

**JOINT WORKSHOP
R-B Zoning District Prototype Guidelines**

**JOINT WORKSHOP WITH ZONING, LANDMARKS AND ARCHITECTURAL
COMMISSIONS**

October 2, 2000

9:30 a.m.

Town Council Chambers, 360 South County Road, Palm Beach

This represents a brief accounting of the record of this meeting. The tape of the meeting is available at the Planning, Zoning & Building Department. This record has been transcribed by Cynthia M. Delp.

The workshop was called to order by Paul Castro, Zoning Administrator. The invocation was given by Robert L. Moore, Director of Planning, Zoning & Building. It was followed by the Pledge of Allegiance. Staff persons present in addition to Mr. Moore were as follows: Thomas G. Bradford, Acting Town Manager, John C. Randolph, Town Attorney, Veronica Close, Assistant Director of Planning, Zoning & Building, Timothy M. Frank, Planner/Projects Coordinator, Jane S. Day, Staff Preservation Consultant, Bill Brisson, Zoning Consultant, and Gretchen Dayton, Recording Secretary at the meeting.

COMMISSION MEMBERS PRESENT:

Zoning Commission

Jorge Sanchez
Harrison Robertson
Peter Broberg
Rita Taca
Eugene Lawrence
Rodney Fink
Richard Kleid
Michele Clarke-Royal
Martin Klein
James Bertles

Landmarks Pres. Comm.

Eugene Pandula
Jacqueline Albarran de Mendoza
Jack Pyms
Sari Wilkey
Nikita Zukov
Ann Blades
Judy Hoffman

ARCOM

John Schuler
Floyd Wideman
Eric Adams
Lowry Bell
Leslie Shaw
Morgan Wheelock
Lindley Hoffman

COMMISSION MEMBERS ABSENT:

Zoning Commission

None

Landmarks Pres. Comm.

Ann Vanneck
Elizabeth Dowdle
Laurel Baker

ARCOM

Gilbert Messing
Marvin Rosenberg
William Strawbridge

Mr. Castro welcomed all those in attendance, and stated that the purpose of the meeting was to provide the consultants an opportunity to give a brief overview of the R-B Design Guidelines which will be proposed to the Zoning Commission and the Town Council. During the summer months, the consultants have received input from staff, the Civic Association, and the Preservation Foundation. More input and questions were requested today during this session, so the report can be finalized in preparation for the November 21, 2000 Zoning Commission meeting at 9:30 a.m.

Paul Castro introduced Marty Hodgkins of Duncan and Associates, and Hank Skokowski and John Carleen from Urban Design Studio. Marty Hodgkins asked for input from the audience in developing the final draft for presentation to the Zoning Commission. He thanked all persons who have offered input, to date, as an invaluable source. Again, four streets were studied to identify the issues and concerns relative to impact of development on these R-B neighborhoods and streets of the Town. The streets chosen were Jamaica Lane, Mediterranean Road, North Ocean Blvd. (Between Queens Lane and Onondaga Avenue) and Seaspray Avenue. These streets were chosen for their similar designations as R-B, and their dissimilar characteristics. Some of the principal findings were as follows:

1. The Town has a sophisticated zoning approach to single family residences.
2. There are development patterns that can be identified uniquely on each of the study streets.
3. In many instances, the R-B zoning district is not representative of the development pattern that exists in the streets.
4. There are some basic changes to design requirements that could help to reinforce and maintain the character of the existing streets.

Some design recommendations have been made as a result of the study. A series of proposed changes to the R-B Zoning District are likewise proposed to make existing and new construction more compatible.

Recommendations include the following:

1. Retain the R-B Zoning District and utilize that as the basis for changes applicable to individual streets and neighborhoods.
2. Look at the use of overlay zoning districts to address individual differences of streets, and create regulation sensitive to those differences.
3. Retain the use of the cubic content ratio formula as a tool, but make the CCR more sensitive to the individual streets.
4. Look at CCR, lot coverage, building setbacks 1st and 2nd flrs., setbacks for porte cocheres, lot sizes and design incentives.
5. The flood elevation should be reduced from 7'6" to 7'1" as a way to minimize differences between old and new development.
6. Utilize infill techniques to encourage expansion of existing homes rather than demolitions and replacement with new homes.

Mr. John Carleen addressed the group, and reviewed the Recommendation Matrix on Pages 30 and 31 of the Prototype Design Guidelines. After explanation, Mr. Carleen called for comments and questions.

Mr. John Schuler commented that the report does not clearly indicate, to residents of any of the study streets, what the street will look like if the recommendations are implemented. It should be shown, and residents should be asked if they could support that type of program. He encouraged the consultants to come up with a document that is more user friendly, one that is “for the people,” and easier to understand.

Mr. Leslie Shaw commented that the concept of using an overlay may be confusing. The rules for a given area should be differentiated by changing the zoning classification, i.e., RB-1, RB-2, etc. Also, “what is permitted” needs to be documented, rather than simply applying the principle of “grandfathering.” He suggested that what existed prior to 1990, for example, might be considered “conforming,” so that modifications to these properties would not always have to involve obtaining a variance. He continued that one of the characteristics of Palm Beach is that it is not a front yard community. Homes are being forced to have a larger front yard setback as a trade off for size. He advocated that the consultants look at how to force the houses forward. As for the side yard setback, Mr. Shaw felt that a 5' setback presented an encroachment on the neighbor. He was not in favor of lowering the flood elevation. Lastly, if the standards for conforming lots are going to be relaxed, establish parameters for change according to lot size.

Mr. Floyd Wideman questioned the proposed side yard setbacks and called for an explanation. He also stated his opposition to the “incentives” suggested in the report.

Mr. Martin Klein stated that generally interior street homes bear little resemblance to ocean or lakefront homes. In consideration of comments referring to street by street zoning, he questioned how much the R-B district should appropriately be sub-divided.

Mr. Lindley Hoffman supported Mr. Shaw’s comments. A 5' setback is much too small, in his opinion, perhaps with the exception of Seaspray Avenue. He was also strongly against the lowering of the flood elevation.

Mrs. Judy Hoffman asked whether lowering the flood elevation would increase flood insurance premiums. Mr. Moore responded that the insurance rate would be better with a flood elevation of 7'6" rather than 7'1", as was proposed.

Ms. Jane Myers, a Seaspray resident, felt the report was very considerate of the viewpoint of the Seaspray residents. She felt the report recognized the existing situation on Seaspray and what makes the character on the street appealing.

Mr. Morgan Wheelock stated that one of the strongest neighborhood characteristics relates to landscaping. He stated his opposition to the “incentives” program in the report. He felt it would be very difficult to establish and impose specific design guidelines, as part of zoning. Design

guidelines would be acceptable, however, to be used as a help or tool. With Design Guidelines, there should be integral Landscape Guidelines, as perhaps a more effective way to minimize mass.

Mrs. Jacqueline Albarran de Mendoza raised a question concerning bulk and maximum lot coverage for two story homes. The consultant's report advocates allowing a larger first floor than second floor.

Mr. Lowry Bell stated he was concerned that the incentive program will create too much "sameness," as demonstrated on Page 55 of the proposal. He felt we would end up with a town like a "golf community" if everyone uses the incentives suggested. He stated that he was very much opposed to any type of incentives.

Ms. Wendy Victor commented that at the individual meetings for each of the study streets, residents were divided in their opinions. She was concerned that before any changes were made to the zoning, that resident support is sought by the Town.

Mrs. Polly Earl stressed that skilled people are asking questions about how the proposal will actually work, and what would the resulting neighborhoods look like. She called for a visual representation of what the proposal would allow, using examples of actual Palm Beach homes in different traditional styles. How will these changes impact the types of houses that residents see every day, on the streets that are being studied? We are talking about Palm Beach, not anywhere else. Display your generic solutions as people will see them on our Mediterranean Revival, Monterey, etc. homes. Apply your solutions to sections of a streetscape so the result can clearly be seen.

Mr. Floyd Wideman commented that of the input received by the consultants, much more weight should be given to comments from residents rather than comments which came from developers. Mr. Wideman questioned the infill additions promoted as part of the recommendations. John Carleen responded that allowing an infill addition on the first floor of a one story home would discourage either demolition or the addition of a second story.

Mr. Shaw asked the there be a definition between redevelopment and new construction when considering the recommendations. What is good for remodeling is not necessarily good for new construction. He stated that he does not want to see "wedding cake" houses, with great mass on the first floor which then tapers up. He advocated the rights of a property owner toward adjacent properties.

Mr. Rodney Fink asked if the consultants found enough similarity between the northern streets to be able to group them together in a zoning district, and thereby avoid the creation of many mini-districts. Mr. Carleen felt that there were enough similarities to do this.

Mr. Jim Bertles asked how other communities have solved this problem. Mr. Hodgkins stated that they have looked at 20-25 other communities and have read dozens of studies. Most of the

communities are not happy with the solutions they adopted and how fully they have addressed the problems. Palm Beach, however, is very unique in its approach, and has done much work in this regard. Mr. Bertles also asked about the Burt Harris Act. Mr. Hodgkins deferred to Mr. Randolph. Mr. Randolph stated that the Harris Act is based upon whether or not someone feels that the Town's regulations have placed an inordinate burden on their property, and that is determined by whether they have lost reasonable investment back expectations. Mr. Randolph stated that a commission should not allow the Harris Act to deter them from making changes in regulations that they feel are needed. He commented that the "incentives" program which has been suggested may offer some relief from the Harris Act, as it could be argued that the Town is not taking away rights, but instead is giving rights, if an owner is willing to take advantage of offered incentives.

Ms. Rita Taca stated that she is most interested in the Resident Survey on page 118 of the proposal. She advocated having the Zoning Commission show more sensitivity and concern for "existing" homes to preserve uniqueness and character.

Mr. Martin Klein questioned whether the Zoning Commission could legislate street by street or block by block, and if that would be appropriate? Mr. Randolph responded that via overlay districts, the Zoning Commission could legislate in that way, and it would be appropriate.

Mrs. Jacqueline Albarran de Mendoza commented that the 4.0 maximum CCR which has been proposed is not appropriate for some of the neighborhoods where existing CCRs are found to be 7, 8 & 9, for example. Mr. Carleen acknowledged this, and cited Seaspray Avenue as an example where homes with much larger CCRs fit in wonderfully with the neighborhood. This would support a street by street study.

Mrs. Polly Earl asked if additional visuals, as she discussed earlier, will become available.

Mr. Moore stated that the Zoning Commission is not obliged to make a decision on this matter at their November meeting. There is no time constraint. Some additional funding is available in the budget to fund some requested extras. Staff hopes for sufficient participation at the Zoning Commission meeting. Mr. Moore assured the audience that if more time is needed to fine tune the proposal, it is available.

Mr. Shaw advocated that it should be Town practice that any report which is presented to the public should be available on the Town's website for greater accessibility, and as a means to reduce the number of copies made.

Mr. Charles Hickman thought it would be helpful for the report to include advantages and disadvantages of the proposals.

Ms. Jane Myers asked for visual examples, which might include a 3-D model, of how a given streetscape might be changed. This would help people to understand.

Mr. Sam McLendon thanked the consultants for their efforts to resolve these very difficult issues.

The meeting was adjourned at 11:10 a.m.

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