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STRATEGIC PLANNING BOARD MTG. 5-16-02

REPORT OF THE STRATEGIC PLANNING BOARD MEETING HELD ON MAY 16, 2002

I. CALL TO ORDER AND ROLL CALL

The Strategic Planning Board Meeting was called to order by Chair Lesly Smith at 10:00 a.m. on Thursday, May 16, 2002, in the Town Council Chambers. On roll call the following Board Members were found to be present: Chair Lesly Smith, Vice-Chair Bruce McAllister, Board Members William Cooley, Alec Flamm, and William Watchman, Jr. Also present for all or a portion of the meeting were: Town Manager Peter Elwell, Town Attorney John Randolph, Director of Planning, Zoning & Building Robert Moore, Assistant Director of Planning, Zoning & Building Veronica Close, Zoning Administrator Paul Castro, Planning Administrator Tim Frank, Zoning Commission Chairman James Bertles and Deputy Town Clerk Susan Eichhorn.

II. PLEDGE OF ALLEGIANCE

Chair Smith led the Pledge of Allegiance. Afterwards, Town Attorney Randolph introduced a student from the Benjamin School who was observing the proceedings today.

III. APPROVAL OF AGENDA

The Agenda was approved through motion of Board Member Flamm, seconded by Vice-Chair

McAllister. On roll call the motion carried unanimously.

IV. APPROVAL OF REPORT OF THE STRATEGIC PLANNING BOARD MEETING ON MARCH 14, 2002

The Strategic Planing Board meeting report of March 14, 2002, was approved through motion of Vice-Chair McAllister, seconded by Board Member Flamm. On roll call the motion carried unanimously.

V. APPROVAL OF REPORT OF THE STRATEGIC PLANNING BOARD MEETING ON APRIL 11, 2002

**REPORT OF THE STRATEGIC PLANNING BOARD MEETING
HELD ON MAY 16, 2002**

The report of the Strategic Planning Board Meeting held on April 11, 2002, was approved through motion of Vice-Chair McAllister, seconded by Board Member Flamm. On roll call the motion carried unanimously.

VI. REVIEW OF DEMOGRAPHIC TRENDS AND EFFORTS TO CONTROL DEVELOPMENT/RE-DEVELOPMENT

Town Manager Elwell advised that detailed information would be presented today, regarding zoning issues and other land development issues, with discussion taking place afterwards to determine which issues would require further review by the Board for inclusion in the Strategic Plan.

Director of Planning, Zoning and Building Robert Moore addressed the Strategic Planning Board, referring to the packet that had been distributed for the review of the Board, with Attachments A through H describing the functions of the Planning, Zoning and Building Department:

Attachment A: Description of each of the functions administered by the Department, and each of the boards for which the Department serves as staff.

Attachment B: Demographic description of the Town, including population, housing, and land use.

Attachment C: Outline of comprehensive planning within the Town, including a brief history of planning and a description of the Town's Comprehensive plan.

Attachment D: The Town's Future Land Use Map (FLUM), and the Town's Zoning Map, identifying the various zoning districts.

Attachment E: An outline of zoning activities within the Town, including a brief description of the zoning process, a history of past zoning study items, and the interrelationship of the Zoning Commission and the Town Council on zoning related matters.

Attachment F: The R-B Study completed in 1999 by the Town's consultants, Duncan & Associates, and Urban Design Studio - entitled "Prototype Design Guidelines."

Attachment G: A two-part issue paper addressing housing tear-downs and infills, and other issues of the Town.

Attachment H: A listing of designated landmarks in the Town, and the Town's Landmark Manual.

Mr. Moore began his presentation:

Attachment A: Description of each of the functions administered by the Department, and each of the Boards for which the Department serves as staff:

Mr. Moore gave a brief description of the boards involved in the operation of the Department of Planning, Zoning and Building: Building Board of Adjustments & Appeals, Architectural Commission (ARCOM), Code Enforcement Board, Landmarks Preservation Commission (LPC), and Zoning Commission.

In response to Board Member Flamm, regarding any boards that were not advisory to the Town Council, Mr. Moore replied that the Building Board of Adjustments and Appeals was a board that was constituted by industry representatives and a citizen, for review and appeal of building official decisions. If the decision of that board was not satisfactory, the finding could be appealed directly to the Circuit Court, without coming to the Town Council. The Code Enforcement Board also was not advisory to the Town Council, and was a quasi-judicial board; appeals from its decisions would go directly to the Circuit Court. The Landmarks Preservation Commission had final say regarding granting certificates of appropriateness, although they were advisory in regard to designating properties, because the Town Council had the final say regarding whether a property was designated for landmarking. The Architectural Commission had the final say on issues coming before it, unless there was an appeal.

Town Manager Elwell commented that staff viewed both the Architectural Commission and the Landmarks Preservation Commission as advisory because the route of appeal was to the Town Council, rather than the Circuit Court. The vast majority of the items that came before either of the two boards were resolved at that level and were not elevated to the Town Council level.

Mr. Moore continued to explain the functions of the department, detailing the building permit process, the building codes, code compliance regulations, occupational licenses, and records management procedures.

In response to Board Member Cooley, Mr Moore responded that condominium rules and regulations were governed by the Department of Community Affairs, and that regulations within the individual buildings may be more strict than those required by the building code.

Discussion took place regarding the issuance of written violations of the code in every instance, which may shorten the process. Mr. Moore responded that staff was currently seeking a balance to a verbal commitment from the violator and written notice to the violator. He noted that some residents may be offended by a written notice process.

Attachment B: Demographic description of the Town, including population, housing, and land use:

Mr. Moore provided information regarding key demographic indicators and information gathered by the U.S. Census Bureau.

In reference to the population numbers, according to the U.S. Census, indicated for the Town of Palm Beach for the year 2000, which was 9,676, Town Manager Elwell commented that many residents, when filling out the census form, may consider themselves from some other location, and fill out the form indicating that their primary residence is in that location, even if they may be spending the majority of the year in Palm Beach. He stated that there was no doubt that there was a population greater than 9,676 people living in Palm Beach for the vast majority of the year, however, the census figure indicated the number of people who had declared Palm Beach as their home.

Mr. Moore noted that a study by the Town's planning consultant in 1995 had indicated that the seasonal population estimate was 12,293, with a total peak season population of 21,969.

Planning Administrator Timothy Frank commented on the population statistics and responded to questions from the Board.

Town Manager Elwell commented that planning decisions were based on the best available data, and caution should be used in jumping from that data to speculate where reality might be; the census data was valuable from decade to decade in order to ascertain movement of median age, household size, etc.

Mr. Fernsler commented that in communities where there was an enormous spike in population due to seasonality, there were techniques available to estimate worst case scenarios. He gave the example of the Florida Keys, where the census based population estimates were highly questionable because of the unknowns regarding the quantity of a spike in population. In that community, growth management was not based on census information, but on a theoretical maximum capacity that was determined by adding all of the permanent residential units, all of the seasonal residential units, and marina slips – reasonable scenarios were then created about the degree of occupancy of all those unit types, producing a maximum theoretical capacity. He suggested that it may be worth considering a comparable calculation in Palm Beach.

****Chair Smith left the meeting at 11:15 a.m., to return after the luncheon recess****

Attachment C: Outline of comprehensive planning within the Town, including a brief history of planning and a description of the Town's Comprehensive plan:

Mr. Moore explained that comprehensive planning was the process by which the Town studies existing land uses and shifting trends in demographics, and established general guidelines for the use of property within its boundaries. The planning process involved consideration of many factors including past and present land uses, projections of population growth, and estimates of the need for public transportation and other facilities, with land use planning being governed by Florida Statute 163. He explained that through planning, zoning, and land use controls the Town regulated the use, development, and conservation of land.

The Comprehensive Plan was composed of required and optional elements and reflected the vision of the Town through established levels of service, policies, goals and objectives, all based on appropriate data and analyses of past, present and future trends and conditions affecting the Town. The policies, goals and objectives comprised the Town's Code of Ordinances relating to zoning. The plan was periodically reviewed by staff, and an Evaluation and Appraisal Report (EAR) was required by the State of Florida, with the next one scheduled for 2005.

Discussion took place regarding a zoning category for residential/historic districts, creating a taxing district, with the ability to sell bonds, so that if someone in the district sold their home, the district would purchase the home and impose restrictions. Mr. Moore explained that the Town Council had instructed staff to look into the historic character of the "Sea" (Seabreeze, Seaspray, Seaview) streets as a possible test case for creation of a special zoning district. He noted that staff had been in touch with several communities to obtain information on similar districts, and the concept would be brought to the Zoning Commission for review. He noted that staff had not received the sense from property owners on the streets that they wanted their streets to be historic districts.

*****The luncheon recess was taken at 12:00 p.m.*****

****The Strategic Planning Board meeting was reconvened at 1:32 p.m.*****

Mr. Fernsler reminded the Board that they were in "scan" mode not in policy making mode, and suggested that the Board look beyond the specific regulatory issues, and look for the strategic issues imbedded in those issues. He suggested four questions that would be applicable to addressing the situation:

1. What are the underlying strategies, policies and motivations that are the basis for the present regulatory system?

2. Are they sufficient and consistent with the Strategic Planning Board vision?
(A yes answer would be an immediate trigger that a particular issue would go on the radar screen).

3. Are the tactics used (zoning, enforcement, the board structure) achieving the policy efficiently and effectively? (Any question about that may also trigger something being put on the radar screen).

4. What are the citizens perceptions of these issues?

Vice-Chair McAllister suggested that another question be added to the list:

5. Will markers/standards be built into the strategic plan so that residents will be able to perceive them easily?

Mayor Smith commented that it was the responsibility of the public to attend the public meetings and show some interest in order to be aware of what was going on in the Town; she stated that there was apathy regarding an interest in attending the meetings.

Vice-Chair McAllister commented that he was not suggesting that there be added effort on the part of the Town to make semi-apathetic citizens aware; he was suggesting that when the strategic plan was published it contain standards by which someone who has never attended a meeting would be able to see whether the strategic plan was being implemented.

Town Manager Elwell commented that staff had been concerned with communicating with the public, and the flow of communication was improving, however, people could not be forced to read the information that was put out. He noted that there was the possibility of publishing a newsletter, and that strategies for communication could be addressed at a future date, as they were not part of the land development issues that were being discussed today.

Mr. Edward Kassatly, President of Worth Avenue Association, President of Worth Avenue Property Owners Association, Board Member of Chamber of Commerce, addressed the Board, stating that there were approximately 7,500 egos in Palm Beach, and perhaps 65% had residences in Palm Beach, but did not want to have any of the problems of Palm Beach; the remainder of the community that was active through community meetings usually expressed their thoughts at those meetings. He noted that the community had turned out at the Community Forums, and suggested that the Town send a speaker to the various community meetings to inform the public.

Mr. Fernsler cautioned the Board not to interpret apathy from the lack of citizens attending public meetings, he reminded the Board that the Community Forums consisted of 4% of the population, and that there had been a hunger expressed by the core residents to take on a greater role in civic affairs and gain greater knowledge.

Attachment D: The Town's Future Land Use Map (FLUM), and the Town's Zoning Map, identifying the various zoning districts:

Mr. Moore identified the maps provided to the Board that indicated the various categories of land use in the Town of Palm Beach.

Attachment E: An outline of zoning activities within the Town, including a brief description of the zoning process, a history of past zoning study items, and the interrelationship of the Zoning Commission and the Town Council on zoning related matters:

Mr. Moore stated that zoning controlled everything from the patio around a pool to the size and height of a structure – it controlled the ultimate implementation of the Comprehensive Plan. He explained that the Town was built-out, and that managing re-development was the main concern. He referred to Exhibit G, and noted that he had outlined housing tear downs and infills in Exhibit G and what could have been built in 1981 and what could be built today. In 1981, the typical 10,000 sq. ft. lot could have a house built with 35% lot coverage on the first floor, and another 35% on the second floor, totaling 7,000 sq. ft. Today, the same lot was allowed only a 3,900 sq. ft. house. The cost of land had far outpaced the aging structures on the land, however, which made it ripe for purchase, demolition, and reconstruction.

In response to Vice-Chair McAllister, Town Attorney Randolph advised that a resident and a developer could not be treated any differently when the rules and regulations were applied, simply because the property was at issue, not the owners of the property.

Attachment F: The R-B Study completed in 1999 by the Town's consultants, Duncan & Associates, and Urban Design Studio - entitled "Prototype Design Guidelines."

Attachment G: A two-part issue paper addressing housing tear-downs and infills, and other issues of the Town.

Mr. Moore continued with his presentation, stating that several studies had been completed regarding redevelopment of the north end of Town, with concepts for making zoning changes being brought forward. The R-B Study, entitled "Prototype Design Guidelines" completed in 1999, by the Town's consultants Duncan & Associates and Urban Design Studio was provided as Attachment F, and Attachment G consisted of a two-part issue paper addressing housing tear-downs and infills, and other issues.

Mr. Moore explained the distinctions in the special exception and variance processes, commenting that a special exception was an exception to a permitted use; it was almost impossible to turn down a special exception request as long as an applicant met all conditions. An example of a special exception request was a retail store of over 2,000 sq. ft. – if an applicant wished to have a larger space, a special exception application would be required; if all criteria/requirements were met, the special exception application would be approved. Variances were requested to allow something that was not allowed by Code – a hardship must be shown, and that hardship must be something that is unique to the character of the property.

Town Manager Elwell commented that variances should be very difficult to obtain, however, he pointed out that there were circumstances under which it was very appropriate to grant a variance – an example: someone wants to build a home on a lot, and the configuration of the lot does not meet all of the lot requirements; the house to be built meets all the lot, yard and bulk regulations; the hardship is that it was impossible to meet the requirements of the Code.

Town Attorney Randolph commented that a swimming pool was a typical variance requested; a swimming pool was an accessory use to a property, and if the applicant could show that there was something unique to their property that had not been created by them, a variance could be granted.

Attachment H: A listing of designated Landmarks in the Town, and the Town's Landmark Manual:

Mr. Moore explained that the first portion of Attachment H consisted of a listing of all properties that had been landmarked in the Town of Palm Beach since 1979. The second portion of Attachment H consisted of the Landmark Manual, the Landmark Application form and associated procedures, and the Landmark ordinance. He pointed out that landmarking could be requested by the property owner, a member of the Landmarks Preservation Commission, or staff.

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At this time, Chair Smith requested that the members of the Board ask any remaining questions concerning the entirety of the material presented today.

In response to Board Member Cooley regarding the purchase of a non-conforming property and the hardship issue, Town Attorney Randolph explained that a hardship could not be of one's own making, however, case law indicated that a nonconforming property was not a hardship of one's own making; the nonconformity still related to the land, and not when it was purchased or what was purchased. If the land could sustain the granting of a hardship, it would be a viable hardship, regardless of whether the owner knew of the nonconformity at the time of purchase.

In response to Board Member Flamm, Mr. Moore explained that the definition of a neighborhood entailed the characteristics of the houses, landscaping, width of streets, and other physical characteristics of the existing development.

Board Member Watchman referred to Attachment B (Demographic Overview) and confirmed that Mr. Moore would be providing the median age and gender characteristics of the Town for 1980 and 1990 to the Board at a later time.

Mr. Fernsler commented that the citizens attending the Community Forums had spoken of their concerns regarding commercial development, and the question of adequate protection for the Town was an issue that the Board would discuss. He pointed out that the Town seemed to be ahead of the times in addressing commercial development with its Town-serving mechanism; the issue to be considered was related to the continued adequate protection for commercial development over the long term. He explained that some communities had, for example, banned all chain restaurants, prohibition of any use that could be considered an attraction for anyone off-Island, establishment of maximum footprints for particular uses (such as drug stores); some communities had established a reserve fund to buy properties that were subject to commercial developments that were considered undesirable.

Mr. Moore commented that drug stores/chain restaurants were regulated by the Town-serving concept, and the 2,000 sq. ft. regulation; there were other regulations in the Town that would not allow certain things that were common to drug stores/chain restaurants.

Town Manager Elwell suggested that the Board now identify those issues relevant to the topics discussed today that would remain on the radar screen for further consideration.

Mr. Fernsler commented that the eventual Strategic Plan must interface with the Comprehensive Plan. He stated that state law mandated an Evaluation and Appraisal (EAR) Report, which meant that the community would take stock of itself, which was exactly what the Board was doing in the strategic planning process. He suggested that discussion take place regarding the comprehensive plan process; while zoning commissions were typically given the job of creating comprehensive plans in Florida, that was highly unusual elsewhere in the nation; many communities had made the determination that a group with a broader perspective was necessary.

Town Attorney Randolph suggested that the Board identify what areas of concern they would like to see addressed, from the information received today.

In response to Board Member Watchman, Mr. Moore explained that there were several public hearings scheduled when the Zoning Commission reviewed the changes to the Comprehensive Plan, and the recommendations then went to the Town Council. The public was always invited to attend the meetings.

Town Manager Elwell noted that the public had the opportunity for input at the outset, and very often items were put on the zoning study item list that were proposed by members of the public.

Mr. Fernsler commented that the process that the Board was going through right now was actually an EAR, and the Board also represented a cross section of citizens. He suggested that the results of the Strategic Plan be plugged into the next update of the Comprehensive Plan, and the EAR process be modeled after the process that the Strategic Planning Board was undergoing.

Town Manager Elwell suggested that the integration of the Strategic Plan with the Comprehensive Plan be added to the list of items on the radar screen.

Vice-Chair McAllister suggested that there be a way of measuring progress of the implementation of the Comprehensive Plan; a graphic chart or some other means of displaying progress to the public.

Mr. Moore replied that a matrix of items that must be accomplished by a certain time was already in place; that matrix would evolve into a document that would point out items that were checked each year, when they were checked, etc. He suggested that would be a tool that the public could review at any time.

Town Manager Elwell pointed out that the Strategic Plan would certainly include descriptive information about things for which the Board did not make a recommendation; the narrative would include an explanation. He explained that the Comprehensive Plan was an extremely detailed document, and if the Strategic Plan was going to be effective, the issues would need to be narrowed down to four or five big issues that matter the most to the community.

Chair Smith commented that re-development was probably the largest issue, not merely in the north end, but in the entire Town of Palm Beach; the desire was to retain the historical and small town feeling of the Town of Palm Beach. She stated that the traffic and other issues would overlap at some point in the future; she considered that everything that Mr. Moore addressed today would most likely stay on the table. She suggested that specifics on what was heard today would be more defined after discussion took place with other departments of the Town in future sessions.

Board Member Flamm commented that the profound growth taking place in West Palm Beach would have an effect on Palm Beach.

Board Member Watchman commented that he had read through the Comprehensive Plan, and found it lengthy, and that he had gotten to the point where he felt defeated. He stated that he understood that the two plans would have to synchronize, however, he urged that some decisions would need to be made regarding narrowing the issues that the Strategic Planning Board would address.

Mr. Fernsler clarified that he was not suggesting that the Strategic Planning Board get into comprehensive planning; he was suggesting that unless it was connected to the Comprehensive Plan it would be difficult to put recommendations into place; perhaps the comprehensive planning process could model the citizen input of the EAR process.

Mr. Fernsler advised that he believed there was consensus on three issues, and suggested a fourth issue:

- Growth in the City of West Palm Beach, and the unknown impacts in the form of visitation to the Island; coping with future pressures associated with visitation.

- North end re-development - define language such as "neighborhood," "scale," etc., and identify what is desired to be accomplished, and the measure of success.

- The comprehensive plan linkage.

- What is the glue tying all of the Town boards/commissions together? Does the current system work and is it properly related to Town policies and what citizens want?

Board Member Watchman suggested that the Zoning Commission may be able to provide some input regarding the development issues that had been discussed.

Chair Smith commented that the Zoning Commission had indicated at one of its meetings that they were waiting for the advice of the Strategic Planning Board.

Town Manager Elwell commented that the Strategic Plan would identify concerns and some solutions, which the boards and commissions could then act upon.

Town Manager Elwell summarized the items that would be added to the list for consideration by the Strategic Planning Board:

- Integration of the Strategic Plan with the Comprehensive Plan

- Communication with the public

- Size of homes and character of neighborhoods

- Preserve small town character

- Coping with pressures of visitation due to off-island growth; off-island impacts as relating to commercial/zoning/development.

Chair Smith suggested that each board member define “neighborhood” for presentation at the next meeting.

VII. SCHEDULE FOR FUTURE ISSUE-SPECIFIC SESSIONS WITH TOWN STAFF

Vice-Chair McAllister noted that both he and Board Member Watchman would be out of the country in July, and suggested that the off-island commercial impacts be discussed at the June meeting if possible.

Town Manager Elwell replied that the subject of inter-governmental relations would be replaced with commercial impacts of off-island growth for the June meeting.

It was determined that the meeting would still be held in July, even though two Board members would be absent, with a relatively short agenda consisting of security/emergency services and inter-governmental relations.

The Board would have a recess in August.

The September meeting would consist of financial planning and possibly catching up on some miscellaneous items.

Chair Smith suggested the goal of having a written report ready for the public by January 2003.

VIII. ANY OTHER MATTERS

Mr. Moore thanked the Board for the opportunity to speak, and noted that the input received would be shared with staff.

Chair Smith commented that she had cautioned members of the various committees in Town that two or more of them could not meet together with any member of the Strategic Planning Board to discuss ideas, as that would be a violation of the Sunshine Law.

IX. NEXT MEETING: WEDNESDAY, JUNE 12, 2002, AT 9:30 A.M., IN THE TOWN COUNCIL CHAMBERS

The next meeting, scheduled for Wednesday, June 12, 2002, at 9:30 a.m. would consist of: private utilities, off-island facilities, commercial impacts of off-island growth, and traffic and parking. Representatives from the private utility companies would be invited to attend to give input - Florida Power & Light, BellSouth, and Florida Public Utilities.

X. ADJOURNMENT

There being no further business, the Strategic Planning Board meeting of May 16, 2002, was adjourned at 4:17 p.m.

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Chair Lesly Smith

Prepared by:
Susan Eichhorn
Deputy Town Clerk
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Future Scheduled Meetings:
June 12, 2002 @ 9:30 a.m. - Town Council Chambers
July 10, 2002 @10:00 a.m. - Town Council Chambers;
August - no meeting
September 10, 2002 @ 10:00 a.m. - Town Council Chambers