

COMMUNITY MEETING #2
DECEMBER 14, 2005
AT TOWN HALL COUNCIL CHAMBERS
AT 10:00 A.M.

DEDICATED TO DISCUSSION OF NEIGHBORHOOD INDEX CCR PROPOSAL

(Recorded and transcribed by Cynthia M. Delp)

Mr. Elwell welcomed attendees to this second of the four scheduled community meetings. Mr. Elwell recognized the Mayor and Town Council, and various members of the Planning and Zoning Commission. He noted that there was quite active participation from the community at the first community meeting held on December 1, 2005. Recalling that meeting, Mr. Elwell requested that the audience be respectful of all of the views which are presented today, regardless of whether they are for or against the concept. He remarked that the Town has been studying the "size of homes" issue over the past twenty-five years, and the Neighborhood Index is simply the most recent proposal. While the size of homes has been reduced over the years, some feel that home sizes need to be regulated further. As such, these meetings have been scheduled to discuss this latest concept. He noted that at the first meeting it was very clear that there "is a significant sentiment within the community that believes that 4,000 square feet is fine, that the current regulations have indeed reduced the overall scale sufficiently and that there shouldn't be further restrictions." Again, he asked the attendees to maintain an atmosphere which is open to all opinions.

Ms. Close welcomed the attendees and introduced staff members present, Robert L. Moore, consultant and Building Official, Paul Castro, Zoning Administrator, and Bill Brisson, Planning Consultant. Ms. Close provided a brief history revealing the genesis of these community meetings. She stated that all of the residents' comments relative to the Neighborhood Index will be compiled in report form for presentation to the Planning and Zoning Commission and ultimately, the Town Council.

Bill Brisson explained the Neighborhood Index concept as a tool that allows change in a neighborhood, but not abrupt change, i.e., a concept which would result in houses being built on a street which are not drastically different in size than other houses on the street. He noted that the Cubic Content Ratio (CCR) is the ratio of the house size to the size of the lot. The Neighborhood Index takes the average of the CCR's on a street, 400 feet in each direction. Homes would then be allowed to be built in some multiple of the average CCR. Mr. Brisson, looking at the impact of the Neighborhood Index CCR, stated that if the average results in a lower CCR, it would, on the average, be reduced by 14% from what could be built using the existing sliding scale now. The maximum reduction would be about 20% to 25% of what could actually be built now. Mr. Brisson felt that in one third of the cases, houses could be built 6% to 7% bigger, and in two-thirds of the cases, houses would be reduced in size from 0% to 25%.

PUBLIC COMMENTS WITH SOME STAFF RESPONSES:

Mrs. Delp notes that the following are the paraphrased comments of those who spoke at the meeting. The speaker's name is noted at the left margin.

TOM TURCHAN: (249 Queens Lane) Questioned if he lives on a block that is still largely one story homes, will his property value be reduced by 25% because he cannot build a house equivalent to a house on the next street where two-story homes are more prevalent.

MS. CLOSE: The proposal suggests that you could build a house which is 125% of the average CCR on your street. She noted that staff is not speculating on value.

FRED MCCARTHY: (1519 North Ocean Way) Questioned how many total lots are affected, and what percentage of the single family home lots that represents.

BILL BRISSON: The concept affects every residential property in the R-B District, approximately 1,560 lots. Mr. Brisson did not know what percentage of the total single family home lots was affected.

MS. CLOSE: Stated that there are 2,400 single family home lots in the town.

FRED MCCARTHY: Noted that approximately 60% of the Town's homes would be affected.

BILL DIAMOND: Questioned whether the financial impact of the proposal on the Town's tax base was studied.

MS. CLOSE: Responded that the financial impact was not authorized for study to date.

TOM TURCHAN: (249 Queens Lane) Five or six years ago, a group of persons proposed "down zoning" which was defeated by the people in the North end. Two years ago, a building moratorium was defeated again. He questioned why the North end residents "need to be constantly vigilant that the Town and the Town Council does not put through a down zoning on us before we can react ...When does this stop?"

MS. CLOSE: Explained that the Town Council and the Planning and Zoning Commission continually strive to preserve the character of the community. In doing so, they are listening to the residents. She encouraged residents to make their opinions known.

TOM TURCHAN: "There has been no change in sentiment. There are just a few individuals who keep bringing this up."

DAVID BARTON: (Jamaica Lane) Stated that when the CCR was passed in 1999, it was never tested. A maximization study was requested and done, but another study should be shown today. He referred to the computer models of the maximization study which he called shocking to all those who saw it. He felt that the taxpayers should insist on seeing it. The Strategic Plan called for "evolution rather than revolution," and that is what prompted the neighborhood index, as an effort to compromise. The infrastructure in the North end is already maxed out. The drainage system in the Town was designed for the lot coverage of 1999, which is quite different than that

of today. Mr. Barton stated that Max Mayfield has cautioned that the shoreline of the United States cannot continue to be maxed out. Flooding is the single largest threat to the town. Mr. Barton felt that the problem with the neighborhood index is that it allows the same problem of overbuilding that we have now, whether it happens now or seventy years. The result is still that the island is overbuilt. How do you preserve the character of the North end and the Town? Mr. Barton is in favor of further subdivision of the R-B district. The Town needs to do a long range plan, and zoning must be done in the context of planning.

TOM PARKER: (215 Jamaica) Has lived at 215 Jamaica since 1992; has lived in the Town since the 1960s; and, is very familiar with the North end. The North end has not been damaged by development, and the market values agree. The proponents of the proposal would preserve one story, under maintained bungalows in the name of charm, and would prevent larger new homes. "Frequently when a new, more habitable home replaces an older, smaller one, a family moves to town, contributing to our community and our schools, and replaces a complaining champion to the status quo."

JOAN BURNY: (117 Dolphin Rd.) Stated that her block has never looked better with the three new homes built there, and the two new second stories added. One story houses do not need to be preserved. "This is not 1950 when people spent three months and went home ...I don't like people telling me how I have to live and where I have to live, and how big a house I can have. And I don't like people fooling with my pocketbook."

JOHN QUINN: (Angler Avenue) Moved to town about 3.5 months ago, and bought a larger home. "We would not be residents of this town if we hadn't had the ability to buy that house. It's 4,300 square feet. I think you'll find it's a lovely home. I don't think it's been a detriment to the block ...There needs to be zoning, but it needs to be managed where everybody can have some benefit to it."

BILL KEMBLE: (206 Caribbean) This proposal has not been sufficiently openly discussed or delivered. Garage configurations need to be considered in the proposal. Disagrees with the proposal.

LETA FOSTER: (345 Pendleton Avenue) Noted that the houses on Pendleton Avenue are approximately 2,400 to 2,600 square feet and are maxed out at that square footage. Only the houses on the lake are larger. If you allow maximum lot coverage, what does this do for the replanting of trees? Commented that per the University of Florida, unless trees with leaves (not palm trees) are re-planted, terrific hurricane damage will continue.

ROBERT GARVY: (200 Esplanade Way) Commented that in a democracy, persons can express their opinions, but quite often a small, very vocal minority dominates the discussion, and ultimately influences legislators. It is clear, in this case, that the more silent majority, against this proposal, is now speaking up to caution the Town leaders to act judiciously, rather than continuing to proceed aggressively with this proposal. Due to a change in the demographics of the town, the demand for bungalow style homes is greatly diminished. Palm Beach is changing for the better. A thorough financial study relative to this proposal should have been done. "If we want to have vibrant families living in the North end, supporting this community, not only in their work, but their commitment to the community, we must provide them with an opportunity

to build the homes that are meaningful to them today.”

PAYTON COLE: (Nightingale Trail) Questioned if there is any data to indicate that the majority of the North end residents want any zoning change at all. Noted that on his street of 21 homes, approximately only 2 of the 21 persons are in favor of the changes. “I am mystified as to why we are here today. If it ain’t broke, don’t fix it...This is a vocal minority, and it’s been amplified by the local newspaper, and it simply does not represent a mandate that you must follow.” He urged the Town to “do nothing” relative to this proposal, especially since no cost benefit analysis has been done.

WILLIE DE GRAY: (110 Seagate Road) Stated that he has spoken out against these big houses at ARCOM meetings, but noted that he is not against big homes, but is against poor architecture. Feels that ARCOM is doing its job and should be given the opportunity to continue. He likened the proposal to the eminent domain activity in Riviera Beach.

JOHN KAYWELL: (201 Angler Avenue) Stated that his street looks much better after development has occurred. “Town Fathers, tinker if you must, but be very cautious with what you tinker with.”

DAVID LEAVITT: (1480 Via Manana) Stated that he loves the North end; that he grew up here; and, that he purchased his home at 1480 Via Manana. Mr. Leavitt, as a past planner, listed his previous experience with zoning in other parts of the country. He sought middle ground on this issue. He felt that the market will dictate two story homes in the town. “Big houses need big lots,” and zoning should be created to accomplish this. He stated that sometimes town leaders need to do what is best for the municipality and the environment, rather than for the individual. Setbacks are crucial. Houses must be in proportion to the lot. Impervious surfaces must be taken into consideration, especially with regard to flooding in the municipality. “Enact good ordinances, and then stand behind them.” Appoint a Zoning Hearing Board to review variances. “Please, Town Council, remember, the self-interest of the landowner, whether it’s a homeowner, a real estate agent, or a developer, the self-interest of the landowner often is not in the best interest of the town. So, be strong and try and do what’s right.”

TONY DOWELL: (101 E. Inlet Drive) Stated that he lives in a 3,400 square foot home on an 11,000 square foot lot. Mr. Dowell is contemplating a 500-600 square foot addition, which is possible under current zoning, but not under the Neighborhood Index proposal. He urged the Town Council not to pass this zoning change.

JEFF SMITH: (241 Sanford Avenue) The real problem is architecture, not size. Look at the articulation of homes. Have ARCOM be strong, and reject a design if its not appropriate for the neighborhood. Zoning is fine, as long as we have a very strong Architectural Commission.

ANN PEPPER: (Seaspray Avenue) The Sea Streets are an example of “time depth, to towns needing all the memories they can hold onto...to the uniqueness of place.” The Sea Streets are a “feast for the eyes.” She is in favor of preserving the Sea Streets as they are, and is in favor of subdividing the R-B district. “I think the Town leaders, as Mr. Leavitt, I believe, just addressed, and our silent citizens need to develop some spine and make clear that the preservation of the

character that is Palm Beach takes precedence over the misguided conception that limitations on what one can build on one's property diminish its value. We cannot be intimidated by individuals who put personal gain before the greater good. In the long run, a town that has a true sense of itself, that zones to preserve time depth, unique character, and human scale will have a much greater appreciation physically, aesthetically and monetarily than one which allows itself to be stripped of its identity."

ANN VANNECK: (217 West Indies Dr.) Zoning is needed in the north end to preserve the character and affordability of the area. She stated that while the North end typically has attracted young families, it has also attracted developers seeking financial gain. She agreed with Mr. Smith that good architecture is of utmost importance. Scale is one of the most important factors of design, but good scale has been lost. "Do we have to pay for others to line their pockets? Let us find a way to retain the charm and let us keep our privacy, a major reason we live here."

WENDY VICTOR: (Via Tortuga) Stressed the importance of preservation of the island, with each of its special parts. Palm Beach is at the top of the list of places to visit and vacation. She urged everyone not to let Palm Beach be turned into a concrete city with little green space.

PETER GEISLER (Bahama Lane) Rides bike all through the town. "Our sense is, without exception, except for bad architecture, the new houses are an improvement over the house that was there." Most are larger and better maintained.

PAYTON COLE: Stated that he spoke in front of the Zoning Commission about eight years ago suggesting that the problem is the appearance of bulk rather than cubic content. The problem is architecture. Suggested as the height increases, the setback should increase, which reduces the bulk of the house. Suggested keeping the CCR and looking for creative ways to manage the architectural impact. Decide whether the planned home enhances the street.

CAROL KOEPPPEL: (Southland Road) When she purchased her home, it was the newest on the street, 4,000 square feet with high ceilings. The neighbors were happy with the new home believing it would raise property values. Commented that with very few exceptions, she would be thrilled to see most of the homes on her street replaced with new, larger homes. Architecture is the issue. Focus on the properties which are not cared for, instead of trying to hurt progress. Let the size issue go, and focus on what is more important.

VERONICA CLOSE: Noted that letters were submitted for the record from:

1. Donald C. Malasky
2. Sidney H. Ritman
3. Sam Boykin

The letters are on file and available to the public.

DICK RAFFO: (173 E. Inlet Drive) Referred to a letter sent to the Town Council by a friend of his, Sid Ritman. (Letter referenced above) Mr. Ritman had built a new home at 720 North County Road, and his neighbors complimented him on the home when it was finished. Mr. Raffo quoted a section of the letter as follows: "Therefore, from my past experiences, it is my personal belief that the majority of homeowners in the North End are in favor of improving the

appearance of the neighborhood and that the proposed zoning limitations on new homes would be harmful to current homeowners and to prospective new homeowners.” Mr. Raffo agreed with Mr. Ritman’s viewpoint, and spoke on his behalf.

FRED MCCARTHY: (1519 North Ocean Way) Commented about a home across the street from him which was owned by two elderly women and was very run down. When the house was sold, the home was gutted and additions were done, maxing out the property. Now the home is very attractive within the neighborhood. Secondly, relative to economics, he posed the scenario that if 1,500 homes in the R-B district are affected with an average value of \$2,500,000, and if the average decrease in size is projected to be 14% with the neighborhood index, this represents a \$500,000,000 reduction in value. He called for a thorough economic study of the proposal saying that anything less would be “reckless and irresponsible.”

TOM TURCHAN: Commented that the Town requires a property to retain the first 2 inches of water. So, with each new home or major renovation, more water is required to be retained on site, thus contributing to reduced flooding in the town.

WOMAN (DID NOT IDENTIFY HERSELF): Stated that her mother’s home was flooded twice, and questioned whether two large homes which are being constructed on North Lake Way, which are also built up very high, are required to retain more water on site.

MS. CLOSE: Only the first 2" of water is required to be retained on site.

DON KINO: (205 Sanford Avenue) Commented that everyone agrees to save the character of the Town, no matter what their position is on the proposal. Most people moved to Palm Beach due to the character established by Mizner, Volk, Major, and Fatio, to name a few. He urged property owners to build upon that character which has been long established, and to insist that their design professionals and the design professionals of their neighbors create good architecture which is sensitive to the neighborhood and privacy issues. He de-emphasized the “numbers game,” calling instead for “harmonious architecture and a better quality of life.”

Having heard all those who wished to speak today, Ms. Close closed the meeting at 11:20 a.m.