

MINUTES
PLANNING AND ZONING COMMISSION
2005-2006 ZONING HEARINGS
Thursday, December 15, 2005 at 9:30 a.m.
360 South County Road, Palm Beach
Town Council Chambers

I Call to Order and Roll Call: Chairman Robertson called the meeting to order at 9:30 a.m.

PRESENT: Harrison M. Robertson, Chairman
 Lowry M. Bell, Secretary
 Peter S. Broberg, Member (arrived at 9:32 a.m.)
 Nancy M. Murray, Member
 Susan Markin, Member
 John Schuler, Member
 Alan S. Golboro, Alternate Member (Voting Member today)
 Stanley G. Mortimer III, Alternate Member (arrived at 9:31 a.m.)
 William M. Guttman, Alternate Member
 John C. Randolph, Town Attorney
 Veronica Close, Director of Planning, Zoning & Building
 Paul W. Castro, Zoning Administrator
 William F. Brisson, Brisson Planning Solutions (Zoning Consultant)

ABSENT: Elizabeth S. Murphy, Member (Unexcused)

RECORDING SECRETARY: Cynthia M. Delp

Mr. Robertson recognized Mr. Schuler as a regular member, stating that the Planning and Zoning Commission is privileged to have his service especially considering that he served as the Chairman of the Architectural Commission. Likewise, he welcomed Mr. Guttman to service as an Alternate Member. Mr. Guttman is the former CEO of the Palm Beach Civic Association.

II Consideration of transmittal of the Record and Report of the Town Planning and Zoning Commission to the Town Council

(Let the record show that all stood for the Pledge of Allegiance at this time.)

MOTION BY MR. BELL FOR APPROVAL OF THE RECORD AND REPORT.

MOTION SECONDED BY MR. SCHULER.

MOTION CARRIED UNANIMOUSLY.

III ANY OTHER ITEMS

Mr. Castro announced that the next meeting of the Planning and Zoning Commission will be held on February 16, 2006. That meeting was originally for the Intersection Vision proposal, but instead it will be dedicated to the second portion of the Siemon and Larsen Report relative to variances, special exceptions, and site plan reviews. On March 23, 2006, the Planning and Zoning Commission meeting will be for the consideration of staff recommendations and community input resulting from the Community meetings currently being held.

Ms. Close announced that there will be an orientation session for new members in late January together with other Town Boards and commissions.

Ms. Close reported that handouts will be distributed relative to an upcoming National Planning Conference in San Antonio (4/22/06-4/26/06). She noted that the Planning and Zoning Department has budgeted the funds for the Chairman to attend the State planning conference and for others to attend local conferences. A one page notice relative to the State conference (9/27/06-9/30/06) to be held in Marco Island is available. Staff will provide information to the members relative to any local planning functions.

Mr. Golboro inquired what information has been gleaned from the past two community meetings. Ms. Close responded that the neighborhood index was not advertised as a topic for discussion at this hearing. As such, she felt it was inappropriate to hold any substantive discussion today relative to this topic. The neighborhood index will be discussed at the meeting on March 23, 2006. Mr. Randolph clarified that if the Planning and Zoning Commission does not take any action or make any substantive decisions, it would appropriate to hear brief comments relative to the subject. He noted, however, that Ms. Close was correct that it had not been advertised for today's meeting. Various members of the commission stated that they would like to hold this discussion today. As such, Mr. Randolph cautioned that if the discussion takes place, the members should make no decisions.

Mr. Guttman commented that the North end residents overwhelmingly rejected the neighborhood

index proposal. Further, no one offered any suggestions to improve the proposal. In light of the opposition to the proposal, he questioned why the Planning and Zoning Commission should have to wait until March to take action relative to the proposal. He saw no point in staff taking the time to try to “tweak” the proposal as there was no support for the basic idea, and recommended that this matter be placed on the commission’s February agenda. “This is a powder keg issue in the North end, and I think it is time to diffuse it.”

Mr. Guttman offered the following comments relative to larger, two-story homes in Palm Beach. “At *The Art of the Town* conference last week, Robert Campbell, architectural critic of *The Boston Globe*, remarked, and I quote him,” If you find all change depressing, you’ll always be depressed.” I think that’s true of the Bermuda style houses built in the 1950s and 60s in the North end. In keeping with the mores of those decades, these houses averaged around 3,500 square feet, but then came the 1980s and a change in lifestyles...larger housing and even cultural wars. It’s a housing phenomenon passing through America. Blame it on the Baby Boomers or whatever, but for the moment, it’s here to stay until the next transforming cultural change rises in this country. Lest I be misunderstood, I’m for preserving the character of Palm Beach, but that character has been and always will be organic. At heart, the character I am talking about values excellence in architecture, not the size or style of the particular house. Consider our history. It doesn’t need repeating, but I’ll repeat it anyway. Before the great Depression, much of the North end consisted mostly of wooded areas and mansions reaching from the Intracoastal to the Atlantic Ocean. But an extraordinary number of new homes, which by today’s standards would be called modest, followed the building boom that spread across America after the second world war. In Palm Beach, that led to the break up of some large estates north of the Sea streets and the development to the North end. So the size and style of the houses in the North end has not been dominated by some idealized fixed standard, but rather it has echoed the lifestyle dominant throughout the United States. Without a doubt, lifestyles, for better or worse, have changed dramatically since the 1950s building boom. Our challenge is to preserve the heritage of architectural excellence and strive to maintain a privacy buffer between existing houses in the North end and new projects in this part of town. In my view, it will take at least a two-prong approach to achieve this goal. First, if the R-B Zoning District is subdivided, zoning restrictions in the mid section of the North end should discourage tear downs by relaxing restrictions when existing homeowners want to expand or remodel their homes. Everyone knows that most of these houses don’t conform to zoning requirements now in place. Why not, for example, let an existing homeowner enlarge his bedroom or add another room along an existing non-conforming sideyard setback. Secondly, we should require builders of two story homes adjacent to one story houses to respect their neighbor’s privacy. This means, for example, requiring landscaping that adds privacy, and substantially screens and mitigates the appearance of massive new buildings when viewed from neighboring properties, aligning windows, balconies to avoid or minimize their impact on the privacy of existing buildings, and massing the second story of new two story houses in a way that diminishes the visual impact of the mass when viewed from neighboring properties. And when lots are combined, perhaps deeper front yard setbacks should be mandated to diminish the appearance of bulk from the streetscape. I call this second prong mitigation. Finally, new two-story homes adjacent to single story homes can undoubtedly be compatible, even though they are different in building types, but the scale, massing, articulation, architectural

design and many other factors are all important in maintaining our legacy of architectural excellence and for creating a harmonious relationship within the street and increasing compatibility with existing buildings. I hope in the future this commission will take up some of these ideas and thank you for letting this rookie deliver his maiden speech.”

Mr. Randolph again cautioned the members against each of them getting into the substance of the indexing since this item had not been advertised.

Mr. Schuler agreed with Mr. Guttman that the hearing should be moved up to February. Mr. Bell likewise agreed as he saw no reason to delay taking action relative to the neighborhood indexing proposal. Mr. Broberg did not feel that the commission members should be muzzled for any reason as it is during the course of Planning and Zoning Commission meetings that the members can share ideas freely (due to Sunshine Law). Mr. Randolph clarified that this can only occur, however, during advertised public meetings. Mr. Broberg agreed with Mr. Guttman’s remarks that there should be a relaxation of restrictions where renovations are concerned. Mr. Broberg stated that he has always been a proponent of eliminating or changing the 50% rule which too often encourages demolition.

Ms. Markin offered her opinion that the commission should not be discussing subjects without proper public notice. She did feel it was fair to respond to Mr. Golboro’s initial inquiry about what was learned from the first two community meetings. Ms. Markin gave a brief synopsis of the reasons for the community meetings, in short, an expressed concern about overbuilding in the North end. The meetings were planned to present a forum for residents to express their opinions, pro or con, relative to the neighborhood indexing proposal. Those meetings resulted in a clear understanding “that there are a majority of people who are adamantly against restricting the building of homes in the North end.” Many of the people who spoke have very strong opinions on the subject, and its affect on property values. Ms. Markin felt that the economic impact of neighborhood indexing must be given due consideration.

Mr. Golboro thought that in the first two meetings, there was not enough of a presentation by staff relative to splitting the R-B Zoning District. He asked Ms. Close to give it more focus in the third meeting. He noted, however, that in the first two meetings, some members of the public made comments about splitting the R-B district, but none of those comments objected to splitting it. Ms. Close clarified that the first two meetings were dedicated to the neighborhood index and the second two meetings will involve brainstorming relative to the R-B Zoning District.

Mr. Guttman commented that the public must understand that the first two meetings were devoted to one subject and the next two to another....two separate and distinct issues. This gives validity to the suggestion that the Planning and Zoning Commission should deal with and dispense with the neighborhood index in February, rather than waiting to March.

Ms. Close reminded the members that the next two community meetings are scheduled for mid to late January. She suggested, if the commission would prefer, that staff bring the neighborhood index back to the Planning and Zoning Commission at the February 16, 2006 meeting, and then at the

March Planning and Zoning Commission meeting, the results of the last two community meetings relative to the R-B Zoning District could be discussed.

Mr. Robertson commented that the commission should not rush to judgement relative to the neighborhood index. In his tenure on the Planning and Zoning Commission, there has been much time devoted to what to do about the mega-mansions in the North end. Finally, this past May, the neighborhood index was suggested as the latest possible solution to the problem after a long history of attempts to deal with the issue. Mr. Robertson did not feel it was appropriate to “dump” the idea of the neighborhood index simply because of the “riotous opposition” expressed at the community meetings. He was interested in hearing staff’s opinions and recommendations on the subject, and wanted to offer them sufficient time to prepare. If staff can be ready by February, then it would be fine to hear the matter at the February meeting. If not, it should wait until the March meeting.

Ms. Markin supported Ms. Close’s offer to move up discussion of the neighborhood index to the February 16, 2006 meeting. She felt this would show a more expeditious response to the residents. It would also serve everyone to hear the matter on February 16th to help separate the two issues, the neighborhood index and the R-B district.

Ms. Close clarified that staff can be ready by the February 16, 2006 meeting to report relative to the neighborhood index.

MOTION BY MR. SCHULER TO MOVE UP THE DISCUSSION OF THE NEIGHBORHOOD INDEXING PROPOSAL TO THE FEBRUARY 16, 2006 MEETING.

**MOTION SECONDED SIMULTANEOUSLY BY MR. BROBERG AND MR. BELL.
MOTION CARRIED UNANIMOUSLY.**

Mr. Golboro noted that this commission is a planning commission as well as a zoning commission. He felt that the commission does not devote enough effort to planning activities in order to protect the rights and values of the real property in the town. Mr. Golboro cited the Southern Boulevard Circle and the Flagler Memorial Bridge and the Southern Boulevard Bridge as areas where work is anticipated, but the Planning and Zoning Commission has not been involved in the planning. Ms. Close responded that some of these issues will be dealt with in the review of the Comp Plan. She will forward this comment to the Town Manager, as it is he who determines the flow of the information he seeks to assist the Town Council in making its decisions.

XI Adjournment:

MOTION BY MR. SCHULER TO ADJOURN THE MEETING AT 10:10 A.M.

MOTION SECONDED BY MR. GOLBORO.

MOTION CARRIED UNANIMOUSLY.

**The next meeting of the Planning and Zoning Commission will be held on Thursday,
February 16, 2006 at 9:30 a.m.**

Respectfully submitted,

**Harrison Robertson, Chairman
Town of Palm Beach
Planning and Zoning Commission**

**Lowry Bell, Secretary
Town of Palm Beach
Planning and Zoning Commission**

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