

~~MINUTES OF THE PUBLIC HEARING~~
CONDUCTED BY MAYOR AND TOWN COUNCIL
Tuesday, September 9, 1997 @ 5:01 P.M.

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I. CALL TO ORDER AND ROLL CALL

The Public Hearing was called to order by President Smith at 5:13 P.M. on September 9, 1997, in the Town Council Chambers. On roll call, the following Elected Officials were in attendance: Mayor Paul Ilyinsky, President Lesly Smith, President Pro-Tem Leslie Shaw, Councilmen Jack McDonald, Sam McLendon and Allen Wyett. Also in attendance were Town Manager Robert Doney, Assistant Town Manager Peter Elwell, Assistant to the Town Manager David Jakubiak, Town Attorney John Randolph, Finance Director James Demming, Assistant Finance Director Cheryl Somers, Director of Planning, Zoning & Building Robert Moore, Zoning Administrator Paul Castro, Planner/Projects Coordinator Tim Frank, Public Works Director Al Dusey, William F. Brisson, AICP, President of Adley, Brisson, Engman, Planners & Economists, Inc., and Town Clerk Mary Pollitt.

II. APPROVAL OF AGENDA

Councilman Wyett moved approval of the Agenda. The motion was seconded by President Pro-Tem Shaw. On roll call, the motion carried unanimously.

III. PROOF OF PUBLICATION

Town Clerk confirmed proof of publication.

IV. CONSIDERATION OF ORDINANCE NO. 14-97 TO ADOPT 1997 COMPRENEHSIVE PLAN AMENDMENTS

Director of Planning, Zoning & Building Robert Moore reported that the Comprehensive Plan had been transmitted to the State for acceptance. The Objections, Recommendations, and Comments (ORC) report had been received from the Department of Community Affairs, which had been addressed via William F. Brisson, AICP, President of Adley, Brisson, Engman, Planners & Economists, Inc. The Comprehensive Plan Ordinance had now been prepared for approval of the Town Council.

William F. Brisson, AICP, and President of Adley, Brisson, Engman, Inc., and consultant to the Town of Palm Beach on the Comprehensive Plan, addressed the Town Council, reporting that he had prepared the response to the ORC report of the Department of Community Affairs (DCA) for review. The Comprehensive Plan now reflected the changes incorporated in the response to the ORC report. He reviewed the elements of the plan objected to by the State:

1. Certain portions of the Coastal Management Conservation Element.
2. The housing element.
3. The Intergovernmental Coordination Element.

As a result of these, the State had pointed out certain inconsistencies that the Plan had with the adopted State Comprehensive Plan.

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Mr. Brisson explained that he would briefly discuss the individual objections, and the approach taken to them, responding to any questions.

COASTAL MANAGEMENT/CONSERVATION ELEMENT:

1. ORC Objection: The definition of Coastal High Hazard Area in the proposed amendment is not consistent with the State's definition (Rules 9J-5.003 and 9J5-012(E)1, F.A.C.). (Mr. Brisson explained the objection was made because the definition was different from that which the State used, and that which was incorporated in Chapter 163, which essentially defined the Coastal High Hazard Area as any area that must be evacuated in the event of a Category I hurricane--in that case, the entire Town would fall into the State definition of Coastal High Hazard area).

Town Response: Various references in the Comprehensive Plan had been changed to meet the State's definition, and now the entire Town was identified as the Coastal High Hazard Area.

2. ORC Objection: The EAR-Based amendments fail to establish Goals, Objectives, and Policies which discourage increased population densities and infrastructure improvement in the Coastal High Hazard Area (Rule 9J-5.012(2)(a) through (d), and (3)(b)1.-11., F.A.C.).

Town Response: Modification of policies to eliminate references to the Coastal High Hazard area "as defined by the Town," which was one of the major objections. Policies were also included which showed that the Town had addressed the issue of limiting development or re-development in the areas of most exposure to natural disasters. This would essentially correlate to the area seaward of the Coastal Construction Control Line. The Department of Environmental Protection stated that the Town should at least try to reduce future development or re-development densities in areas of most exposure, which Mr. Brisson understood as being those which would be seaward of the Coastal Construction Control Line.

In response to Councilman McLendon, Mr. Brisson explained that the Planned Unit Development (PUD) Plan was a prior approved plan, and was basically vested under the terms of the Department of Community Affairs.

3. ORC Objection: Reference to past implementation dates that had not actually been completely implemented.

Town Response: Revision of various policies within the Plan which were set forth in the response and in the Plan itself to set future implementation dates, and to recognize new programs that had come forward, for example, the Department of Environmental Protection Program for the Lake Worth Lagoon Ecosystem Management Area.

HOUSING ELEMENT:

1. ORC Objection: The Town of Palm Beach has identified the lack of affordable housing units as being an issue in the community. The Town has not addressed how it proposes to address the issue of providing affordable housing (Rule 9J-5.010(1) and (2), (3)(a),(b), and (c), F.A.C.).

Town Response: Mr. Brisson explained that he firmly believed that the DCA had misinterpreted the Town Plan. Numerous portions of the plan had specifically stated that there were no affordable housing problems in the Town; that through the unique methods that were available in the Town had provided greater affordable housing than was necessary. Some changes had been made in the text of the Plan to make this more clear to the State.

INTERGOVERNMENTAL COORDINATION ELEMENT:

1. ORC Objection: The proposed revised amendment fails to identify adjacent local governments, recognize existing intergovernmental coordination programs, and identify any additional efforts that can be created to improve the intergovernmental coordination between the Town and adjacent local governments. (Rule 9J-5.015(1)(a) and (b), (3)(b)1-4, (c)1-9., and (4)(a), F.A.C.).

Town Response: Mr. Brisson expressed strong disagreement with the objection, as all adjacent local governments had been identified, and all of the various agencies with which the Town coordinated. Some minor changes had been made to update the matrix table, and some of the policies in the Intergovernmental Coordination Element had been modified to reflect the new position of the Town relative to its prior challenge to the West Palm Beach City Place Plan. A DCA representative had mentioned that this was a direct result of the objection to the West Palm Beach Plan, and DCA concerns in this regard throughout the County. The objection was not based on fact,

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but the DCA opinion that there were numerous such situations of lack of intergovernmental coordination throughout Palm Beach County.

CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN:

ORC Objection: The proposed amendments to the Coastal Management, Housing and Intergovernmental Coordination Elements are inconsistent with and do not further the goals

and policies of the State Comprehensive Plan Chapter 187, Florida Statutes, for the following provisions (Rule 9J-5.021 F.A.C.):

Town Response: With the various changes incorporated in the Comprehensive Plan all of the alleged inconsistencies had been addressed.

Town Attorney Randolph read Ordinance 14-97 by title: (first reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A COMPREHENSIVE PLAN FOR THE TOWN OF PALM BEACH IN ACCORDANCE WITH THE "LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT," AS AMENDED, BEING SECTIONS 163.3161 ET. SEQ., FLORIDA STATUTES; ATTACHING AS EXHIBIT "A" A COPY OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

Councilman Wyett moved approval of Ordinance 14-97. The motion was seconded by Councilman McLendon. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS

There were none.

VI. ADJOURNMENT

The Public Hearing was adjourned at 5:32 P.M.

Mary A. Politt
Town Clerk

Prepared by:
Susan Eichhorn