

MINUTES
ZONING COMMISSION WORKSHOP
September 24, 2001 at 9:30 a.m.
360 South County Road, Palm Beach
Town Council Chambers

- I **Call to Order and Roll Call:** The meeting was called to order at 9:34 a.m. by Chairman James Bertles.

PRESENT: James B. Bertles, Chairman
 Richard M. Kleid, Secretary
 Eugene Lawrence, Member
 Jorge A. Sanchez, Member
 Peter S. Broberg, Member
 Joanna Golino, Alternate Member
 John C. Randolph, Town Attorney
 Robert L. Moore, Director of Planning, Zoning & Building
 Veronica Close, Asst. Dir. of Planning, Zoning & Building
 Paul Castro, Zoning Administrator
 Timothy M. Frank, Planning Administrator
 William F. Brisson, Zoning Consultant

ABSENT: Rita Taca, Member (Excused)
 Rodney Fink, Member (Excused)
 Martin Klein, Alternate Member (Excused)
 Harrison M. Robertson, Alternate Member (Excused)

RECORDING SECRETARY: Cynthia M. Delp

- II **Invocation:** By Mrs. Delp

- III **Pledge of Allegiance:**

IV **Procedures for Input by the General Public:** Mr. Bertles stated that the Commission will hear from staff, then the public, and then take Commission comments.

Mr. Kleid read a fax from Rita Taca wherein she stated she was unable to attend today's meeting due to a flight cancellation resulting from the events of September 11, 2001. As such, her absence is excused. For the record, Mr. Moore has determined that any absences from today's meeting are excused due to circumstances.

V **Comprehensive Plan Overview - Presentation**

Mr. Moore commented that the Zoning Commission is authorized by Town ordinance to review and deal with all matters concerning municipal planning. The Town's first Comprehensive Plan was done for the Town by the Garden Club in 1929. It was presented to the Town as a donation, and the Town has followed that plan. In 1927, the first Zoning Ordinance was placed in effect, and has been modified ever since. Today, staff will offer a presentation to provide a planning overview of the Town.

Veronica Close provided a history of Florida Planning as it relates to the Town of Palm Beach. Some of the points she mentioned are as follows. This history began in 1916 in the State of New York, when New York adopted the first comprehensive zoning resolution. In the 1950's, many communities started comprehensive planning activities. During the 1970's, Florida moved ahead with legislation regarding comprehensive planning and the environment. In 1975, Florida passed the Local Government Comprehensive Planning Act, the first Florida law which mandated comprehensive planning. In 1985, the Growth Management Act was passed in Florida requiring a Comprehensive Plan. She noted that the comprehensive plan is administered through the Department of Community Affairs (DCA).

Mr. Tim Frank spoke to define a comprehensive plan. He commented that much of our Zoning Ordinance comes from the State of New York text, as it was legally challenged there and passed that challenge. Florida is different, however, because it is the only one of the 50 states which does not practice the traditional "701" planning and zoning, where zoning supercedes the comprehensive plan. Florida is different because of Florida Statute 163 which establishes the planning process, and Rule 9J5 which implements the Florida Planning Act. Therefore, in Florida, the Comprehensive Plan, in a conflict situation, prevails over the zoning ordinance. The Town of Palm Beach has a Comprehensive Plan and Supporting Documentation. The Comprehensive Plan, which is a legal document, is broken down into various elements, and a discussion of these elements will follow.

Mr. Bill Brisson addressed the Future Land Use Plan which serves to design land use patterns as prescribed throughout the Comprehensive Plan. The basic land use in the Town of Palm Beach has been set for a number of years. The challenge now is to fine tune that plan into the types of land use relating to the neighborhoods. Mr. Brisson read two objectives of the Future Land Use Plan: Objective #2 which states an importance for maintaining the character of the Town as primarily residential, with only enough businesses to meet the needs of the residents; and

Objective #8 which states the Town's desire to protect its natural resources.

Mr. Frank dealt with the Transportation Element of the Comprehensive Plan speaking largely on the subject of "concurrency." He explained what concurrency is, and explained that if a community does not achieve concurrency with its comprehensive plan, the community is prohibited from issuing development orders such as building permits. He discussed the concurrency levels of the streets in the town. South Ocean Boulevard at Mar-a-Lago is set at a service level of E. If that service level is not achieved, the Town could be forced to widen the road there to 4 lanes. In general, if there is widespread failure in levels of service on the roads, the community, or State (if a state road), is obligated to take action.

Mr. Frank addressed the Housing Element as one designed to prevent the houses in the Town from becoming deteriorated. This is regulated by Code Enforcement and by other means. A second part of the Housing Element deals with a community providing safe and affordable housing. In 1985, approximately 1600 persons in Town fell into the moderate income category by the HUD formula. At that time, the housing of this type was inventoried, and it was determined that the Town had four times as many available housing units for these persons than were needed.

Mr. Brisson dealt with the Infrastructure Element of the Comprehensive Plan which provides for public facilities and services, such things as potable water, solid waste, storm water management, sanitary sewer, etc. Recently, the Town has increased the amount of water retention on a site from 1" to 2", and this change will be incorporated into the Comprehensive Plan when it is updated in 2005.

Mr. Brisson continued with the Coastal Management and Conservation Element dealing primarily with the Town's natural resources. Its intent is to promote conservation and the use and protection of the natural resources.

Mr. Brisson discussed the Recreation Element, the intent of which is to provide for a system of public and private recreational sites. One of its objectives is the continue the coordination of public and private recreation.

The Intergovernmental Coordination Element, per Mr. Frank, occurs at the State and local level. An example of this type of coordination is clearly defined by the coordination between the Palm Beach Public School, our private school, the Town's Rec Center, and the Society of the Four Arts for providing library facilities.

Mr. Brisson spoke relative to the Capital Improvement Element. The element focuses on identifying the need for and the cost of improvements proposed in the Comprehensive Plan. Each year, the Town is required to adopt an annual capital budget. There must be sufficient funds available to implement the desired levels of service stated within the Comprehensive Plan.

With regard to the Historic Preservation Element, Mr. Frank stated that the Town had a good

ordinance, but needed a good set of policies. So, a Comprehensive Historic Preservation Plan was created, the first in the State. It describes how the Historic Preservation program is run in this town. It contains, among other topics, a pre-historic section dealing with archaeological dig sites. This Historic Preservation Element was incorporated into the Comprehensive Plan approximately 3 years ago, and is an optional element. Not every community has this type of element within their Comprehensive Plan.

Mr. Brisson discussed how the Comprehensive Plan is kept updated. There are provisions in the plan for monitoring and evaluation. The Town's next Evaluation and Appraisal Report (EAR), required by the State, is due in 2005. The update will list the successes and obstacles encountered to the Comprehensive Plan. This EAR typically takes 6 months to 1 year to complete, and then the Town has one year after that to adopt the EAR based - amendment, i.e., the newly evaluated Comprehensive Plan.

Mr. Frank discussed and distributed a copy of the Town's Matrix which is used to evaluate how the Town is progressing to meet the objectives stated in the current Comprehensive Plan.

Veronica Close commented that staff believes that future Comprehensive Plans will be 1) "vision driven by the community; 2) "thematic," i.e., having a theme rather than individual elements; 3) developed collaboratively; 4) having more intergovernmental coordination; and 5) having more technical applicability.

Mr. Bertles and Mr. Kleid inquired whether the Zoning Commission is mandated to review the Comprehensive Plan on a yearly basis and make suggestions to the Town Council for changes recommended by the Zoning Commission. After discussion, Mr. Moore responded that this review will be an agenda item on an annual basis.

There was some discussion whether the Town's Comprehensive Plan is more reactive or pro-active. After discussion, Mr. Elwell, Town Manager, stated that we have been more reactive than pro-active, but due to the advent of the Town's Strategic Planning Board, we are now moving toward a more pro-active approach.

VI Interface with Strategic Planning Board - Discussion

Mr. Elwell commented that the Zoning Commission and the Strategic Planning Board must work in sync. The fact that the Strategic Planning Board is looking five to ten years in the future to produce a "core vision" for the Town does not change the role of the Zoning Commission on an annual basis. The Strategic Planning Board is designed to receive input from any and all sources, and then will formulate a plan for the Town. This plan will be reviewed by the community, including community leaders like the members of the Zoning Commission, and then the Town Council. Mr. Bertles encouraged members of the Zoning Commission to attend the meetings of the Strategic Planning Board. Members may present their individual concerns as citizens, or the group concerns of the Zoning Commission.

Town Council Member, Sam McLendon, commented that while the Comprehensive Plan is very

general, he is expecting a lot from the Strategic Planning Board to formulate a detailed and specific plan for the town.

Mr. Bertles commented that the Zoning Commission needs to be future-thinking in what it does. The Zoning Commission is responsible to communicate its needs to the Strategic Planning Board, but likewise, the Strategic Planning Board has a responsibility to the Zoning Commission to ensure that the Zoning Commission does not make any changes that would be counter-productive to the vision of the Strategic Planning Board. Mr. Elwell responded that the Strategic Planning Board may not be ready for a while to provide that type of guidance to the Zoning Commission, so the Zoning Commission should proceed with business as usual while the Strategic Planning Board is yet making its plans.

VII Proposed Comprehensive Plan Amendment - School Concurrency

Mr. Frank explained that the old system of School Concurrency is being replaced with a neighborhood school system which ensures that if students live in a neighborhood, they are entitled to attend the school in their neighborhood. Students would only be bused out if there was a capacity exceeding 115%, an estimated agreed capacity level. The funding priority goes to areas where schools are over capacity. All of the County's municipalities did pass on this change last year. Now, an ordinance is proposed to place that concurrency system into effect. The purpose of this meeting is to inform the public and the Zoning Commission of this change at this, the earliest public meeting date possible. It will eventually be heard by the Town Council for final action.

Mr. Frank noted that the Palm Beach Public School is currently under capacity. Mr. Kleid commented that school overcrowding is one of the worst problems in our schools, and he would like the Town of Palm Beach to advocate for a capacity level less than 110% or 120%. Mr. Frank noted that this concurrency issue does not address class size, only school capacity.

Ms. Close stated that this is being brought to the Zoning Commission today, but there can be no formal action today, only input. The reason it appears on the agenda today is that the Town is under a deadline, having only till January to adopt an amendment to our Comprehensive Plan relative to this school concurrency matter. In November, the Zoning Commission will consider the matter officially.

Mr. Sanchez inquired whether the Palm Beach Public School is to be removed. Mr. Elwell responded that money has been budgeted by the School Board to make changes to the existing Palm Beach Public School. The building is, however, a landmark. The School Board has promised to work with the Town on this matter.

To clarify, Mayor Lesly Smith stated that the Town was approached by the School Board relative to Palm Beach Public School. The School Board has, indeed, pledged to work together with the Town to discuss any proposals for the future. The school will be renovated, not replaced, according to Mrs. Smith. Apart from that, however, the concurrency issue amendment

mentioned must be passed as soon as possible. It will not affect Palm Beach Public as it stands now.

VIII Town Hall Square Historic District Study - Discussion

Mr. Elwell requested that the Zoning Commission study the zoning of the Town Hall Square Historic area. In discussions relative to the new Fire Station, the Landmarks Preservation Commission has suggested that the design of the building be more consistent with the landmark qualities of the Town Hall Square. This provides a rare opportunity to build a building which is historically sensitive. The Town Council has authorized that an analysis of the architecture in the Town Hall Square area be done, with suggestions for how the new Fire Station can complement that. It is possible that a substantial number of variances may be required to achieve the desired effect. The Zoning Commission was asked to consider a zoning change to the Town Hall Square District, as a study item, to promote more sensitive re-development in this very important area of town. Mr. Moore stated that, essentially, this would result in an overlay district within the C-TS zoning district specifically for the Town Hall Square area.

MOTION BY MR. LAWRENCE WHICH STRONGLY RECOMMENDS STUDYING AN OVERLAY DISTRICT WITHIN THE C-TS ZONING DISTRICT FOR THE TOWN HALL SQUARE HISTORIC DISTRICT.

MOTION SECONDED BY MR. KLEID.

Mr. Elwell noted that this is a workshop and it would not be appropriate to pass on a motion today. All members were in agreement that such a study be considered.

Mr. Sanchez commented that this is a good example of how zoning can hinder good architecture. This is a great opportunity to rectify these issues for the Town Hall Square, and in the future, for other areas in town.

Wendy Victor, 208 Via Tortuga, requested that parking for the public be part of the study, as she was very concerned about less street parking in the Town Hall Square area. She proposed underground parking as a possible solution. Also, since the Preservation Foundation will be vacating its property across from Town Hall, this may be another possible parking area.

In response to an inquiry from Mrs. Golino, Mayor Smith discussed the role of the Zoning Commission with respect to the Strategic Planning Board. The Zoning Code and Commission are the strongest defense against the over-development of Palm Beach. She requested that the Zoning Commission relay its firmest recommendations to the Strategic Planning Board for maintaining the quality of life in the town. There is, she commented, a concerted effort by the Town Council to maintain that quality of life, as evidenced by the number of denials for variances at the last Town Council meeting. The Strategic Planning Board will not address

specific zoning issues, and that board is counting on the Zoning Commission to tell them how it should be done. There will be three workshop meetings of the Strategic Planning Board in November, and Mrs. Smith hoped that the members of the Zoning Commission will present, as a body, at those meetings regarding what zoning can and should accomplish.

Norman Goldblum, Town Council Member, wanted to give the message that the Town Council is going to tighten up, and will not be apt to grant variances. Mr. Bertles responded that the Zoning Commission applauds the efforts of the Town Council to be tougher in the granting of variances.

IX **Other:** Mr. Bertles requested that the list of all of the study items and the updated zoning calendar be forwarded to the members. Mr. Moore stated these are being finalized, and will be forwarded as soon as possible.

X **Adjournment:**

The meeting was adjourned at 11:25 a.m without benefit of a motion.

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