PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, OCTOBER 19, 2021 9:30 A.M.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Kelly Churney, Clerk to the Planning & Zoning Commission at (561) 227-6408.

I. CALL TO ORDER AND ROLL CALL

Vice Chair Kleid called the meeting to order at 9:30 a.m.

Richard Kleid, Vice Chair	PRESENT
Rick Pollock, Member	PRESENT
Michael Spaziani, Member	PRESENT
Eric Christu, Member	PRESENT (virtual)
Marilyn Beuttenmuller, Member	PRESENT
Jorge Sanchez, Member	PRESENT
Gail Coniglio, Member	PRESENT
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT
John Tatooles, Alternate Member	PRESENT

Please note: Mr. Gilbane voted in lieu of Mr. Christu, who participated via Zoom.

Staff Members present were:
Wayne Bergman, Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Kelly Churney, Secretary to the Planning and Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Churney led the Commission with the Invocation and the Pledge of Allegiance.

III. ELECTION OF OFFICERS

Mr. Kleid called for nominations of Chair.

Mr. Spaziani nominated Gail Coniglio as Chair. Mr. Pollock seconded the nomination. As there were no other nominations, Gail Coniglio was elected as Chair.

Mr. Kleid called for nominations of Vice Chair.

Mr. Spaziani nominated Rick Pollock as Vice Chair. Ms. Beuttenmuller seconded the nomination. As there were no other nominations, Rick Pollock was elected as Vice Chair.

IV. **APPROVAL OF THE AGENDA**

Motion made by Mr. Pollock and seconded by Mr. Spaziani to approve the agenda as presented. Motion carried unanimously, 7-0.

V. **APPROVAL OF AUGUST 17, 2021 PLANNING AND ZONING COMMISSION MINUTES**

Motion made by Mr. Kleid and seconded by Mr. Pollock to approve the August 17, 2021 meeting minutes as amended. Motion carried unanimously, 7-0.

VI. **COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE**

There were no comments heard at this time.

VII. **PROPOSED WAIVERS OR INCENTIVES FOR LANDMARK BUILDINGS AND STRUCTURES**

Mr. Castro asked for further direction since the comments made last month had not been clear as to the incentives the committee desired. He provided a brief history of the last time this matter had been considered, and commented nothing had been done at that time.

Mr. Pollock commented on the conversation years ago and asked if they were confusing zoning changes with the historical proposed overlay presented for the Sea Streets. He had no problem with zoning laws and thought the pushback had been the historic overlay proposition. He cautioned to be careful on how it was defined in order to get consensus on the Sea Streets to allow it, and thought the residents, at that time, had no idea they were different.

Mr. Castro stated that the ordinance was not only for the Sea Streets, but also for all homes that could be considered as a landmarked home, as an incentive to get more relief and better consideration. One consideration today is that landmarked homes can be below the minimum flood elevation. Staff had discussed what could be offered as incentives to provide enough relief to make people want to landmark their homes, yet not open the floodgates.

Mr. Pollock asked how 3% more lot coverage for a building would impinge upon drainage systems that are supposed to be put in place. Mr. Castro responded that it may or may not trigger having to provide better stormwater management.

Mr. Sanchez expressed concern for the setback limitation, because most, if not all, of these homes were not going to meet current setback requirements. He commented the intent was to keep as much of the existing fabric of the Town as was possible, therefore, incentives should be as flexible as possible.

Mr. Castro responded the setback of 5 feet from the property line was for one-story home. This would be approved by the Landmarks Preservation Commission, not Town Council, and would not be a variance with neighbor notice. For further relief, the applicant would need to go to the Town Council.

Mr. Sanchez noted many of these homes had garages or other structures within 5 feet. He added it would be a shame if those would not be allowed to proceed under this new avenue. Mr. Castro stated that was why this issue was before the Commission again as there had been different opinions from the Commission on this topic. Staff needed direction on whether to eliminate the 5-foot setback or leave it in.

Ms. Coniglio wanted to be sure safeguards were in place.

Ms. McDonald questioned if it would be better to review each application. Mr. Castro stated that each application would be reviewed by staff and the Landmarks Preservation Commission.

Mr. Sanchez stated he would rather leave it as open and as flexible as possible and let Landmarks Commission and the neighbors decide.

Mr. Tatooles inquired about the intent of Section 134-235. Mr. Castro responded and invited any changes for clarification.

Ms. Coniglio thought that a 5-foot setback was flexible and generous. However, she expressed concern about further restricting landscaped open green space, which had been dramatically changed throughout the Town. Mr. Castro responded the direction from this Commission was whatever the nonconformity was, no matter what the existing landscaped open space was, a homeowner could still get 3%, provided it had been permitted.

Mr. Tatooles thought the criteria should be objective rather than subjective. He suggested moving number 4 up to number one; then make 1, 2 and 3 subsections of number 4. Discussion ensued.

Ms. Coniglio recommended taking out the "or" in the section. Mr. Tatooles agreed or suggested replacing "or" with "and". Mr. Castro stated he would use "and" rather than "or."

Ms. Coniglio called for public comment.

Rene Silvin, 422 Australian Avenue, Chairman of the Landmarks Preservation Commission, discussed a recent study by Donovan Rypkema with Place Economics regarding the change in landmarked home values over time.

Motion made by Mr. Pollock and seconded by Mr. Sanchez, to accept the ordinance as written. Motion carried unanimously, 7-0.

VIII. <u>UPDATE ON COMPREHENSIVE ZONING CODE REVIEW</u>

Mr. Bergman made a presentation on the upcoming code review, which he had made to the Town Council at their October meeting. He reviewed the Town Council's top list of items to be addressed. He then outlined the items that the Town Council asked the Commission to address at their upcoming meetings.

Mr. Spaziani confirmed that the Town Council had requested the Commission to begin addressing items incrementally. Mr. Bergman confirmed that the review would be slow and incremental but would be an overall review over what could be 2-3 years. Mr. Spaziani asked if there would be any benefit to allowing the 50-foot lots in the Sea Streets to be conforming, while not allowing the subdivision of 100 foot lots into 50-foot lots, so that the lots would stay the same as they existed today. Mr. Bergman responded that could not be done today because of the densities in the comprehensive plan, but suggested there could be additional zoning districts that could incorporate the smaller lots. There could also be maximum sized lots, as well as minimum.

Ms. Coniglio wondered if some of the smaller items would be alleviated by some of the bigger items. She pointed out if a discussion on CCR and FAR were to occur, it could alleviate some of the smaller items. Mr. Bergman thought while the conversation on CCR may be complicated, he believed the Commission may not be happy with the outcome to learn the highest allowable CCR is currently allowed on the smallest lot.

Mr. Gilbane suggested highlighting some of the items that may affect FAR and CCR. This way, the Commission could understand where the issues were should the change from one to the other occur. Mr. Bergman responded staff could provide history and background.

Mr. Castro stated that some of the items raised were highlighted by staff as they deal with these issues daily. He added most had no impact on FAR and CCR. He felt the changes should be a result of an ongoing conversation between staff and the Commission.

Ms. McDonald thought that some of the items should be broken up into categories.

Mr. Pollock inquired if the Town Council had approved an outside consultant. Mr. Bergman stated that the Town was currently moving through the RFQ process. Mr. Pollock believed the direction of the consultant should be considered on the subject matters brought up, to gain his or her experience with other municipalities. He expressed concern of holding discussions with possibly false understandings or misunderstandings without knowing how soon the consultant would be brought on board. Mr. Bergman responded at next month's meeting, staff could present the four items and start the historical background, which could be done with or without the consultant.

Mr. Kleid thought a comprehensive review of the entire zoning code was needed. He questioned if discussing each item would be successful, since that had been done unsuccessfully for 20 years. He felt a planning consultant should be hired and should work with staff to rewrite the entire zoning code, then go through that revised code piece by piece to see what was workable. Mr. Bergman commented that could be suggested to Town Council.

Ms. Coniglio felt the Commission should work on the four items from Town Council for the next meeting, but suggest to Council the Commission felt the larger picture should be addressed.

Mr. Sanchez thought the Town needed direction from a savvy group. He thought tackling everything at once would not work, that it had to be taken into portions, analyzed and changed. He agreed with the incremental approach.

Mr. Tatooles was in favor of the incremental approach.

Ms. Coniglio called for a motion to accept the direction from the Town Council and to work with the four items identified or to go back to Town Council with a new agenda.

Motion made by Mr. Spaziani and seconded by Mr. Pollock, to accept the direction from Town Council and to work in November with the four items that had been identified by staff.

Mr. Sanchez asked for clarification on the motion. Ms. Coniglio responded.

Motion carried 6-1, with Mr. Kleid opposed.

Mr. Kleid discussed his recommendation to request an entire rewrite of the Code. Following, the Commission can examine the Code, piece by piece.

Ms. Coniglio stated that while she agreed with Mr. Kleid in concept, she thought the process would take too long. She thought FAR and CCR should be discussed as there were immediate issues, particularly in the north end of the island. She showed a photograph of a new home, which was massive and had very little greenspace.

Ms. McDonald suggested looking at possibly incentivizing one story homes. She also thought a discussion on how to educate Town residents and how to involve them once the new consultant is brought on board and the planning begins.

IX. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR

There were no comments heard at this time.

X. ADJOURNMENT

Motion made by Mr. Sanchez and seconded by Mr. Spaziani to adjourn the meeting at 10:52 a.m. Motion carried unanimously, 7-0.

Respectfully Submitted,

Gail L. Coniglio

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