

**NEIGHBORHOOD MEETING
R-B Zoning District Prototype Guidelines**

JAMAICA LANE

April 3, 2000
7:00 p.m.

Town Council Chambers, 360 South County Road, Palm Beach

This represents a very brief accounting of the record of this meeting. The tape of the meeting is available at the Planning, Zoning & Building Department.

The meeting was called to order by Paul Castro, Zoning Administrator. Staff persons present in addition to Mr. Castro were as follows: Robert L. Moore, Director of Planning, Zoning & Building, Veronica Close, Assistant Director of Planning, Zoning & Building, Timothy M. Frank, Planner/Projects Coordinator, Jane Day, Staff Preservation Consultant, and Cynthia Delp, Recording Secretary. The meeting was also attended by Town Council President Jack McDonald, Town Council Member Norman Goldblum, Town Council Member Allen Wyett, and Zoning Commission members Rodney Fink, James Bertles, and Richard Kleid.

Mr. Castro stated that the consultants and staff have already met with the residents of the three other study streets, with professionals who work with the code, and with the Zoning, Landmarks and Architectural Commissions in a joint workshop format. The consultants will be working on this study through the summer, and will make recommendations to the Zoning Commission in the 2000/2001 zoning season, and to the Town Council in January 2001.

The presentation continued with the zoning consultants as follows:

Marty Hodgkins, Duncan Associates
Henry Skokowski, Urban Design

Mr. Hodgkins began with some introductory remarks stating the purpose of the study. He stated that the consultants are very interested in hearing the opinions of the homeowners on Jamaica Lane, one of the study streets, and from the public as well. He stated, to clarify the record, that the consultants hired for this project do not represent developers. They have been hired by the Town with no pre-conceived notions. They are open to any and all suggestions relative to what people would like to see happen on the study streets. Owners' property rights must be maintained when instituting any rules, regulations, or guidelines. Generally, in the comments heard to date, there has been extensive support for retaining the existing character of the neighborhoods. Residents are concerned with retaining the uniqueness of the town. Residents

are concerned about new development overpowering existing smaller homes. Most recognize that change is occurring. The management of that change is the subject of this study. He also commented that there are a wide variety of different circumstances within the R-B District.

Mr. Skokowski stated that from their work in other communities, it is very important to get a very good understanding of the existing conditions and what the facts are, as opposed to perceptions. He referred to the two distributed handouts: Summary of Results, R-B Zoning District Prototype Design Guidelines, Resident Survey, and the Town of Palm Beach, Zoning District Prototype Design Guidelines, Jamaica Lane Block Meeting, dealing especially with Page 4, Mass, Bulk and Scale. Mr. Skokowski commented that the Town of Palm Beach already has a sophisticated set of regulations in place relative to development, more sophisticated than in most communities. These will be evaluated in the course of this study.

Some comments from the public were as follows:

Woman (did not give her name): Questioned why the consultants were hired, when the code we have has produced the town that we like. Why change it?

Mr. Skokowski responded that over the history of the town, the regulations have changed time and time again. They were not what they are now, as evidenced by many structures in the town which are non-conforming structures. "So, the pattern that is out there does not necessarily reflect the regulations that exist today, or the development or re-development potential that people have under the current regulations."

Sam Boykin, 285 Jamaica Lane: Approves of the existing way that we are doing things in the town. The Zoning Commission and the Architectural Commission are responsible and understanding. Times are changing, especially on the north end. He referenced an article from the Wall Street Journal which deals with this very subject, which is occurring all over the country. People want more room and higher ceilings, and generally more in their homes. The homes being built on Jamaica Lane have been very tasteful. I like the way it is going, and I'd like to see it stay that way. He endorsed ARCOM and its control. Commented that he has never heard of persons wanting to de-value property, by creating excessive regulations which might prohibit the building of a "decent" house. That isn't America.

Staff and Mr. Skokowski responded that excessive regulations are not intended in this process. The study is being done to determine how we can manage change. Are the regulations in place now sufficient for the present and future?

Louise Hanford (List Road resident): More people want to live here year round and want larger homes. She was interested in the preservation of Palm Beach as we know it today. She wanted the consultants to look for a way to allow the building of larger houses while still retaining the charm and antiquity of the town.

Kathy Lubin (Jamaica Lane resident): The most frightening thing is the we will end up with "architecture on steroids," i.e., the "WOW" factor. With a few of these on a street, we will want to move out to Jupiter Island and start over again to create what we have here. It seems that the older, smaller neighborhoods are the most vulnerable to speculators.

Louise Hanford: What happened in Boca Raton is exactly what people are afraid of here. It happened there, and now you will find just one monstrous house after the other.

Patricia Wearn: As a real estate professional, commented that the property value in the north end is in the land. The houses are typically worth 10% of the land value, and as a result are being torn down. When there is a buyer who wants a smaller house, but wants to add on or do renovations, they are limited due to elevation restrictions. There are more buyers who want to buy a smaller, more charming home than there are those who want to tear down. People would not tear down homes if they were not forced to. She asked for staff to explain the flood elevation requirements.

Paul Castro, Zoning Administrator: The FEMA standard is 7.0 feet NGVD. Our flood insurance program requires that any houses being built must meet a minimum 7.0 ft. finished floor elevation. The Town, however, requires 7.5 feet to provide a margin of error and to protect the property owners from having problems with the Federal Government with respect to flood elevation. For all of the existing homes which are below 7.0 feet, there is a problem with adding to the structure or making extensive renovations. You cannot put more than 50% of the value of the structure back into it within a five year period. The intent of this rule is to insure that over time the houses are raised to at least 7.0 feet.

Woman (Bermuda Lane resident): Establish guidelines to foster rebuilding in a charming way. Make the new houses fit with the character of the neighborhood. Unfortunately, builders are coming here from other places with designs from other places, which are not necessarily Palm Beach quality. It is not so much the size and the mass, but the architectural details that are important.

Paul Castro: Unfortunately, the task at hand does not lie with the details, but with the size, mass and scale. ARCOM has had to deal too much with size, instead of architecture. This is one of the important reasons for this study.

Polly Earl: One of the most important things the consultants could do is provide information on how to control mass and scale. Put forth ideas on how to do this...on how to control or place the mass to achieve a pleasing redevelopment in a neighborhood. Mass is like a ball of Silly Putty which can be made long or tall or round or flat...it can be arranged in many different ways. Tell us what has been done in other communities to return to charm.

Tom Parker, 215 Jamaica Lane: Commented that in 1995, he renovated a home in the north end. The home was at an elevation below 7.0 feet, and the architect encouraged him to raise the house. Mr. Parker does not believe that houses are not renovated because of the 50% rule. It is very easy to raise a structure, and the cost to Mr. Parker was approximately \$17,000. This is not an overwhelming obstacle to renovating. It is mass that gets neighbors in an uproar, not architecture. His concern was that Jamaica Lane redevelopment on a 100'x112' lot will be looked at differently than redevelopment on another street with the same size lot. Is the town moving toward a "different strokes for different folks" philosophy?

Bob Moore, Director of Planning, Zoning: The study is not designed to create four different sets of rules for each of the four study streets. We are not singling these streets out for special

treatment, but we may end up with sub-districts within the R-B district. As for the comments made about the 7.0 or 7.5 minimum elevation, we cannot tell the Federal government that we are going to change the FEMA regulations. In the past, the Town granted too many variances with regard to elevation, and the Federal government warned the town that if more variances were issued for construction at an elevation below 7.0 feet, they would suspend the Town from the National Flood Insurance program. That would mean that no mortgages could be written in the Town of Palm Beach. Raising a house is possible, but there is very little interest in raising houses in the Town of Palm Beach.

Libby Beasley (Bahama Lane): In a previous session, you had said that if you add on to a one story house, you might be able to get a reprieve from setbacks. Her concern was that we could get to a point where we are a zero lot line community. That should never happen.

Mr. Skokowski: Responded that typically two story homes are the ones which cause neighbors to get into an uproar, not the one story homes which may violate the setback.

Paul Castro: The Town has already changed its regulations increasing the lot coverage for one story homes, in addition to several other changes, to promote one story homes, and two story homes with less impact.

Wendy Victor: Posed the question...are we a neighborhood or do we only care about ourselves? The consultants should think about a focus on indoor/outdoor spaces to see how people are using their lots.

Bill Weeks, 210 Jamaica Lane: Congratulated the Town Council and Town Staff for hiring the consultants to review this problem. The Town is in a period of transition. There must be some compromise where there is a direct guideline. The professionals, i.e., the builders, developers and architects, must know what they can and cannot do. The north end character must be preserved. He was glad that these meetings were being recorded, and written about in the Palm Beach Daily News.

David Barton, 216 Jamaica Lane: "This is the most dangerous moment in Palm Beach's development history." Zoning laws have been created out of context with the long range planning for the Town. This problem is resultant from a history of neglect. Where is the land use planning? We've preserved homes, but what has been done to preserve neighborhoods? Where is the control on developers? Commercial interests dominate the Town and the Town commissions. ARCOM is being relieved of its size duty, and this will impact the neighborhoods. The result is that long-term homeowners who pay their taxes are being impacted by the new guy who never paid long term and never becomes part of the neighborhood. Less is often more. He pointed to an article in the Wall Street Journal which states a trend back to smaller houses. He advocated the creation of a Land Use Protection Board. Mr. Barton praised Polly Earl as a "bright light" in the Preservation Foundation's bringing in Ray Gindroz some time ago, an action which prompted the Town Council to authorize that the north end be studied. The main culprits in this matter are the spec developers. 97.5% of the tax base of this town is from the residents, and we should have some representation. The County bullies the Town to max out lots under the guise of highest and best use. "Palm Beach has got to find some way to put a sign on the bridge out there saying "Sold Out." The focus on overall goals should be the purpose of this study, with

preservation and perpetuation of the character of our neighborhoods as the particular focus. Create a different town management approach to achieve these results. Draft a mission statement on what the town wants to be. Develop a long range land use plan. The Town Council must be pro-active town planners. Mr. Barton read from the development manual for Gulfstream, also produced by this team of consultants, and praised it highly as a superb example of guidelines.

He suggested the following: As in other parts of the country, create a public trust fund to provide the Town the ability to become a developer of the last resort; Increase the Town's liability insurance so the Town is not paranoid against lawsuits; Examine the pros and cons of deeded rights, dedicated land and related incentives; Provide the residents with better notice of proposals for land use changes, not just those homeowners within 200 feet; Consider more town media, more than the annual report; and declare a partial moratorium on the sizes of houses that can be built; Make it much tougher on spec developers to exploit Town codes, for example, to deny spec builders the right to build during season; and consider the impact of increased traffic on this barrier island. Lastly, he requested more meetings with the neighborhoods prior to taking this study back to the Town Council.

Jim Wearn, Jamaica Lane resident, lawyer and former Town Council Member: A resident survey was distributed in the first of these meetings, and everyone was urged to complete the survey. He encouraged the consultants to send the survey to every homeowner on the study streets to have a fuller representation of the neighbor's views.

Bob Moore: Complimented Mr. Barton on the areas where he was absolutely correct, but also noted that Mr. Barton was wrong about several things. Mr. Moore corrected the record on several of Mr. Barton's statements. The Comprehensive Plan is available to the public and has a section relative to "Future Land Use." The Town's first comprehensive plan was done in 1929, and the Town has had one ever since. The State of Florida has laws on the books which prohibit the taking of property rights, one of which is the Bert Harris Property Rights Act. Under the Bert Harris Property Rights Act, the government can take property or property value, but if it can be proven in a court of law, the government must reimburse the property owner for the loss and pay the legal fees of the property owner, as well as their own. What is done in other states is not necessarily relative to what must be done here with regard to property rights. If the Town is sued, the taxpayers pay the bills. There are penalties for not abiding by the regulations relative to finished floor elevation, which could place the Town's revenue sharing in jeopardy. As for the need for a long range planning group, the Zoning Commission is that entity. No town is perfect, but the Town did something right many years ago because people still think this is a very nice place to live.

The meeting adjourned at 9:20 p.m.

Cynthia M. Delp
Recording Secretary