

**PLANNING AND ZONING COMMISSION
2008-2009 ZONING HEARING
RECORD AND REPORT
TUESDAY, MARCH 4, 2009, 9:30 a.m.**

Royal Poinciana Workshop
Mediterranean Ballroom at the Breakers Hotel

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Debby Morakis, Secretary to the Planning & Zoning Commission at (561-227-6411. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

John Page, Director of the Planning, Zoning & Building Department called the meeting to order at 9:30 a.m. and thanked the Breakers for their cooperation and generosity in hosting this workshop. Mr. Page explained that the focus of this workshop is the Royal Poinciana Business District and future development there and clarified that the area is bounded by the following streets: Royal Poinciana Way, Bradley Place, Sunrise Avenue and North County Road.

PRESENT: Alan S. Golboro, Chairman
 Leslie A. Shaw, Secretary
 John H. Schuler, Member
 Walter Anthony Dowell, Member
 Eugene Lawrence, Member
 Floyd Wideman, Jr., Member
 E. James Ryan, Alternate Member
 C. Tanner Rose, Jr., Alternate Member
 John S. Page, Director of Planning, Zoning & Building Department
 Veronica Close, Assistant Director of Planning, Zoning & Building Dept.
 Paul Castro, Zoning Administrator
 John Lindgren, Planning Administrator
 John C. Randolph, Town Attorney

ABSENT: None

RECORDING SECRETARY: Deborah A. Morakis

Mr. Page introduced the Members of the Planning and Zoning Commission and members of staff in attendance.

Chairman Golboro also thanked everyone for being here and stated that the reason for this workshop is to hear comments and suggestions from residents for this four-block area. Mr. Golboro stated that the Planning & Zoning Commission would make decisions based on this and the second workshop, which will be held on March 17. Mr. Golboro added that the members of the Planning and Zoning Commission are a diverse group of volunteers comprised of developers, attorneys, architects, etc., who were here and ready to listen to the residents.

Mr. Page asked the audience for a show of hands of those who participated in the Royal Poinciana Area charrette process that was held a year ago. More than half of the attendees indicated that they participated in or attended the charrette. Mr. Page stated that the Royal Poinciana Business District is a wonderful asset to the community and stated that it is a visible, high-profile area, a prominent gateway into the community and added that there was great recognition in the Town that this commercial area needs to remain vital and attractive and has the capacity for redeveloping and re-nourishment in a way that the Town will be proud of. Mr. Page stated the Town Council hired the Treasure Coast Regional Planning Council as a consultant to put together a Master Plan. After months of public participation, Treasure Coast prepared that Master Plan which has been reviewed by the Planning & Zoning Commission, the Architectural Commission and the Landmarks Preservation Commission. There are a lot of elements of the plan that have been embraced but the Plan itself has never been officially adopted by the Town Council. The Town Council has asked the Planning & Zoning Commission to focus, not on the entire plan which included the Royal Poinciana Plaza, the new entry bridge and the Breaker's property, but, to specifically focus on this business district. Mr. Page asked the attendees to focus on this Royal Poinciana Area business district, and stated that today's meeting is about brainstorming. The invitation for these meetings that was mailed to all residents indicates that the Town Council has asked the Planning & Zoning Commission to conduct two public forums seeking community-wide feedback to discuss four major issues which are: population density, building lot coverage, height and parking. Mr. Page invited attendees to use the microphones to comment and indicated that there were also sign-in sheets and comment sheets also available that could be completed and turned over to staff.

(0:11:00:0) Mr. Page then turned the meeting over to the technical staff for presentation of a thirty-minute video presentation of some of the comments presented at the charrette done for the Royal Poinciana Area Planning Study.

(0:37:42:0) At the conclusion of the video, Mr. Page stated that as he listened he heard comments discussed a year ago about: mixed uses, courtyards, vias, unique design, urbane atmosphere, median enhancements, parking improvements, a post office area cleanup, bigger Publix, better parking, an urban area versus a suburban sort of feel, including residential as part of a mixed-use is important, eliminate surface parking, multistory development, expanded sidewalks, traffic calming, improving the street facades. Mr. Page cautioned the audience and stated that today's discussion was not about the Plaza or Bradley Park. There were a lot of comments heard about those areas, which is not the focus of today's meeting.

(0:40:00:0) Mr. Page then introduced Paul Castro, Zoning Administrator, who gave a power

point presentation on the target area - the Royal Poinciana Business District. Mr. Castro stated, "Contrary to popular belief, density is not a factor of mass - it is a factor of residential units per acre. In the Town of Palm Beach, its density is related to a 40,000 square foot area of land. Density equates itself to residential use, and intensity equates itself to commercial use and how much intense use a specific commercial entity could have. We will also look at lot coverage, building height and the number of stories, parking, both off-street and on-street and samples of building scale and mass." The slide presentation included examples of existing conditions at the Royal Poinciana Business District as well as examples from the Worth Avenue District area. Mr. Castro stated that in 1991, the Town developed some design guidelines based on this area.

(1:03:43:4) Mr. Page invited questions from the audience regarding the slide presentation. One question was the cost of underground parking and Mr. Castro stated that the approximate cost to implement underground parking would be between \$40,000- \$60,000 per space.

Jim Weiner of 150 Bradley Place asked what an impervious parking lot is and what the restrictions were on underground parking on a barrier island. Mr. Castro answered that most parking lots are impervious and that means that storm water cannot seep through or percolate into the ground. Mr. Castro added that there would need to be a pumping system to pump out storm water from any underground parking facility and if designed properly, there is not the intrusion problem as seen in some structures built prior to the FEMA regulations.

Lou Crampton of 240 N. County Road asked if staff in the Building Department had an opinion on the status of the area; i.e., is it deteriorating and what is likely to happen if nothing is done.

John Page stated that this is a noted gateway into the community and this neighborhood is amongst the oldest settled here in Palm Beach and added that it needs to be preserved, enhanced or bolstered so that it will continue to thrive into the future. Mr. Page stated, "As a Town, we proactively believe that defining what needs to be done is the task at hand. Do we need to amend our zoning regulations to allow for the zero lot lines we see there? Should we revise parking regulations or come up with a parking scheme that would allow residential more intense development to occur without causing congestion on the street. If nothing is done, the status-quo will be maintained or there might be further deterioration."

Mr. Castro added that many years ago, the Town allowed a great deal of residential development with higher densities and more building height, especially along the ocean. During the 1960's and early 1970's, the Town decided to back away from that and reduced the amount of development that was happening in the Town - the Town wanted to reduce the densities. Within the Commercial districts, only six units per acre were allowed. With the Zoning Code that exists today, much of what exists today could not be recreated.

Rachel Lawrence of 216 Garden Road wondered why the Town was being considered an urban area rather than suburban area and asked if there was a distinction between urban and suburban.

Paul Castro answered that by Florida standards, Palm Beach is considered an urban area. Florida state law encourages more intense and more dense residential development east of I-95,

rather than sprawl west of I-95. The Town consists of certain core areas considered urban by Florida Standards.

Jane Karp of 44 Cocoanut Row stated that she has not heard the topic of traffic addressed. Ms. Karp added that what she would like not to see happen to the area is for it to become a “Citiplace” or a waterfront development for festivals.

Bill Cooley of 8 Windsor Court asked if there is a minimum or maximum floor height above sea-level for commercial development as there is in residential development.

Paul Castro stated that commercial development can occur below the minimum flood elevation providing certain FEMA standards are met. An example is that all electrical outlets must be above floor elevation and basements can be below the water table if designed correctly.

Lori Volk, of the John L. Volk Foundation, stated that in the slide presentation she saw the potential for a historic district. Ms. Volk asked what incentives have ever been offered or encouraged and could the area be a taxing district unto itself? Would there be ad valorem tax credits, national credits, etc?

Paul Castro stated that the founding fathers contemplated much more density and height and that is why between 1968 and 1973 the Town scaled back what could be built. They found that the zoning regulations that let them build prior to that were allowing things to happen on the ocean that they never contemplated. As technology for construction became more advanced, it allowed construction to go higher with less cost and less mass towards the bottom floors. The Town has a strong landmarking program and encourages and educates the public and property owners of any alternatives they have to preserve or provide for adaptive reuse of landmarked buildings.

A comment was heard by a woman who stated that a lot was heard about urban and suburban. She stated that this Town has always been a village in the north end. People do not come to Palm Beach to see another concrete city by the sea. They come to Palm Beach for the trees, flowers, low density, and lower buildings. Think about sunlight, skies and clouds. Think of the original beauty of this place and use the word village. Not suburban. Suburban is parking lots and malls. Think “Village” for the north end. This is not the way to go.

An unidentified man stated that one provision being discussed in the overlay district is the way to kill retail on Royal Poinciana and the idea of allowing residential on the first floor and no retail. The retail nature of the area needs to be maintained. The man also commented about parking on the top floors of buildings and possibly getting rid of the gas station.

(1:27:41:00) John Page introduced Alan Golboro, Chairman of the Planning & Zoning Commission to act as moderator for additional questions and comments.

Mr. Fink of the Sun and Surf asked if by increasing the number of residential apartment units, the value of existing apartments and condos be reduced.

John Page stated that he had no evidence that would happen and added that if you look at any populated area of the county, as growth occurs, new growth does not equate to lower values for existing property owners. It is something to be mindful of, but, there is no evidence that will occur.

Carol Hicks of 251 Park Avenue stated that she felt this whole thing was generated by the Royal Poinciana Plaza situation and that Testa's was in the same situation. Ms. Hicks stated that her family has lived in Town since the early 1950's and she has seen tremendous changes in the area. 240 Park Avenue is directly across the street from her home and is a slum property. Ms. Hicks stated that she is losing her faith that anything is being done and said, "What can a citizen like me do about it? That is why a lot of people are not here today. They feel there us no use. There is no trust anymore. Please help me get that trust back."

Michael Ainsley, who lives at 415 Seaspray Avenue and also owns an apartment on Atlantic Avenue stated that this is our downtown. Nothing will happen since no one will tear down a two-story building and build a one-story building. There are a lot of "nice to haves" but, these things all have to be paid for. Mr. Ainsley suggested the zoning overlay or rezoning with lots of incentives in it and give bonuses in terms of height and lot coverages for the owners who achieve incentives. Mr. Ainsley stated that he would like to see this area a highly used area and added that parking management is a science that needs to be thought out. Employee parking is something that needs to be invested in. After additional suggestions were made, Mr. Ainsley encouraged the Town to act aggressively on this. "We need guidelines and we need leadership", he said.

(1:39:18:0) Mayor Marix of 530 North Ocean Blvd., asked why the Town was not considering the use of the town owned land across the bridge that is currently being used as a playground for a school for parking. Ms. Marix suggested the land be used for Town employee parking and added that the Town spends a lot of money on public safety. Not having a gas station on the island will force residents across the lake to get gas, which might be very dangerous and unsafe for residents.

Mr. Leslie Shaw of the Planning & Zoning Commission, asked for a show of hands of how many people in the room buy gas on island. There were just a few hands raised.

Laurel Baker, from the Chamber of Commerce thanked the Commission and staff for taking the time to define the terms that everyone has a knee jerk reaction to and to help people understand that density is not a dirty word, that it does not mean you will be cheek to jaw with a hundred other people. Ms. Baker stated that a business looks at an area to see what the market and added, "if you were investing your money knowing what it would cost to put tanks in the ground, staff it, have insurance, would you invest in a gas station on the island of Palm Beach? Probably not. No one in their right mind would. If increased residents who are in an urban environment where they can walk, have stores they can support, a merchant is more likely to come if there are people. It is creating a problem - we want stores here but they are being treated as servants. Traffic problems will never change. The island is three blocks wide. Parking and traffic will always be a problem. How can we have off-site parking for employees or teachers who do not leave the island all day?" Ms. Baker added, "It cannot be for fear of what you do not know. If it stays as it is right now, and noone is supporting the businesses, please don't think they will come because they need a hobby."

Lewis Crampton of 240 North County Road also thanked the staff and the Planning & Zoning Commission for opening up the process and allowing everyone to participate. Mr. Crampton wondered what barriers exist and if there are ways to loosen up these barriers? “Would greater flexibility in density and height work here? This area is a key town-serving location. The quality of the projects submitted to the Town Council and how those projects are modified by this body and the Town Council. The quality of the decisions that are made will influence the quality of life in this community for decades to come. If we trust the process and if we trust the people who are making the decisions then we can have some confidence in the outcome. The central challenge is managing change while preserving tradition. Standing still and doing nothing is not a good way to manage change”. Mr. Crampton said, “Given the official work of this body in the past and because we have public account of officials making the decisions, it makes sense for you to consider opening up the opportunity for possibilities to develop this area and not leave it under a bell jar where not much can happen in the years to come.”

Rob Allen, who lives at the Biltmore and also has an office at 220 Sunrise Avenue stated that he has had a minor amount of problems with parking and encouraged the Commission to look at underground parking.

Another resident stated that the Town must do something radical. He stated that he does not question the ability of the building inspectors, but, wondered if they are permitted to do their work.

The suggestion was made that the center of Royal Poinciana Way should be used for surface parking with bushes and shrubbery used as buffers. The use of a parking card system, similar to phone cards or credit cards could be used for payment of the parking fees.

Mr. Fink from the Sun and Surf wondered if improving the businesses in this area would be taking away from Worth Avenue. He added that underground parking is done in Chicago with a great deal of expenses that have to be built in.

Rachel Lawrence stated that she moved here not for the shopping, but, because she wanted to live here. She stated that she hopes the Town will look at alternatives other than to increase zoning to keep the village a village. Ms. Lawrence wondered if residents suffer because businesses pay too much for rent here and noted that some businesses are closing due to rent hikes.

(2:00:50:0) Paul Castro responded and stated that staff has heard from the tenants of these properties as well as the property owners that due to the value of the land and the cost of the maintenance and taxes, it is no longer economically viable for them to keep up the maintenance. Mr. Castro added that the answer is not to add more residential to the area.

Rob Allen stated that when the Zoning Commission allows a multiple use for a property, the pricing for that property will inevitably pressure future buyers to build to that use to recover their investment. Mr. Allen stated that you may be thinking you are allowing flexibility but you are encouraging development in the most dense direction to future owners. Owners should have to earn the right to take advantage of alternative development opportunities. He said, “If you entitle them to the right, they will all go in that direction and you will increase density inevitably and very quickly”.

Ralph Deldeo observed that people who live in the north end look at this area as the village and the people who have commercial interest want to attract more people to it. Mr. Deldeo stated, “We have enough jewelry stores in Town. We lost Herbert’s and some other food stores and now we have just one.” Mr. Deldeo stated that the Town needs leaders who must provide a concept.

Ms. Volk asked, “How did we go from the Royal Poinciana Plaza to mass charrettes and now down to one 5-acre block area? What is this shrink wrap affect and why is it happening?”

Paul Castro stated that the Town did not take the direction to look at one block only. A private application was submitted to the Town over 2 years ago, but, until last year, the applicant had decided to wait. The applicant then decided to move forward and submitted a new application which staff has reviewed and reported on to the Planning & Zoning Commission. Mr. Castro stated that it was the applicant’s effort to create an overlay over a portion of the commercial town-serving district through text amendments to the Comprehensive Plan and the zoning code to accomplish what they wanted without rezoning the property or changing the land use.

Mr. Cooley of 8 Windsor Court thanked the Planning & Zoning Commission for having this hearing and this discussion. Mr. Cooley asked if we should be talking about use for the area.

John Page stated that when the Council asked the Planning & Zoning Commission to look at the redevelopment of a master plan for this district, there was a consensus that the primary issues to be addressed should be density, coverage, building heights and parking. If this idea continues to move forward, the Commission, staff and perhaps a consultant would look at other issues including mixed uses.

Council President David Rosow, of 1460 No. Lake Way, stated that there is no predetermined outcome. “This day and the March 17 workshop were organized to received the opinion of members of the community. The Council thought that was very important. We had the Charrette and many residents were not happy and thought the charrette was too controlled. So, the Council decided we wanted to get more opinion from our residents. The proper forum was to get that through the Planning & Zoning Commission. There is no predetermined outcome. No one has any advantage. Not any businessman, not any owner, not any developer. There are no stakeholders here except the residents. That is the point of all of this. To take your input, let the Planning & Zoning Commission analyze it and come to the Council with their suggestions.”

(2:14:44:0) Chairman Golboro thanked everyone for attending and added that the reason for the workshops was for the Planning & Zoning Commission to hear resident comments before making a recommendation to the Town Council. Chairman Golboro thanked staff for putting together the presentation. John Page thanked the Breakers for their generosity.

The meeting adjourned at 11:51 a.m. without benefit of a motion.

Respectfully submitted,

Alan S. Golboro, Chairman
Town of Palm Beach
Planning & Zoning Commission

Leslie A. Shaw, Secretary
Town of Palm Beach
Planning & Zoning Commission

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