

Draft

PLANNING & ZONING COMMISSION
2006-2007 ZONING HEARINGS
RECORD AND REPORT
THURSDAY, MAY 3, 2007

- I. **CALL TO ORDER AND ROLL CALL:** Mr. Robertson, Chairman, called the meeting to order at 9:30 a.m.

PRESENT: Harrison M. Robertson, Chairman
John H. Schuler, Member
William M. Guttman, Member
Elizabeth S. Murphy, Member (arrived at 9:35 a.m.)
Leslie A. Shaw, Member
Eugene Lawrence, Alternate Member
Veronica B. Close, Director of Planning, Zoning & Building
Paul W. Castro, Zoning Administrator
Tim Frank, Planning Administrator

ABSENT: Lowry M. Bell, Jr., Secretary (unexcused)
Alan S. Golboro, Member (unexcused)
Walter Anthony Dowell, Alternate Member (unexcused)
Floyd Wideman, Jr., Alternate Member (unexcused)

(Please note that Mr. Lawrence was a voting member at the meeting.)

RECORDING SECRETARY: Deborah A. Morakis

- II. **INVOCATION AND PLEDGE OF ALLEGIANCE:** Ms. Morakis delivered the invocation and all joined in the Pledge of Allegiance.

- III. **APPROVAL OF AGENDA**

MOTION WAS MADE BY MR. SHAW TO APPROVE THE AGENDA.
MOTION SECONDED BY MR. SCHULER.
MOTION PASSED UNANIMOUSLY AFTER A ROLL CALL VOTE.

IV. **REGULAR AGENDA**

A. Old Business

1. Consideration of the Letters of Interest from Consultants on the Royal Poinciana Area Planning Study

For the record, Mr. Robertson clarified that Staff sent out requests for letters of interest to eleven companies. Seven companies responded, and those seven responses will be considered today.

Paul Castro, Zoning Administrator, added that the whole gamut of the proposal for the study itself should be considered, including information from the Treasure Coast Regional Planning Council. This information was previously provided to the Commission on March 5, 2007 and additional copies were again distributed at that time.

Veronica Close, Director of the Planning, Zoning & Building Department stated that staff had some discussions with the Treasure Coast Regional Planning Council. Treasure Coast indicated they would come and make a presentation if the Town was interested in their services. Ms. Close stated that as a governmental agency, The Treasure Coast Regional Planning Agency is prohibited from responding to Requests for Proposals (RFP's). That is why their information was included separately from those who can respond to RFP's.

Mr. Castro stated that today's meeting was scheduled so the Commission could consider all responses received from the request that was sent out for letters of interest. Staff received these responses by Monday, April 30, 2007. Some of the responses received were more lengthy than others. Most of them included at least some estimates. The response from Seth Harry provided only information on a previous study they had done, similar to what is being proposed for the Royal Poinciana Area Planning Study. Urban Design Associates did not include in their fees the data collection necessary to do a visioning process. They included only from the charrette forward, in both their timeline and fee scope.

Mr. Robertson asked if the Staff had a recommendation. Ms. Close stated that the Town went through an RFP process when hiring its planning consultants to replace the Brisson Planning Solutions to do the regular planning work that it does every year. At that time, Staff talked to them about the Royal Poinciana Area Planning Study. One of the responders came back with a figure of about \$266,000.00, which Staff thought was a very hefty figure in light of the fact that in their experience, that kind of figure is normally charged by national companies. Staff heard about Treasure Coast and got an estimate regarding their program that assists local governments. Staff advised the Town Council that Treasure Coast had been identified.

Ms. Close stated that what was being presented today was not responses to RFP's, but short Letter of Interest (LOI) responses so that everyone would have a better idea of what companies are charging for these kinds of services. In general, when looking at the whole picture, Staff is comfortable with The Treasure Coast Regional Planning Council, but would enjoy the opportunity to work with a nationally ranked private company.

Mr. Robertson stated that the Planning & Zoning Commission relies on Staff for their expert advice and wondered why Staff had no specific recommendations.

Mr. Castro stated that the meeting today was called so that the Planning & Zoning Commission could make a recommendation to the Town Council relative to going with the Treasure Coast Regional Planning Agency, selecting one of the firms that responded to the Letters of Interest, or going out for a formal RFP process. That recommendation would be very beneficial to the Town Council to give Staff direction on how to proceed.

Ms. Close stated that Staff has reviewed the information about these companies, talked about their various responses and does have opinions about the various companies. The major focus of this process was to get an idea of the cost estimates.

Mr. Robertson asked what an RFP would produce that we did not already have from these companies.

Mr. Castro answered that going through the formal RFP process enables you to compare apples with apples and not apples with oranges so everyone is on the same page as it relates to the actual fees and scope. What Staff attempted to do to expedite the process was to bring these firms to the Planning & Zoning Commission, so the Commission could give the Town Council a recommendation as to the direction they would like for Staff to proceed; whether to go out for a formal RFP process, to pick one of these firms outright to negotiate with, or possibly use Treasure Coast Regional Planning, knowing what the cost estimates are today.

Mr. Robertson suggested that perhaps Staff should have asked for the RFP in the first place instead of this letter of interest.

Mr. Castro answered that time did not permit that. Ms. Close added that on March 5, 2007, she sent a memo that included what the cost estimates were for national companies. Staff was asked to go out to those national companies to see if those estimates were correct. Staff did this. Because these companies all use a similar charrette process, Staff asked them to provide estimates to give the Commission further information to use in structuring a recommendation to the Town Council.

Mr. Robertson stated he was not happy with the posture of the matter. These things seem to drag on and on. The owners of the properties that want changes have been waiting patiently. The owners of Testa's have been waiting for more than one year and the owners of the Royal Poinciana Plaza have been waiting longer than that.

Ms. Close stated that Staff does not feel we should go back and get an RFP. Staff understands that the Commission may want to, but Staff's role here is simply to give the Commission an opportunity to discuss this issue.

Mr. Guttman stated that he also had the same concern as Mr. Robertson and asked Ms. Close if Staff would be opposed if this Commission were to recommend to the Town Council that Staff proceed with RFP's. Mr. Guttman read part of a memorandum dated May 1 from Ms. Close stating that if there were differences between the Planning & Zoning Commission

recommendations and those of Staff, those differences would be clearly outlined in a transmittal memo to the Town Council.

Ms. Close stated that at this point in the meeting she could not make that statement. If the Staff did not concur with the Commission's recommendation, Staff would simply say that the Commission made a recommendation to go out for an RFP and here is how it could be done. Staff would develop a timeline and provide that information to the Town Council. Staff would include information on whom the RFP would be sent.

After Mr. Guttman asked for an explanation of what the Staff's views would be as to the next steps, Ms. Close explained that there were a number of options. One option would be to go out for an RFP, which could end up going to the Town Council in August for a final decision after all the responses were received and tabulated. Another option would be for The Planning & Zoning Commission to recommend selecting only certain of these to receive a Request for Proposal. The Commission could select one of these and make a recommendation to the Town Council that the one selected be approached to negotiate an agreement. A recommendation could also be made that Treasure Coast Regional Planning Council Staff come in and make a presentation. These are a few of the options available to the Commission.

Chairman Robertson asked what the Staff's recommendation was and stated that the Commission relies on Staff to assist the Commission with advice and recommendations. Staff is the expert, not the Commission.

Mr. Castro stated that Staff's original recommendation was to use the Treasure Coast Regional Planning Council for several reasons. One reason was that they were the reviewing agency as it related to our comprehensive plan amendments and master plan that the Town developed. The other was the expediency. The Treasure Coast Regional Planning Council would hire their own marketing specialist and economist to help with the process at a more reduced fee than what would be available in the private sector. They could also get the Town reimbursement from FDOT relative to the bridge work as well as connectivity to Royal Poinciana area. After hearing from the Town Council and the Planning & Zoning Commission, it was clear to Staff that the Town wanted to investigate using a much more nationally recognized firm than the Treasure Coast Regional Planning Council to do the Royal Poinciana Area Planning Study. While Staff is willing to work with whatever firm the Town desires, preference would be to begin as quickly as possible and the only way to do that would be to use Treasure Coast. Staff would recommend the RFP process at an expedited rate to try to get someone on board by August so they can begin the data collection and Staff could get on track to complete at least the first phase of the visioning process during December/January, finish up the scope by the end of May and get something adopted by the fall of 2008. Staff will work with anyone the Council selects, but this needs to get moving at a faster pace.

Ms. Close added that Staff would rather fast track an RFP process than select from this list. Some of the responses received were not as full as others, making it more difficult to make a decision from this list. Staff was very impressed with the firm Dover, Kohl & Partners. A lot of feedback was received from them. Staff also looked closely at Seth Harry.

Ms. Murphy noted that the information received from the request for letters of interest from

these firms was helpful. However, it did not include enough information to make a responsible decision. Ms. Murphy stated that after some discussion, she would like to move that the Commission make a recommendation to the Town Council that Staff go out for an RFP, not just to these seven firms, but also to the public and try to fast track it from there. One thing of concern to her was the reason the RFP process was not started from the beginning was because we did not have a defined scope of services. Ms. Murphy asked if Staff had prepared a draft scope of services that could be presented to the Planning & Zoning Commission at this time.

Ms. Close stated that at the time the letters of interest were sent out, Staff was not looking into the future for an RFP. A standard RFP had been prepared last summer and Staff would take that standard RFP and insert a scope of services. Ms. Close added that she had made a power point presentation to the Commission some time ago, showing a number of slides that demonstrated a basic visioning process. Ms. Close stated that a scope of services should generally be somewhat flexible, not wanting to pigeonhole any one company. Phase I would be gathering data, being as specific as possible to ensure what would be covered. Phase II would be meeting with stakeholders and the charrette process and the feedback in the charrette process. Phase III would be doing any comprehensive plan amendments and zoning amendments. The material provided to the Planning & Zoning Commission includes a demonstration of at least three of these companies going through a very similar process.

Ms. Murphy said she did not see much discussion about the Royal Poinciana Area in the material. These companies provided their template and this is the most that could be reasonably expected from a letter of interest. Ms. Murphy stated that one of the policy reasons for doing an RFP was to make sure that taxpayer dollars are spent responsibly. She was strongly opposed to choosing one of these companies today and letting them charge the Town whatever the costs because then the Town would have no negotiating power. Ms. Murphy stated that the Town should be looking at what services are already provided in that area, including the waterfront, the park and the Royal Poinciana Plaza aspects.

Ms. Close stated the Commission should want to know the company selected is able to identify an area, to actually depict what that area is today and what it could be under the present code and present future land use map. The company must be able to tell you how they will go about meeting the stakeholders; how they go through the charrette process; and what abilities they bring to the table to translate what they hear from the community into a vision, a picture, a land use map. Then, when that company is selected, they must come back with a very specific approach to the project that could be modified by the Town at that point and a contract would be developed from that specific scope of services. Being too inflexible when going out for an RFP could limit the ability of a company to use its particular or unique expertise to respond to a proposal.

Ms. Murphy noted that no dates for the project were included in the material that was presented.

Ms. Close stated that in an RFP, the information that would be provided would have to be far more specific and the timeline for RFP, should the Council direct Staff to do this in May, would get the RFP out on the street in approximately two weeks and allow one month for the responses. Then a selection committee would review the proposals and short list them. Meetings would be set up for them to come back and make presentations. That could be ready for Town Council

consideration at the August meeting. A contract could be negotiated and the company could start in September.

Mr. Shaw read comments from his notes and stated that any of the firms considered would be capable of providing service to the Town of Palm Beach. Mr. Shaw stated, "Many of the plans refer to redevelopment. We do not have a slum that needs to be brought back to life, but a thriving residential and business community that some of us would like to see redeveloped to better maximize property values on the basis that it also meets the needs of the residents of the Town. We do not need transportation studies, a change in land use or a voice that focuses on one small section of the Royal Poinciana Area. The focus is not bringing financial life to the area. The focus is making a better area for the Town. Second, the Town has had many opportunities to discuss redevelopment and has met the challenge on its own. The talent of the Staff and most importantly, those in chambers of the Town meetings and these commissions, allow us to know what best suits the needs. Third, this is not a study on property, but an area. And the repeated reference to the Royal Poinciana Plaza by a few of the firms tells me that they do not understand what we are trying to approach. Fourth, stakeholders. I asked for a definition of stakeholders and I was told they are everyone. Everyone are the residents. In my estimation and my thinking, the stakeholders are those people that are directly impacted by what is happening and those people are the landowners and the residents who reside adjacent to the property. When I proposed that we do a study for the greater Royal Poinciana Area, I was hoping we would receive ideas, not timetables for meetings. I find this process very strange. These firms are well qualified, experienced and have proven track records. They should be able to do the research, give us their best shot at what they believe works for the Town and let us choose a plan that we want. We should be looking for a firm that can give us the best use of the area; then we should approve it, modify it, or reject it and then if there is a plan, that it should go to the Council and then to the public. To spend hundreds of thousands of dollars of taxpayer money to lead us in meetings, to review our zoning and talk to our residents I feel is a waste of money. We can have meetings tomorrow for zero. We can get some feedback of what will come from a multi-thousand dollar charrette. So far, all I have is a ream of paper outlining what they have done, where they have gone to school and how much they charge per hour. Somewhere in the pile is a firm that can give us what we want. Unfortunately, none of them have said this to me. I would suggest that the Planning Board do the same work that the Charter Commission did, the same work the Council does in reviewing redevelopment and make a decision on what we feel is best for the area. Let us take into consideration the Staff presentations that have come to us and the timetable that was given to us a number of months ago and then make this recommendation on how the area should be redeveloped to meet the Town's future needs. After all, we are both the residents of the Town, the appointed members of the Planning Commission and if we don't know what we want, how can we expect our neighbors to know?"

Mr. Schuler repeated what some had already said, in his judgement there is no way to make decisions on this data that was presented to the Board. Mr. Schuler felt Staff should have definitive proposals and each one of these individual firms should appear before this Commission to allow the Commission the opportunity to discuss their proposal in detail. Then the Commission would be in a much better position to make a recommendation to the Town Council.

Mr. Guttman stated that from his viewpoint, "Staff's timeline is not aggressive enough," and he

didn't see why we have to wait for August to act on the selection of a planner through an RFP process. The Town Council meets late in June. Mr. Guttman stated that he had prepared a template for an RFP that goes beyond the RFP prepared by Staff, one that actually outlines the various scopes of services articulated in the various letters of request. Mr. Guttman stated that the draft of the RFP he prepared was done with a tremendous amount of input from Stanford Anderson, the former Dean of MIT's Department of Architecture, and noted that it is very important to indicate that the Commission does not want to receive more than seven, eight, or some very limited number of pages in their response. Briefly addressing the comments about the Treasure Coast people, Mr. Guttman stated that he thought it somewhat disingenuous to assert that the Treasure Coast people can deliver a fifty thousand-dollar discount from FDOT because of their state relationships. Mr. Guttman said, "I can assert, with a fair amount of conviction, that if we talk to Jeff Atwater or some other representatives in Tallahassee, we can get that same treatment, if that is truly an offer that is on the table". Mr. Guttman stated that the problem with the responses is that they range from non responses to full-fledged packets. In other words, some people took the Staff at their word and simply sent letters of interest while others saw the ambiguity in the request as a sign that they should submit actual proposals. This is the apple and orange problem that we now face. Cooper Robertson, EDSA and Seth Harry did what they were asked to do. They sent simple letters with a preliminary sense of the cost and timing. Seth Harry particularly, was very up front about the fact that he does not have enough information to go on to give a reasonably solid answer. Mr. Guttman went on to say that in the Cooper Robertson letter, they stated that their \$400,000 fee estimate was "dependent upon the scope and timeline." Their response is vague about the desired level of the supporting quantification they will do or what implementation tools the firm will offer such as a master plan, amendments to the comprehensive plan, zoning code, etc.

Mr. Guttman stated that he was concerned about the use of the word charrette, which has been heard a lot this morning. Mr. Guttman then read the following from a prepared statement: "The term charrette, which literally means "cart" in French, derives from the Ecole des Beaux Arts in Paris. During the 19th century, students would take last minute changes in their illustrations in carts they were carrying to their professors. Charrettes are now used as a form of public participation. But as the name applies, it is a lot of frantic work in a short period of time. Planners and designers come to a community, provide guidelines for public participation that, in many cases, prejudice the relative merits of different ideas and then they get an initial input from the attendees. Based on this input, the consultants then set up shop on site for about a week and furiously work a design. They produce illustrations of different ideas and get a first pass in feasibility from the client group, elected officials, staff and other participants. Specifically, here are my concerns about charrettes. First, charrettes are overwhelmingly design and form based. Even though designers pay lip service to uses, transportation and other considerations, their product ends up being about setbacks, building heights and the architectural styles. They fully believe in the power of design in architectural style to change lives. This is what all architects are taught in architectural school. Focusing exclusively on style and building forms does not fully get at the issues regarding the public realm. Even though design and bulk are certainly issues, they should not be the first issues that drive everything else. Indeed, in my view, considerations about the public realm, the character of the streets, the sidewalks, the squares and parks and so on, should drive development, not the other way around. And the character of the public realm is about much more than design. While design, of course, is an element, there are many other considerations such as access and circulation and the combination of multiple uses

and activities. When you focus on the public realm you get a much richer environment. Here is an example: you can't create an active public realm at the end of a view corridor by simply plopping down a civic building as new urbanists like to do. If you focus on making the public spaces around the civic buildings more active, then you open yourself up to a whole other level of thinking and you start thinking and introducing other uses and start thinking about forming new partnerships including public/private partnerships to implement a set of goals. I've used a civic building as an example because it's a favorite trope of the new urbanists and it illustrates how, like all other architects and many planners, they are still caught up in the importance of buildings and their style, rather than about creating a series of great places throughout the Town. The notion of a public realm driving the buildings rather than the other way around is very, very rare. And on top of that, too much focus on building themes slights consideration of political, financial and physical feasibility. Furthermore, charrettes do not allow the public enough time to engage meaningfully. Because charrettes generally take a week, I think they are actually a somewhat cynical approach. I call them charades. They are a way for consultants to appear to be open to input, when really, they want to impose certain architectural style. For one thing, the public is being introduced for the first time to a whole new set of concepts and terms that really take a while to digest and fully understand. They can't really engage meaningfully. I favor a public process that takes much longer and gradually introduces ideas and concepts for the public to engage in. In addition, charrettes do not provide enough time to create great ideas. The notion of generating meaningful ideas in a short time is simply a fantasy. These things take a lot of time and study. Also, the charrette process does not allow enough time to focus on the feasibility of each idea. What ends up happening, is that you lead participants to believe that they can grasp the whole set of ideas in just a week. The facilitator is liable to disappoint them, which can lead to cynicism. I believe that it is important for the consultants to take their time in absorbing all the information they need; parcel data, current uses, traffic data, etc. As they gather this information, they can present their findings to the public and to stakeholders. Finally, charrettes do not provide a structured process for engaging stakeholders. In my view, it is vital to engage stakeholders in a structured process. Property owners, advocacy groups, civic groups, preservationists, the garden club and even municipal and state officials. Don't forget, the reconstruction of the Flagler Memorial Bridge and the possibility of bypassing Royal Palm Way at this point, and extending Lake Trail is on the table. Without their input, nothing can be accomplished. Through a series of meetings, both one on one and larger settings, planners can gain valuable input and guidance from stakeholders, and in the process, they can smooth over differences among them. This process, in addition to engaging the broader public is crucial for political feasibility. The Skidmore, Owings & Merrill and Urban Design Studio responses to the Letters of Interest (LOI) are very dependant on the un-estimated costs of additional consultants. For example, Ray Gindroz talks about the need for specialist consultants in traffic, residential and commercial marketing, environmental and landscape design and "process facilitation", whatever that means. Thus the need for additional consultants and the question of who will pay for their work should be addressed as a matter of public policy and in the RFP. Next, the RFP should clarify the degree to which market demand studies are required and if so, who should pay for them, the consultant or the Town. It seems plausible, at least to me, that the planners could get most of the market data they need gratis from public entities or at a very low cost to them from private services that provide such data. What planners bring to the table is the ability to parse the market demand data and come to conclusions. Of course, consultants in all fields tend to be limited by the professions and provide boiler plate information using assumptions that can sometimes be flimsy. In my view, we should avoid that cost at all costs".

Ms. Close commented that it might be helpful if the Commission could come to some agreement as to what they want to come out of this study. That would help Staff in developing the scope of services if that is ultimately what the Commission decides to recommend to the Town Council. For example, different ideas about the amount of public participation and when it should occur were heard, as well as different thoughts about the importance of economic concerns in this study, whether or not architecture should be incorporated into the study and making sure that land use is a part of it.

Mr. Shaw stated, "When we started this, it was, to some degree, the tail wagging the dog. We had two proposals from two independent property owners that wanted to make some changes to their property that the current zoning did not allow. Rather than trying to create a piecemeal approach and saying "lets do this one and we'll approve it with a hundred variances and special exceptions and other issues", we said "let's take a step back and take a look at the entire area and see what is best for that area. We are over complicating this. I am not looking for anything that we are dealing with in 2007, 2008, or 2009. We are looking into the future, looking at what's going to be here for our children and grandchildren. That is what planning is all about. I think that we should be using our talents, our ability and our resources within the Town. Let us look at the zoning and how it could be modified to benefit everybody and once we've made that decision, it's up to the property owners to decide how they want to develop their property. Testa has not come to the Town and said "Here, can you devise Testa village." The Royal Poinciana Plaza has not come to the Town and said "can you go out and develop a land use plan so we can better use our property." They're taking the initiative, which is, in fact, their responsibility. The responsibility of deciding what to do should rely in this room or in this building with a meeting, staff recommendations based on zoning experience in the Town. Years ago, we had to re-evaluate what was happening in Phipps Estates. We did it very well. We looked at what they wanted to do. We looked at what the zoning was. We looked at what balanced and we looked at how it would impact the neighbors. I am really uncomfortable with the word stakeholders. I don't know where the input should be coming from. Am I a stakeholder in West Palm Beach because I drive through it everyday? Does that give me a right to actually have a voice of recognition and concern? The Town should stop doing what it is doing. Let's flip it around. If someone is living in the south end of Town and making a statement about what's going to happen on Royal Palm Way, is that an appropriate stakeholder? Yes, we are all residents. We should all have the right to express our views and make comments, but the actual development of the area, I think the responsibility lies here. We should be the ones making the decision. We should go and make our decisions in conjunction with professional help and then bring it to the public and say these are the ideas we have, this is why we feel this is beneficial and this is the direction that's going to help and improve the Town of Palm Beach and we're asking for your support".

Ms. Murphy noted that the comments heard thus far have provided a lot of food for thought. "Regarding a competition versus a request for qualifications, on one hand you have private property here and it could be that we take a more reserved approach. On the other hand, if you look at this as one of the two main entrances to the world of Palm Beach, you've got beautiful Royal Palm Way, Bankers Row and we have such an opportunity with Royal Poinciana. With the new bridge, with what Bradley Park will become with a master garden, and with whatever will happen with Testa's and the Royal Poinciana Plaza, the opportunity to have our only public restaurant on the water and an old world theater, this is such an important and amazing

opportunity”. Ms. Murphy asked what the timetable was for planning a competition and Ms. Close answered that it was probably about the same length of time, but the process was reversed.

Ms. Murphy stated that what she heard Alex Garvin say at the March workshop was that it is not just what you see in Palm Beach and not just what services are available five blocks away. “We have to look at City Place, the Kravis Center, the whole. Going through some of the nice features in the Towns that have been redeveloped by these professionals, with the limited space that we have and the limited ability that we have for planning, there is so much that could be done. How hard would it be to have a list of all services, features, restaurants? Royal Poinciana Plaza, redeveloped or not, and what’s available in West Palm Beach for us to look at and in deciding whether this should be a recommendation for competition. With the bike path extension connecting the lake trail, and lots of opportunities with the new bridge and to work with the DOT, maybe more public areas in Royal Poinciana Plaza, something more pedestrian friendly and a Town Square being part of that”.

Ms. Close commented that there seems to be a question of whether to do a full blown study that looks at land use, or does this Commission want to take a look at land use itself. “Do we want mixed use, residential, commercial, etc? Then have someone else come in to show us what it would look like in terms of mass and form. There are two different considerations here. You cannot focus on just the urban form or just the land use. The Commission may want to look at the land use issue and that would mean that the Staff would come back with what’s out there now”.

Eugene Lawrence stated that he would object to a competition and stated that he felt a consultant was needed and that we need to devise a scope that affects the use, not the building form.

Mr. Guttman stated that he felt we do not need to seek a request for qualifications as we have identified and contacted eleven companies and seven responded. Mr. Guttman stated he does not believe in competitions. Staff can get an RFP out shortly after the May 7th or 8th Town Council meeting, reducing the number of recipients to five, eliminating Seth Harry and ESDA. These five firms are nationally recognized. Mr. Guttman agreed with Mr. Lawrence in his scepticism of form based planning. He felt eight months would be a sufficient amount of time to complete the process. After additional comments, the following motion was made:

MOTION BY MR. GUTTMAN TO RECOMMEND TO THE TOWN COUNCIL THAT STAFF PREPARE A REQUEST FOR PROPOSAL TO BE SENT TO COOPER ROBERTSON & PARTNERS, DOVER KOHL, URBAN DESIGN ASSOCIATES, ALEX GARVIN & ASSOCIATES AND SKIDMORE, OWINGS & MERRILL. THESE RFPs ARE TO BE SENT OUT WITHIN ONE WEEK OF THE MAY 7TH OR 8TH TOWN COUNCIL MEETING, REQUESTING A RESPONSE BY THE RECIPIENTS NO LATER THAN ONE WEEK PRIOR TO THE JUNE TOWN COUNCIL MEETING AND THAT THE TOWN COUNCIL MAKE THE DECISION BASED UPON THE FIVE RESPONSES TO THE RFP AT THE JUNE TOWN COUNCIL MEETING, THEREFORE GIVING THE COMPANY SELECTED AMPLE OPPORTUNITY TO BEGIN GATHERING ALL THE TECHNICAL DATA DURING THE SUMMER.

Mr. Guttman requested that the RFP call for responses that are not longer than seven pages and Town Council would make the selection based on that information.

MOTION SECONDED BY MR. SHAW.

Mr. Shaw then requested clarification on the motion and asked if Mr. Guttman was looking at this RFP to not be focusing in the same direction that these letters of intent were: initial public involvement, review and analysis, or looking at this issue as a land use issue to see how the area should be developed from a zoning standpoint. Mr. Guttman replied, "Generally speaking, yes".

Mr. Schuler stated that the decision should come back to this Commission rather than having the Town Council make the decision. He agrees with what is proposed, but feels it is the Commission's responsibility to make some comments on these various proposals rather than dropping them in the hands of the Town Council.

Mr. Guttman agreed but stated that his concern was in being expeditious. He did not object to holding a Planning & Zoning Commission meeting two days after receiving the responses from the RFP, so the Commission would be in the position to make a recommendation to the Town Council at its June Town Council Meeting. However, as the responses come in, he would like them scanned and sent to the Commission when they are received.

MOTION AMENDED BY MR. GUTTMAN TO INCLUDE THE SCHEDULING OF A PLANNING & ZONING COMMISSION MEETING PRIOR TO THE JUNE TOWN COUNCIL MEETING.

THE AMENDED MOTION WAS SECONDED BY MR. SHAW.

Mr. Shaw then asked for further reconsideration and suggested that a mini panel be formed consisting of two or three Planning & Zoning Commission volunteers and one member of the Town Council to meet with Staff, in lieu of the entire Planning & Zoning Commission to formulate a recommendation.

Mr. Guttman stated that would sound selective and that if the recommendation was to come from the Planning & Zoning Commission, then the full Planning & Zoning Commission should be included.

Ms. Close proposed an alternate method used by the Town, that being a selection committee comprised of one member of the Town Council, one member of the Commission, a representative from the Town Manager's Office and one or two members of the Planning & Zoning Department.

Mr. Shaw objected to that suggestion for the same reasons that Mr. Guttman mentioned. All of the members should be invited to attend. Mr. Guttman also objected based on the fact that Ms. Close expressed a preference for Dover, Kohl, Seth Harry, and Treasure Coast.

Ms. Close reminded the Commission that she reluctantly gave comments earlier because she was concerned she would be held to them at the end of this meeting. She also qualified that by

saying that since the responses were not regular RFP responses, the Staff was reluctant to make any of those kinds of recommendations.

Wendy Victor, a resident on Via Tortuga and former member of the Landmarks Commission, stated that she was concerned she was not hearing about the history of the place. “This is not a blank slate we can vision or have charrettes about. It is the most historic entrance to the Town. The Post Office at the head of Main Street is on the National Register of Historic Places. The view from the east side of the Flagler Bridge up to the Post Office is already landmarked. Certain elements of Bradley Park are landmarked. The building on the corner of Bradley Place is landmarked. Also, the Breakers Hotel, Seagull Cottage, the Flagler Museum are landmarked. What you have already is a historic district and it’s been at Landmarks for years. We have talked about formally making it a historic district. Whatever planner you suggest, really needs to keep in mind what we already have and put a value on it.” Mrs. Victor stated that she liked what Mr. Shaw said about narrowing the project back down to the Testa’s redevelopment and to whatever you decide to do with the Plaza, if there is going to be a zoning change. “It seems that already your Commission, with some Staff input, have 90% of the answers at hand. If you had a consultant that could help you work within this historic area, you would have an answer” she said.

MR. GUTTMAN AGAIN RESTATED HIS MOTION; THAT THE PLANNING AND ZONING COMMISSION RECOMMEND TO THE TOWN COUNCIL THAT STAFF BE INSTRUCTED TO SEND REQUESTS FOR PROPOSALS TO THE FOLLOWING FIVE FIRMS: COOPER ROBERTSON & PARTNERS, INC., DOVER KOHL & PARTNERS, URBAN DESIGN & ASSOCIATES, ALEX GARVIN & ASSOCIATES, INC AND SKIDMORE, OWINGS & MERRILL, LLP. THE REQUESTS FOR PROPOSALS GO OUT, IF THE TOWN COUNCIL APPROVES THIS RECOMMENDATION, ROUGHLY ONE WEEK FOLLOWING THE MAY 7TH OR 8TH TOWN COUNCIL MEETING WITH THE RFP DUE ONE WEEK PRIOR TO THE DATE OF THE JUNE TOWN COUNCIL MEETING AND THAT THE PLANNING & ZONING COMMISSION MEET TO REVIEW THE RESPONSES TO THE RFP WITHIN TWO DAYS FOLLOWING THE DEADLINE FOR SUBMISSION OF THE RFPS AND THAT THE SCOPE OF SERVICES BE AIMED AT LAND USE CONSIDERATIONS.

MR. SHAW SECONDED THE MOTION AND AFTER FURTHER COMMENTS AND A ROLL CALL VOTE, MOTION PASSED UNANIMOUSLY.

Mr. Shaw requested that, due to the fact that these meetings are being scheduled without a great deal of advanced planning, the Council agree that if a member of this Commission is not able to attend, that absence will not count as an unexcused absence in light of the obligation that Commissioners are discharged of our responsibility after missing two meetings.

Mr. Guttman added that he favors Mr. Shaw’s concept. It is unfair to some of our colleagues who couldn’t make this meeting, with less than ten days notice, to be penalized in terms of their attendance record. It is a standard procedure in most organizations that you do not hold a meeting with less than ten days notice. Those absent today may well be penalized with an unexcused absence and that is fundamentally unfair, in view of the fact that we were operating under the assumption there would be no meetings over the summer.

A MOTION WAS MADE BY MR. GUTTMAN REQUESTING THAT THE TOWN COUNCIL TREAT AS EXCUSED ABSENCES A FAILURE TO ATTEND EITHER THIS MEETING OR THE MEETING CONTEMPLATED FOR JUNE. THE MOTION WAS SECONDED BY MR. SHAW.

Mr. Shaw said that he had a conversation this morning with Mr. Elwell and one of the things not included when the ordinance was originally drafted was to give consideration to unscheduled meetings. This motion is a request the Town Council to modify the ordinance so that meetings that are added, in addition to the standard meetings, are not subject to this situation.

After further discussion, it was determined that the next Planning & Zoning Commission meeting would be Thursday, June 14, 2007 at 9:30 a.m.

Chairman Robertson asked for the motion to be restated. Mr. Shaw advised that this would be an ordinance change.

MOTION BY MR. GUTTMAN THAT THE PLANNING & ZONING COMMISSION RECOMMENDS TO THE TOWN COUNCIL THAT NOT WITHSTANDING THE ORDINANCE PROVISION DEALING WITH THE NUMBER OF EXCUSED AND UN-EXCUSED ABSENCES FROM MEETINGS OF THE PLANNING & ZONING COMMISSION, THAT THE TOWN COUNCIL TREAT THE FAILURE TO ATTEND THE MAY 3RD MEETING OF THE PLANNING & ZONING COMMISSION, AS WELL AS THE JUNE 14TH MEETING OF THE PLANNING & ZONING COMMISSION AS EXCUSED ABSENCES.

MOTION SECONDED BY MR. SHAW.

MOTION PASSED UNANIMOUSLY AFTER A ROLL CALL VOTE.

Ms. Close stated that at the beginning of the meeting she was asked about the Staff's recommendations and how they may differ from the Planning & Zoning Commission. Ms. Close stated that Staff may have some concerns about timing, staff loads and limiting the scope of the project. There are other areas in this study that are important. The use of the public way is important, not in terms of land use, but in terms of the aesthetics. The parks and traffic issues are important. Historic preservation is important. Ms. Close stated that after discussing the issue, Staff may still have some feelings about the form of the selection committee, in terms of the impact on the workload to the Town Council and how selection committees work and make their selections.

Mr. Guttman noted, for the record, that speaking personally, he would be somewhat sensitive to the timing needs of Staff. Mr. Guttman said he would feel personally insulted if this Commission did not play the role in the selection process that was outlined in his motion and if Staff tried to bypass this Commission through some sort of a committee.

B. New Business

V. COMMENTS FROM THE PUBLIC

Chairman Robertson called for any comments from the public and there were none.

**VI. COMMENTS OF THE PLANNING & ZONING COMMISSION AND
PLANNING, ZONING & BUILDING DIRECTOR**

There were no further comments.

VII. ADJOURNMENT

The meeting was adjourned at 11:10 a.m. without benefit of a motion.

Respectfully Submitted,

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

Lowry Bell, Secretary
Town of Palm Beach
Planning and Zoning Commission