



TOWN OF PALM BEACH

Planning & Zoning Commission

MEETING MINUTES OF THE PLANNING & ZONING COMMISSION HELD ON TUESDAY, OCTOBER 17, 2023

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 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 9:30 a.m.

Gail Coniglio, Chair	PRESENT
Richard Kleid, Member	PRESENT
Michael Spaziani, Member	PRESENT (Arrived at 9:42 a.m.)
Eric Christu, Member	PRESENT
Marilyn Beuttenmuller, Member	PRESENT
Jorge Sanchez, Member	ABSENT (Excused)
John Tatoes, Member	PRESENT
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT

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

Clerk's Note: Mr. Gilbane voted in the absence of Mr. Sanchez. Ms. McDonald voted in the absence of Mr. Spaziani when needed.

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James Murphy, Assistant 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. Coniglio led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES

A. Approval of the June 7, 2023, Planning & Zoning Commission Meeting Minutes

Mr. Kleid requested two changes to the minutes: On page 3, he requested to delete the words “for” in the paragraph in Article 7. On page 4, he requested to change the word “of” to “at” in Item 2, paragraph 3.

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

B. Approval of the June 15, 2023, Planning & Zoning Commission Meeting Minutes

A motion was made by Mr. Kleid and was seconded by Mr. Christu to approve the minutes of the June 15, 2023, Planning & Zoning Commission as presented. The motion was carried unanimously, 7-0.

V. COMMUNICATION FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

No one indicated a desire to speak.

VI. OLD BUSINESS

A. Presentation on the Draft 2024 Town of Palm Beach Comprehensive Plan Update by Jennifer Hofmeister-Drew, AICP, LCAM, Planner III

Ms. Hofmeister-Drew explained what a Comprehensive Plan was and provided background on the history of comprehensive planning in the Town. She spoke regarding the Town’s current Comprehensive Plan and explained the Florida Statute requirements. She spoke regarding the process the staff had undertaken to review and amend the Comprehensive Plan. She provided an overview of the 2024 Comprehensive Plan Update. She outlined the Plan’s goals, objectives, and policies and the changes made to the 12 Elements of the Plan.

In response to a question from Chair Coniglio, Ms. Hofmeister-Drew explained that the Comprehensive Plan was a “living document” and spoke regarding how it complemented the Zoning Code. Mr. Bergman addressed a question from Ms. Coniglio regarding extending the time for submission to the State. Mr. Kleid inquired about why the Comprehensive Plan was being completely revised at this time rather than amended. Ms. Hofmeister-Drew responded. Mr. Bergman responded to a question from Mr. Christu regarding the deadline for the Code to comply with the Comprehensive Plan. Ms. Hofmeister-Drew provided additional information on what would happen if the Zoning Code was not adopted within the year. Ms. Hofmeister-Drew explained changes to the goals from the prior Comprehensive Plan. She spoke regarding portions of the Zoning Code that do not comply with the Comprehensive Plan in response to questions from Mr. Tatooles. Mr. Gilbane felt it would be helpful to the Commission and the public to put together a master schedule for these major projects (Zoning Code and Comprehensive Plan), to which Mr. Bergman replied.

Chair Coniglio inquired about reviewing the Zoning Code and Comprehensive Plan simultaneously, to which Ms. Hofmeister-Drew responded.

Ms. Hofmeister-Drew outlined each Element and explained the changes to the goals, objectives, and policies from the current Comprehensive Plan. She presented the timeline for the approval process of the updated Comprehensive Plan. Chair Coniglio and Mr. Kleid expressed concern over the tight deadline for approval. Mr. Bergman spoke in support of asking the Commissioners to provide comments in writing to him and Ms. Hofmeister-Drew. He stated that the Town would take as much time as necessary to make the Commission and the Town Council comfortable. He spoke regarding the overarching changes that were included in the Plan. Discussion ensued regarding the upcoming schedule for approval of the Comprehensive Plan.

Mr. Garrison supported the proposed Comprehensive Plan and recommended reviewing several sections at once rather than reviewing the entire document.

Ms. Beuttenmuller inquired about whether both volumes were being presented to the State at the same time, to which Ms. Hofmeister-Drew replied that they are both considered part of the Comprehensive Plan and that they would be presented together. Ms. Hofmeister-Drew also responded to a concern over the quality of some maps in the proposed plan.

Mr. Gilbane supported a master Planning and Zoning program-level schedule that tied together the Zoning Code and Comprehensive Plan processes.

Mr. Tatoes spoke in support of getting comments to the staff before the November 8 meeting, and then staff could respond and include the items to be discussed at the December meeting.

Ms. McDonald spoke regarding a small error on page 357 and the possibility of removing the term “visitors” in that goal.

Further discussion ensued regarding how to approach the review at the upcoming meetings and how there could be a potential grouping of certain sections.

Mr. Spaziani stressed the importance of approving the Comprehensive Plan before the Zoning Code review.

Chair Coniglio stressed that all comments must go through the Town staff.

Ms. Coniglio called for public comment.

Susan Gary, 229 Onondaga Avenue, spoke in support of the work of Town staff, especially Ms. Hofmeister-Drew and her presentation. She requested a copy of the presentation and expressed appreciation for the public’s involvement in the process.

KT Catlin, 266 Fairview Road, expressed appreciation for the presentation and concern over certain aspects of the proposed plan. She spoke in support of additional meetings being held to ensure a thorough review.

Anita Seltzer, 44 Cocanut Row, spoke regarding a meeting she had with Ms. Hofmeister-Drew. She requested that the questions or comments from Commissioners be provided to the public before the next meeting, to which Ms. Coniglio and Mr. Bergman responded.

Chair Coniglio spoke regarding the agenda for the next meeting.

Clerk's Note: A short break was taken at 11:02 a.m., and the meeting resumed at 11:06 a.m.

- B.** 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 by James M. Crowley, Esq., Gunster

Mr. Crowley presented background information on the proposed changes to the Code on arcades and colonnades. He spoke regarding objections to the proposed text amendment, which were raised by neighbors of the proposed property. Mr. Gilbane asked about an item that had been raised pertaining to payment of the space, to which Mr. Crowley responded. Ms. Coniglio asked about payment for the potential habitable space above the colonnade, to which Mr. Crowley responded. Ms. Coniglio spoke regarding concerns about the lack of identified uses and inquired whether there would be a cost, to which Mr. Murphy responded. Mr. Murphy addressed the possibility of habitable space being placed above the colonnade.

Mr. Garrison spoke in support of more definitions regarding the space above the arcade being included, as well as the number of stories and setbacks from the face of the arcade.

Mr. Kleid inquired about the benefits to the Town for the use of these sidewalks, why there had been a change from long-term lease to licensing, and who would maintain or repair the sidewalks, including rights-of-ways. Mr. Crowley responded to Mr. Kleid's questions.

Ms. Coniglio inquired whether these colonnades would only go on South County, to which Mr. Crowley responded. She requested confirmation on what the Architectural Review Commission (ARCOM) had reviewed, and Mr. Crowley replied. She spoke regarding concerns that had been expressed. Mr. Garrison spoke further regarding these concerns, specifically the setbacks and height. Mr. Crowley stated that the proposed project incorporated those concerns. Mr. Murphy spoke regarding colonnades being allowed on Worth Avenue. He addressed a question from Mr. Kleid regarding whether this text amendment would be included in the new Zoning Code. Mr. Murphy responded to questions from Mr. Tatooles regarding the process for approving a colonnade and whether it made a difference that South County Road was a State Road. Mr. Tatooles expressed concern over the intensification of use and the lack of benefit to the Town.

Ms. McDonald supported including the language in the application regarding who would maintain the cement and clean the sidewalk area.

Mr. Spaziani spoke in support of retaining language in the Comprehensive Plan

regarding encouraging redevelopment at lower density levels than existing zoning allows and that this project raised concerns. He expressed concern over the proposed project. Ms. Coniglio spoke regarding the item that they were discussing, which was the text amendment.

Mr. Gilbane inquired about a building on South County Road that had residences that were several stories above the public property, to which Mr. Murphy responded.

Mr. Crowley spoke regarding comments he received from Sean Suder from ZoneCo.

Ms. Coniglio called for public comment.

KT Catlin, 266 Fairview Road, opposed the proposed text amendment because it was open for intensification of use.

Anita Seltzer, 44 Cocoanut Row, expressed concern over several issues with the proposed application and the potential consequences of intensification of use if arcades were approved.

John Eubanks, representing several condominium owners on Sunset Avenue, expressed concern over whether this proposed amendment would benefit the Town. He provided several concerns over allowing arcades, including parking, walkway accesses, greenspace issues, and maintenance. He spoke in opposition to the proposed amendment.

Jamie Gavigan, Shutts & Bowen, representing the owners of the Sun & Surf on Sunrise Avenue, opposed the proposed text amendment. He spoke regarding the significant impact this amendment would have on the Town. He expressed concern over how this amendment was being proposed and the timing of the amendment.

Susan Gary, 229 Onondaga Avenue, spoke in opposition to the proposed text amendment.

Chair Coniglio spoke regarding three letters of objection the Commission received.

Mr. Crowley provided his rebuttal comments to the objections raised.

Ms. Coniglio outlined the concerns that had been mentioned by the speakers.

Mr. Garrison spoke regarding changing the proposed language to state how many feet back the second floor must be from the colonnade, as well as the required maintenance. Discussion ensued on the proposed language.

Mr. Kleid spoke regarding the issue that special exceptions were more difficult for the Town Council to deny than variances. Mr. Crowley responded with how the Town could deny a special exception for an arcade if it were not appropriate.

Mr. Gilbane inquired about making these applications variances instead of special exceptions, to which Mr. Crowley responded.

Chair Coniglio requested confirmation about whether these applications would be reviewed by the Town Council before ARCOM and/or the Landmarks Preservation Commission. Mr. Bergman provided that confirmation.

Mr. Tatoes requested that, if this amendment went forward, it be drafted in the most conservative manner possible.

Mr. Crowley stated he could revise the amendment to address some questions and concerns.

Chair Coniglio outlined the discussed concerns: the location; percentage of the building that could be utilized on the frontage and how far back it is set; the use of public right-of-way with respect to maintenance and compensation; the street view and above uses defined; traffic and parking concerns; and only passive uses would be considered.

A motion was made by Mr. Gilbane and was seconded by Mr. Christu to request that the applicant re-draft the language of the text amendment to address the concerns outlined by Chair Coniglio. The motion was carried 6-1, with Mr. Spaziani dissenting.

VII. NEW BUSINESS

- A. 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 by Maura Ziska, Esq., Kochman & Ziska PLC

Maura Ziska, representing the Brazilian Court Hotel, provided background information on the proposed text amendment. She explained that the amendment attempted to solve the parking problem in the area. She presented draft elevations of the proposed parking structure. She spoke regarding a request that approximately 25% of the parking structure would be used as an accessory structure to the hotel.

Nick Spinelli, Copperline Partners, spoke regarding the draft design and elevation of the building.

Chair Coniglio expressed concerns over the proposed parking garage, such as the potential for paid parking, the hotel could shuttle its employees from the mainland, and negative impacts on the residential neighborhood. Ms. Ziska responded to her concerns.

Mr. Gilbane inquired about interactions with the residential neighbors about the proposed garage, to which Ms. Ziska responded.

Ms. Beuttenmuller expressed concern over the proposed setbacks.

Mr. Kleid inquired about any other tandem or mechanical parking anywhere in Town, to

which Mr. Bergman responded. Mr. Gilbane spoke regarding the importance of the parking structure being attended to (valet). He appreciated the idea of enclosed parking and stated that he supported creative solutions for the parking problems in Town. He spoke regarding specific issues with a fully enclosed parking garage, and Mr. Spinelli addressed the concerns about an enclosed parking garage.

Mr. Tatoes requested confirmation that the main point of the project was the parking garage, which Ms. Ziska confirmed. He inquired about how deep the structure could be built, to which Ms. Ziska responded. He expressed concern regarding the proposed setbacks.

Ms. Coniglio cautioned about the possibility of this being considered spot zoning.

Chair Coniglio called for public comment.

Anita Seltzer, 44 Cocanut Row, expressed concerns over the proposed parking garage and the impacts on the neighborhood and how the process for this item was being considered.

Mr. Murphy provided clarification on the process for approval of this proposal. He addressed the concern over this item being considered spot zoning.

Ms. McDonald expressed concern over the potential for intensification of use for this project. She expressed concern that the additional parking spaces could potentially impact the street. Ms. Ziska responded.

Richard Schlessinger, Brazilian Court Hotel, spoke regarding the number of employees who worked at a given time in response to a question from Mr. Bergman. He addressed the issues of employees not using the off-island parking and hotel guests not using the valet parking. He responded to questions regarding who would be using the parking structure and who would be paying for parking, as well as the issue of staffing during peak parking times.

Mr. Gilbane expressed concern about ensuring adequate public comment from the neighbors. Mr. Kleid recommended that the applicant meet with the neighbors within 200 feet of the proposed project.

Mr. Christu stated that he did not believe this item would constitute a conflict of interest; however, he would recuse himself. Ms. McDonald voted in his place.

A motion was made by Mr. Gilbane and was seconded by Mr. Kleid to defer the item to the November 8, 2023, meeting and requested that the applicant address the following items: noise; impact to the neighbors; traffic stacking at shift changes; overview of the mechanical equipment; requesting the applicant to hold a meeting of the neighbors within 200 feet; and the setback parameters to be re-studied. The motion was carried, 5-2, with Chair Coniglio and Mr. Spaziani dissenting.

VIII. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

No one indicated a desire to speak at this time.

IX. COMMENTS FROM THE PLANNING AND ZONING BUILDING DIRECTOR

Mr. Bergman stated that the staff did not place the election of a vice chair on the agenda. He

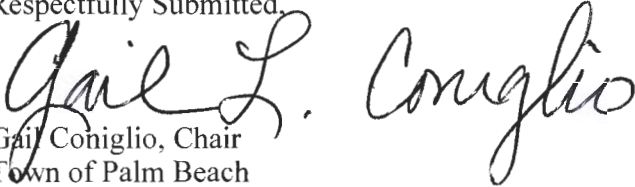
indicated the item could be addressed at the November meeting, or the Commission could immediately address the issue.

The consensus of the Commission was to list the item on the November 8, 2023, agenda.

X. ADJOURNMENT

A motion was made by Mr. Kleid and was seconded by Mr. Tatooles to adjourn the meeting at 1:07 p.m. The motion was carried unanimously, 7-0.

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 ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY Palm Beach	COUNTY Palm Beach
DATE ON WHICH VOTE OCCURRED October 17, 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

A 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 October 17, 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, _____ ;
- ☐ 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:

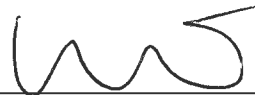
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If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the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

Date Filed

11/8/23

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.