



TOWN OF PALM BEACH

Planning & Zoning Commission

MEETING MINUTES OF THE PLANNING & ZONING COMMISSION HELD ON WEDNESDAY, NOVEMBER 8, 2023

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Kelly Churney, Acting Town Clerk, at (561) 227-6340.

I. CALL TO ORDER AND ROLL CALL

Chair Coniglio called the meeting to order at 9:29 a.m.

Gail Coniglio, Chair	PRESENT
Richard Kleid, Member	PRESENT
Michael Spaziani, Member	PRESENT
Eric Christu, Member	PRESENT
Marilyn Beutenmuller, Member	PRESENT
Jorge Sanchez, Member	PRESENT
John Tatooles, Member	PRESENT
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT

Also present: Bob Garrison, Architect and Consultant to the Commission.

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
Jennifer Hofmeister-Drew, Planner III
Kelly Churney, Acting Town Clerk
John C. Randolph, Town Attorney

II. PLEDGE OF ALLEGIANCE

Ms. Churney led the meeting with an invocation. Chair Coniglio led the Pledge of Allegiance.

The following item was heard after Item VI. Communication From Citizens.

III. ELECTION OF VICE CHAIR

A. Election of Vice Chair

Mr. Kleid nominated Eric Christu as Vice Chair. Mr. Tatooles seconded the nomination. There were no other nominations at this time.

A motion was made by Mr. Sanchez and was seconded by Ms. Beuttenmuller to accept Eric Christu as Vice Chair. The motion was carried unanimously, 7-0.

IV. APPROVAL OF AGENDA

A motion was made by Mr. Spaziani and was seconded by Mr. Kleid to approve the agenda as presented. The motion was carried unanimously, 7-0.

V. APPROVAL OF THE MINUTES

- A. Approval of the October 17, 2023, Planning and Zoning Commission Meeting Minutes

Mr. Kleid requested the addition of the word “or” to the last sentence on page 6.

A motion was made by Mr. Kleid and was seconded by Mr. Spaziani to approve the minutes of the October 17, 2023, Planning & Zoning Commission meeting as amended. The motion was carried unanimously, 7-0.

VI. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

At the request of Chair Coniglio, Jennifer Hofmeister-Drew spoke regarding the lack of noticing requirements for the Planning & Zoning Commission hearings on text amendments. Discussion ensued regarding potential ways for residents to be notified of upcoming text amendment items.

John David Corey, 426 Australian Avenue, expressed concern over variances being approved within a text amendment that was not noticed to the public.

VII. OLD BUSINESS

- A. ZoneCo Update from Sean Suder – Residential Districts Study Draft Report

Sean Suder, ZoneCo., provided an update on the project and background on the residential districts study. He presented proposed changes to the R-B District. He spoke regarding the guiding principles for the study, including maintaining property rights, neighborhood character, setbacks, and impervious surfaces. He explained the proposed sub-areas for the R-B District and presented the characteristics of each sub-area.

Joe Hefferty, ZoneCo., presented the relationship between building height and the width of the street. He discussed the impact of setbacks and the differences between the building envelope on wide streets vs. narrow streets.

Mr. Suder presented an overview of the proposed new Residential District Zoning Code sections. Chair Coniglio asked for consensus from the Commission on the concept of street width that had been presented. The Commission provided consensus. She spoke regarding the careful review of the South end due to the potential for overdevelopment. Mr. Suder answered questions about the impact of the building size of new homes with the consideration of the street widths and building ancillary structures in the setbacks. Mr. Sanchez addressed a concern that there would no longer be the ability to retain the setbacks and create more of a greenspace or garden in front of a home on a narrow street, to which Mr. Suder responded. Mr. Sanchez expressed concern over the prospect of not allowing lots to be combined.

Ms. McDonald spoke regarding the importance of ensuring that the language and definitions in the Comprehensive Plan aligned with the Zoning Code. Ms. Hofmeister-Drew spoke regarding new definitions in the Comprehensive Plan and the Civic-Institutional Use definition and how it will be addressed in the Zoning Code. Ms. McDonald expressed concern over the use of “narrow” for streets. Mr. Suder explained the reasoning behind certain sections in which she had expressed concern.

Mr. Spaziani expressed concern over reviewing changes to the Zoning Code prior to approving the revised Comprehensive Plan. Chair Coniglio spoke about the review of the Code review concurrently with the Comprehensive Plan.

Mr. Gilbane spoke in support of the street correlation and agreed that there could be different terminology for the “narrow” streets. He spoke regarding linking Mr. Suder’s presentation with the traffic study and the impacts of traffic on the residents. He recommended including data on what currently existed with what was being proposed in the presentation. Mr. Suder responded.

Mr. Sanchez spoke about the ability for elevation changes in the new Zoning Code.

B. Draft 2024 Town of Palm Beach Comprehensive Plan Update

a. Future Land Use Element Data and Analysis and Goals, Objectives & Policies

b. Comments Received by Residents

Jennifer Hofmeister-Drew, Planner III, presented the changes to the future land use element of the Draft Comprehensive Plan. She explained the next steps in the process and discussed the comments received from Commissioners, Council Members, and residents.

The Commission reached consensus to move forward with the steps that had been identified.

Ms. Coniglio called for public comment.

KT Catlin, 266 Fairview Road, cautioned about making any unnecessary changes to the Comprehensive Plan; however, she added that this was an opportunity to make necessary changes to address the rapid development of West Palm Beach and sea level changes.

Mr. Bergman spoke regarding the staff making attempts at creating a quality data and analysis section for the Comprehensive Plan. He indicated that they were willing to ensure that the plan was what the Commission wanted to see. He spoke regarding the challenge of completing such a large-scale comprehensive plan revision. He spoke regarding the built-out nature of the town and about whether new planned unit developments should be allowed in the future.

C. Recommendation to Consider Draft Ordinance for Review and Recommendation for a Proposed Text Amendment to Chapter 134, Zoning, Article VI, District Regulations, Division 8.-C-TS Town-Serving Commercial District, Section 134-1114, to Allow Arcades and Colonnades within Public Rights-of-Way

James M. Crowley, Esq., Gunster

Mr. Crowley presented a summary of the changes requested by the Commission at the last meeting.

Mr. Bergman provided staff comments on the proposed changes. Discussion ensued on the proposed terrace above the public sidewalk.

Assistant Director Mr. Murphy provided additional information on arcades throughout the Town. He spoke in support of the changes to the proposed text amendment.

Craig Hauschild, Civil Engineer, spoke regarding the sight triangles, parking issues, and safety with respect to a proposed colonnade on North County Road in response to a question from Chair Coniglio.

Mr. Crowley addressed studies that were shown regarding arcades. Chair Coniglio expressed concern about the appropriateness of a colonnade on Sunset/Sunrise streets.

Mr. Kleid provided additional suggestions to the amended language: Paragraph (1) – add “as determined in its sole discretion” after “Town Council”; Paragraph (11) – add “license or” prior to “easement agreement”; and Paragraph (11) – add “including the sidewalks” after “maintain the arcade or colonnade.”

Mr. Spaziani expressed concern over giving away public property to a private individual profiting from it. He also expressed concern over maintaining the structural integrity of the building.

Ms. Coniglio called for public comment.

KT Catlin, 266 Fairview Road, opposed giving away public property to a private individual and expressed concern over an arcade/colonnade at that location due to safety concerns.

Anne Pepper, 333 Seaspray Avenue, opposed the proposed text amendment and expressed concern that the item was placed on the agenda.

Anita Seltzer, 44 Cocoanut Row, opposed the proposed text amendments and the project at this location. She presented schematics of the traffic patterns that would occur at the proposed project's site.

Jerry Zaro, 130 Sunrise Avenue, Sun and Surf Condominiums, spoke in opposition to the text amendment being considered and stated that it would be more appropriate to review it during the revision of the Comprehensive Plan and Zoning Code. He spoke in opposition to the proposed colonnade at the proposed location.

Beryl Simonsen, 130 Sunrise Avenue, Sun and Surf Condominiums, expressed concern over this text amendment's timing and opposed the proposed application.

John David Corey, 426 Australian Avenue, spoke in opposition to the text amendment and expressed concern over the lack of noticing requirements for text amendments.

He presented photos of the streetscape on North County Road. He explained the differences between the streetscaping on North County and Worth Avenue and how arcades would impact the proposed location.

Jamie Gavigan, an attorney representing Sun and Surf Condominiums, expressed concern over the lack of notice for the text amendment. He expressed concern over the proposed text amendment and stated that none of the revisions that had been made addressed what the Commission requested at the last meeting.

John Eubanks, representing several surrounding condominiums, expressed concern over the proposed text amendment. He expressed concern over the appropriateness of arcades in the zoning district. He also spoke regarding this type of use being considered an intensification of use. He outlined other issues with the proposed amendment.

Robert Spatt, 150 N. Ocean Blvd., spoke in opposition to the text amendment and to public property being given to a private entity. He stated that arcades were not appropriate in this location and expressed concern over the timing of this amendment.

Benjamin Winter, 110 Sunset Avenue, spoke in opposition to the text amendment and expressed concern over the traffic and safety issues at the proposed location.

Mr. Crowley provided a rebuttal to comments made by the public.

A motion was made by Mr. Spaziani and was seconded by Mr. Tatooles to deny the recommendation of the proposed text amendment to the Town Council. The motion was carried 4-3, with Messrs. Kleid, Sanchez, and Ms. Beuttenmuller dissenting.

Clerk's Note: A short break was taken at 11:57 a.m. The meeting resumed at 12:03 p.m.

- D.** Recommendation To Consider Draft Ordinance For Review and Recommendation For Proposed Text Amendments to Chapter 134, Article I., Section 134-2 Definitions and Rules of Construction, to Create A Definition For Valet Only Garage; to Division 5.-R-C Medium Density Residential District, Section 134-945, the Special Exception Uses; Section 134-955, Off-Street Parking and Loading; Section 134-948 Pertaining to Lot, Yard and Area Requirements, to Allow Valet Only Parking Structures Ancillary to an Existing Hotel in the R-C Medium Density Residential District
Maura Ziska, Esq., Kochman & Ziska PLC

Clerk's Note: Eric Christu declared a continuing conflict for the project and left the room during the presentation.

Ms. Ziska, representing the Brazilian Hotel, presented background information on the proposed garage, and addressed questions and issues raised at the last Commission meeting.

AJ Jenkins, Tapco, presented background information on the mechanical lifts and answered questions.

Bernardo Cardinal, Mechanical Engineer, provided information on noise and ventilation and answered questions.

Mr. Bergman provided staff comments. He answered a question from Ms. Coniglio regarding how many properties the text amendment would concern.

Ms. McDonald expressed concern over the proposed text amendment and outlined her opposition to various items that were being requested. She presented concerns that had been raised at a meeting with the residents.

Mr. Sanchez inquired about whether the text amendment would decrease the amount of traffic on the streets. Mr. Bergman stated, and Mr. Sanchez agreed, that he believed the garage would be a benefit, but the spa would be an expansion of use at that location.

Mr. Garrison expressed concern about parking a number of cars at a specific time of the day. Mr. Jenkins responded to the concern. Ms. Ziska provided additional information on the parking for hotel employees.

Mr. Tatoes expressed concern that this would not eliminate any density or parking issues in the area.

Ms. Coniglio called for public comment.

John David Corey, 426 Australian Avenue, opposed the proposed text amendment and thought the spa and parking were an intensification of use. He expressed concern over the potential implications for the text amendment on other properties in the Zoning District.

Jamie Crowley, an attorney on behalf of Tom Weller, expressed concern over the proposed text amendment and stated his belief that it did not comply with the Comprehensive Plan.

John Eubanks, an attorney representing Ambassador Leach, opposed the proposed text amendments and outlined the impacts on the neighborhood.

Ms. Ziska provided a rebuttal to comments made by the public.

Ms. Coniglio explained her concerns over the proposed text amendment and the project.

A motion was made by Mr. Spaziani and was seconded by Mr. Kleid to deny the recommendation of the proposed text amendment to the Town Council. The motion was carried unanimously, 7-0.

VIII. NEW BUSINESS – NONE

Mr. Bergman provided information on a Comprehensive Plan amendment to address a request for mooring fields.

He announced an upcoming Planning Officials Training in Jupiter.

Mr. Bergman also spoke regarding pending legislation that could remove the burden on municipalities imposed by Senate Bill 250.

IX. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

No one indicated a desire to speak at this time.

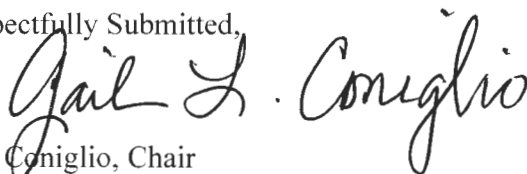
X. COMMENTS FROM THE PLANNING, ZONING & BUILDING DIRECTOR

No comments were heard at this time.

XI. ADJOURNMENT

A motion was made by Mr. Kleid to adjourn the meeting at 12:39 p.m. The meeting adjourned without a second to the motion or a roll call.

Respectfully Submitted,

A handwritten signature in black ink that reads "Gail L. Coniglio". The signature is written in a cursive, flowing style.

Gail Coniglio, Chair
Town of Palm Beach
Planning & Zoning Commission

kmc

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Christu, Eric		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning and Zoning Commission	
MAILING ADDRESS 1500 N. Ocean Blvd.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Beach	COUNTY Palm Beach	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED November 8, 2023		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Eric Christu, hereby disclose that on November 8, 20 23:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, Maura Ziska Christu;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Recommendation To Consider Draft Ordinance For Review and Recommendation For Proposed Text Amendments to Chapter 134, Article I., Section 134-2 Definitions and Rules of Construction, to Create A Definition For Valet Only Garage; to Division 5.-R-C Medium Density Residential District, Section 134-945, the Special Exception Uses; Section 134-955, Off-Street Parking and Loading; Section 134-948 Pertaining to Lot, Yard and Area Requirements, to Allow Valet Only Parking Structures Ancillary to an Existing Hotel in the R-C Medium Density Residential District

Continuing Conflict from October 17, 2023, meeting

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

11/8/23
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.