any recommendations to the Town Council relative to those types of changes. The Town Council may then adopt those recommendations through zoning code or Comp Plan amendments, which then become policy or zoning regulations. The Planning and Zoning Commission ensures that the Comp Plan and the Zoning Code are consistent, and that the Comp Plan is implemented through land development regulations or current zoning.

Mr. Castro added that in the last year and a half, both the Architectural Commission and the Landmarks Preservation Commission have made recommendations to the Town Council in certain instances where an applicant seeks a variance from the prescribed code. The two aesthetic review boards offer their opinions to the Town Council as to whether the variance

request is in keeping with the architectural style of the home, or whether the variance requested is the minimum variance necessary to achieve the desired architectural result.

V DISCUSSION OF ISSUES OF COMMON INTERESTS

Mr. Kleid asked the commission members to list issues, concerns, or problems which are common to the three commissions, with an ultimate goal of arriving at some recommendations for the future. Ms. Close acted as a facilitator to note the topics of concern.

PARAPHRASED SAMPLING OF COMMENTS:

Mr. Wheelock: Advocated the **preservation of neighborhoods** through preservation, zoning and architecture.

Mr. Kleid: The Planning and Zoning Commission will study, later this year, the eight (8) Planning Areas as shown in the Comp Plan, with an attempt to look at various neighborhoods.

Mr. Schuler: Town boards and commissions, and not developers, should set the future course of the Town. The Town has been too willing to make changes in order to meet the criteria of developers. **Applicant-driven vs. Town driven.**

Mr. Feldkamp: Many variances and special exceptions are approved, quite often for developers. **Variances and special exceptions.**

Mr. Kleid: The Planning and Zoning Commission will review a study of variances and special exceptions early next year.

Dr. Rosenberg: Questioned whether staff and/or commission members could play a role, in the early conceptual stages, to try to prevent or intercept such large projects as the redevelopment of the Royal Poinciana Plaza. **Interaction of ARCOM, LPC and Planning and Zoning on major initiatives.**

Mr. Adams: The charrettes for the Royal Poinciana Plaza project allow for public comment, but do not serve those having the skills or expertise to review the project.

Mr. Shaw: There is a tendency to try to tell commissions why they must say yes. Commissions need to know how to say no. **When YES is required, versus when NO is acceptable.**

Mr. Shaw also noted that the Town of Palm Beach was built by developers, and the boards and commissions must learn how to work with them and make them comply to the Town's needs.

Mrs. Victor: Advocated follow through and monitoring of projects, and the establishment of penalties for those who do not follow the rules. **Monitoring and enforcement**

Mr. Sanchez: Concerned with inconsistencies between LPC and ARCOM and zoning; Zoning often prohibits good architecture.

Mr. Wideman: **SIZE.** How do we handle size? Zoning should control it. The Town Council does not say “No” to size. Advocated allowing ARCOM to address size once again.

Mr. Wyett: Agreed that ARCOM should be permitted to discuss size and pass size comments on to the Town Council.

Dr. Rosenberg: **Beaches** do not have proper oversight and are in deplorable condition. Asked staff to brainstorm the issue, and perhaps develop another commission dedicated to the beaches.

Mr. Wheelock: Questioned whether Code Enforcement fines are too low and as such, do not get the attention of the violator. Advocated **increasing Code Enforcement fines.**

Mr. Adams: Violations are not being discovered.

Mrs. Victor: **Commissioners need educational workshops.** Commissioners need staff updates relative to projects currently underway and those proposed for the future.

Ms. Markin: **Variances are granted as a norm, rather than based on hardship.** This encourages applicants to circumvent the code.

Mr. Wideman: Suggested that board and commission members should **attend the meetings of other boards and commissions.**

Ms. Murphy: Suggested that the onus is placed on the applicant to take photos upon completion of a project, so that future changes can more easily be monitored. **Photographic records of completed projects.**

Mrs. Golino: **Size** is the predominant issue of those previously mentioned. Suggests reducing the allowable size and then granting bonus zoning.

Mrs. Murray: **Pervious and impervious spaces** are very important.

Mr. Wheelock: Suggested that a set of minutes be prepared from this meeting to be distributed to all board and commission members. **Set future meeting dates for joint workshops** to deal with these issues.

Mr. Schuler: Suggested that the chairpersons for each of the commissions should meet to **prioritize the issues presented today**, and then distribute the prioritized list with the minutes.

Mr. Sanchez asked Mr. Kleid to speak relative to overlay zoning. Mr. Kleid explained that overlay zoning is subdividing a zoning district and determining how to treat the unique neighborhoods within that district. Overlay zoning was well-studied as a concept for the Town, but was not approved. Currently, a maximization study is underway to realize the affect of the current code. Mr. Kleid suggested that the Town must make a decision as to whether it wants to retain the quaint charm of old Palm Beach, or does the Town want to become a community which will attract younger families and others who want more house for their money.

Mr. Wideman: Developers are driving the size of Palm Beach homes. **Maintain green space.**

Mr. Pym: Asked that when the minutes are distributed with the prioritized list of topics, that the staff also distribute the code sections pertaining to these topics.

Mr. Bell: Questioned the effectiveness of the sliding scale.

Mr. Sanchez: Asked that a listing of the ideas (like overlay zoning) which have been studied in the past be sent along with the minutes package.

Mr. Wideman: Questioned the steps necessary for ARCOM to be able to discuss and determine size again.

Mr. Wyett: Explained that there is only one legal reason to give a variance, i.e., the land must be irregular, peculiar or have slope. If these conditions do not exist, there is no hardship. Mr. Wyett felt that the majority of the variances granted are not technically legal, as there is no demonstrated hardship. He recognized, however, that very many lots in Palm Beach are quite small and pre-date zoning regulations. He invited all the commissioners to attend the Town Council meetings to hear applicants present their problems and the reasons why they need the variance. He stated that in an effort to be fair, it is very difficult to deny the majority of variance requests, especially for existing homes.

Mr. Kleid: Reiterated that the Planning and Zoning Commission will be studying variances and special exceptions, along with the Town Council, and the Civic Association.

Mrs. Blades: Suggested that the Minutes of this meeting be sent to all board and commission members along with the entire list of topics so that each commissioner can prioritize the topics individually. These prioritized lists would then be returned to the respective chairperson of the board on which the commissioner serves. After that, the three chairpersons can meet to fully prioritize the list and set a new meeting date for another joint session.

Ms. Close: Suggested that the Study Items for the Planning and Zoning Commission's 2004/2005 hearings be sent to each of the commission members.

VI ADJOURNMENT:

Mr. Kleid adjourned the meeting at 3:10 p.m.