

MINUTES
PLANNING AND ZONING COMMISSION
2004-2005 ZONING HEARINGS
Thursday, November 4, 2004 at 9:30 a.m.
360 South County Road, Palm Beach
Town Council Chambers

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

PRESENT: Richard M. Kleid, Chairman
 Lowry M. Bell, Secretary
 Peter S. Broberg, Member
 Jorge A. Sanchez, Member
 Joanna Golino, Member
 Harrison M. Robertson, Member
 Nancy M. Murray, Member
 Elizabeth S. Murphy, Alternate Member
 Susan Markin, Alternate Member
 John C. Randolph, Town Attorney
 Veronica B. Close, Asst. Dir. of Planning, Zoning & Building
 Paul W. Castro, Zoning Administrator
 Timothy M. Frank, Planning Administrator

ABSENT: John Schuler, Alternate Member (Unexcused)
 Robert L. Moore, Director of Planning, Zoning & Building
 William F. Brisson, Zoning Consultant

RECORDING BEGUN BY: Gretchen Dayton

RECORDING COMPLETED, AND MEETING TRANSCRIBED BY: Cynthia M.

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Comments from the Public:

Mr. Ned Barnes of the Palm Beach Civic Association addressed the Planning and Zoning Commission relative to the Royal Poinciana Plaza. The Civic Association has been studying the change in zoning which has been proposed for the Plaza, and is questioning why a zoning change is necessary, what constitutes the need for a zoning change, and why the Town should give up the commercial zoning designation in this important area of the town. The zoning

change, of course, would be advantageous to the developer, but the Civic Association questions whether the change is justified, and whether the developer is entitled to the zoning change merely because he has requested it. Mr. Barnes inquired what the standard is that the Town uses to justify a zoning change. Mr. Barnes referred to and read from the Town's Comprehensive Plan which addresses possible reasons that the Town would initiate a plan for redevelopment of a site. He questioned whether the Royal Poinciana Plaza has deteriorated to a degree which might cause the Town to take such measures, and noted that such an application for re-zoning should be generated by the Town, not a developer.

Mr. Frank responded that from his observations at the Royal Poinciana Plaza, there is no evidence of structural or physical deterioration, and, therefore, no reason for the Town to initiate a plan to redevelop the site. It was Mr. Frank's opinion that the zoning of the Royal Poinciana Plaza cannot be changed without a change in the Comprehensive Plan. Mr. Castro stated that the applicant has requested both, although from a staff perspective, there is no reason to change the zoning or the land use of the Royal Poinciana Plaza. The request is applicant driven, and will require the review of the Planning and Zoning Commission and the Town Council.

Mr. Kleid stated that the Planning and Zoning Commission, together with the Town Council, is the proper venue to hear such a request. The applicant and the public will have an opportunity to speak to this issue at a future meeting.

III New Business:

A. Review of Study Areas for planning - Timothy Frank, Planning Administrator

Mr. Frank referred to the report entitled *Study of Planning Areas for the Evaluation and Appraisal Report and the Town's Comprehensive Plan* which had been distributed to the Planning and Zoning Commission. In the past, Mr. Frank had heard statements that the Comprehensive Planning Areas within the Comprehensive Plan do not make sense, are not cohesive, etc. To date, however, there have been no suggestions to remedy the planning areas. Mr. Frank noted that there are available demographics and statistics, from 1973 forward, relative to the planning areas, as currently defined. As such, he suggested that it may be preferable to preserve the existing planning areas to facilitate making future comparisons of trends and changes. On the other hand, if there is a good reason to change the planning areas, he recommended that it be done because these translate into future Comprehensive Plan changes. Mr. Frank stated that no decisions needed to be made today, but asked the members to review the information in the aforementioned report.

During discussion, the study of the R-B Zoning District was mentioned and associated with the planning areas. Mr. Castro responded that studying the R-B Zoning District and studying the planning areas are two separate and distinct subjects. The planning areas are related to long range planning and the zoning issues related to the R-B District are related to changing the land development regulations. Ms. Close asked the Planning and Zoning Commission to review the eight (8) planning areas, as they are part of the foundation of future land use. She asked that the

planning areas be evaluated for their validity to present day, and as to their boundaries and unique qualities for discussion at a future meeting.

Mrs. Golino questioned whether there is an attempt to divide the town into neighborhoods rather than planning areas, and if so, is this too defined. As she is very familiar with the north end, Planning Area 1, she wondered if it made sense to divide it into three planning areas. Secondly, she questioned whether planning areas must be separate due to their geography, or if they have similar characteristics, could they be tied together. Mr. Frank stated that these are exactly the types of the issues which should be discussed at a future meeting relative to the planning areas. Ms. Close noted that the planning areas are located in the data-laden Supporting Documents of the Comp Plan. It is that data which will help in the formulation of a Comp Plan and then a Zoning Code. Mr. Kleid stated that if the Planning and Zoning Commission takes a thorough look at the planning areas and increases their understanding of the planning areas, that will facilitate a review of the zoning districts within those planning areas.

Mr. Robertson and Ms. Markin questioned the appropriateness of an in depth analysis of the planning areas when there is such a controversial item on the table, i.e., the proposed zoning change for the Royal Poinciana Plaza. Mr. Kleid asked each member directly if they would like to study the planning areas during this zoning season. All members agreed that it should be reviewed during this zoning season. Some were ready to discuss the matter at this meeting, while others felt it should be discussed prior to the December hearings. Mr. Frank responded that staff would like to re-visit the matter in the Spring after the Evaluation and Appraisal Report of the existing Comp Plan begins to develop. Ms. Close was in agreement with delaying the study of the planning areas as well. She saw no need to hurry the study of the planning areas just because the Royal Poinciana Plaza issue is looming.

Mr. Frank added that the Royal Poinciana Plaza issue is an individual issue. The Town's Comp Plan specifies that parcel as commercial use, not mixed use. He remarked that the Planning and Zoning Commission should not be confused or swayed by this developer's application, which is for a specific project. The application must be evaluated upon what is best for the community.

Mr. Kleid then suggested that the planning areas be scheduled for study in the Spring; that any back up materials be given to the members in advance of that meeting; and, that the members could tour the town, as a group, to review the planning areas. Mr. Kleid will work with staff to schedule a meeting date devoted to the planning areas.

B. Comprehensive Plan - Evaluation Appraisal Report (EAR) - Timothy Frank,
Planning Administrator

1. Department of Community Affairs requirement and timetable.
2. Overview of methodology and use of the Evaluation Appraisal Report.

Mr. Frank referred to the document entitled *EAR Evaluation and Appraisal Report Reviewing the Past Comprehensive Plan*, a document prepared by: The Florida Department of Community

Affairs which had been distributed to the members. In short, it provides a recipe for how to review a Comprehensive Plan.

Mr. Frank explained that the Department of Community Affairs requires that an EAR, evaluation of the last Comp Plan (adopted in 1997), be done prior to creating a new Comp Plan. The EAR is designed to answer the question of whether the goals of the last Comp Plan have been met. The development of the EAR and the Comprehensive Plan will take approximately 2 -3 years. After the EAR is accepted and adopted by the community, it is sent off to the Department of Community Affairs. Staff would like the Planning and Zoning Commission to be involved in the entire Comp Plan process.

Ms. Close added that in the last couple of years, there have been legislative changes which stipulate that only the major areas of concern within a comprehensive plan should be addressed in an EAR, rather than a line by line analysis. This will make the review process much easier.

C. Tentative 2004 - 2005 Revised Zoning Season Schedule - Paul W. Castro,
Zoning Administrator

Mr. Castro explained that staff has been working on a schedule and calendar for the study items based on two concurrent phases that would end in May. The reason for the phasing is the number of study items and the need to devote sufficient time to each item. The two phase calendar was distributed to all of the members as well as a listing of the 04/05 Study Items (dated October 19, 2004). Mr. Castro noted that there will need to be another meeting date set approximately one week after the January 27th and January 28th meetings. At that meeting, the Record and Report of the January meetings will be presented to the Planning and Zoning Commission for review and eventual transmittal to the Town Council.

Mr. Castro noted that while the Planning and Zoning Commission is already scheduled to meet on December 1, 2004 and December 2, 2004, the hearings may need to be continued to Friday, December 3rd as well. Mr. Kleid asked the members to add December 3rd to their list of meeting dates, but Mr. Randolph noted that the Four Winds Panel is scheduled to meet in the Chambers on December 3, 2004. December 6th was also mentioned as a possible meeting date, if the 3rd is not available. As for the meeting needed after the late January meeting dates, Thursday, February 10, 2005 was selected.

Mr. Kleid noted that Study Items 2 and 3, dealing with variances and special exceptions, are scheduled for the January meetings. He stated that it has come to his attention that the Town Council intends to study variances and special exceptions at a workshop to be held in March. Therefore, Mr. Kleid questioned whether the Planning and Zoning Commission should hold its hearings relative to variances and special exceptions before or after the Town Council meets to discuss the issue. Mrs. Golino responded that the Planning and Zoning Commission should discuss the matter first. She felt that since the Planning and Zoning Commission is advisory to the Town Council, the Town Council should have the benefit of the Planning and Zoning Commission's comments relative to the subject before they make any decisions. Mr. Broberg

agreed. Hearing no opinions to the contrary, it was agreed that the Planning and Zoning Commission will discuss variances and special exceptions at the meetings in late January, as originally scheduled.

D. Joint Meeting with Architectural Commission and Landmarks Preservation Commission - Veronica Close, Assistant Director

Ms. Close stated that this joint meeting is tentatively scheduled for Wednesday, November 17, 2004 at 2:00 p.m., and if that is suitable to the Planning and Zoning Commission, notices will be sent to all of the members of the three commissions. Mr. Kleid encouraged members to submit topics for discussion at the workshop to staff. Mr. Sanchez requested that the Gindroz recommendations from the past, to have a dual code for the R-B District, be re-visited. The Gindroz suggestion was that there be one set of code provisions for those who wanted to build according to the code, and secondly, to offer bonus points to property owners who agreed to build according to a set of design guidelines. Mr. Sanchez thought that such a system alleviates the restrictions of the R-B District, and opens it up to more traditional volumes which are being historically preserved. Mrs. Murray suggested that the joint meeting be started by listing the basics of the Architectural Commission, the Landmarks Preservation Commission and the Planning and Zoning Commission so that all present have an understanding of how the commissions mesh together. Ms. Markin suggested a discussion on the roles and responsibilities of each of the commissions with respect to variances, with the goal being to arrive at a way the boards and commissions would like to see variances handled.

VII Adjournment

THE MEETING ADJOURNED AT 10:55 A.M. UPON A MOTION SPONSORED BY MR. ROBERTSON, AND SECONDED (SECONDER INAUDIBLE), BUT THE MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Richard M. Kleid, Chairman
Planning and Zoning Commission

Lowry M. Bell, Jr. Secretary
Planning and Zoning Commission

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