

**NEIGHBORHOOD MEETINGS**  
**OVERLAY ZONING PROPOSAL FOR THE SEA STREETS**

February 27, 2003

1<sup>st</sup> Session: 3:00 p.m. to 5:00 p.m.

2<sup>nd</sup> Session: 7:00 p.m to 9:00 p.m.

Town Council Chambers, 360 South County Road, Palm Beach

This represents a brief accounting of the record of the aforementioned meetings. The tapes of the meetings are available at the Planning, Zoning & Building Department.

| <u>STAFF PRESENT:</u>                 | <u>1<sup>st</sup> Session</u> | <u>2<sup>nd</sup> Session</u> |
|---------------------------------------|-------------------------------|-------------------------------|
| Robert L. Moore, Dir. of PZ&B         | Yes                           | Yes                           |
| Veronica Close, Asst. Dir. of PZ&B    | Yes                           | Yes                           |
| Paul Castro, Zoning Administrator     | Yes                           | Yes                           |
| Timothy Frank, Planning Administrator | Yes                           | Yes                           |
| William Brisson, Zoning Consultant    | Yes                           | Yes                           |
| John C. Randolph, Town Attorney       | Yes                           | No                            |
| Cynthia M. Delp, Sec. to Zoning Comm. | Yes                           | Yes                           |
| John Moore, Smith & Moore Architects  | Yes                           | No                            |
| Ted Song, Smith & Moore Architects    | Yes                           | Yes                           |

| <u>TOWN OFFICIALS PRESENT:</u>         |     |     |
|----------------------------------------|-----|-----|
| Mayor Lesly Smith                      | Yes | No  |
| James Bertles, Chairman, Zoning Comm.  | Yes | No  |
| Lowry Bell, Zoning Commission          | Yes | No  |
| Nancy Murray, Zoning Commission        | Yes | No  |
| Norman Goldblum, Town Council Member   | No  | Yes |
| Leslie Shaw, Architectural Commission  | No  | Yes |
| Ann Blades, Landmarks Pres. Commission | Yes | No  |

|                               |    |    |
|-------------------------------|----|----|
| <u>RESIDENTS PRESENT (#):</u> | 33 | 24 |
|-------------------------------|----|----|

\*\*\*\*\*

Mr. Castro welcomed the residents to these important meetings relative to a proposed overlay zoning district for the Sea streets, namely, Seaview Avenue, Seaspray Avenue, and Seabreeze Avenue. Mr. Castro introduced staff members present. He stated that the Town Council requested that the residents be invited to hear this proposal and offer essential feedback relative to the proposal. Mr. Castro reviewed the history of proposals for changes to the R-B Zoning

District over the past several years. These changes have been contemplated in an effort to minimize the impact of change to the distinctive neighborhoods in the Town. The Sea streets are a unique example of such a neighborhood. In previous workshop meetings with residents, one clear opinion surfaced that the residents approve of the existing zoning regulations for the Sea streets, since they like the character of their neighborhood as it exists. Mr. Castro pointed out, however, that with existing zoning regulations, buildings on the Sea streets cannot be replaced in their existing size and footprint. The Town Council directed staff to try to emulate the existing conditions on the Sea streets in the form of an overlay zoning district. Mr. Castro referred to the mailer which was sent to each property owner on the Sea streets which invited them to these meetings and outlined the specifics of the proposed overlay district, and he proceeded to review the proposed regulations included in the overlay zoning. Mr. John Moore and Mr. Ted Song of Smith and Moore Architects gave a presentation regarding the results of their analysis of the existing and proposed zoning regulations to illustrate the full effect of taking advantage of the provisions in the code. They presented comparisons of site plans and elevations, and a model to illustrate their findings.

#### COMMENTS/QUESTIONS - 3:00 P.M. TO 5:00 P.M. SESSION:

Residents offered commentary and asked questions in both the afternoon and evening sessions. Please refer to the tapes of the meetings for a full record of the discussion. Here is a sampling of comments/questions/suggestions heard:

Staff was asked about the effect of the proposal. *Mr. Castro responded that the existing homes on these streets today are larger than the existing zoning allows. The proposed overlay zoning district, contrary to the sliding scale in place today, would allow new construction with the same volume as the homes which exist on the street now, thus preserving the character of the neighborhood.*

Mr. Keith Jones, 139 Seabreeze Avenue: With regard to proposing a 100 ft. limitation on lot width, Mr. Jones questioned if it was appropriate that residents on the Sea streets are being prohibited from doing what people elsewhere in town can do, and was concerned that this would decrease property values. *Mr. Castro responded that the overlay provides much more flexible zoning than is found elsewhere in town.*

Mrs. Polly Earl, 209 Seaspray Avenue: Commended the effort to provide motivation for allowing continuity in the pattern of having a house and an accessory structure serving as a garage or guest house, but was dismayed at the failure to recognize the overall character of the streets, specifically when the area was characterized as “smaller, older homes.” There is considerable character and diversity on these streets, both larger and smaller homes. She felt that the proposed overlay will have impact on the value of the properties. Mrs. Earl thought that the larger properties should be given credit for all the lots they encompass as that is a reflection of their impact on the street. In addition to her concern over property values, Mrs. Earl questioned the motivation to developers to break up lots, that may be afforded by the proposal. *Mr. Castro responded that the overlay provides more flexibility, and as such, should promote favorable redevelopment, thus increasing property values.*

Ms. Ann Pepper, 333 Seaspray Avenue: Expressed her primary concern over the height of new homes, especially over and above required FEMA heights.

Ms. Ann Connelly, 109 Seabreeze Avenue: Stated that homes in Palm Beach are very expensive, and are an investment. The limitations of the proposed overlay will make these homes less desirable. Prefers uniform zoning regulations in Palm Beach for all owners. Questioned whether this would limit her ability to get the best price for her home. *Mr. Castro replied that curb appeal is one of the strongest selling points, and these streets have unique character. The overlay is not limiting; it is primarily a relaxation of the code, with the exception of the height, lot coverage, lot width, and setbacks of accessory structures from the street.*

Mr. Jim Bertles, Chairman of the Zoning Commission: This is a recommendation from staff to achieve a certain goal...to relax the zoning regulation on the Sea streets to perpetuate the character of the streets as it exists now. The Town Council needs resident input before any changes are made. *Mr. Castro added that regardless of staff's recommendation, staff will communicate residents's opinions, both pro and con, to the Town Council.*

Mrs. Gavin Letts, 419 Seaview Avenue: Would hate to see any of the houses change. She felt there are not enough restrictions; would hate to see combined lots with huge houses; was very much in favor of the proposal.

Mr. James Howe, 432 Seabreeze Avenue: Questioned whether existing CCR's could be grandfathered, especially in the cases where the CCR is greater than the existing or proposed regulations would allow. *Mr. Castro felt that this concept was worthy of further consideration.*

Mr. Michael Ainslie, 415 Seaspray Avenue: Feels that the overlay will invite development with the increased flexibility provided; but also, it will lead to bungalows being bought up quickly and new larger homes being placed on small lots.

Ms. Marianne Johnson, 323 Seabreeze Avenue: Concerned with water run off as a result of new construction.

Ms. Ethel Kinsella, 243 Seaspray Avenue: Urged staff to control the massiveness in new construction.

Mr. Keith Jones, 139 Seabreeze Avenue: Advocated letting owners do what they want with their properties, i.e., "trust the genius of the property owners to develop the property the way it was done 50 or 60 years ago." *Mr. Castro responded that the Town of Palm Beach was one of the first communities in the State of Florida to have a Zoning Code. The Zoning Code was implemented in 1930 to insure appropriate character in development of the town. So the neighborhoods we see today are not the result of the discretion of the property owners.*

Mr. Moore addressed the residents, thanking them for their participation. He reminded them, however, that this opportunity for discussion should not be adversarial in nature. It is a venue

for feedback. Addressing Mr. Jones' comment, he stated that in 1978-1980, the Town had to stop trusting residents and architects, when the land became more valuable than the homes; that's when square footage began to be crammed onto lots. In meetings with residents three years ago, residents made it clear that they like their neighborhoods the way they are. The existing Zoning Code is more restrictive than the proposed overlay. The overlay provides for nine regulations which are more flexible than the existing code, and four which are more restrictive. The Town needs feedback which will be forwarded to the Zoning Commission and Town Council for further consideration.

Architect John Moore stated that, in his opinion, the smaller lots suffer under the existing zoning regulations. Under the overlay, the larger lots would suffer. Perhaps, a compromise could be developed.

Mr. John Martin: Has lived in various areas of town. With regard to trusting the homeowners, Mr. Martin stated that the population of Palm Beach is very different than it was in years gone by; instead of having owners concerned about Palm Beach, there are now too many focusing on speculation and making a dollar.

Mrs. Nancy Murray, Zoning Commissioner: In general, most all owners are against building "McMansions" with no green space, which is happening all over town. The Sea streets are so identifiable in their character. The overlay is designed to help the owner with the 65' lot when they are ready to sell their home, because the new owner will have so much more flexibility to make changes. If an owner already has one of the larger lots, it can only be more valuable if the new lot width maximums are placed into effect. The Sea streets are just a starting point in the town. This exercise will help the Zoning Commission and the Town Council perpetuate other areas in town which are likewise identifiable as a neighborhood with particular character.

Mrs. Ann Blades, 402 Seabreeze Avenue: Thanked staff for all their time and effort. We should all work together to save the town and avoid "Boca-ization."

Ms. Barbara Davidson, 424 Seaspray Avenue: Sees no objection to taking two lots and making a better house. There are some bungalow style houses on these streets which are not worthy of saving. ARCOM will insure that new construction on these streets will be sensitive to the neighborhood.

Mr. Michael Ainslie, 415 Seaspray Avenue: Agrees with the principle of restricting maximum lot widths to avoid huge homes being built; this would not be good for the Sea streets; "it would destroy what we have as a real neighborhood."

Mr. Castro had stated that a preservation ordinance had been considered with regard to the Sea streets, but that idea was abandoned. Mr. Tim Frank, Planning Administrator, stated that according to the National Trust for Historic Preservation, 85% of the homes in a district must be of landmark quality for the district to qualify as historic. The Sea streets were previously studied as a possible historic district, but it was determined that only 45%-50% of the structures were

eligible individually for landmark status.

Staff distributed a “Resident Survey” relative to this subject. Residents present were asked to complete the surveys and return them in the self-addressed stamped envelopes provided.

Mr. Moore passed on a reminder from the Mayor that if the residents do not want this overlay, the elected officials will not approve it. He cautioned the residents to look carefully at the existing zoning code to see what could be built under that existing code.

#### COMMENTS/QUESTIONS - 5:00 P.M. TO 7:00 P.M. SESSION

Mr. Leslie Shaw, 318 Seaspray Avenue: The flexibility in the setbacks may permit an existing home to be sandwiched in by new construction, which is a negative situation. In concept, he is opposed to an overlay because it creates confusion. Instead, he preferred that this area be zoned as a specific area, RB1, RB2, etc. If an overlay is created, limit the overlay to the homes which were conforming when they were built, but because of zoning changes, are no longer conforming. “What is there should be permitted to go back.” To not allow the use of the front yard for a single story entry feature or garage does not help the neighborhood, and conversely, allowing it to happen does not hurt the neighborhood. “To force the garages to either be in the back, as an auxiliary structure, is taking away from our ability to use our yards, and have a place to have a pool and be outdoors, especially on the smaller lots.” *Mr. Castro responded that allowing the movement toward the front is not in keeping with the character of the Sea streets.*

Mr. Goldblum: Try to adjust the side yard setbacks so houses are not on top of one another.

Ms. Jane Myers, 246 Seaspray Avenue: Likes the idea of the overlay as it recognizes the character of the neighborhood. Expressed concern over the homes on the 50 ft. lots in the neighborhood not getting enough concessions in the proposal, especially considering they are essential to the character of the neighborhood.

Mr. David Hamilton, 217 Seabreeze Avenue: The proposal is a disadvantage because these properties would have an overlay that no other properties have; this is a negative factor to the real estate value; why do this here?; why not at the north end?

Ms. Helen Starr, 202 Seaspray Avenue: Expressed concern about having a corner lot under the overlay. *Mr. Castro recognized the problem with corner lots and stated that staff will look into this issue to seek some sort of relief for these owners.*

Ms. Sue Strickland, 145 Seaspray Avenue: Fears that the Sea streets will experience too many tear downs thus changing the character of the streets with its older homes. *Mr. Castro responded that this is a concern of staff that the overlay may encourage redevelopment (including tear downs) rather than encouraging the preservation of the streets.*

Mr. Moore added that this exercise not only serves the tear down and rebuild situations, but also

is to help those who wish to remodel and/or enlarge their homes.

Ms. Dorothy Martin, 312 Seabreeze Avenue: Mentioned two houses being built now that are so out of character with the street. “Architecturally, we are losing Howard Chilton, Belford Shoumate, Henry Harding, and they are all beautiful architecture on those Sea streets.”

Mr. Leslie Shaw, 318 Seaspray Avenue: Recognized a consistent theme in this and previous workshops...the issue between what we have and what someone else may want to build: the need to preserve, yet renovate to meet modern needs. Suggested that there be a focus on an overlay for renovations everywhere in town, not for distinct neighborhoods, and not for new construction. *Mr. Castro felt this was a very good idea.*

Ms. Maria Hamilton, 217 Seabreeze Avenue: Felt that some of the new homes being built are more beautiful than the ones which they have replaced.

Ms. Christelle Martin, 312 Seabreeze Avenue: Fears townhouses on the Sea streets

Ms. Jane Myers, 246 Seaspray Avenue: Felt the town was proceeding in the right direction, and thanked staff for doing the work. Felt the new homes on Seaspray are beautiful, in fact, better than those which were there previously; good additions to the street.

cmd