

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING REGARDING ZONING HELD ON TUESDAY, APRIL 1, 2004

I. CALL TO ORDER AND ROLL CALL

President Allen Wyett called the Special Town Council meeting to order at 9:30 a.m. in the Town Council chambers.

On roll call, the following Elected Officials were found to be in attendance: Mayor Lesly S. Smith; President Allen S. Wyett; President Pro-Tem Samuel C. McLendon; Councilmen William J. Brooks; Norman P. Goldblum; and Jack McDonald. Also attending for all or part of the meeting were: Town Manager Peter B. Elwell; Assistant Town Manager Thomas G. Bradford; Town Attorney John C. Randolph; Director of Planning, Zoning, & Building Robert L. Moore; Zoning Administrator Paul Castro; Assistant Director of Planning, Zoning & Building Veronica Close; Planning Administrator Timothy M. Frank; Public Works Director Al Dusey; and Town Clerk Mary A. Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Pollitt gave the invocation. President Wyett led the pledge of allegiance.

III. APPROVAL OF AGENDA

Town Manager Elwell requested an addition to the agenda regarding traffic counts and rush hour demands as they related to the bridge openings in the Town. He continued that this issue was discussed during the Strategic Planning meeting last Friday; however, the final numbers were not available, and the Town Council requested the numbers be made available at this meeting or another special Town Council meeting that occurred on March 30th.

Mr. Elwell reported that the proposed study would include a team of people during a ten hour study at the three bridges with an analysis of the field work. He said the fee for that study would be \$7,000, provided by a firm that the Town has a continuing contract with for these purposes, and \$3,500 would be paid from private donations and \$3,500 from Town funds. He recommended that the Town's \$3,500 be appropriated from the General Fund Contingency and that the staff move forward as soon as possible so the work may be done the following week.

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Councilman Brooks made a motion to approve the study with the \$3,500 cost appropriated from the General Fund Contingency. President Pro-Tem McLendon seconded the motion that carried 5-0 on roll call.

President Wyett announced that he and Town Manager Elwell made a successful trip to Tallahassee on March 31st with the State House Health Committee approving the angioplasty bill. He said the next move is to have the measure heard on the House floor and the Senate floor for final approvals.

IV. PRESENTATION OF THE MAXIMIZATION STUDY OF RIDGEVIEW DRIVE AND JAMAICA LANE IN THE R-B ZONING DISTRICT

- A. Overview of Maximization Study
- B. Mayor and Town Council Comments and Questions
- C. Public Comments and Questions
- D. Town Council Direction Relative to Maximization Study and Planning and Zoning Commission Recommendations

Paul Castro explained the staff chose two streets, one north and one south of the Country Club, Jamaica Lane and Ridgeview Drive with the study conducted by Urban Design Studio. He continued that after Urban Design Studio presents its findings, the staff will present a survey of homes built in the Town in 2001-2002, based on permits and the submitted plans

Russell Scott, Landscape Architect and Urban Planner from Urban Design Studio, said Urban Design Studio was retained to conduct an independent review and analysis of the single family, R-B zoning district, specifically on Jamaica Lane and Ridgeview Drive, located in the north end of Palm Beach.

Verbatim transcript. Russell Scott and Alhandro Gazurreta presented a power point demonstration during the meeting.

Scott:

The Study investigated both the existing conditions and the potential development that could occur under the current development regulations with the inclusion of information documenting further input of existing building patterns and current building trends exhibited in Palm Beach based on market studies. This study was not intended to form conclusions but rather to accurately portray statistical information in a graphic format that could then be used as a visual tool to further understand potential development in the northern area of the island under the Town's current regulations.

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Simple, block models and illustrations to represent building mass and bulk. Architectural styles and detailing were not included in order to focus on the impacts of the relationships of size and shape of the residences that could potentially be built in these locations.

We need to keep in mind that landscaping was not included in the preparation of this model. The landscaping certainly plays a very important role in establishing a character for a neighborhood, but due to the wide range of alternatives for landscape planting design and more importantly in order to be able to clearly see the relationship between the structures and their impacts from the street, landscape material was not considered.

The study was divided into three main parts: building envelope analysis, 3-D computer models, and study of pervious and impervious areas. The two study areas were Jamaica Lane which comprises 25 internal lots located between North Ocean Boulevard and North Lake Way and Ridgeview Drive which contains 19 internal lots between North County Road and the intersection of North Lake Way and Slope Trail. For all of these slides - north will be pointing upwards.

The existing conditions for these street lots on both of these roads and typically 100 feet by 100 feet comprising approximately 10,000 square feet lots or about 1/4 acre. There are currently some vacant lots which are shown here, high lighted, and some lots that have been aggregated. On Jamaica Lane, 3 lots have been combined to form 2 lots on the left side there by North Lake Way and there is one lot that was attached to the house on the street to the north. On Ridgeview Drive, there are 3 vacant lots in the middle and the 2 combined lots on either end which have been under construction during the course of this study, so we use the information available to us for those structures as they were going in the ground while the study was being prepared.

So this shows the superimposition of the existing structures and the vacant and under construction properties on the two streets. So we did a computer simulation of the existing conditions – this one is Jamaica Lane looking east and is taken at an average eye level of about 5 ft., and the same thing with Ridgeview Drive – looking east– these are a view of the existing conditions. The 3-D models, we created a view of the buildings from any vantage point and to be able to view them in proximity to their neighbors. The models are able to be modified, graphically, to reflect future potential changes to the mass and bulk of the buildings as renovations are made or new structures are introduced. Even though development regulations offer a variety of options for the final determination of the design and placement of residences on the lots, where there were options for application of the development applications, the models were designed to try to accurately reflect the current development trends in the Town of Palm Beach. When we have an option like building height and things like that, we do try to be as realistic as possible, based on information that was available to us as to what is actually going in the ground in these areas.

So first we look at what is allowable under development by your current Code. By discussing the parameters that affect the building mass in bulk and the placement of the structures on the lots. The study models adhere to the current Code regulations for setbacks, lot coverages, building height,

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over-all height, maximum square footage, maximum cubic content, angle of vision, building height plane where applicable. The R-B low density residential district, the minimum lot size is 100 x 100; although there is opportunity to combine lots which has occurred as you have seen and will continue to see through this presentation.

We constructed the development envelope that showed how the current regulations would affect the placement of the formulation of a typical building on one of these lots. What we did was decide to use - by market trends - we chose a 12 ft. first floor since that is typically what is going in. For the second floor, we used a 10 ft. height which is also consistent with the market trends, and we also used a minimal number of single stories since most of the market trends indicate that two stories are going in those areas for the most case. For roofs, we showed 8 ft. on the sloped roofs and 3 ft. on the flat roofs to which small parapet walls can be added, but again for the purpose of this study, we used sloped roofs, because that appears to be what is most common. So, the combination of the first floor of 12 ft. for a single story with an 8 ft. roof for a total height of 20 ft. For a two story, it would be a 12 ft. first floor, 10 ft. second floor, 8 ft. of roof for a total height of 30 ft.

What we did then was to take the potential building mass and again these are prototypes, and apply them to the existing conditions. This one shows on Jamaica Lane, and we have the photographs showing the existing conditions and then we use the silhouettes to typify what was typically out there; the green showing the open space relationship between the buildings and then the silhouette shows the potential maximum development under your current Code for those areas.

The same thing with Ridgeview Drive. This close-up shows the existing situation with the spacial relationship in green between them superimposed with the potential silhouette under your current development regulations.

One of the other parameters in your Code is the angle of vision which determines the setback and placement of the building based on its relationship to the street. The angle of vision: no portion of any building shall extend beyond an angle which is located along the front property line, the angle which is determined by the width of the parcel: example - 100 degrees for lots between 100 and 110 feet in width. In the case of corner lots fronting on the primary north/south roadways, the Code requires an angle of vision be applied along the designated primary north/south streets which is the case for lots fronting on North Ocean Boulevard, North County Road, and North Lake Way.

The next parameter was the building setback.

Alhandra Gazuerreta:

Within the R-B low density residential district, setbacks are required for the one story portion of the building to be 25 ft. It is indicated on the slide, and 12.5 ft. for sides and 10 ft. for rear yards. Two story, a maximum of 30 ft. for the front is required and 15 ft. for the sides and rear yards, and this was taken into account when developing the models.

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The building footprint is then located within the specific building setbacks and outside the area restricted by the angle of vision within the envelope that was covered before. Two (inaudible) prototype which were developed to scale in the auto cad before put into the model within the envelope and development parameters that have been covered.

In terms of cubic content, the building prototypes contained in the 3-D model are based upon the maximum cubic content that can be achieved under the current code.

Scott:

So what we showed here was, again, the summary table provides most of the assumptions contained in the creation of the 3-D model.

Gazuerreta:

Again, cubic content being the maximum cubic content. Total square footage is determined by – either one-story or two-story– but it also provides for the maximum square footage allowed under the cubic content. Building footprint varies in relation to if it is a one-story or two-story. Lot coverage is determined based on these parameters and varies as you can see on the slide. Prototype A is a one story prototype and then from ‘b’ to ‘i’ are two-story with a maximum height of 30 ft. and this is the overall parameters that were considered to develop the models.

In terms of the prototypes, I'll go briefly to illustrate the main aspects of the prototypes and the location. Prototype A: is that these locations and is basically at one story - front garage - represents one story front garage model. Prototype B: at locations indicated is a two story with a one story single loaded garage as you can see on this slide as represented with the letter ‘B’ on the parcel. Prototype C: was located as shown on the screen and is a one-story/two-story set back combination. Portions of the building are required to be a certain set back – either one story and other portions are required to be two story, I mean, require an additional set back if they are two story and that is what is also taken into account to develop the models. Prototype D: is a two story set back located on the angle of vision line with a one story back portion of the house with the same structure. Prototype E: the location shown on the screen is a two story set back line with an entry feature and it is also located at the maximum angle of vision so the unit occupies the maximum frontage that can be done through the current Code. Prototype F: is a two story home located at the set back line for a two story with a maximum angle of vision as well. Prototype G: represents the possibility of a combined lot and is a one story with a two story combination for the site – developing two lots as allowed by Code. Prototype H: is a corner – a prototype developed for corners and is a two story corner lot with a one story side loaded garage. In other words, the frontage will be as allowed by Code on the main streets, and the garage will be accessed by either Jamaica Lane or Ridgeview Drive. Prototype I: represents an existing condition or a current home that was used to illustrate what can be done in a combined lot situation.

Scott:

So by taking the Town's development regulations, market trends, and development

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prototypes which we feel covers pretty much what you could expect to see in these areas, we've been able to prepare a model which demonstrates the potential development of these two streets. This first one shows Jamaica Lane looking toward the east.

Castro:

What I would also like to point out is when they were developing the models, they met with staff extensively to try to make sure that the models they were going to present were part of the market trend we have in Palm Beach. In other words, one and two story combinations with side loaded garages, front loaded garages to insure that it was a marketable product. I just wanted to point that out.

Scott:

Thank you. Yes.

So, this is Jamaica Lane, looking east again, taken from a view height of about 5 ft. 8 in. looking from North Lake Way toward North Ocean Boulevard.

Gazuerreta:

And this represents the existing condition of the street.

Scott:

We kept the house on the corner which is newly constructed and was, I think, Prototype I as a given, and this slide shows the potential same view with maximum development using the prototypes under the current development regulations.

The same for Ridgeview Drive. The same height. The same height of vision existing...

Gazuerreta:

Two homes that were (inaudible) because they were developed under the current Code.

Scott:

The other area we took a look at was an analysis of the pervious and impervious areas on these two streets. You would understand the impacts if you took the development on storm water drainage. The existing conditions were documented and compared to the maximum potential development that could occur under the current Codes with the use of aerial photographs, site data, building plans where available, and field visits as much as we could. We calculated the percent of pervious to impervious area for each lot. A comparison between the existing conditions and the maximum permitted by the Code was prepared and will be shown – I think on the handouts that we gave to you. The impervious areas range from a low of 31% to a high of 64% on the existing conditions. This one showing Jamaica Lane – here is the building footprint and those are other hardscape driveways, patios, pools, and other impervious areas and the green showing the pervious

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areas.

For Jamaica Lane, the average was impervious 46% and pervious 54%. Underdevelopment by your current Code, using the prototype models we developed, those would be the building footprints; that would be the maximum allowable hardscape. The green shows the minimal required pervious area. It shows impervious 60% and pervious 40%, and to compare the two, the existing conditions – it's about 54% pervious area and under development by your Code, it's 40% pervious area.

The same thing was done for Ridgeview Drive. The existing conditions, building footprints, other hardscape. We show the impervious areas. The ratio here now – this has been kicked a little bit because the original study, original analysis we did, used the three vacant lots which threw the numbers off. So, I think we have adjusted that as you will see in a minute, but under development by current Code, and using the prototype models, the building footprint, other hardscape elements, resulting pervious area gave the same – 60%/40% – which is the portion in your current Code – to compare 65% pervious/40% pervious under existing and proposed; although, again, if we take into account – take those three lots out from the calculations, it drops the pervious to 57%.

So, what we've got here is a 3 D model of what one could conceivably expect to ultimately be developed on these streets, assuming your current Code was applied to all future development over time. Here is the existing conditions. The one house we kept as new – new enough to stay on the model. On a development by Code, with the prototypes we applied to those lots, this is the development potential for that street. The same thing for Ridgeview Drive. Existing conditions, two houses we kept in the model and potential development of the current Code. This is looking in the other direction.

Gazuerreta:

Looking west. North Ocean Blvd. towards North Lake Way.

Scott:

We have the same information for both streets in both directions, in all directions – (inaudible) we're showing you two alternate directions. In Jamaica Lane and Ridgeview Drive.

Wyett:

What is the size of the houses, per Code, on these streets?

Scott:

Size in terms of what?

Wyett:

What does the Code allow to be built out? Precise. How big is the house?

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Scott:

Well, the maximum size is a function of a combination of parameters – it's lot coverage, cubic content....

Wyett:

From where to where? Besides looking at the outside of the house. You have to live on the inside.

Scott:

Maximum floor area?

Wyett:

No. From minimum to maximum. You know.

Goldblum:

Cubic space and square footage.

Wyett:

Right. The lowest ceilings someone would build to the highest ceilings someone would building is for me how we would show it.

Gazuerreta:

The size of the home is determined by the maximum cubic content allowed at the site, so this is pretty much the square footage of 44,000 as you can see is illustrated in this – cubic content –

Castro:

If you look down, the third line from the bottom, that is the total square – that's the one you really need to look at relative to the square footages of each of the models presented.

Wyett:

So you go from 3700 feet to 4400—I can't quite – is it 44?

Smith:

7800.

Brooks:

7800.

Castro:

Third line from the bottom.

Wyett:

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That's 3700....

Smith:
to 7900.

Wyett:
No. To 4,000? What's this?

Gazuerreta:
(Inaudible) 4,000.

Wyett:
So, what you would have to subtract – 600 ft. for the garage. Correct?

Moore:
Yes.

Wyett:
So, the net liveable space would be 3,400 to 3,100? Okay, thank you

Scott:
(Inaudible) to compare existing potential on Ridgeview Drive. This is comparing the existing condition to the development potential for Ridgeview Drive. And the same for Jamaica Lane existing and potential.

What we have done – all of this information has been put in to a computer so from any point of height of vision, any point on the street, any point on any of the lots you can do a visual walk through of the prototypes. Again, we also have this for existing and potential. This happens to be the maximum potential, if you watch the little feet in the middle of the screen that shows the point from which these views were taken. Can you go up? You can take it from ground level. You can take it from higher than ground level. You can walk – presuming – pedestrian eye level if you wanted to, and you can get it down to car level which I think is about 18 inches or so lower. We've got this for both streets, front and back. You can walk around the houses. You can look in any direction. This is Ridgeview Drive. Same thing. The model and the prototype has been prepared so that you can get an idea and evaluate from the impacts of the development potential on any lot. Again, using the prototypes that we have chosen as being representative of what you can expect to see.

Gazuerreta:
The current use is an average of 5 ft. 8 in. This is what you would see if you were driving at an average height of 5'8", human scale or walking scale.

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Scott:

Can you take it behind one of the buildings?

Gazuerreta:

uhh huh.

Scott:

You can go between houses. You can go in the back yards. The model is flexible for where we want to take you point of view to do your comparison as to the relationship of the structures. We're not spending the rest of the morning walking up and down the streets in computerland. That pretty much concludes our presentation and the methodology that we used to determine the model for the potential development of these two streets as being representative of the north end of the Town. I think Mr. Castro would like to say a couple of things, and then I would be willing to answer any questions you might have as to how prepared the program.

Thank you.

Castro:

I think that the tool that the Council directed us to present to them today is one that shows you just exactly what the impact could be if these streets would be developed on our existing Code to the maximum extent possible and it shows you the existing conditions and the change from the existing conditions to what build out could be over time, and I think that is a tool that facilitates further discussion relative to our existing Code provisions and whether they work or they don't work in terms of policies of the Town. When we presented this to the Planning & Zoning Commission on January 15th, after much discussion, they directed staff to provided their recommendations to the Town Council relative to what they believe needs to be done as a follow up to this study and those are provided in the staff memorandum, dated March 16th, that was provided to the Council and is available to the public, and I am just going to go through those briefly.

McLendon:

Paul, could I ask you a question, before you..... What is the maximum CCR permitted under the Code now?

Castro:

Well, it depends on the lot size. There is a sliding scale CCR and it goes from lots ranging from 4,000 sq. ft. up to 60,000 sq. ft. so the CCR's range from 4.5 down to 3.5, depending on the lot size. The smaller the....

McDonald:

Can you use that 100 x 100, Paul, which is the basis, I think?

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Castro:

Correct. The 100 x 100, or 10,000 sq. ft. lot is a 4.0 CCR. It depends. 4,000 sq. ft. would be for an average tie beam height or bottom of the top cord for a maximum of 20 ft. For a maximum height of 22 ft. to the bottom of the cord is 3636, 3636 sq. ft.

Moore:

In other words, you cannot maximize the height and maximize the square footage, but if you give up height, you increase square footage.

Castro:

Correct.

Goldblum:

One question. I see only one house that has fill above the crown of the road. How does the height...first of all, in rebuilding do any of these lots have to be raised up?

Castro:

Yes, yes.

Goldblum:

How do you measure it? From the crown?

Castro:

We would measure it from the crown....well, actually, 7.5 ft. NGVD which is the minimum FEMA, Federal Emergency Management Agency, standard, and if the lot is at 7.5 ft. or the crown of the road is at 7.5 ft., we automatically give the owner 18 inches above the crown of the road so he can set his floor a little bit higher than the road.

Goldblum:

All right. Now...

Castro:

This does not take that into account. These models take it into account that...

Goldblum:

All right. Now, I see where one house has fill. How is that measured? Look at 291 Jamaica Lane on this picture.

Castro:

This house – the models that are provided here – would even look taller next to houses that are built to the elevations below the minimum FEMA requirement. I hope that answers your question. While this looks large now, when someone comes to develop next to a single story house

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that is built at elevation 6.5, it is going to be – the starting point is going to be taller and even taller from there.

Goldblum:

That's what I have been driving at.

Wyett:

Yes, but you can't penalize someone who is going to conform to FEMA which you require, and say, 'No, you can't do that and conform to FEMA because you are going to tower over your neighbor.' It's not fair. You are making him conform to FEMA.

Castro:

We understand that. We are just giving you the facts relative to when they do build to that elevation.

Wyett:

Right. In the evolution of the development of a street, such as Jamaica Lane, which is well–the FEMA levels are 7.0 to 7.5 ft. and it may take 25 to 50 years to bring the street up to Code which would solve the drainage problem. You have to accept the fact that for a period of time some houses are going to be higher than others. That's a fact of life.

Castro:

We understand that, and I think as part of this tool, it also gives the viewer the ability to decide 'is that the scale and size of the homes you want to be on that street when it's totally developed?' That's part of some of the questions that are raised by the study itself–not just the relationship between what's there and what is going to be built next to it over time, but when the street is totally developed, is that the vision that the Town wants to see for their streets developed in the R-B district?

Wyett:

I want to raise another question. And that is, you can't only look at CCR and the total size. You have to look at allowing re-development of a house that is liveable for the future residents of the Town of Palm Beach, and you have to look at a house, the living area. Take away the garages. Two car garages are not too many. People want 3 car garages if you look at the national average of new homes. Even homes much less expensive than those being built in Palm Beach. But staying with a 2 car garage, you are talking houses of – this street, based on current Code – 3100 to 3400 ft. and in order to get 3100 ft., you're talking about not high ceilings.

Castro:

You could get larger homes, but you would have to reduce the height.

Wyett:

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We are talking about the using – and people don't want very low ceilings.

Castro:

I understand.

Wyett:

You could go to a non-saleable house. So, we are not talking about high ceilings to get 3100 ft. of living space.

Castro:

You are talking about 12 ft. ceilings.

Wyett:

12 ft. ceilings? All right.

Castro:

Yes sir. On the first floor and 10 ft. on the second.

Wyett:

So if you get to 3400 ft., you're getting how many ceilings?

Castro:

Pardon me?

Wyett:

So if you get to 3400 ft., you're dropping the ceilings then.

Castro:

Excluding the garage, you're talking about 12 ft. first floor – 10.....

Wyett:

But 3400 ft. today, realize this here in Palm Beach – people moving down here – we have no basements for storage. We have no attics for storage and young people are moving into this Town. We want young people to move in to this Town. Where do they put their things? So they need storage built into their homes or they need larger garages. These houses are not big. We are not building apartments – people are asking for apartments of 3,000 or 4,000 ft. So,

Castro:

We're just presenting you the facts for you to make.....

Wyett:

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I know. Paul, I'm just making a statement. So, I am asking the Council to think about not only the size of the homes but also what is an appropriate size house for the people who want to live in the Town of Palm Beach. I'm not telling you how big it is. I'm asking you to consider it, and I'm also asking you to consider when you are looking at this model, that the models are naked, and when you go down any of our streets and you look at a new house going up, and I've looked at a great many having sat on ARCOM and said, 'Gee, is that an ugly house going up. How did I ever approve that one when I was sitting on ARCOM?' And then when the house gets landscaped, I say that's not a bad house. That's what you are looking at when you are looking at that model, unfortunately, we should of been having two models of the street – one landscaped and one naked, and you will see it is a totally different perspective of the street. After these houses are landscaped, the privacy that comes on the street is enormous.

Castro:

I think that is what we are going to see with the survey that is coming a little bit later.

Moore:

That's kind of a part two on what you asked us to do was to look at what the sliding scale has produced over the last couple of years, and you are going to come up on that, and at some point, I would like to talk about this slide that is up there now.

Wyett:

Mr. Brooks. Next.

Brooks:

Mr. Wyett, I think it is far beyond the purview of this Council to determine what size house people who are going to be moving in. I think what we should be looking at is what's at hand. I think what grabs me, particularly, is the lack or the decrease in pervious space. I think that also and I presume we will get to it – I would like to address Planning & Zoning's five recommendations in its memo of March 16th to us which I think identifies a situation in a more tangible manner, but I understand where you are coming from in trying to determine the size of a house that family X would move into, but that's beyond our purview.

Wyett:

No, I'm just saying not to determine the exact size, I just don't want to see us pass regulations that force houses down to where the value of the land or the value of moving to Palm Beach is diminished. That's all. I'm not saying how large it should or should not be.

Brooks:

I agree with you, but I don't think we can pursue that lofty goal recklessly in the face of the existing Code. I think it must take into consideration the Code. I think it must take into consideration what the Strategic Planning Board spent a great deal of time on and looking for green space and pervious material that is well spelled out, and my concern is – at least what we are looking

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at now – something isn't working.

Wyett:

Let's proceed to the next step.

Castro:

I would like to provide you with the Planning & Zoning Commission's recommendation before there is further discussion so that after they reviewed the proposal, they recommended that staff's study of reduction in the cubic content ratio to 3.5. In addition, the Commission recommended the study include the elimination of the sliding scale for the CCR and provide a visual representation of 3.5 CCR similar to the computer model so that the view could get a graphic representation of what 3.5 would provide versus the sliding scale that's presented today. In addition, they recommended that we study an introduction of a neighborhood average index for all Town streets in the R-B district to limit the size of houses on larger lots or on lots of assemblages of approximately 13,000 sq. ft. in area or whatever is determined to be the appropriate number for the R-B district and to further study the limiting of hardscape and increasing the landscaped open space in the R-B district.

The Planning & Zoning Commission also recommended that the landscaping be added to the computer models when they are modified which what we did, we attempted to match the colors – the previous presentation – the colors were different for both streets, and it kind of skewed the representation. In addition, the Commission recommended the staff's study of provision for definitions of pervious and impervious in the Zoning Code. They also recommended the staff study the elimination of berms, again, as part of the storm water retention plan and the use of a more permanent method for water retention to provide for permanent underground retention such as cisterns which could be used also for irrigation.

Those are their basic recommendations to the Town Council, and it is up for discussion today.

Smith:

Berms are going to be like gazebos. Right? We're going to be talking about them for the next ten years.

Castro:

Drainage. Yes, ma'am.

Wyett:

What is the Council's pleasure.

McDonald:

I would like to hear the basis for recommendation to decrease the CCR to 3.5. Who authored

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the report from the Zoning Commission on those recommendations?

Castro:

Well, what we did as staff was we took their recommendations on the floor and presented it in staff report format, so it was the Commission – the Planning & Zoning Commission as a whole that voted on these items, and the minutes were provided

Smith:

Can we hear from them?

McDonald:

Who is speaking today for the Planning & Zoning Commission?

Wyett:

Mr. Kleid, you would like to come up?

Kleid:

My name is Dick Kleid. I am chairman of the Planning & Zoning Commission. I live at 2660 S. Ocean Boulevard.

We felt on the Committee, and we passed a motion to the effect that we would like to look at a study of what would happen if we did away with the sliding scale, and we went to a 3.5 overall, and we would like to see what that would accomplish.

McDonald:

And did you see that?

Kleid:

We have not seen that. That is a study that we have asked with your approval for staff to study, and we also thought we could have a computer model, similar to this one, showing what it would look like if it were built out to a 3.5 cubic ratio.

McDonald:

And you recommended that without having seen this report that you asked for?

Kleid:

Yes.

McDonald:

I understand that they did recommend the 3.5 CCR, but that was without having seen the data?

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Castro:

To study a reduction and that's part of that study – to study the reduction of the CCR to 3.5 and part of that the Planning & Zoning Commission wanted, with Council's direction, for us to go back and show the numbers relative to floor areas and what they would like on the computer models so there can be a graphic representation as well some type of thought to the numbers and square footages that would be allowed based on 3.5 for both of these streets.

McDonald:

So you recommended this study, Mr. Kleid?

Kleid:

We recommended two things – we recommended the study, and we recommended that study be implemented into a visual presentation similar to the one we saw today so we could see if it were built out to 3.5, whether that might be a more sensible way to go.

McDonald:

Thank you.

Wyett:

Mr. Goldblum?

Goldblum:

Is there any study nationally or locally that shows what the average family is buying today? Could we find out if there is anything? Do we know what the wants and needs? Also what is the average square footage of the condos down there? Do you know, Dick?

Kleid:

I don't know this for a fact, but my guess would be they would probably be no larger than 2200 sq. ft. liveable space, excluding terrace space. I think they range anywhere from a low of probably 1200 or 1300 square feet to a high maybe of 4,000 sq. ft.

Goldblum:

And that does not include garage space.

Kleid:

That does not include garage space nor does that include terrace space.

Goldblum:

Thank you.

Smith:

Mr. Kleid. I'm assuming from what you said, that the Planning & Zoning Commission after

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seeing this presentation felt that the houses that would possibly be built under the existing Code would be too big, and that's why you were recommending a study for smaller? Was that correct?

Kleid:

Well, I don't think we actually reached a conclusion on that. I think that some people obviously were shocked by what the build-out could be, so we were looking for an alternative way of handling it to see if that would soften it to some extent – what we saw on the visual presentation today.

Smith:

But you didn't reach a consensus on the Commission that these houses were too big?

Kleid:

We did not.

Smith:

Because my thoughts as I looked at it: No. 1 - I disagree with Mr. Wyett about the houses with the landscaping. When I sat on the Architectural Commission, we were very firm about the fact that the house should stand on its own, because God forbid, there are many things that could happen and the landscaping would be destroyed and the neighbors would be left looking at an ugly house. So, we felt that about the landscaping.

The other thing that I look at when I see this, and see what could be built, is my concern about the houses that could be built without the variances that are currently being granted, and unfortunately these sizes could be even bigger. The Strategic Planning Board looked at it from the point of view of evolution – that was the word we used – that the streets would probably would evolve into larger homes as we went through the years, and we didn't think it would take 50 years. But, we didn't do it on the basis of young families wanting bigger houses. If they want bigger houses, then they buy a lot on which they could have a bigger house. So, I was interested to hear your thoughts on another study.

Kleid:

We also felt that was part of our recommendations that we would have liked to have seen this particular computer model show more vividly the landscaped area, because we were hopeful that might also soften the impact of the larger houses.

Smith:

Sure, but some of us can imagine what it would like and some of us can't .

Kleid:

I'm one of those people who cannot imagine.

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Smith:

You're a 'show me'. All right. Thank you.

Wyett:

Dick, are you aware that the new condominiums, currently under construction, that the biggest demand is about 3,000 ft. ?

Kleid:

That would not surprise me. I understand, Mr. Wyett, where you are coming from. I do believe that young families need larger space, and that apparently the present bungalow type housing is not sufficient for today's needs, and I think, and I have always felt, as part of the Planning & Zoning Commission that the Town has to set a policy. What do we want to do? Do we want to maintain the neighborhood type homes and leave these bungalow type homes or are we going to build out for what you state is the 21st century? Until we reach that kind of decision, I'm afraid we are going to have a great deal of difficulty in tweaking the Zoning Code.

Wyett:

You're right. Mr. McDonald.

McDonald:

I think you hit right on the head, Mr. Kleid. Until the Council decides, philosophically, what it is they want to attract or what they want to have, I think it is difficult to deal with all of these CCR's and angles of vision, etc. Do we want to maintain forever the small bungalow style homes on the north side or do you want to attract people who want to live in a modern house? I agree with you.

Kleid:

That has always been my position. Although we have not discussed that on the Planning & Zoning Commission and frankly that was one of the things I was going to bring up, but the ultimate decision is in the hands of the Town Council, and I think we should really be addressing a more philosophical issue as Mr. McDonald said.

McDonald:

I would agree with you. So, before we start tweaking the Code and changing this ratio and that ratio, let's decide what it is we want.

Castro:

What I think may be appropriate right now to do is – we have the homes that were built in 2001 and 2002 and there was some discussion about architecture and landscaping and how that plays a role in the softening and size of homes, and we also have as part of that presentation the square footages of the homes that were built – the CCR's and all of that information that came off the building permit plans. It might be appropriate, at this time, to at least show you what was built in

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2001 and 2002.

Wyett:

Excuse me, Mr. Brooks is trying to get his 2 cents in.

Brooks:

If I could just — I respectfully disagree with Mr. Kleid and Mr. McDonald. Philosophically, as the Mayor said, the Strategic Plan Section I, spells out that it should be an evolutionary mode. I also think that philosophically that we have to get our major, minor, and conclusion in order. I don't think our major can be 'Well, what do young families who may wish to come here, want for a house?' I think that the Code cannot work that way, and I think that looking at what I have seen this morning, I don't know if the CCR is working, and I think Mr. Castro pointed out a very salient feature when he said the presentation of the Urban Design Study did not take into effect the NGVD that by Code and by law, and then by Code, would have to go in which puts it even higher at 7.5 ft. So, Dick, I would support the Planning & Zoning request in number 1 to study — there is nothing wrong with the study — and in the mean time, I think we just have to watch very carefully, and I think as the Mayor said, no variances on these streets, because — this, in my judgement was rather frightening — I don't mean to over dramatize something, but the evidence is pretty incontrovertible. Thank you, sir.

Wyett:

Mr. Moore.

Moore:

Thank you. Mr. Castro was going to give you some information on what has been built, and they are quite large which would substantiate the question, and I think would give Mr. Goldblum some information, there are national statistics, there are county statistics, but we're really narrowed into our own area here. So, it is probably more relevant to hear what has been built over the last few years as you asked us to study. If they could put back up on the board that slide that dealt with landscaping and open space, it would be I think very important for us to take a look at item number 3 in the Planning & Zoning Commission's recommendations to us. If you will look at Jamaica Lane, this is quite telling if you will examine it very closely, the existing condition on top looking at the three different colors, it's fairly close to looking like there is more square footage on the ground — on ground level — for lot coverage in the dark than could be rebuilt under the scenario of maximization, but the thing that really jumps out at you is the contrast between the green and the very light green and that is the hardscape. It was very clear that we need to do something and do something relatively soon about limiting the hardscape on these properties to help with drainage, but also because it's the number one item at the Architectural Commission that is being discussed without any teeth in the ordinance to get them to cut down. Then meaning builders to cut down the amount of hardscape that is being put on these properties.

So, certainly from a staff standpoint, we would like some very clear direction on this

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particular matter of the hardscape and the landscape. The issue of studying – which is the evolution vs. revolution – which was the recommendation of the Strategic Planning Board – that is item number 2, and the Zoning Commission did ask that we look into that as another method to substitute perhaps for the CCR, and that is what is existing? What is the average? What could be built? Of course, eventually, you will get bigger houses. That is the down side to it. When I say the first person will take a smaller house, the average will increase slightly exponentially as redevelopment occurs on the street.

Lastly, I would just want to point out that we are giving out permits to build houses – new houses – no more than about 22/20 per year. I think you will see that in Mr. Castro's study. So, we are talking about a very large geographic area, but the market, if you will, is not building it out yesterday. It is a gradual change. It is not a change overnight. This is stark. This is dramatic, and it was intended to be dramatic, quite frankly, to show what could be done if we didn't take a look at our procedures that we have in place now. So, with that, I think that it might be certainly appropriate to see what has been built over the last couple of years, because that is really what the proof of the pudding has been. And that is in your package today.

Golblum:

Bob, hardscapes don't include swimming pools do they? I just wanted to clarify that.

Moore:

Yes, it does. The hardscape shown up there would include any swimming pools that would be on the property now or built in the future.

B. Mayor and Town Council comments and questions

C. Public comments and questions

D. Town Council direction relative to Maximization Study and Planning and Zoning Commission recommendations

V. PRESENTATION OF THE SURVEY OF NEW HOMES BUILT IN THE R-B ZONING DISTRICT IN 2001 AND 2002

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A. Overview of survey

Castro:

So, I guess it is my show now?

What I did over the summer and specifically in August, first of all, I went and collected from our records and permitting all the homes that were permitted in 2001 and 2002. Some of those homes – the slides are from August – so some of the homes that look like they are under construction now are either CO'd or close to being CO'd (Certificate of Occupancy granted for those homes). We also provided a map for the Planning & Zoning Commission and the Town Council to physically go by and look at the neighborhoods and how these houses were placed into these neighborhoods and how they fit into the character of those neighborhoods, and the slide presentation that I am going to be showing you is the handout that was provided to you back in August that graphically as well as numerically – it shows the numbers on the homes and the appearance of the homes – and with that we'll just go to the first slide and starts from the south end of the R-B district, Middle Road, working our way to the

Okay, this first home is 50 Middle Road. The lot size is 12,500 sq. ft. The sq. ft. of the home is 5,284 sq. ft. The allowable CCR is 3.98 and they did build the maximum 3.98 with the 5% bonus allowed for one story elements – unenclosed elements. There's only 23.5% lot coverage on this property, and the height is about 3 ft. lower than what the maximum of the Code would allow, and there is almost 50% landscaped open space.

404 Seaspray. This was permitted in 2001. The house sq. ft. is 3,847. CCR permitted is 4.0. They built to 4.0 with 25% lot coverage and they are 1 ft. lower in terms of tie beam height from what the Code would allow. They had 57% landscaping. If you notice, the landscaping on many of these homes does cover the architecture or does provide privacy to the residents.

This house is at the corner of Clarke Avenue and South County Road and this is a 15,000 – almost 16,000 sq. ft. lot; 6200 –almost 6300 sq. ft. of floor area; 3.9 CCR, 4.0 maximized at 23.6% lot coverage and almost 22 ft. to the bottom of the beam which is almost maximized with 53.5% landscaped open space.

230 Barton Road, 18,691 sq. ft. and as you can see, everyone is maximizing their CCR. This is 3.9 allowed. They are providing that with a 5% bonus, but no one is ever achieving the maximum lot coverage because they are utilizing the height in the buildings which does not allow them as much lot coverage.

This lot is a very large lot at 100 Everglade. It is 23,654 sq. ft. The home size is 8,871 sq. ft. of area. 3.86 maximized. 23.7% lot coverage. They did receive a variance for a height point measurement, and they have just barely met the minimum 40% landscaped open space.

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This one is at 101 Dunbar. 53% landscaping. This house is complete now. There is 8,827 sq. ft. of floor area and they have maximized the CCR, 3.87.

This is a fairly large lot as well, 19,522 sq. ft. with 7,800 sq. ft. of home. Maximized CCR of 3.91, 28% lot coverage, maximized tie beam with 43% landscaped area.

223 Coral Lane. You can see how the landscaping has softened the building. It is a 5,829 sq. ft. home. It is allowed 3.96. They are at 3.95 CCR, cubic content ratio, with 25% lot coverage and 21 ft. to the bottom of the cord with 52% landscape area, permitted in 2001.

This is a 2002 home at 180 Canterbury Lane. I don't have the square footage on the house, but they are building at 3.57 CCR when 3.9 is allowed with tie beams lower than the Code requires or allows with 54% landscaped areas as permitted on the plans.

Smith:

Did that house get a variance, Mr. Castro? 180 Canterbury. I remember it coming before the Council because it was a lot split.

Castro:

180 Canterbury?

Smith:

Yes. They split the lot from the house to the east.

Castro:

No ma'am. I think this house did get a ...

Smith:

This is the Maschmeyer house.

Castro:

They got the variance for the wall about four or five months ago.

This is 109 El Mirasol. 20,670 sq. ft. lot. 8,100 sq. ft. of floor area. It maximized the CCR with a 5% bonus for a one story loggia and providing 27% lot coverage and 21.3 ft. tie beam with 45% landscaped area. Under construction in 2002.

Goldblum:

Is that driveway considered open space for that (inaudible) or not?

Castro:

No, sir. That's hardscape. It's not considered landscaped open space.

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Goldblum:

How about gravel.

Castro:

No, sir. That's not considered as well. It has to be landscaped area green, pervious area or garden with mulching.

This is 260 Kawama Lane permitted in 2002. It's 21,773 sq. ft. lot with almost 8500 sq. ft. of floor area. They have maximized the CCR at 3.88 and provided a 5% bonus CCR for the loggia in the back – with a one story element in the back. Lot coverage of 22.3%. 21.5 to the bottom of the top cord, tie beam, and landscaped open space of 50.4%.

258 Miraflores Drive. Permitted in 2002. 11,952 sq. ft. lot. The house sq. ft. is 5518 sq. ft. with a maximized CCR of 3.98. They have maximized the lot coverage of 30% and the bottom of their cord is at 18.6 Ft. where 22 ft. is allowed.

Wyett:

How many garages are in that house?

Castro:

Looks like a 2 car garage right there.

Smith:

Ugly house with a garage facing the street.

Castro:

Correct. I mean, correct that it is facing the street. 41.8% landscaping.

The next home is at 239 Tangier Road which was permitted in 2001. You can see how the hedge has grown up around the drive. The garage is off set from the main drive entrance.

Wyett:

How many square feet is the lot?

Castro:

17,243 sq. ft. The home size is 6,130 sq. ft. and they built at only 3.4 CCR when 3.93 is allowed. It's a one story home so they are at 31% lot coverage. It is one of the few one story homes. There is another one coming up next to Mr. Wyett that is on this list, but the height is at 12.7 ft. to the bottom of the top cord with 47% landscaped area.

This house should be complete by now at 579 E. Woods Road. The lot size is a little under 10,000 sq. ft. They came in for site plan approval from the Town Council without any variances.

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The square footage of the house is 4,247 sq. ft. The CCR is at 4.01 and it was built at 4.01 so that was the maximum allowed. The lot coverage is at 25%, and the height of the house to the bottom of the cord is 21 ft. and they have 41% landscaped open space. The landscaping should be in and I don't know how – and I have not seen it since this picture, but I'm not sure how the landscaping has fit into the softening of the architecture of this building, because it really looks close to the street when you drive up on it.

This is 322 Plantation Road. They are getting their CO today, hopefully. The lot size is 30,369 sq. ft. There is 13,202 sq. ft. of floor area in the home. They are allowed 3.8 CCR. They did build to 3.8 with a 5% bonus. They did receive a point of measurement variance for CCR as well as height on this home, and the lot coverage allowed is 25%. They did provide 25%. It is an R-A sized lot and they maximized the building height and they had 51.7% landscaped area. So, this house is pretty much complete. It can hardly be seen from the road, because it is around a little curve and you can almost not see the home from the street.

This house at 238 Plantation Road was permitted in 2002. Lot size is 11, 760 sq. ft. The home size is 4,462 sq. ft. They did not maximize the CCR. They are at 3.82. The Code would allow 3.99. They did maximize their lot coverage at 30% and they maximized their height for that element in the middle at 22 ft. with the other elements, of course, are one story with a side loading garage and 51.7% landscaped open space.

Wyett:

Paul, could I interrupt you one second?

Castro:

Yes.

Wyett:

I just want to point out that if you reduce the CCR or reduce the sizes, a house like this can never be built again, because you are marginal in size. You would probably prevent architects from building if you consider this a pretty house, and I do for the size lot and the size house. You are going to put handcuffs on architects to try to fit a house on a small lot. That's just a comment I wanted to make.

Brooks:

Why do you say that, Mr. Wyett.

Wyett:

Because I am a student of architecture and literally if you have to take out more than 10% in that house, you just can't do it.

Brooks:

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It was built at 3.82. It's on a 11,760 ft. lot size. The house is 4,462 ft.

Wyett:

You are just going to handcuff the architects when you start making houses down to 3.5. The architect is very clever at how he has designed the house.

Goldblum:

The other thing about that— I have been looking at all of these pictures that we have on the report that you gave us. Most of the lots are much larger than what we are discussing on Jamaica and Ridgeview. Also, this house will give you over 50% landscaped open space which is what I think we are driving at. That's the other side of it, Bill, that I see, that we get open space by going up higher, and I agree that people who have bungalow houses don't like to see a two story house going next to them, but that is one of the decisions that we have to make than using land. If we want a lot of open space, we have to use air space, and I don't know the answer to it, but that is the equation that we have to work out.

Castro:

For the sake of being more expedient, if I could go through them about every 5 seconds. The trend is the maximization of the CCR and not maximizing lot coverage and putting them as close to the street as they can, and if we can go ahead and just go through and if you want us to stop, we'll stop at the homes you want us to. About 5 seconds on each one of the last 11 of those.

Goldblum:

Is there anything 10,000 sq. ft. or less in that?

Castro:

Most of the lots that have been built are on larger lots.

Brooks:

Yes, there is one under 10,000. There's a few at 11,000. The majority are 15,000 sq. ft. plus the largest being 30,000 sq. ft. plus.

Castro:

I could not pull this picture up. That's on Hi-Mount – up at the top of Hi-Mount Road. Ridgeview Drive.

Brooks:

It's almost a 23,000 sq. ft. lot. The landscaping is 57.4%. The house sq. ft. is almost at 9,000 – 8,989.

Castro:

There is a basement almost entirely underneath the first floor of this home.

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That's closer to a 12,000/13,000 – that's probably one of the smaller lots that was built in 2001 - 2002,

Goldblum:

And that only gives you 30% open space - landscaping.

Again, I reiterate that our problem is whether we want to work or (inaudible) over 50% or and go high or we (inaudible) live in a ranch house and cut out a lot of green space. Now that is one of our biggest problems that we have to look at .

Wyett:

Mr. McDonald.

McDonald:

Will you speculate what you think on those 3 Ridgeview vacant lots? I know that recently they have been sold – each for over a \$1 million. Speculate what would be the size of that? Those are basically 100 x 100 lots – those 3 vacant lots of Ridgeview. I haven't seen one house less than 4,000 sq. ft. in your sample.

Castro:

Yes, I can speculate. I just need that sliding scale.

Moore:

It would be 4,000. 3,600 - sorry. If they maximize – if it is a 100 x 100 which I think it is and they maximize the ceiling heights, it'll be 3,636 sq. ft.

Castro:

I think the trend is not to maximize the ceiling heights but get close to it. So, maybe 3,800 sq. ft. including the garage.

Wyett:

To answer Mr. Goldblum's question about one story vs. two stories, that's the desire of the builders or the owners. If I were building a new house today in Palm Beach and I could find the land I'd build a one story house with high ceilings, because I am tired of climbing stairs. I now climb a lot of stairs, 23 stairs to be precise.

Brooks:

Good exercise, Allen.

Wyett:

Yes, but my knee and my hip don't agree with you. However, I have enjoyed living in a two story house, and I like it very much, but a lot has to do with the needs and the wants rather than the

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architecture of the house.

McDonald:

Mr. Wyett, I have a one story house

Wyett:

The tax man tells me to stay where I am. That's another problem with living in the State of Florida. You don't really want to move and lose your homestead protection which is something else the Town Council can take into account. That is one of the reasons that people are adding on to their houses rather than moving. You have a house that has been grandfathered under the tax codes since '93 and if you sell it to move to a house that may accommodate you a little better, you may double your tax load, and that's why we are getting so much in the way of variances for people to add on rooms, and we are not going to avoid that, but I won't go into that any further.

Is that the house next door to me? Can you go back to it? I want to point out something.

It is a very nice house next door to me, but I want to point out something that the Zoning Commission should look at.

Goldblum:

What number is that? 26?

Moore:

26.

Wyett:

That's enough lot – 85 ft. wide– we had to give site plan approval for and 200 ft. deep and a house that sets back 30 ft. from the street. The house crowds the front yard. It provides almost no parking – off street parking – on a street that has no parking, because North Lake Way doesn't provide for it. Therefore, there is a parking problem constantly, and I think that the Zoning Commission should look at the idea that on deep lots, houses should set – that have the space to set it further back – the houses should be set further back. It would be better for the street scape, better siting for the house, and although the house sits on the street very nicely and on the lot very nicely, it would have been better zoned planning if the house was 40 ft. back rather than 30 ft. back. Nothing to do about this house. It is there.

Continue please.

Castro:

That's it.

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Moore:

What we have tried to present to you today was the synopsis of the issues that were before – not just this year but every year, it seems to be before us – and the recommendations of the Zoning Commission. They involve additional study. They involve suggestions and recommendations on limiting, for instance, the hardscape and increasing the landscaped open spaces. However, the basic policy decision that is still going to be needed to be – and it's a gnarly issue – to be discussed is the size of homes. I think one story, two story – I think pretty much that is a given that we have a two story portion in our ordinance. I don't think it would be on the floor today to say no more two story houses. I don't think that is what is before you, but I do think that what is before you is to give the consideration to the Planning & Zoning Commission's recommendations and then instruct us as to how far you want us to go in bringing more information back to you. For instance, the issue of the neighborhood averaging index. That is the Strategic Plan's recommendation that we look at the variance on a neighborhood by neighborhood or a street by street basis. Whether or not you want that to be considered, that would be time consuming to do that. It will involve spending dollars which we can, of course, ask you to do at our budget hearings, but I would tell you it will be costly to go ahead and go forward and do some of these studies. So, I think the real issue that needs to be decided is 'Is the sliding scale working now?' If it is working, then there really – besides the issue of the landscape and hardscape as you can see need to be addressed. If you don't believe it is working and you believe we should be looking at something else and limiting the amount of square footage that can be built on properties, then indeed I think you need to send us in that direction and we're still here to answer any questions that you might have.

B. Mayor and Town Council comments and questions

Wyett:

Would the Council like to debate this or would they like to hear public comment?

Brooks:

I think we ought to take public comment and maybe address the five requests presented to us from the Planning & Zoning Commission.

Wyett:

Mr. Goldblum.

Goldblum:

Bob, on street averaging – instead of doing a complete study, every time we get a request for a building permit, the first request for a building permit on a street, can we do that street averaging? Keep that as a record and do the whole Town at one time?

Moore:

Absolutely.

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Goldblum:

That would cut our costs back.

Moore:

But you would still want to see a maximization I would assume. When I say maximization – because although you watched the last two years, 2001 - 2002, what was built. There were some 29 homes – 28 homes. What we have to assume and based on that information that we just gave you is that the current CCR will be maximized; the current lot coverage will be maximized and the height has varied. That was an interesting statistic. The height – some of it was maximized. Some of it was not maximized. So, we have to assume, even with an averaging, we'll have to do a study to show you – and we could pick any street you want – to show you even by averaging what it would look like after a period of say 10 years, it might look like on an averaging out basis, using the neighborhood average. I think you would want that information before you simply say that is the solution to the problem. There is no easy solution to this problem.

Goldblum:

No, there is no solution to it. The thing is, in my own mind, is the landscape coverage and green space, and I think that is a prime requisite for us to – for the Zoning Commission to look at immediately.

Moore:

Well, there is no question in my mind, because of the starkness of when we had Jamaica Lane up there, the starkness of what the hardscape could be vs. what it is now and vs. the landscaping. That was real obvious. It stuck right out at you. That we should consider doing something immediately about that.

Goldblum:

And going with that – with retaining water with cisterns that comes into the same play.

Moore:

That is another issue that you will need – that I think you may want to have some further input from our Town engineering Department. I am not equipped to discuss that particular matter. We do have Marty Gauthier here that works as liaison between Public Works and our Building Department, so if you wanted to ask him questions regarding he would be more than happy to address you.

I can't say it strongly enough that there is going to be someone's ox will be gored. We are not going to please everyone here. There is no way to do it.

Wyett:

Bob, is there any strong evidence or any evidence that people are starting to take 10,000 ft. lots or some of the smaller lots and smaller than 10 and starting to put them together?

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Moore:

We have had some applications, yes, assemblage of lots, but not more than two. We haven't been looking at 3 and 4. There were some done, but they would be atypical in the 80's and the 90's.

Wyett:

No, I'm just taking 2.

Moore:

We have had some. Yes, sir.

Wyett:

Because as you reduce what you can build on a small lot, I mean, you're going to be encouraging that.

Moore:

Yes. One question. Someone mentioned that the lots on Ridgeview had sold. Have we had any applications to the Architectural Commission? No. Okay. So we are not aware of what the plan for those 3 lots is at this point in time.

Wyett:

One of the things that may come true, I can't predict it, but if you reduce what you can build on a small lot, where it is not economical or desirable to go to single homes because you are not going to be able to merchandise it or sell it, the next thing to do is either merge it to a larger lot next door or take 2 small lots and put them together so you can build a house that is saleable. I mean that makes it ripe to do that. But in doing that, I have to caution the Council, you may be lowering the value of dirt.

McLendon:

No question.

Brooks:

But I think Item 2 that Planning & Zoning is recommending to conduct that study, and I agree with you that you would be reducing the value of the dirt.

Wyett:

Now in lowering the value of dirt, you may be destroying the last nest egg of some of our elderly residents who have been holding onto these homes in the hope that would be their last nest egg. Again, it may not be the business of the Council, but I have to take into account that a lot of our elderly residents, thank God, are living beyond their wildest dreams, and they may eventually if they live to their 80's and 90's running out of money and that residue of their property may be taking them into their final years, and I certainly wouldn't want to destroy the value of their property by doing this.

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Moore:

Oh, no. That would be disastrous. Disaster for the tax base of the Town and be a disaster for the investments.

Wyett:

I don't have the answer. I am not an expert, but I wanted to throw that on the table.

Moore:

I would like to point out one other thing, and I am going to stop with this subject because I have spoken on it three times, but I would like to compliment and thank Bill Guttman for originally having Mr. Garvin come and take a look at this who is on the New York City Planning Commission in one of the boroughs as well as a professor at Yale University, and he took a look at the Town way, way – many years ago – I don't know how far back it is, but he took one look at our building, and he did point out that landscaping was a direct correlation of how to address the issue of mass, either real or perceived, as neighborhoods begin to change. I was not a great believer in that at that point of time, but I have subsequently as I have watched the homes being built and watched them being objected to as they are being built, and then I have watched them and seeing what they look like when they are landscaped out by way of the Architectural Commission.

I have seen most of the objections, not all, but most of the objections to the original massiveness of the structures go away. Whether they are just simply tired of it and tired of objecting as some people will say, that's a possibility, but I have had other people who will go on about problems that exist after the house has been built too, so I know from my own personal experience, Mr. Garvin had an excellent point, and when the houses are landscaped the either real or perceived massiveness of the homes tends to be reduced or go away.

Wyett:

There is more privacy to a small, well landscaped lot here in Palm Beach than to a much larger lot in the north in the winter when the vegetation disappears. I mean it is amazing what a well landscaped lot here provides privacy.

But let us go to the public.

McLendon:

Is there a consensus whether the sliding scale, CCR, is working? Yes or no.

Wyett:

I think it is.

Brooks:

Who are you addressing the question to, Sam?

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McLendon:

Councilmen or anyone here who would like to address it.

Brooks:

Well looking at the 100 x 100, I think the answer is patently clear that it is not. That is my opinion.

Wyett:

I disagree. I think it is working in general.

McDonald:

I would like to hear from Mr. Kleid.

Kleid:

I think when the Planning & Zoning Commission looked at these 28 homes, I think that most people felt that it was working with one or two exceptions, and we actually, most of us, drove around the Town, and we looked at the house and we looked at the block, and other members of the Commission can speak if they disagree with me, but I think that most of us felt that it was working with one or two exceptions, and the main one was Garden.....

Brooks:

Dick, I was referring to Jamaica and Ridge. Are you talking.....?

Kleid:

I am talking about the overall survey.

Brooks:

The 28 -- 01 and 02.

I was addressing my opinion that the CCR - sliding CCR -- not working was totally committed to what was submitted to us by Urban Design Studio.

Kleid:

That's a different place.

Brooks:

Well, what's your feeling on that?

Kleid:

Whether it's working? No, and that's the reason we asked you to go back and study the 3.5. We asked you to phase in landscaping, and we are serious about taking a look at pervious/impervious landscape -- those kind of areas as a means of solving the problem.

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Wyett:

I would like to point out that the sliding scale can only be appreciated in new houses. It cannot apply to a house that exists before sliding scale went in. Sliding scale went in for new homes. So, if you are looking at a street like Jamaica Lane where the houses are old, sliding scale never applied to those homes. But Mr. Bell I think you had your hand up first.

C. Public comments and questions

Bell:

Good afternoon. I'm Lowery Bell. I'm secretary of the Planning & Zoning Commission. Also, past vice-chairman of ARCOM.

I'm probably the only dissenting vote on the recommendation as to reduce the CCR to 3.5. At our meeting, it should be pointed out that it was a motion to adopt a 3.5 and it was voted down 5/2 and then the next motion was to have a study of it. I voted against the study as well, because I think it is a waste of the Town's money. I think the CCR is working, or at least I think we should give it more time to work. It doesn't make sense to throw it out this soon. Those are my comments.

Wyett:

David.

Barton:

David Barton. I happen to live on Jamaica Lane. I don't think anybody is here on Ridgeview or Jamaica Lane.

We live close to the ground there, and we have a different point of view. I would like to comment first before I make my rebuttal. Some of the things I have heard – does that last presentation where they asked everybody to look at the properties that had been built under the CCR was an incomplete questionnaire. What they didn't ask was suppose that next door or across the street and all through the street was all built to the same maximization. Then, what would you think whether it's working or not? So, I take exception to the answer that was just given.

The second thing – which is the point I would like to make – the one thing that I have heard in the last five years, which nobody has disagreed to – nobody – the universal goal in Palm Beach is to preserve the character of Palm Beach. What you just saw changes the character of Palm Beach. So, there is lip service to it. The second thing, we're talking about the difference between Palm Beach, the place, which is fixed – finite – limited – and Palm Beach, the people. In the first, preserving the place, we can do this if we are of a nature to do it. We can't preserve the character of the people. People come and go. The place doesn't. If we are talking about stewardship, we have to put a different balance to the conversation not just heard. We cannot be talking through the eyes

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of what people will buy or won't buy from a marketing point of view. This solution to the issue we are talking about has to be much more policy driven than market driven, and if it is not, you are going to change the character of Palm Beach.

The Comprehensive Plan said, 'Don't change the character of Palm Beach'; the Strategic Plan said, 'Don't change the character of Palm Beach.' Look at the thing that I just passed out to you. That changes the character of Palm Beach. So, you cannot ignore that as a policy.

Point 2 in the viewing of the maximization study – incidently, I called for this maximization study four years ago, three years ago, two years ago, one year ago, because of what clearly was their – and you'll see in the second handout, they even wrote in the Shiney Sheet saying that what was proposed that was going to serve was just the opposite. Allen, for your sake, I live in a one story house, and I don't have a problem with my back and knees going up and down.

The people who spit out the term bungalow as if it were a dirty word, the people on Jamaica I will speak for – we have had 90% renovation, 1% new tear downs, it's massive renovations, and they are happy. Has it occurred to you, that people are happy?

The next thing is that this Town is made up of 4 distinct sections – the Condo section which the people down there like what they've got. They are happy with it, except for the traffic. They hate that, but they like living where they live. They like everything about it. The estate section – they insulate themselves. They don't have these problems. The villages which is the intown living – they like it too. They are from New York. They love walking down on sidewalks with street curbs and lighting going to restaurants and stores. People in the north end pick it for another reason. We like living outside. I picked my house, particularly, for a small house on a larger lot to have pets and all the things that are there. The business of what you saw in statistics in this presentation are equally as horrifying as the visual. You've got something like between 40 and 50% more lot coverage.

When the drainage study was done, the conclusion was – the reason we were getting increased flooding on this island was because of increased lot coverage. Here we are forecasting and making policies which guarantee that we are going to get more flooding – guarantee – and a study was never done with a directive from the staff to allow for increased lot coverage, so all the things that you guys are making decision on, albeit drainage plans, was on existing lot coverage, and right here, you are planning to change the lot coverage. Big time. To me that doesn't make sense. It is illogical.

The whole business of tweaking this thing, as I hear the word, without taking into consideration the review of the building codes and the building regulations and these walls that are up in the north end, it's insane what is going up there. I hope all of you have made a site visit with streets and conditions, particularly Ridgeview. It is an absolute horror what's going in there, and this – if you see that view that you have before you in that picture, that wasn't even included in that

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study. That was from a street next door, so there was no reference to the impact on the streets adjacent to what you have there. The fact that Norm saw it first in January, and the group's reaction at that time was, 'This is a horror show.'

You see a quote on that page showing the picture – Bruce McAllister stood up who wrote in the Strategic Plan this whole business about being market driven and said something has gone horribly wrong. I don't hear any outcry from any of you guys except Mr. Brooks and Norm when he was here. This is outrageous what's going – if you are going to say on the one hand, 'We're not going to change the character, and on the other hand, you create policies that guarantee it.'

Wyett:

David, do you have any recommendations, because everything you have said so far I think we have heard from you about 50 times, and if you have any recommendations, please do so.

Barton:

I recommend the Council create a Zoning in Progress state at this point until the inter-relationship of these things I am talking about are reviewed. It is not as draconian as it sounds, because what that means is you are going to stop issuing permits for houses that are causing these problems, and as Bob Moore said, there are relatively few, so it's not like a moratorium where you are going to shut down all building of all kinds any place -- these houses that are causing this abuse.

You cannot do this, in my opinion, my merely tweaking one of these numbers, because having done this study 3 years ago, 4 years ago, we've cut out what is happening on Ridgeview. Ridgeview is a horror show. There isn't any other way to say it. It's a horror show, and take a look at this house—you can see it on this sketch over here – it's totally out of character with anything on that street.

Wyett:

What is your next recommendation?

Barton:

One is to do that, and two is once you have created a zoning in progress, you've got a chance to review this thing with all the people involved. It's not just the Zoning Board. It's not just the Building Committee. It's ARCOM. One thing we found in something else I was involved in, all these easements – they vary across the Town. They are different. They aren't the same. The whole building review, I mean, the Building Codes have been built like topsy. When they put down the whole idea of retaining 2 inches of water on this lot, I have yet to see any verification that works.

Wyett:

What is your recommendation?

Barton:

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I want a complete study of the issue in a comprehensive fashion, not a tweaking of it.

Wyett:

What is your next recommendation:

Barton:

Do it!

Wyett:

We need recommendations.

Barton:

Well, I think if you were to do this, you have to reckon with what – Are you or are you not going to live up to the policy that you are not going to change the character of Palm Beach?

Wyett:

David, you are not responding.

Barton:

Well, what do you want me to respond to, specifically?

Wyett:

I think the Council and the public would like to hear recommendations, not complaints, not history. What are you — in order of action, we need recommendations.

Barton:

All right. I gave you a major recommendation.

Wyett:

All right. Do you have any other recommendations?

Barton:

If you will do this thing – for instance, you designated the Planning Commission, a Planning Commission, yet you haven't given them the authority to be a Planning Commission. The former chairman said, 'If you are not going to let them plan, don't designate him..'

Wyett:

Let's not go there. Right here, on a zoning issue, to review the recommendations of the Zoning Commission or you can instigate other zoning ideas. Please, let's stay on point, otherwise we will be here all day.

Barton:

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But I'm saying the orientation is a mind set that I want to recommend re-thought. Zoning is a tool of Planning, not vice versa, and everything that you are doing is ass-backwards. I want to change your thinking and attitude.

Wyett:

I think the Council got your message. Thank you, very much.

Barbato:

My name is Gene Barbato and I live at 1280 North Lake Way.

I think this CCR is incredible. It is ingenious whoever came up with that, and I've studied as Bob and Paul know, I've studied several lots, and it works out fine. It cuts down the area of the house to be built and it cuts down the percentage coverage, and I don't see any reason to change it.

I was talking earlier about the shock value like this before – the computer report – it is not to scale. It is squashed down giving a vertical elevation much greater than the horizontal one, and as a result, it is disturbing, but what I did was I took two – I'm a civil engineer so I'm in to that – I took two lots - 210 and 222 on Ridgeview, and drew up just a simple plan which all it needed to be done for that study was one house at 20 ft. high which is an 8 ft. roof lying on 10 ft. height and another one at 22 with an 8 ft. roof, 30 ft. high. That's what it should look like, not something shrunk down in a report like this. That is disturbing. People say what's happening up there? This is really what's going to happen. We've got a one story. We've got a two story. I can't figure anything out from what I see over there, and I think it could have been done in-house too. There is enough talent without going out. I've got a lot of stuff here, because I have been thinking about this for a couple of days.

We have never found out how many lots are in this darn R-B district nor the percentage. I would like to know how many lots are in this district.

Wyett:

Mr. Moore, can you give him that number?

Moore:

I don't have that on the tip of my tongue. No. I don't. We can give you a pretty good ball park guess, but I'll have to go downstairs.

Wyett:

Is there a ball park you can give him. I don't think he needs the exact number.

McLendon:

Norman and I think 1500, but we are guessing.

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Moore:

I was going to say 1500 to 2000. Somewhere in there – in the north end.

Barbato:

We're taking that from Ridgeview north or from ...?

Moore:

No. Wells Road.

Barbato:

Okay. Well there is the other stuff. You know, how many 10,000 sq. ft. – how many are bigger than that, etc.?

Wyett:

I think the number is about 13% or roughly – on the small side – (inaudible).

Barbato:

The only way I can analyze something, of course, is analyze my property, analyze like my daughter's property who is just.....

Wyett:

What is the purpose of the question? Maybe we can help you, if we know the purpose of your question.

Barbato:

Well, I wanted to know how many people are going to be affected by any change in a CCR, etc.

Wyett:

All right. I think there are roughly 13% of the lots.

Goldblum:

Allen, can I make a recommendation that he get with Mr. Moore or Mr. Castro.

Wyett:

Why don't you visit Mr. Moore.

Barbato:

13% of 1500. Is that it?

Wyett:

Roughly.

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McLendon:
225.

Barbato:
That is the 10,000 sq. ft. lots.

Wyett:
Or smaller. But you could verify that exactly with Mr. Moore outside the Council meeting.

Barbato:
Fine. I'll do that.

What was the job or the assignment given to Urban?

Moore:
To take a look at the existing street or the two streets; look and see what is exactly there now by way of lot coverage, hardscape, and landscape area; look at the maximums that could be developed in the Code using the CCR and the maximum heights and produce what – analyze what was there and then produce what could be built if it was built tomorrow, what would it look like for you to look at today.

Barbato:
I was wondering who influenced them? I mean, was it the Planning & Zoning?

Moore:
We worked with them, sure.

Barbato:
So it is not an independent. The public wasn't involved.

Moore:
No, we gave them, we did give them an assignment, and they would research and come in and look at all of our files. We didn't actually provide any person power to work with them. So, they did the research independently.

Wyett:
I have to end it there. This is an investigation meeting to try to make determinations. You are welcome to visit with Bob and get all of the information you need, but this is not the proper place because you are holding up the meeting – our deliberations – to try to reach a decision and this is not a place to get information, unless you – this is a place for you to contribute information, and if you have some information that would help us reach a decision, we want to know it. But if you don't have that, I could suggest that you visit the Building Department and get the information that you

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need.

Barbato:

Oh, I have information. If this CCR is reduced by 11% – if this CCR is reduced somehow, somebody comes up with it,

Wyett:

From 4 to 3.5.

Barbato:

That's 11% reduction.

Wyett:

(Inaudible)

Barbato:

I took it as 11%. That immediately, you know, you live close to me, immediately reduces the potential of my lot by 700 sq. ft. of building. Now, is it worth \$1500 a sq. ft. up there?

Wyett:

Possibly.

Barbato:

So, am I talking \$1,200,000 that somebody is going to knock off my property if somebody decides on that? Is it going to be another multiplier times 1,000 lots?

Wyett:

Gene, you heard me voice that.

Barbato:

I know. I think you have the right idea on this. That there is nothing wrong with what we have in this zone right now, and I would like to have some quiet enjoyment. I don't want the zoning code every November trying to come up with something to make them look good.

Wyett:

Gene, how many years have you occupied your property?

Barbato:

27 years.

Wyett:

And in 27 years, I can tell you that the 15 years I have owned mine, we've gone through 4

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rezonings. Each time, a reduction.

Barbato:

And you should see the book I bought and spent an hour and a half taking the changes out of it. So, any way I could probably spend a couple of hours on this, but I guess I am being shut off, so....

Wyett:

I am not trying to shut you off, but if you have information of such...

Barbato:

That information should have been available.

Wyett:

Or you have an opinion of what you do or don't like, we want to hear it, but you can't go fishing.

Barbato:

Well, I've told you pretty much, and I don't like that study.

Brooks:

Mr. Wyett, the question before us are the recommendations from the Planning & Zoning Commission and Gene I think that would be a perfect place for you to make your presentation. The first question is to direct the staff to study. We're not saying implementing, and I would like to emphasize that. We're saying 'study'. This is not an implementation. The cubic content ratio to 3.5. They may come up with 3.75. I have no idea, but I think what they are looking for is that this Council authorizes the Planning & Zoning to study, and, Gene, I think the financial figures that you brought up should most assuredly enter in to

Barbato:

It is a massive evaluation.

Brooks:

But, I think what we are talking about here is following from the presentation that we've seen. How large is your lot? 15,000 sq. ft.?

Barbato:

18,000.

Brooks:

18,000 sq. ft. We have been looking at 10,000 sq. ft, 100 x 100 lots. The 28 houses that we studied with one exception over 10,000 sq. ft. There was one at 9,800 I think. So, I think, Mr.

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Wyett, the question is, 'Why don't we start addressing these recommendations and vote them up or down?'

Former Mayor Marix:

I think you're probably going to shut me up right quick, because I don't have any information to contribute to. I do want to, however, since your studying this, bear in mind a couple of things that I have not brought up, that have, I think, been incorrectly brought up, so that you can be making your decisions on a very fair basis. A lot more young people are not moving to town. I've mentioned this before. The only people who are in town grow up and move out. Obviously, some new ones move in, and the statistics bear that out in that we have fewer voters actually in the town; maybe so many regular residents don't live there anymore. Also, it is too expensive to live here for a great many young professional who used to live here, so I think to base some of your decisions on young people moving to town is maybe not 100% correct, and I think the demographics of what goes on in this town are very, very important to look at. I think much too much attention is being given to the money people are going to make on re-sale, and I'd like to know how many percentage wise, when you can find, of these houses that are being torn down and being re-built are being built as speculators and developers, versus how many nice people building their own house. I know that it was mentioned that is your little nest egg and you might die and leave it to someone, and maybe you just want to have one of your own members of your family move in when you're gone. I know a lot of people whose families have moved into their homes after the older person dies, and that should be encouraged, in other words, to preserve the town the way we know it is is what we should be encouraging. We shouldn't really be so concentrating on the resale and how people make money – they can sell the house for more money – it makes me wonder sometimes if the incoming taxes on the bigger houses isn't influencing some of the (unintelligible) things that we do. But that is maybe just a thought. The bottom line of what I want to say – I think we want to look seriously, when talking about the future of what you want for this town, and not to worry about whether a developer or speculator comes in and buys the house, and even for someone who comes down here and buys the house for two or three years, has a few big parties, is accepted or not accepted socially, so they go away again. We want to look at what we really believe for this town, not on a turnover basis and a money basis so much. Thank you.

Guttman:

My name is Bill Guttman. I live at 216 West Indies Drive. I am the chairman and CEO of the Palm Beach Civic Association. I have a clarification question on number 2 that implicates the next stage – I wondered exactly what the scope of the study – what you intended as far as the scope of the study was concerned, whether you were just going to take just a few representative streets in the R-B District, figure out what those averages were, then compare that to what you project the averages would be at some described point in the future, and how far out you were going to go, so that the exercise ended up being valuable to the Town Council in terms of trying to get a handle on development into the future.

Castro:

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I think I can answer that, if I could. The Planning and Zoning Commission, it is my understanding, recommended that Council direct us to study each street and I think there was mention of it in the Strategic Plan relative to coming up with an average for each street based on the neighborhood character of each street, so that over time—

Brooks:

Excuse me, yes sir. It is street by street analysis, alpha, i. numeric one, section b.

Castro:

And so the scope of the work would be to go to each street, survey each street as it related to the size of the homes and come up with an index to work from for redevelopment of each lot on each of those streets.

Guttman:

Well, then I would want to comment that I think maybe the first step ought to be a study of what is representational of what this approach would like before you actually implement the approach, because in terms of what you suggested it looks like you're going into the implementation phase before we know whether or not this is necessarily a good road to go down, and I would recommend that the Town Council, with input from you, would figure out what representative streets should be considered, and then an appropriate time frame so that you can have some sense of the evolution that the strategic plan is talking about.

Castro:

And we think that is a prudent direction as well, because it is a very lengthy in-depth study, and I think before we go down the entire road we take a portion of that road and show it to the Planning and Zoning Commission and the Council before we go the entire route. And that would be our recommendation. I think that would be very prudent for us – if that was the direction we were to proceed is not to do the entire study, but take representative streets, just like we did for Ridgeview and Jamaica Lane.

Moore:

Right now, for our architectural review, we have something similar to that, where we ask them to compare the houses that would be within the three hundred feet of -- excuse me -- within the adjacent streetscape from them. So, it would be an expansion of that type of a study to show what the average square footage is; and in fact, some of that work is being done right now by applicants. So, it would probably be expanded to take a look at the entire street and the Architectural Commission would also have that information. So, we agree with Mr. Guttman and I certainly agree with Mr. Castro. We ought not to – we are not asking you for the authority to implement the entire study. We would like to bring back a sampling of it, and certainly a Mediterranean and Jamaica Lane, for instance, are different streets, but the streets in between, there's a lot of characteristics that would be very, very similar. So, we would try to pick streets. There are probably eight to ten of them in the R-B District from Wells Road north that would have

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similar characteristics and we would do those streets and then bring them, show them to the Planning and Zoning Commission and then their recommendation to you, if that's what you want – the direction you want us to go.

Wyett:

I know I have two Council members waiting to talk but we are still with the public. So, I am going to let the public continue.

Harrison Robertson:

My name is Harrison Robertson. My home is at 134 Seagate Road. I'm here to make two recommendations to you. One is that you stick with the CCR. I think the CCR has worked very well. I visited all twenty-eight homes on the Castro slide show and I only found one where I felt the CCR had been ineffective. Secondly, I believe that the preservation of open space is of paramount importance. So, I ask you to adopt our Zoning Commission recommendation number three to study further limiting with hardscape and increasing landscape. Thank you.

Wyett:

I agree with you. Mr. Brooks I think you have been waiting most patiently.

Brooks:

I think Mr. Bertles is next.

Wyett:

I'm sorry I didn't see him.

Bertles:

I'm going to exercise the right hand microphone for a minute or two.

Wyett:

You snuck up on me.

Bertles:

I did Allen, yeah. I want to be careful about what I say and I don't intend to offend anyone but we have been looking at this issue for how long, Paul? Perhaps, since before you were here – at least

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1990. It's been a long time and we've studying and we've paid a lot of money for studies. I think, and this is where I want to be careful about not offending anyone. I think that anyone who looks at the maximization study and anyone who doesn't look at the video presentation of the street survey but actually does an in person drive by street survey of those twenty-eight homes. I don't see with all due respect to Harrison, I don't see how you can conclude that there is not a problem. You might conclude like I have, and I speak not as a former member of the Zoning Commission, but just as a resident of the Town; and I apologize for not identifying myself. For the record, Jim Bertles of 226 Eden Road. I think the problem is with the smaller lots, and I don't think the CCR is working, and I don't know how you can conclude otherwise, if you try and look at the Maximization Study which is the smaller lots, and you look at the street survey at the smaller lots. I was just mentioning to Richard before I came up, probably twenty-two or twenty-three of those homes of the twenty-eight homes on the street survey are just fine; and if they are not fine, the landscaping helps make them better, but on -- the lesson that I took away from that street survey was on the smaller lots, the houses are -- they seem to be taller, they seem to be closer to the street, they seem to be more in your face, and they seem to be more massive and squooshed into - onto the lot. So, what that tells me is that there is a problem, at least with the smaller lots, and maybe it's larger than that and that problem may be best dealt with by adjusting the CCR or it maybe best dealt with by adjusting the height or the front yard setback. I don't know the answers but I know there is a problem.

The second point that I would like to make is you've got a good Planning and Zoning Commission. You've got good qualified people. The Planning and Zoning Commission makes -- looks into these issues in depth, gets the recommendations from the staff, considers it, and makes their best recommendations to you. If you consistently second guess them and don't accept their recommendations, especially on study items, where it's not a concrete specific change but on a study item, you're just emasculating the powers of your Planning and Zoning Commission and I don't think that is a smart thing for you to do. So, I would suggest that you look at their recommendations. I would urge you to pass them; and I would suggest to you that there is a problem and you need to deal with it, and we need to get on with dealing with it. I really think that's true. Thanks.

Wyett:

Thank you Jim. I see one more, go ahead.

Jane Conroy:

Jane Conroy, I live at Colonial Lane. I am only going to make about four points that I think, as I've been studying this and I've been listening that are valid. First is, I attended the Planning and Zoning meeting where they discussed the 3.5 sliding scale and that number, Joanna Golino, I don't know where she came up with it from; and I think it has something to do with landmark structures; and I want people to understand that the number was just brought up from her. There was no discussion about where it came from and whether that is the correct number to use in the study. I think this sliding scale, CCR is just fine, it's been studied for how many years? Fifteen years until they came

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up with it.

There are a couple of other things that I wanted to say. Everybody is driving by these structures. Nobody has gone into them and said how much square – people have to live, and I've said this before, it's easy for – if you live in a townhouse or you live in a condo or someplace else to say, oh they don't need all this square foot. You see the places that are being built, I mean from here to there, there's at least two or three garages. I'm not saying that's the norm but a lot of the, the – So, that was another thing, and also as you limit hardscape then you can't have a pool and then you're going to run into that problem. Everybody wants a pool down here. So, you know, you run into those problems.

And the last thing I really wanted to say was you really have to analyze the lots that are about 11,000 square feet. They're fine – they're – these – nobody's built on these – targeting the small lots is not the problem. The problem – the larger lots aren't the problem but I don't know why everything is being focused down to small lots. I'm – I think driving by a structure and looking at it, that's fine to say that but maybe people should plant a few more trees. The houses would look a little different. Nobody's planting any trees. I mean – I don't know – I think it should be given time to work. I grew up in this Town, development's going to change the houses. If you look at the appraisal for your house, they'll say underutilization of the lot or area in transition, and I think it is the Council's determination to figure out, we do want young families coming here and they are going to need three or four bedrooms. A lot of the houses that have added second stories on, look great or that they've even built from scratch, look great. You know – I think – we don't know who lives in these houses – on this. We – I don't know – I mean – I do probably know some of the people, but if we start getting into the speculators are ruining the Town – I mean – where are we going to go with that. So, that's just a thought process. There are a lot of young families moving to the north end. You've got to think of what they want and take that into consideration and spend some time up there – not really – go to the beach up there, see what's going on, see what types of structure people are looking at. Thirty-five hundred to four thousand square feet – some of the existing structures and these are on ten thousand square foot lots. So, its – you know – where are we starting from and where are we ending up. But, anyway I don't want to drag on. So, I just —

Wyett:

Excuse me. Do you think if we make the wrong decisions, we will discourage young families from coming?

Conroy:

I think, if you're going to say, okay we're going to change the CCR, then the people who built these houses – these houses will be in demand, and you know, it's hard to see where the future is going; but I see people – the demand for the north end is strong. There aren't a lot of properties on the market up there. I don't think the streets are going to be maximized in five years like that. I think

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unfortunately, because people are at different elevations, some people are going to be adversely affected by building, but what's going to happen in fifty years? Some of these houses are already fifty years old and need to be replaced. They either have to do \$350 a square foot to renovate or build a new house. I just think you should give them options. I see more families than when I grew up down here in the north end. A lot of them have 3 kids. I don't have any kids currently, but you just kinda have to take that into who's really living in the houses? Without the garage, what's the square footage? How do you want people to live? You know, frankly, and architecturally, I see a lot of people just building Mediterranean houses, and you know you can't tell people you can't have a Mediterranean house, you need a Bermuda house. So, it is personal opinion. Thank you.

Wyett:

Okay. I think Bill (inaudible).

D. Town Council direction relative to survey

Brooks:

I think what I would like to recommend in a motion with the help of Mr. Moore and Mr. Castro is to – I don't think we can bite off all five. This would be an enormous work load, but I would certainly see number 1 again emphasizing that we are talking about the study. We are not talking about a hard and fast mandate. Let's look at the study. 3.5 maybe because of the input we have received today may be thrown out. Mr. Robertson said leave the CCR, I don't mean to talk about him when he's not here, but he said leave the CCR as it is and then recommended that we look closely at number 3. to study further limiting the hardscape and increasing the landscape open space. Well, the contradiction on that, at least on the 100 x 100 ft. lot, is that we saw very dramatically the diminution of green space and the increase of the pervious material.

So, we are getting a lot of signals here, I guess is what I am hearing, and I would say and I would totally agree with Mr. Bertles esteemed fellow Council members, if this Planning & Zoning looked very hard to come up with recommendations, why don't we follow them? Why don't we say, 'Okay, please continue studying.' So, I would say definitely number 1 and Mr. Moore and Mr. Castro if you could help me – Mr. Guttman refined number 2 to say let's make it representative rather than a taxative enumeration of every street in the R-B district, but I need your help on that. I don't think we can send back to Planning & Zoning a mega load.

Wyett:

Mr. Brooks, I think we have to follow the formula. We have recommendations, motion by Mr. Kleid, that the CCR requirement be lowered 10% of those properties which are less than 10,000 sq. ft. Motion seconded by Mr. Bell.

Brooks:

Which document are you looking at, sir? Oh, I'm sorry. I'm looking at the recommendations

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that I thought were part of this meeting. No. 1 is – this one here – the first one.

Wyett:

I don't have that.

Brooks:

Here, Allen. Use it. Mr. Moore, are you ready to help me on this motion? Do you agree with me first of all? In my judgement if we send all five back to Planning & Zoning, that's a huge load.

Moore:

I think they have to be refined and of course I would be more than happy to try to help with the motion, but I would say that we do need to look at all of the recommendations and bring back to the Zoning Commission what our opinions would be too, and that you ought to have us look at that. I know that number 5, for instance, is the recommendation that I know the staff has always said this is something that should be left to the engineer. That's something that you may or may not wish us to study, but yet if you do, we'll bring it back to the Zoning Commission and that will probably be the same recommendation that's been for the last two times it's been before the Zoning Commission.

The Planning & Zoning Commission on number 4 recommended that landscaping be added to computer models. I think we pretty well did that, so I think that one was taken care of, so if

Brooks:

Let's eliminate 4 and 5. 1,2, and 3 if the Council should vote, to send it as the Planning & Zoning Commission requests, would that be too much for them, Mr. Castro?

Castro:

I would just say that in terms of number 2, the neighborhood index, that we study maybe 4 or 5 streets and bring that back.

Brooks:

A comment on Mr. Guttman's – that if we have something more representative than a taxative.....

Moore:

We would like you to leave the....if you are going to make such a motion and that's where we are going to go with this, we would like you to leave that open for representative and leave it a little nebulous. What we would like to....

Brooks:

Are you talking about 2?

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Moore:

No, actually, number 2. Yes.

Goldblum:

Bill, could I add something to that?

Wyett:

Go ahead, Norman.

Goldblum:

Bob, you said the Architectural Commission looks at every street before they go ahead and say okay on landscaping. Is that right?

Moore:

What they do, and Tim Frank may want to answer this, is look at the neighborhood as it exists around the proposed change or the structure or the addition.

Goldblum:

I'm suggesting instead of doing a model of five streets or ten streets whenever you get a request for a new home, you follow that same procedure on that street. You can build up a backlog of reports of it and the next one that comes into that street, you have it, but instead of going ahead and doing just on arbitrary streets, you have that procedure - study.

Moore:

I'm sorry to interrupt. I didn't mean to interrupt you, Mr. Goldblum.

One of the problems we have with the applicants when they make their proposals is to actually be able to get onto the properties to actually make the calculations with the houses that are immediately adjacent. That is an applicant's responsibility. What we would need to do is pick the representative streets and actually the Town employees with identification would need to actually knock on some doors to make sure that we are on those streets that we have the information that is on our records agree with what is in the field.

Although it is a great idea on the surface, getting the applicant to produce that information for us may be a lot more difficult than it would seem at first blush.

Goldblum:

Well, we still have to do something to make it under control, and then I would say that is part of the job of building a new house here.

Moore:

Well, we can certainly – if that is your desire, we can certainly institute that, and Mr. Frank

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may want to comment because he works with the Architectural Commission, but he may wish to comment on that.

Wyett:

How long – you know, we have been studying the north end seemingly forever. Do you have the staff to do this and how long would the study take?

Moore:

First of all, it has been criticized in the past when the staff has done it, because they have been criticized leaning it one way or another. What we would like to do is gather the information, work with our consultant, and have them assimilate that – put it together and give you an unbiased presentation of what the end result would be.

Wyett:

Well, I just want to make – first of all, I think the Council should take these items one by one rather than a whole group. I have –

Moore:

To answer your question directly, it could be done between now and our next zoning season, representative streets as Mr. Guttman had proposed.

Wyett:

I am strongly against reduction of the 3.5. We have been reducing the CCR ...

Brooks:

Excuse me, Allen. It says 'study'. It does not say 'achtung' we're reducing.

Wyett:

I understand that, Mr. Brooks, and I have the floor, and I didn't interrupt you.

Brooks:

You've had the floor a heck of a lot, may I add.

Wyett:

I don't think so, Mr. Brooks. I am quite tired of this.

I am strongly going on record as being against the reduction to 3.5.

Brooks:

I repeat it is a recommendation to study.

Wyett:

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Mr. Brooks, I have the floor. I will give it back to you. Please be courteous.

Brooks:

I know you do, and I'm correcting you because you are wrong. Don't you understand what the word 'study' means?

Wyett:

Mr. Brooks, I have the floor, and I would appreciate you being courteous.

I think we're making a grave error in reducing (inaudible) study or even considering a reduction below 4 in this Town. It does not serve our residents, and if you want to have a study, I can't stop you, but I think it is wrong, and that's all I want to say about it, and I do believe, and testimony has been given today that the sliding scale is working, and you know when you had allowed it to work for a few years, and all testimony says it is working. I don't know why you want to eliminate it. That's all I am going to say.

Moore:

Mr. Wyett, if I might comment on that. At the same time we're doing the representative streets, we are going to have the CCR that is available on those representative streets. It will not be difficult to make a comparison of what 3.5 would be vs. the exact CCR's that exist now and what could be developed. So, in essence, we could do, with the representative streets, we could do both.

Wyett:

Well, let's take a vote on number 1 so we can get some progress.

Brooks:

I make the motion that we direct staff at the recommendation of the Planning and Zoning Commission to study the reduction in the cubic content ration (CCR) to 3.5, etc.

McLendon:

Second.

As I understand it, the recommendation was not stated to reduce it. It says to study placing it at 3.5, as I understood it.

McDonald:

Yes. They may want to make it 4.5 or 5.5. We don't know.

Elwell:

Under discussion.

Goldblum:

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That is on what? 10,000 square foot lots or R-B district?

Brooks:

R-B district is the recommendation, sir.

Goldblum:

Does it say R-B district?

Frank:

R-B district is the only district where we use a CCR.

Moore:

Right.

Wyett:

Mr. Elwell.

Elwell:

Thank you, Mr. President. Under discussion, I just wanted to echo something that Mr. Moore said 5 or 10 minutes ago, and I don't want it to get lost in this discussion, because I think it is very important now that you are making these motions and you are about to direct action, that both for number 1, if you do choose to approve it, and for number 2, if you do choose to approve it, that you leave the particulars as to which streets and the scope and how many and in what nature this is going to be studied to staff and together with the consultants to determine what will be the most effective method of studying these to bring you back information that will indeed help you make additional decisions in the future. I think if we try to define that too much here, we're not going to serve the purpose well.

Brooks:

I'm sorry, sir.

Wyett:

Move the question.

Roll call:

Motion carried 4-1 with Mr. Wyett casting a negative vote.

Wyett:

Item 2. To study the introduction of a neighborhood average index for all Town streets in the R-B zoning district to limit the size of houses on the larger lots or on lot assemblages (approximately 13,000 square feet in area or whatever is determined to be the appropriate number) in the R-B zoning district.

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McLendon:

But that will be done on a few streets - half a dozen streets - something like that?

Elwell:

Representative study to be determined. It won't be all streets.

Brooks:

To be determined by staff.

Wyett:

And what does that exactly mean? (Inaudible)

Moore:

That would mean that the houses on Mediterranean Road, as an example, which is a very narrow street, are going to be existing currently, differently, than they would on Jamaica Lane or Bahama. However, Via Manana and Manana Lane would be very similar to Mediterranean or as an example. So, we will pick the different geographic areas that exist now. Some streets are 30 ft. wide, some are only 25 ft. wide, so we would pick geographic areas, some have parkways such as the Sea streets and Brazilian Avenue between the street and the side walk and the property line. Others have no side walks or parkways. So, we would make that determination more than likely it would be 7 or maybe 8 different characteristics

Wyett:

You saying that some streets should have 2 stories and some 1?

Moore:

I didn't say that. No. No.

Wyett:

May I have a motion?

Goldblum:

I made a motion.

Brooks:

I'll second it.

Roll call:

Motion carried 5-0.

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Wyett:

Item 3. To study further limiting the hardscape and increasing the landscape open space.

McLendon:

So moved.

Goldblum:

Second.

Roll call:

Motion carried 5-0.

Wyett:

Item 4. The Planning and Zoning Commission recommended that the landscaping be added to the computer models when they are modified.

Moore:

That was done.

Wyett:

Item 5. To study the elimination of berms as part of a storm water retention plan and the use of a more permanent method of water retention to provide for permanent underground retention such as cisterns, which could also be used for irrigation.

Goldblum:

That was going to the Engineering Department. Is that right?

Moore:

One of the problems with this particular item which continues to come back is the use of cisterns as a requirement. We are certainly – the staff cannot recommend that we require cisterns to be used. They are used in certain areas. The Bahamas uses them as an example. We actually have one – Kenny Horowitz's house – actually has one built underneath his garage at a huge expense. It's not a simple system to put in. All gutters lead to that cistern. We are of the opinion that this is two separate issues. The issue of the berms should be left to the engineer. That's what our Town Engineer continues to say – how they are going to design – remembering every 5 years they have to be recertified. So, if the berms disappear, there are problems. They have to come back and put them in or face the Code Enforcement Board and substantial fines.

The other is whether or not you want to have artificial systems created such as the cisterns on the property, and that is an issue that you need to give us direction on.

McLendon:

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I want to make a comment on what is happening and I know on 3 houses where it exists. Where it is low land, they built up and run walls along the sides of the houses, front – along the sides front to rear and along the back, and what they have done is that they have specified these things and put them in roughly five feet from the property line. So, in one case, the two of them are adjacent, so here you have two walls five feet high with the poor property to the north getting all of this water run off from this site to the front of the house and running along the channel to the rear. It is absolutely – I don't understand why they did it this way. Okay?

The poor guy in the back to the north is just inundated every time it rains. If they had to retain all the water on their site and leach it into the ground that's fine, but they are not doing that.

Moore:

That will occur when we have an easement. That is only when we have an easement. I shouldn't say only, but and logically it would occur – we do not permit walls to be placed in the easement. The Town and some of the utilities don't either. So, you've got an additional perhaps 2 ½ - 5 ft. of easement behind that wall, and that....

McLendon:

That doesn't worry me, Bob. It's the rest of the depth, the 100 ft. depth, 5 or 10 ft. wide, that runs all that water to the rear, along the side of the property. I think it is wrong.

Moore:

Okay. I don't mean to speak for Public Works on that, but I do not believe that would be something they would want to see for the obvious reason is that it would inundate the property owner and they are not allowed to do that.

McLendon:

What is our requirement as the Code as to the relative elevation of the front of the property to the rear? Does it have to slope from rear to front or stay on site with the drainage?

Moore:

That would be rear to front, and it would be retain the water that is generated on that property on that property.

Elwell:

I know this is getting to a level of detail but since it is relevant to the decision you are trying to make if this should be further studied, I want to make an observation and I want Mr. Moore to confirm – I am going to say something that I am sure is 99% right. Correct me if I am wrong.

One of the things that is happening in the redevelopment of the Town that is extremely hard to address in terms of being equitable to the interests of two different private property owners who are affected when this happens is that the standards are applied, rigidly, to the folks who are

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redeveloping properties. They have to do the things that we have been talking about and meet the regulations that you have been imposing in terms of the retention and the proper systems. In some cases, some of the older lots aren't designed optimally. They aren't draining from back to front or in some other ways are deficient in their drainage and historically that wasn't a problem when the lots next to each other historically were the same elevation and the water would just kind of pool in the trees or whatever. Now, what you have is the redeveloped property has met all of the Codes and you can't reasonably be expected to go onto the neighbor's property and make improvements to address a drainage situation, but because of the contours of the existing neighbor home and property, you now get ponding. The water doesn't have an opportunity to move off the neighbor property into the easement or into the redeveloped property in a way that it once did, and so it is not a matter of water draining from the new property onto the old but it is indeed getting trapped onto the old and it is indeed a problem for the owner of the older property. I don't think there is a remedy that this Council is going to be able to impose on that situation.

Moore:

Mr. Elwell is quite correct, and I know of no remedy to impose on that. When one person used to be able to slope their property from front to back and dump onto the other person's property, they no longer can do that.

End of verbatim transcript.

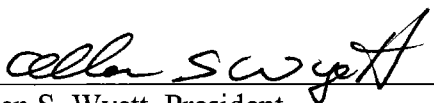
After further discussion regarding berms and cisterns, Mr. Moore said he would bring the issue back after obtaining costs to the Town Council at which time the Council may take action if so desired.

VI. ANY OTHER MATTERS

There were no other matters.

VII. ADJOURNMENT

The meeting was adjourned at 12:20 p.m.


Allen S. Wyett, President


Mary A. Pollitt, Town Clerk