

RECORD AND REPORT
PLANNING AND ZONING COMMISSION
2004-2005 ZONING HEARINGS
Monday, May 16, 2005 at 9:30 a.m.
360 South County Road, Palm Beach
Town Council Chambers

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

PRESENT: Harrison M. Robertson, Chairman
 Joanna Golino, Secretary
 Lowry M. Bell, Member
 Nancy M. Murray, Member
 Elizabeth S. Murphy, Member
 Susan Markin, Member
 Alan S. Golboro, Alternate Member
 Stanley G. Mortimer III, Alternate Member
 Robert L. Moore, Director of Planning, Zoning & Building
 Veronica Close, Asst. Director of Planning, Zoning & Building
 Paul W. Castro, Zoning Administrator
 Timothy M. Frank, Planning Administrator
 William F. Brisson, Brisson Planning Solutions (Zoning Consultant)

ABSENT: Peter S. Broberg, Member (Unexcused)
 John Schuler, Alternate Member (Unexcused)
 John C. Randolph, Town Attorney

RECORDING SECRETARY: Cynthia M. Delp

II Invocation: By Mrs. Delp

III Pledge of Allegiance:

IV Proof of Publication: Mr. Castro stated that the agenda had been posted, as required.

V Procedures for Input by the General Public:

VI Approval of the Planning and Zoning Commission Record and Report from the meeting of April 19, 2005

**MOTION BY MR. BELL FOR APPROVAL OF THE RECORD AND REPORT.
MOTION SECONDED BY MR. GOLBORO.
MOTION CARRIED UNANIMOUSLY.**

VII Evaluation and Appraisal Report (EAR) - Evaluation and Appraisal of Current Plan and Identification of Locally Important Issues

Mr. Frank referred to his May 11, 2005 memorandum (written in concert with Mr. Brisson, Staff Zoning Consultant) to the Planning and Zoning Commission entitled *Evaluation and Appraisal Report (EAR)-Evaluation and Appraisal of Current Plan and Identification of Locally Important Issues*. The memorandum lists the items which are required to be evaluated, Items (a) through (m). The existing Comprehensive Plan and the Strategic Plan were evaluated to arrive at a suggested list of locally important issues within the Town of Palm Beach. Mr. Frank explained that the purpose of this meeting is to review these issues, and for the commission to list any other locally important issues.

Mr. Frank read the following statement (from the May 11, 2005 memorandum) into the record:

Staff believes that all of the above requirements have either been met or exceeded by our ongoing Comprehensive Planning program. The Town monitors all of the Goals and Objectives of the Comprehensive Plan using a tool called the Comprehensive Plan Implementation Matrix. This tool is simply a chronological tracking system (in the form of a matrix) that staff periodically monitors to determine if (in fact) all of the planned goals have been achieved. At this time the matrix for the current plan has expired. All annual and other periodic activities required in the Comprehensive Plan were extended and are monitored. In addition, the Comp Plan has been updated to reflect current situations and Capital Improvement adjustments and revisions. An earlier marked-up matrix has been included in your back-up for your information and review.

Mr. Frank explained the sample matrix distributed to the commission, and indicated that a new matrix will be developed for the new Comp Plan.

1. Levels of Service: Specifically drainage issues.

Mr. Frank stated that storm drainage was addressed under the old Comp Plan. It has been improved, and those improvements are still being implemented. Staff is recommending this as a roll over item for further study to address any remaining problem drainage areas.

Mrs. Golino suggested that over-development and too much hardscape might be studied as contributing factors to the drainage problem, in addition to studying levels of service and

retention issues. Ms. Close referred to this suggestion as a study of landscaped open space in conjunction with studying storm drainage, but Mrs. Golino also requested studying limiting hardscape to a greater extent.

Also with regard to levels of service, Mrs. Golino felt it was important to study traffic due to the congestion which has been experienced. She proposed possible reasons for the increased traffic: construction related traffic; traffic due to road work; traffic due to a change in the kinds of families moving into the town; and traffic due to the number of service vehicles coming into town.

Ms. Murphy brought up the problem of drainage inverts being clogged with leaves, suggesting that leaves be swept up instead, and that restrictions be placed on leaf blowers if they are adding to the drainage problem.

Mr. Moore stated that staff will provide the commission with information relative to the status of the ongoing studies which have been authorized by the Town Council, and are already underway at Public Works. He explained that the Town has already implemented the 2" water retention requirement, and has already responded with additional generators and spare pumps. Mr. Moore thought that the commission should be provided with the traffic study report which is performed annually. This information will help the commission in its review of the Comp Plan's planning issues.

Ms. Markin asked whether the matrix, utilized by staff as a tool, has been updated as a result of the hurricanes. Ms. Close responded that within the EAR process, all of the goals, objectives and locally important issues within the Comp Plan will be reviewed. Hurricane preparedness could be added as a locally important issue.

2. Strategic Plan/Visioning

Mr. Frank explained that current regulations which govern comprehensive planning have no requirement for visioning to the future. He recommended including the Town's Strategic Plan issues and policies into the Comp Plan.

3. Infrastructure

A. Underground Utilities

Mr. Frank explained that this would include sewer, water, potable water, burying of electric and cable lines, and any other underground utilities. He noted that a demonstration project is presently underway on Royal Poinciana Way, and the Town is simultaneously working on a program to identify issues for a town-wide conversion to change all overhead utilities to underground utilities. In addition, Mr. Frank noted that the signage is being studied on Royal Poinciana Way as a demonstration project for future changes town-wide. He presented a map of the existing signage in this sample area. Ms. Murphy and Mr. Robert Eigelberger are working with Mr. Frank relative to the signage.

B. Emergency Water Supply

Mr. Frank explained that he believed this refers to distribution of potable water after an emergency, and the subject was raised within the Strategic Plan. Mr. Frank recommended that this be considered as a locally important issue.

Mr. Golboro stated that he is aware that two Town organizations have been able to secure potable water through tapping deep wells running under Palm Beach, together with using appropriate equipment and generators to create the potable water.

Mr. Robertson brought up the suggestion for the Town to have its own water supply through having a reverse osmosis plant. This would allow the Town to not have to rely on the City of West Palm Beach for water. Mr. Moore noted that Jupiter and Manalapan already have reverse osmosis plants. Mr. Frank stated that the Town had looked at this idea before, but had not embraced it at that time. He remarked that reverse osmosis may be the way for the future. Mr. Moore noted that the City of West Palm Beach made a very fine offer to the Town in the last round of negotiations for water service, and in recognition of the need to repair aging water pipes, promised to set aside 25% of the surcharge for replacement and repair of the infrastructure. Mr. Robertson stated that today's newspaper ran an article about the water supply, and the fact that it is surface water, instead of coming from the more desirable underground aquifer source. Mr. Robertson felt that aside from the current arrangements with the City of West Palm Beach, the Town should work on securing its own water supply, and this should be included in the Comp Plan. Staff concurred.

4. Preservation of Residential Neighborhoods

Especially in light of all of the previous and current studies which have been undertaken in an effort to preserve and protect the character of the neighborhoods, "this issue will, no doubt, dominate much of the upcoming development of the Comprehensive Plan update."

At this point, Ms. Murphy read a statement into the record applauding yesterday's editorial in the Palm Beach Daily News which supported the concept of the street by street indexing which had been proposed by the Planning and Zoning Commission. Ms. Murphy's statement also included her comments in support of the concept, her request for an economic impact study, and her recommendation that the Maximization Study be shown again at the next Town Council or Planning and Zoning Commission. (A copy of Ms. Murphy's full statement is available at the Planning and Zoning Department.)

Mr. Bell stated that he objected to the editorial as it stated that "modest protest" was encountered regarding the street by street indexing and the proposed zoning in progress. He felt that since over 100 persons were present to speak against the concept, this was not a "modest" showing. Mr. Bell commented that the Planning and Zoning Commission was rushed to judgement on this issue, and that more time is needed to study the entire issue. He also stated that this matter should not be discussed any earlier than November, when most residents have come back to town.

Ms. Close explained that staff had originally planned a Planning and Zoning Commission meeting for October 6, 2005. Since that time, it was decided to postpone this meeting to a date which is late enough in the season to allow for maximum public attendance and comment. This will most likely occur in November or early December. There may, however, be a planning meeting of the Planning and Zoning Commission in October.

Mrs. Golino spoke in support of Ms. Murphy's statement. She particularly supported the economic impact study suggested, and asked that if the Town cannot do this study, perhaps the Civic Association might be willing to do it. She felt it would be important to have this information prior to entering into the November/December meetings.

Mr. Moore asked for clarification about the suggested economic impact study. He stated that the Planning and Zoning Commission can certainly recommend this to the Town Council, and while it may seem like a good idea, it may serve to negate what is trying to be achieved. He noted that in 1982, on a 10,000 square foot lot, 30% lot coverage was permitted with a second story, a 6,000 square foot structure, and 35 feet in height. Today, on the same lot, there is a 30 foot maximum height with a 3,950 square foot structure, which is approximately one-third less in square footage and 5 feet lower. He maintained that even though regulations have reduced the allowable size of the homes, no one can say that property values have not risen nicely in the Town. He claimed that the results of an economic impact study could give opponents ammunition to file a Bert Harris lawsuit against the Town. He asked that staff be given a chance to bring the results of the existing studies, and possible alternatives, to the commission in the Fall, rather than forcing the staff's hand to do an economic impact study which may provide data to be used as ammunition against any proposed change.

Mrs. Murray stated that the most common complaint heard from the over 100 persons who spoke out against the concept of indexing was one of economic loss. As such, she felt this outcry must be addressed. She also suggested that the Maximization Study be placed on display so more people can see its effects. Ms. Close answered that staff could assemble some graphics of the most outstanding maximizations which could be reviewed at upcoming community meetings.

Mr. Bell complimented Mr. Moore on his assessment of the economic impact study. He disagreed with Mrs. Murray's interest in displaying the maximization study as he felt people would not understand it, and might be unnecessarily alarmed by it. He noted that it failed to show any landscaping. Ms. Murphy responded that regardless of the study not showing landscaping, a maximized house leaves less room for landscaping. She suggested that the maximization study should be placed on the Town web site. Ms. Murphy remarked that it is important for people to know what could be built with existing regulations.

Ms. Markin stated that the Town needs a clear policy about how to handle those who do not take care of their properties, as she felt that a property that is not cared for creates more of a negative impact and is more de-valuing to a neighborhood than a large house. Secondly, she called for Town forums prior to the November/December meetings, especially in light of the public outcry that was recently heard at a Town Council meeting. Lastly, Ms. Markin stated that the Planning

and Zoning Commission must have a clear understanding of its role. Ms. Markin did not feel that the commission's role is to preserve property values. Rather, its role is "to preserve what the people of our town really want to see in our town." As such, she did not feel that the commission's decisions should be based on monetary value.

All agreed that this was an issue of local importance. Mr. Robertson stated that further discussion of this topic should be reserved for the November/December meetings. Mr. Moore stated that staff will be working on some alternatives to deal with such issues as making allowances for garages. He added that public hearings are absolutely essential, and he will make that case before the Town Council.

5. Shoreline protection

Mr. Frank maintained that Shoreline Protection is an issue that should be evaluated during the comprehensive planning process.

Additional Comments

Mr. Robertson advocated a sixth issue, that being Traffic and Parking. He felt this was the primary problem in the Town, and it will only get worse. He recommended this as a locally important issue. Mr. Frank stated that staff concurs.

Staff asked the commission to bring forward any other ideas for locally important issues. Mrs. Murray asked that the regulations regarding renovation, i.e., the 50% rule, be studied to encourage renovation rather than demolition.

Mrs. Golino brought up the problem of buses on residential streets, in conjunction with traffic issues. She felt that they should be confined to commercial streets. Staff thought this was a good suggestion. Mr. Frank stated that Traffic is an element in the Comp Plan. Certain problem areas in the town, like the traffic circle at Mar-a-Lago and the Bath and Tennis Club, have been noted over time. Mr. Frank stated that the Comp Plan process is not only about the level of service that is recommended for an area, but is also about the community making a conscious decision to accept less than the recommended service level in order to preserve ambiance.

Ms. Markin agreed with Mrs. Golino about the problem of the buses, and stated that quite often they are empty, or have just 1-2 passengers. It was noted that these are Co-Tran buses. Mr. Moore stated that Co-Tran does provide bus service to the town, and stated that staff would have to check into this. Ms. Murphy stated that as a result of serving on the Transportation Committee of the Civic Association, she became aware that even if there is only one passenger, the bus must go all the way to the north end of the island. The Civic Association has been successful in limiting the frequency of the buses going to the north end. Mr. Moore added that the Chief of Police retains control over non-state roads.

Ms. Markin remarked, relative to shoreline protection, that along the lakeside, certain town-

owned break walls at the ends of easements are not being maintained, and require attention. With regard to traffic and parking, Ms. Markin questioned whether anyone has control over the number of construction sites in a given area. Mr. Moore responded that one third of the available spaces on a street are for use of construction vehicles, one-third for private owners, and the last third for service persons. This ordinance has been in place for two months, and staff will provide a copy to the commission members. Mr. Moore noted that the Town Council has recently moved up the completion date of the Traffic and Parking Improvement Plan to mid 2006. Relative to the seawalls, Mr. Moore stated that this is a Capital Improvement issue, and the Town is budgeting for repair of its own seawalls.

Ms. Markin inquired whether, in the Traffic and Parking Improvement Plan, the growth of West Palm Beach, with multiple apartment buildings, has been taken into consideration. This, of course, would contribute to traffic with persons shopping at Publix and going to the beach, etc. Mr. Moore responded that all of these considerations will be addressed.

Ms. Murphy added that the Civic Association has been looking at the possibility of suggesting that the Town build a parking garage on its property in West Palm Beach, and then using a trolley to transport persons into the town. She admitted that there has not been much support for the trolley concept, however. Ms. Markin expressed concern that it could become a touring trolley on the island.

VIII Consideration of Changing Existing Planning Areas

Mr. Frank explained that the planning areas were established to deal with planning issues. Planning areas are not to be confused with neighborhoods. At some point in the past, it was suggested that perhaps the planning areas need to be reviewed and possibly changed. Since that time, however, no suggestions of merit have been advanced to justify changing the existing planning areas. He noted that the disadvantage of changing the planning areas is that it could prevent staff from being able to do comparative studies, due to the amount of data already collected for the existing planning areas. As such, staff recommended that the existing planning areas be maintained.

Mrs. Golino agreed with staff stating that the planning areas, as defined, lead into obvious and natural divisions within the Town. There is also the consideration of the data which has already been collected.

MOTION BY MRS. GOLINO TO RECOMMEND NO CHANGES TO THE PLANNING AREAS AS THEY EXIST.

**MOTION SECONDED BY MR. BELL.
MOTION CARRIED UNANIMOUSLY.**

IX Any Other Items

No other items were presented by staff or the commission for discussion.

X Adjournment

MOTION BY MS. MURPHY TO ADJOURN AT 11:00 A.M.

MOTION SECONDED BY MRS. GOLINO.

MOTION CARRIED UNANIMOUSLY.

It was noted that the next meeting date of the Planning and Zoning Commission was not yet established. Staff will be preparing a suggested list of study items and meeting dates for the Town Council's consideration. Upon approval of same, staff will notify the commission.

Respectfully submitted,

**Harrison Robertson, Chairman
Town of Palm Beach
Planning and Zoning Commission**

**Joanna Golino, Secretary
Town of Palm Beach
Planning and Zoning Commission**

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