

ZONING COMMISSION MEETING

9:30 a.m.

Thursday, April 22, 1999

Town Council Chambers, 2nd Floor

360 South County Road, Palm Beach

1. Call to Order: The meeting was called to order at 9:30 a.m. by Chairman Martin Klein.

2. Roll Call:

PRESENT: Martin Klein, Chairman
Eugene Lawrence, Member
Michele Clarke Royal, Member
Rita Taca, Member
Rodney B. Fink, Member
Jorge A. Sanchez, Member
Pamela Hoffpauer, Alternate Member
Peter S. Broberg, Alternate Member
Richard M. Kleid, Alternate Member
John C. Randolph, Town Attorney (arrived 10:55 a.m.)
Robert L. Moore, Director of Planning, Zoning & Building
William F. Brisson, Zoning Consultant
Paul W. Castro, Zoning Administrator
Timothy M. Frank, Planner/Projects Coordinator

Absent: James B. Bertles, Unexcused

Recording Secretary: Cynthia M. Delp

3. Invocation: Given by Mrs. Delp

4. Pledge of Allegiance

Mr. Klein welcomed Mr. Broberg and Mr. Kleid to service on the Zoning Commission. Mr. Klein offered congratulations to Mr. Castro on the birth of his daughter, Casey Mae Castro. Mr. Klein thanked Mr. Bertles for filling in for him at the 5:01 hearing, and also thanked Ms. Taca, Mr. Fink, and Ms. Hoffpauer for attendance at the Town Council meetings.

Mr. Klein suggested an alteration to the agenda, moving to Item 7.

7. Allowing for greater height for R-A and R-AA sized lots in the R-B District

Mr. Klein introduced Mr. Frank Chopin, Mr. Robert Deziel, and Mr. Jeffery W. Smith, who gave the presentation. Mr. Moore explained that the Town Council, at the first 5:01 meeting, had entertained a proposal to modify the zoning ordinance regarding height of homes within the R-B Zoning District, when the lot was the size of a lot in the R-A or R-AA districts. The Town Council voted to forward this matter to the Zoning Commission for consideration today. Any Zoning Commission recommendations relative to this matter will be discussed at the May Town Council hearing as to whether this matter should be placed on the study list for next year's zoning season.

Mr. Chopin stated that the proposed changes, which will be discussed, would provide architects with the opportunity to design better architecture. In addition to Messrs. Chopin, Deziel, and Smith, Eugene Pandula and Jacqueline Albarran de Mendoza, both Palm Beach architects, worked together to arrive at today's proposal for change.

Several years ago, Mr. Chopin commented, the Town Council fixed a tie beam height of 22' in the R-B Zoning District, while in R-A the same height is 25', and in the R-AA district the tie beam is at 30'. So, if a lot in the R-B district was of a size of 60,000 sq. ft., for example, the owner would have to comply with setbacks applicable to R-AA zoning, while still mandated to have a 22' tie beam height. That is precisely the problem, and that is the motive for the proposed changes. Using a model, Mr. Chopin illustrated the difference between lower buildings with lower setback requirements vs. higher buildings with increased setbacks. The higher buildings with increased setbacks, he maintained, will make less of an impact on the neighbors as houses will appear smaller than they really are. The real benefit of higher buildings with increased setbacks is that they offer the architect an opportunity to design a more lovely structure, with varying roof heights. Mr. Chopin also made the point that when setbacks are increased, the owner's property is being "taken," so to speak, so a greater allowable height can be a reward.

Mr. Deziel continued with the presentation, stating that he and his colleagues are approaching this subject without any client interest, and seek types of re-development in the Town which are more architecturally desirable to the Town (similar to the properties shown on the photos presented by Mr. Smith to follow). He stated that what they are proposing is that any lot in the R-B, R-A, or R-AA zoning districts with 60,000 square feet must automatically meet new sideyard setback requirements. Bringing the sideyard setbacks in further should allow for more height. Let the record show that Mr. Deziel used models to illustrate his point.

Mr. Smith showed a series of photos of homes within the Town which are architectural jewels of the town, many of which are already landmarked properties...the Warden house, 800 South County Road, a series of Mizner and Fatio homes. It was explained that these homes have modest cubic content ratios, but they do have higher beams and higher roofs, making them much more architecturally pleasing. Mr. Smith commented that all of the properties show deviations

in roof heights which are impossible to achieve today with the codes as they are. He stated, “ At a 22' height, there is basically nothing an architect can do to change the beam height. 22' height gives you an 11' ceiling on the first floor, 2' in between, and 9' on the second floor.” He felt this was modest when considering that these homes are on lots from 20,000 to 60,000 square feet and more. He felt it was unreasonable to ask persons whose homes are in these zoning districts to keep their homes at a constant level, 22'.

Mr. Chopin suggested that perhaps the same result can be achieved by setting a “comfortable” building height plane, acceptable for all areas of town, as that would control what the setbacks would have to be. He felt that this would provide a control of mass, at least visually. An additional benefit, he felt, would be that the Town Council would be allowed to review projects with some degree of consistency, unseen in the past.

Mr. Moore commented that the staff believes there is merit in studying this proposal, recognizing that there may be those who would still feel that the proposed taller homes would still be too imposing. Staff would like to study the matter further, and Mr. Moore encouraged the Zoning Commission to recommend this to the Town Council for study in the next zoning season.

MOTION BY MS. TACA TO RECOMMEND TO THE TOWN COUNCIL A FURTHER STUDY FOR THE 1999/2000 SEASON OF THIS PARTICULAR ITEM PRESENTED TODAY.

MOTION SECONDED BY MR. FINK.

MOTION CARRIED UNANIMOUSLY UPON A ROLL CALL VOTE.

Mr. Lawrence commented that this also addresses the issue of the bigger house in the R-B zone, and what was discussed was perhaps breaking down the zone a little farther, but by taking the R-A and R-AA requirements into that zone, that problem is solved.

6. Presentation regarding Pattern Book Design in R-B Zoning District by Mr. Ray Gindroz

Mr. Gindroz began with an update of the process thus far. On January 7, 1999, he met with the Zoning Commission to explore what the Pattern Book proposal meant to the Town of Palm Beach. The Zoning Commission recommended that it be tested in the north end of town on a series of streets to see how the Pattern Book worked to resolve some of the conflicts the Zoning Commission had been dealing with in regard to design of homes. The goal is to balance the need for the larger house with community concerns for preservation of the character of the neighborhood. The idea of the Pattern Book was then submitted to the Town Council with an overview of the project, and with the suggestion to identify three or four streets as prototype studies. The Town Council elected to move forward, and requested that the proposal be brought back to the Zoning Commission in draft form today for further discussion and review. The matter will be returned to the Town Council at their May 11, 1999 meeting in its final form, based on today's discussions.

Mr. Gindroz prepared a revised draft proposal entitled, *A Pattern Book for Palm Beach*, and distributed copies to the Zoning Commission and staff, along with copies of the December, 1998 proposal entitled, *Building a Vision for the Future: Architectural Patterns of Palm Beach*, which was prepared for the Preservation Foundation. Mr. Gindroz proceeded to review the document with the Zoning Commission. He discussed the process of developing the Pattern Book, including resident involvement (from the test streets) in the form of workshops, and involvement of the building community. The process continues with research into great architecture of present and past. The process culminates in a Draft Pattern Book.

Mr. Gindroz commented that he had just completed a pattern book for another community similar to Palm Beach, where there was conflict between retaining the character of the community vs. homes which are bigger and better. (He passed a copy of the pattern book for this community.) Mr. Gindroz felt that when it is stated “up front” what types of homes are being sought as acceptable for a community, people are more likely to comply without incurring a high degree of conflict. He advocated a pattern book as a means of resolving neighborhood conflict.

The four streets suggested by Mr. Gindroz as prototypical (places where there is potential conflict; streets showing a variety of dimension, conditions and character) are as follows:

Clarke Avenue or one of the “Sea” streets, especially Seabreeze Avenue

Jamaica Lane

Mediterranean Road

North Ocean Boulevard (from Onondaga to Colonial, and possibly a smaller area within that area)

Mr. Klein offered some comments at this point. He stated that opinions regarding the Pattern Book initially at the Zoning Commission were mixed, some in favor, some against. Some wondered who would pay for it and how much it would cost. Two days of workshops, two hearing dates, and one additional day were devoted to this subject. The matter was also discussed at the Town Council level. The Zoning Commission, ultimately, felt that the subject was of sufficient merit to warrant further exploration on a limited basis. More information was needed, and the Zoning Commission recommended the concept of test streets. Mr. Klein, questioned staff at this point, as to what kind of a motion was being looked for today, as both the Zoning Commission and the Town Council had instructed Mr. Gindroz to proceed with that further exploration.

Mr. Moore responded that the Town Council wanted the Zoning Commission to look at Mr. Gindroz’ procedure today, and look at the selection of the streets, and offer any input prior to him returning to the Town Council in May. He explained that no motion is necessary today, unless it is felt that something is incorrect. Mr. Gindroz was here today to advise only.

Mr. Lawrence stated that one of the most controversial areas occurs where the side streets meet the larger streets like North Ocean Boulevard and North Lake Way.

Mr. Gindroz continued his presentation to discuss the “Proposed Work Program” on Page 4 of the draft which gives a proposed time table for the process from August, 1999 through March, 2000. Mr. Moore explained that much of Mr. Gindroz’ work will take place in the fall, when most residents are here. This may result in parallel hearings for the Zoning Commission to discuss regular zoning items, and then separate meetings to discuss the Pattern Book.

Mr. Lowry Bell, member of the Architectural Commission, addressed the Zoning Commission. He commented that the Architectural Commission should more appropriately be meeting with Mr. Gindroz, as it is very difficult for the Zoning Commission to ascertain where ARCOM encounters its problems. (It was noted that Mr. Gindroz does state in his draft that he should meet with ARCOM relative to this matter.)

Mr. Moore commented that ARCOM will definitely be part of the process, if the pattern book concept moves forward. The Town Council, if they approve the concept, will have the project go out to bid. The pattern book is, however, a zoning issue. The pattern book concept may offer a bonus system to the cubic content ratio. How and to what extent the pattern book will be used has yet to be decided.

Mr. Eric Adams, Member of the Architectural Commission, offered his comments. He did not feel that a pattern book was either necessary or helpful. He felt ARCOM would then have to conform to it whether they like a design or not, and as such, it would operate as a restriction.

Mr. Bell recommended the following streets to be used as test streets: Jamaica Lane, one or two streets north of Jamaica lane, North Lake Way and North Ocean Boulevard. He was not in favor of using Clarke Avenue or any of the “Sea” streets.

It was noted, for the record, that the proposed pattern book concept does not mean that ARCOM or zoning regulations would be abandoned for the test streets. Mr. Moore explained that the pattern book is an overlay to part of the zoning ordinance, which may allow an applicant to have additional cubic content or square footage. Mr. Randolph commented, on the other hand, that at this point, it is unknown how the Town Council will elect to use the pattern book, if at all, or whether it will provide any “bonus” to the property owner. Mr. Gindroz added that pattern books have been used in communities where they did not offer any type of “bonus” to the property owner.

Mr. Gindroz was asked how much the pattern book would cost the town. He replied that it would cost anywhere from \$ 75,000 to \$ 500,000. As an approximation, it will cost about \$ 5,000 per page, and looks to be about 20-25 pages.

In closing, Mr. Klein offered the following comments. As he heard nothing to the contrary from the other members, he maintained the prior recommendation of the Zoning Commission to proceed with the pattern book concept. Today’s presentation was a refinement of what was originally shown to the Zoning Commission, and was brought to the Zoning Commission at the direction of the Town Council. Input was given from the Zoning Commission today, particularly

that Mr. Gindroz seek the advice of ARCOM in this matter, and perhaps use other streets as the test streets, as was suggested. The matter will be heard at the Town Council level in May.

5. Review of 1998-1999 Zoning Season

Mr. Moore stated that all members had been given a copy of Ordinance #1-99, as modified by the Town Council, which has resulted from the actions taken by the Zoning Commission during this zoning season. Mr. Moore advised the members that if any one of them has a question relative to any matters included within the ordinance, that member may schedule an individual meeting with Mr. Castro.

Mr. Castro noted some items where the Town Council took a different course of action than the Zoning Commission had recommended. They are as follows: In the R-B Zoning District, the Town Council adopted a somewhat more detailed sliding scale, and narrowed the range of Cubic Content Ratio relative to lot sizes. They also adopted the staggered sideyard setbacks of 12.5' and 15' in lieu of the 10' and 15' proposed by the Zoning Commission. They also modified the air conditioning placement part of the ordinance. They did not adopt the rear setback for R-C properties which are up against commercially zoned properties.

8. Discussion of possible zoning items for the 1999-2000 Zoning Season

Mr. Moore commented, as has been stated previously, if the concept of the proposed Pattern Book is adopted by the Town Council, it will most likely result in two parallel tracks of Zoning Commission meetings, i.e., more meetings for the upcoming season. He also reported that on June 15, 1999, the Ordinance, Rules and Standards Committee meeting will take place, and at that meeting one of the issues to be discussed is consideration of length of terms and number of terms for Commission members, as well as the numbers of permitted Conflicts of Interest allowed for a member. Mr. Moore felt that the number of terms one can serve might be increased, while the number of permitted Conflicts of Interest may be decreased.

Mr. Castro listed the proposed items for study in the 1999-2000 Zoning Season:

1. Enclosed accessory structures in the R-A and R-AA zoning districts.
2. Corner lots related to air conditioning equipment, placement, screening, etc.
3. R-B Zoning District - allowable heights for larger lots
4. Retaining walls with specific recommendations for same, and a clarification of the existing language within the code for those walls.

Mr. Klein encouraged the Zoning Commission members to bring any other items for study to staff as soon as possible. Mr. Moore stated that staff would like to know of any additional items by the end of the day today, so these matters can be brought to the Town Council at their May meeting. Mr. Sanchez stated that he would like to study setbacks for pools and pergolas. He felt the existing setbacks are very restrictive now, and for design aesthetic reasons, he would like the setbacks loosened a bit. Mr. Castro informed the members of the existing setback requirements for pools and pergolas.

9. Any other matters

10. Adjournment

The meeting adjourned at 11:33 a.m. in response to a motion by Mr. Lawrence.

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