

COMMUNITY MEETING #1
DECEMBER 1, 2005
AT ST. EDWARD'S PARISH HALL
AT 7:00 P.M.

DEDICATED TO DISCUSSION OF NEIGHBORHOOD INDEX CCR PROPOSAL

(Recorded and transcribed by Cynthia M. Delp)

Town Manager, Peter B. Elwell, welcomed the residents, Mayor McDonald, Town Councilmen, members of Town boards and commissions, and other interested persons to this first of four community meetings. He stated that there are some important zoning questions facing the Town, and these meetings will provide the community ample opportunity to voice opinions on the subject matter. Mr. Elwell introduced the Mayor and Town Council and members of the Planning and Zoning Commission. He thanked St. Edward's Church for allowing the meetings to be held on site, and thanked the Breakers Hotel for use of some of their sound equipment.

Veronica Close, Director of Planning Zoning and Building, introduced staff members Robert L. Moore, former Director of Planning Zoning and Building, Paul Castro, Zoning Administrator, Tim Frank, Planning Administrator, Bill Brisson, Planning Consultant, and Cindy Delp, Office Manager. Ms. Close pointed out that the first two community meetings concern the Neighborhood Index Cubic Content Ratio concept, while the second two meetings concern the R-B Zoning District. She explained that for the purposes of this meeting, staff would attempt to clarify the neighborhood index proposal and provide some background information, and then open the floor to the public for comments. Ms. Close stated that the Neighborhood Index CCR concept was proposed as a result of concerns about the "mansionization" of Palm Beach. The Town's Strategic Planning Commission had advocated an "evolution rather than revolution" concept concerning the size of homes in the town. In 2004, the Town Council directed staff to look at the "evolution rather than revolution" concept and to do a street by street study. Staff studied it in 2004, and returned with a basic concept to the Planning and Zoning Commission. The Planning and Zoning Commission recommended it to the Town Council who considered it and asked the staff to refine the concept and get community input. A storm drainage study had also been done to look at the amount of lot coverage and landscaped open space; how much was available, how much was required by code, and what was happening with storms and flooding. Ms. Close noted that the results of that study were displayed in the back of the room, graphically to show what exists on a lot today vs. what the code would allow.

Ms. Close noted that the next community meeting will be held on December 14, 2005 in the Town Council Chambers at 10 a.m. After the community meetings, staff will prepare its

recommendations, considering the community input received, including these community meetings, and attach the results of its survey to the report. This report will be transmitted to the Planning and Zoning Commission, and then ultimately to the Town Council. Ms. Close remarked that while staff has been asked about an economic analysis of the neighborhood index, the Town Council has not authorized staff to do this analysis to date.

Robert Moore stated that the R-B zoning district extends to the center of Town and south to Ibis Island, and to parts of Middle Road and Everglades Island. He discussed the history of zoning efforts in the Town's R-B Zoning District, from the 1980s forward as follows:

1981 - If you owned a 10,000 square foot lot, you were permitted to build a home with 35% lot coverage, or a 3,500 square foot home. A second story was allowed also, for a total square footage of 7,000 square feet.

1982 - Allowable lot coverage reduced to 25% lot coverage for two story homes. So the 7,000 square foot home which was allowed in 1981 was reduced to 5,000 square feet in 1982. This reduction was approved due to complaints from neighbors relative to what was perceived as overly large homes being built in the existing neighborhoods.

By the mid 1980s, one story homes were encouraged by increasing the allowable lot coverage to 40%.

1990 - The building height plane came into effect due to complaints regarding mass and how structures appeared from the street.

1991 - Introduced a new concept, the Floor Area Ratio (FAR), which is a ratio of the square footage of the house vs. the square footage of the land. This was instituted in an attempt to deal with and control the mass and size of the homes.

1991 & 1992 - Decided to look at dividing the R-B Zoning District into five (5) sub-categories. but after review, no changes were made.

1993 - Moved from using the Floor Area Ratio to a Cubic Content Ratio (CCR), a ratio of the content of the inside of the building to the area of the land.

1997 - The "Sliding Scale" was introduced and was very controversial. It was a compromise between those that wanted no change and those who wanted low Cubic Content Ratios (CCRs). In effect, with the Sliding Scale, on a 10,000 square foot lot, a 4,000 square foot house was permitted.

Mr. Moore called attention to the fact that the 7,000 square foot home allowed in 1981 became a 4,000 square foot home by 1997, a substantial reduction in size.

1998 - The Town hired Urban Design Associates to study design guidelines, like those used in Gulfstream. Such a concept did not fit the Town of Palm Beach, however, as more architectural freedom was desired.

1999 - Duncan and Associates and Urban Design Associates were retained to do a prototype zoning study on specific streets to illustrate what the streets would look like if built to the maximum allowed by the code.

2004 - Urban Design Associates completed the maximization study to illustrate code maximums. The results of the study were a surprise to many, when the substantial loss of green space became apparent.

2005 - The Neighborhood Index concept introduced for study.

Mr. Moore stated that he wanted to make it perfectly clear that the Town, since the 1980s, has attempted to respond to the complaints of the citizens relative to the construction of large homes.

Paul Castro, Zoning Administrator, provided some information as to what size homes were allowed over the years. The calculations were done for a 10,000 square foot lot (minimum size lot in the R-B district) and a 12,500 square foot lot (the average size lot in the R-B district).

1981 and before	7,000 sq. ft. home	on a 10,000 sq. ft. lot
	9,750 sq. ft. home	on a 12,500 sq. ft. lot
1982	5,000 sq. ft. home	on a 10,000 sq. ft. lot
	6,250 sq. ft. home	on a 12,500 sq. ft. lot

Mr. Castro noted that prior to the 1980s, the average size house was 5,900 square feet, while in the 1980s, the average size home being built in the R-B Zoning District was 8,000 square feet.

1991	4,500 sq. ft. home	on a 10,000 sq. ft. lot
	5,625 sq. ft. home	on a 12,500 sq. ft. lot
1993 (FAR in effect)	3,600 sq. ft. home	on a 10,000 sq. ft. lot
	4,500 sq. ft. home	on a 12,500 sq. ft. lot
1996 (Sliding Scale (anticipated))	4,091 sq. ft. home	on a 10,000 sq. ft. lot
	5,114 sq. ft. home	on a 12,500 sq. ft. lot

Mr. Castro noted that in the 1990s, the size of homes being built showed a reduction from the 8,000 square foot average home to a 6,100 square foot home.

1997 (Sliding Scale	3,636 sq. ft. home	on a 10,000 sq. ft. lot
In effect & FAR eliminated)	4,152 sq. ft. home	on a 12,500 sq. ft. lot

2001-2003 6,354 sq. ft. home average

Mr. Bill Brisson, Planning Consultant, referred to the handout entitled *Neighborhood Index Cubic Content Ratio (NCCR) Community Workshop 12/01/05*. He defined the Neighborhood Index as a tool to allow evolutionary changes in the R-B district, rather than allowing an abrupt change in neighborhood character. It is the average of the CCRs of all residential R-B properties within 400 feet on either side of the street on which the subject property is located.

With the Neighborhood Index, on the average, the houses will be about 14% smaller than those permitted by the Code now. The Neighborhood Index allows for retaining the neighborhood character that generally exists while allowing modest change. A home can be built at a size somewhat larger than the average of the CCRs of nearby homes (for example, 125% of the Neighborhood Index). However, no one will be required to build at less than some minimum size or allowed to build larger than a maximum allowable size. Mr. Brisson stated that as the code exists today, on a 10,000 square foot lot, a 4,000 square foot home is allowed (CCR of 4.0). With the neighborhood index, if the average CCR is 2.75, the allowable CCR is 3.44 (2.75 x 125%) which would permit a 3,440 square foot house on a 10,000 square foot lot.

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.

LYNN GEORGE: (Mockingbird Trail) Asked who decides and when will the public be told what the percentage is...125% or 110%.

VERONICA CLOSE: Based upon the comments from the Community Meetings, staff will do a report for review by the Planning and Zoning Commission in March. The Planning and Zoning Commission will then make a recommendation to the Town Council. These will all be public meetings.

DAVID LARSON: (Orangetown Road) Questioned what is the economic impact of this proposal. This is necessary information.

VERONICA CLOSE: Staff has not been directed by the Town Council to do an economic impact study relative to the proposal.

RALPH DEL DEO: (Fairview Road) Referred to the rule that requires a two car garage. Many of the garages have been turned into bedrooms. How do garages fit into the calculations?

VERONICA CLOSE: Garages will be considered when the Planning and Zoning Commission reviews the proposal in order to accommodate garages. The percentage might have to be raised to 150%, for example, to accomplish this.

JOHN MORRISON: (Monterey Road) Asked staff to define “abrupt changes”.

JEAN ALLEN: (Australian Avenue) Asked if the lifestyle of the 40s, 50s, and 60s, with its small bungalows, is the basis upon which to proceed in the town. Was it a conscious decision to return to that lifestyle?

VERONICA CLOSE: What prompted the consideration about the size of homes was the difference between homes that were being built at the maximum size according to the code vs. the existing homes.

ROBERT MOORE: Responded directly to Ms. Allen’s question stating that the smaller, seasonal starter homes were taken into consideration when reviewing the size issue. He noted that there are people in the Town who want to retain the smaller “starter” homes in the Town, especially for young families.

RALPH DEL DEO: Commented that he did not know who the people are who are looking for “starter” homes in the Town, as he did not feel that the Town of Palm Beach was the place to “start out”. “If we’re going to provide public housing, then I think the Town ought to set it up themselves and not ask the homeowners in the North end to do it.”

LOWRY BELL: Stated that he voted against the proposal when it was before the Planning and Zoning Commission. He asked staff to clear up the percentage issue. Is it 110%, 125% or 150%?

VERONICA CLOSE: Responded that the proposal was originally for 110 % and the Town Council asked the staff to refine the proposal and work with the figures. Staff is presenting the 125% figure as a starting point for purposes of discussion. Staff has determined that the results of applying a 110% figure was so negligible, it should not be considered as valid in the calculations.

TONY MORRISON: (Southland Road) Commented that no young families want to move into a 50 or 60 year old home, so he does not believe the proposal serves young families. Asked Mr. Brisson if he was charged with developing some plan to deal with abrupt change.

BILL BRISSON: No, not specifically. The Town Council and the Planning and Zoning Commission were interested in looking at a technique to address the massiveness of the homes being built in excess of what was normally expected. The Planning and Zoning Commission came up with the Neighborhood Index concept. The Neighborhood Index is designed to allow gradual change.

TONY MORRISON: How did we get to this point? There is a general assumption that people are unhappy with the large houses. Mr. Morrison did not believe that was true. Nor do his neighbors believe that. He noted that if only 20-25 new homes are built per year, the Town is already experiencing “gradual change,” not abrupt change. As such, he referred to the maximization study graphics as “fictional” representations of something that has never happened and will not happen. “How is our government making a decision that nobody seems to support?”

VERONICA CLOSE: Explained that the study graphics displayed stem from a storm drainage study that analyzed landscaped open space and how it related to flooding.

COUNCILMAN ALLEN WYETT: Explained that the Town Council had been listening to a small group of people who complained that houses were getting too big. For a while, that was true, so the code maximums were reduced. “In the last twelve years, we’ve reduced zoning three times drastically.” He commented that this small group of people had a very loud voice, and encouraged those present to make their opinions known. “I also want to tell you that I was the author of requiring two car garages to get the cars off the street and to make this town look more beautiful. We need two car garages. We could use three. That’s the average of the new homes built across the country...they’re now having three car garages. And when you take the figures that you gave, and you subtract almost 600 feet (for garages), you’ll have a substandard house.

FRAN (did not state last name): (Onondaga Road) Stated she would like to see studies relative to the flooding issues which have been discussed and the economic impact of the current proposal.

MICHAEL BURROWS: Stated that he has been building in Palm Beach since 1954, but the Town is different today. Residents were seasonal years ago. Residents were typically older professionals. Homes he built with 2,800 square feet, including a garage, were considered large. He stated that people must be able to drive into their garage, and the size of the garage must be large enough to accommodate typical garage uses. Relative to the proposal, he did not agree with looking at houses within 400 linear feet because they change too often. Houses should be large enough to take care of the younger families moving into the town. He hoped any approved concept would discourage homes which have 2-3 story entrances, and use that square footage instead for living area. Give people the space they need, not enormous ceiling height.

CAROL KOEPPPEL: (Southland Road) Stated that she loves Palm Beach, but is sad that Palm Beach’s districts are being segregated. Felt that her adult children would not move to Palm Beach if the neighborhood index is approved. Young families of today cannot live in 2,500 - 3,000 square foot houses. Starter homes costing between two and three million dollars have to have more than that. She felt that those living in smaller homes, who fear change, may oppose larger houses now, but when they attempt to sell their homes, they will be of a different mindset. She believes in the strong architectural codes of the Town; that efforts to reduce the size of homes should stop; that people have rights; and; that things should be kept the way they are. “If it’s not broken, why fix it.”

BETTY MARCUS: (Sandpiper Drive) Stated that she came to the town in the 1940s when the

Town was “an old folks town.” That is no longer the case. The Town has gotten much younger, and young families require much more square footage. Insisting on small houses will increase the number of condos in the town. What is so terrible about larger houses? They indicate growing young families who need space. The Town is beautiful. “Leave it up to us. If we want a larger house, let us have a larger house. If we want a smaller house, let us have a small house.”

SARA GOODWIN: (245 Osceola Way) (Refused to come to microphone) All of the time and effort put into this could have been better spent. By limiting the size of homes in the north end, values of property in the south end will increase. If you want families to live here, they must be able to build at least a home with 4,500 square feet. Don’t spend any more time or money on this.

KEITH JONES: (Seabreeze Avenue) The proposal will adversely affect homeowners. It represents bad public policy and he is against it. It will place some neighborhoods in an economic lower tier where only smaller houses are permitted. This is an undesirable result and it is unfair to the property owners, even discriminatory. The Town should use the estate section as its guide, as a neighborhood where large homes are not restricted just to the waterfront.

SAM BOYKIN: Nobody likes the proposal. He has collected over 300 names of those in the North end who are against the proposal. Larger families need larger homes. The proposal would result in loss of property value. Replace the existing smaller homes with new homes which are hurricane resistant. Referring to those who live in smaller homes, Mr. Boykin remarked, “I’m not against those people living there until they live out whatever time they want to live there, but absolutely we should not be penalized for their living there.” This is Palm Beach, and people want bigger houses. From Wells Road north, there are 966 houses. From 1/1/2000 to 10/18/2005, 78 new single family homes were built, for an average of 13.62 new homes/year. At that same change rate, it would take 71.82 years to rebuild the North end. This is not a building boom.

RON KOLINS: Mansions belong in Palm Beach. It is not necessary for the Town to over-regulate. The loud voice of a small group of people has been misinterpreted as the will of the people. The entire concept is misplaced. A problematic idea. This town is not for “small” or “sameness”. To restrict building will be counterproductive for the town. There is no industry in the Town of Palm Beach. There is development, construction and real estate which is the life blood of the Town. “I suggest to you that you not pass regulations which further reduce the ability of people to realize the values of their properties.”

AL FIX: (249 Fairview Road) Do not change the code. The Zoning Code is good and ARCOM (the Architectural Commission) protects against bad design. Asks where the houses are which are claimed to be overbuilt or classified as mega-mansions. Why are water homes exempt from the neighborhood index? “This is a quality of life issue to me, not an economic one.” He votes NO!

TONY MORRISON: This is a terrible plan. Commented that the same small squeaky wheel has

been complaining at the Zoning Commission for years. Was a professional survey done to ascertain the opinion of the Town's population relative to this issue before forging ahead with these efforts to solve a problem that may not exist?

VERONICA CLOSE: No professional survey was done. The community meetings are being held to gather input from the residents about the concept.

TONY MORRISON: You have acted on the premise that there is a problem and there may not be one. How strongly did your professional advisors endorse the neighborhood index?

VERONICA CLOSE: The concept came out of the Strategic Planning Commission in requesting a street by street study and an index related to houses on that street.

TONY MORRISON: Recalled from the minutes of the Planning and Zoning Commission that the Town's planning professional advisor recommended against the index concept for the town. It is important to note that the Town did not take this advice. This is not a neighborhood index. It is a house by house index resulting in zoning different for each home on a street. It is offensive that an owner cannot increase the size of their home because their neighbor has not increased the size of his home. No one likes it when there is construction on a street, but they do like the end product. People did not build to the maximum in the last five years, so, why would they start now? You're trying to solve a problem that doesn't exist.

CAROL KOEPPPEL: Where is the squeaky wheel? If they are here, why aren't they defending their position?

DRAGANA CONNAUGHTON: (300 Colonial) Who decided that 4,000 square feet is too big? Stated that property in the town is selling for \$ 1,000.00 /square foot, so if the size of a home is reduced by 10%, you're taking away \$ 1,000,000 from someone. The R-B district represents 70% of Palm Beach. You're hurting the bulk of the town with this proposal. Don't discourage young families from coming here. Why did we hire an expert from Boca if we don't want Palm Beach to be like Boca?

RALPH DEL DEO: (265 Fairview Road) Thanked Ms. Close for letting them vent. This is a lousy zoning proposal and not suited for a town like Palm Beach. Only allowing 10% increases in house sizes is not evolution. It is stagnation. The current zoning works. Leave it alone, or go ahead and make it easier to build a one story house. If there is a size that is too big, let's talk about it using data, not emotion. "Let's not confuse nostalgia with historical importance."

SUSAN MARKIN: (North end resident) Proud to be a North end resident. Stated that she hears from persons on both sides of this issue. Asked those in attendance to be sure to complete the survey sheet distributed. Thanked everyone for attending this meeting and speaking so freely.

MARK COOK: (Sandpiper) Asked Town staff not to try to refute the comments made tonight. Just understand that the residents do not agree with this proposal.

ZACK SHIPLEY: (Mediterranean and North Ocean Way): How could the Town Council suggest something so unpopular? What is wrong with a small house next to a large house? Residents do not want their property rights taken away. "The idea that North ends somehow have a duty to stay quaint, like some tourist Seminole Indian village, is an outrage, just an outrage."

COUNCILMAN WYETT: Thanked staff and Bob Moore for their efforts to give people a choice in this matter. Thanked all those who attended the meeting, and called the meeting a great show of democracy and the common will of the people.

VERONICA CLOSE: Thanked the audience for their participation. Informed the audience that the next community meeting is on December 14, 2005 at 10 a.m. at Town Hall.

The meeting concluded at 9 p.m.

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