



TOWN OF PALM BEACH

Minutes of the Local Planning Agency Meeting Held on March 13, 2024

I. CALL TO ORDER AND ROLL CALL (00:51)

The Development Review Town Council Meeting was called to order on March 13, 2024, at 9:32 a.m. On roll call, all elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE (02:17)

Council President Zeidman led the Pledge of Allegiance.

III. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (03:54)

Council Member Araskog expressed concern about moving forward with the discussions on Ordinances 005-2024 and 006-2024, as she did not feel she had time to evaluate the proposed changes.

After a short discussion between the Town Council Members, there was a consensus to move forward.

Mr. Bergman gave a brief description of Ordinances 005-2024 and 006-2024.

Council President Zeidman called for public comment.

The following individuals spoke in favor of the Society of the Four Arts' proposal, Ordinances 005-2024 and 006-2024:

Julia Koch, 100 Royal Palm Way
Patrick Henry, 630 Crest Road
John Koch, 100 Royal Palm Way
Michael Ainslie, 200 Arkona Court
Joe Jacobs, 2565 S. Ocean Blvd.
Robert Forbes, 171 Clarke Avenue
Cristina Kepner, 369 S. Lake Drive
Kelly Matthews, 417 Chilean Avenue

Mitra Margolis, 528 N. Lake Way
Barry Hoyt, 133 Banyan Road
Bonnie Hunter, 240 Banyan Road
Wilbur James, 10 Golf View Road
James “Chip” DiPaula, 456 S. Ocean Blvd.
Ronnie Heyman, 150 Bradley Place
Dr. Phillip Rylands, CEO of the Four Arts
Bob Guthrie, 140 El Mirasol
Connie Geisler, 315 S Lake Way

The following individuals expressed concern about the Society of the Four Arts’ proposal, Ordinances 005-2024 and 006-2024:

Anne Pepper, 333 Seaspray Avenue

IV. APPROVAL OF AGENDA (53:24)

Mr. Bergman provided modifications to the agenda, which included the applicant’s withdrawal of Ordinance No. 001-2024, 002-2024, 003-2024 and 004-2024.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda as amended. The motion was carried unanimously, 5-0.

V. ORDINANCES (54:33)

A. **First Reading**

1. Amending the Future Land Use Map of the Comprehensive Plan by changing the Future Land Use Designations for parcels of land more particularly described in Exhibit A, from “Commercial” and “Single Family” to “Approved PUD” (*Commonly Referred to as the Wells Fargo Site*)

ORDINANCE NO. 001-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida; Amending The Adopted 2017 Town Of Palm Beach’s Comprehensive Plan Pursuant To Chapter 163, Florida Statutes; Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Designations For Parcels Of Land More Particularly Described In Exhibit A, From “Commercial” And “Single Family” To “Approved PUD”; Providing For Inclusion Into The Comprehensive Plan; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Clerk’s note: The item was withdrawn at the Approval of the Agenda, Item IV.

2. Rezoning Parcels of Land More Particularly Described in Exhibit A, from “R-B Low-Density Residential” District, “C-TS Town-Serving Commercial” District, and “C-B Commercial” District to “PUD-D” (*Commonly Referred to as Wells Fargo Site*)

ORDINANCE NO. 002-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Amended Official Zoning Map Of The Town Of Palm Beach Updated July 26, 2022; Rezoning Parcels Of Land More Particularly Described In Exhibit A, From “R-B Low-Density Residential” District, “C-TS Town-Serving Commercial” District, And “C-B Commercial” District To “PUD-D”; Providing For Inclusion On The Zoning Map; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Clerk’s note: The item was withdrawn at the Approval of the Agenda, Item IV.

3. Amending the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.2.1& Policy 2.2.3 to allow for mixed-use PUDs. Creating a new Policy 11.1.5 to allow for mixed-use PUDs located within the Single Family and Commercial Land Use Categories. *(Commonly known as the Wells Fargo Site)*

ORDINANCE NO. 003-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2017 Town Of Palm Beach’s Comprehensive Plan, Pursuant To Chapter 163, Florida Statutes; Amending The Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.2.1 To Incorporate Mixed-Use PUDs As Set Forth In Policy 11.1.5 As An Appropriate Use In The Single Family Future Land Use Designation; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.3 A. To Incorporate Mixed-Use PUDs As Set Forth In Policy 11.1.5 As An Appropriate Use In The Commercial Future Land Use Designation; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element To Create A New Policy 11.1.5 To Establish A Type Of Planned Unit Development In The Town Of Palm Beach For Mixed-Use Development Within The Single Family And Commercial Land Use Categories Allowing For A Mix Of Residential Uses Not Exceeding The Maximum Allowable Density Within The Land Use Categories; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Clerk’s note: The item was withdrawn at the Approval of the Agenda, Item IV.

4. Amending specific sections within Chapter 134, Zoning Code, to create a new PUD-D Zoning District and provide the associated maximum density, permitted uses, and land development requirements for the proposed new PUD-D Zoning District. *(Commonly known as the Wells Fargo Site)*

ORDINANCE NO. 004-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, Division 4. R-B Low-Density Residential District; Division 8. C-TS Town-Serving Commercial District; Division 12. C-B Commercial District; Amending Section 134- 616, Districts Where Permitted, To Create A “PUD-D” District As A District Where Planned Unit Developments Are Permitted; Amending Section 134-617, Compliance, To Create A PUD-D District As A District That When Developed As A Permitted Use Must Conform To The Regulations In This Subdivision; Amending Section 134-618, Minimum Area, To Create A PUD-D District As A District Whose Minimum Area Requirement Shall Be At Least Six (6) Contiguous Acres; Amending Section 134-620, Residential Density, To Create A PUD-D District That When Developed As A Permitted Use Must Conform To A Density Of Four Units Per Acres For The Portion Of The Property With A Single Family Future Land Use Designation And Six Units Per Acre For The Portion Of The Property With A Commercial Future Land Use Designation; Creating Section 134-625, Permitted Land Uses In The PUD-D District; Amending Reserved Sections 134-626 – 134-650; Amending Section 134-651, Establishment Of Special Exception Planned Unit Developments, To Create A Pud-5 Mixed Use Development Special Exception Planned Unit Development District; Amending Section 134-652, Districts Where Permitted, To Create A PUD-5 Mixed Use Development Planned Unit Development District That May Be Permitted By Special Exception Only In The Parcel Of Land More Particularly Described In Exhibit A; Amending Section 134-653, Minimum Area, To Create A PUD-5 Mixed Use District As A District Whose Minimum Area Requirement Shall Be At Least Six (6) Contiguous Acres; Amend Section 134-654, Residential Density, To Create A PUD-5 Mixed Use District That When Developed As A Permitted Use Must Conform To The Residential Densities Of Four Units Per Acre For The Portion Of The Property Zoned R-B And Six Units Per Acre For The Portion Of The Property Zoned C-TS And C-B; Amending Section 134-656, Permitted Land Use, To Create A PUD-5 District And Outlines The Permitted Uses In The PUD-5 District; Amending Article VI, Divisions 4, Section 134-890, Special Exception Uses To Establish PUD-D As A Special Exception Use In The R-B Low-Density Residential Zoning District; Amending Article VI, Divisions 8, Section 134-1109, Special Exception Uses To Establish PUD-D As A Special Exception Use In The C-TS Town Serving Commercial Zoning District; Amending Article VI, Divisions 12, Section 134-1304, Special Exception Uses To Establish PUD-5 As A Special Exception Use In The C-B Commercial Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Clerk’s note: The item was withdrawn at the Approval of the Agenda, Item IV.

5. Amending the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.6 related to the Private Group Use

Future Land Use Designation. (54:40)

ORDINANCE NO. 005-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan, Pursuant To Chapter 163, Florida Statutes; Amending The Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.6 Related To The Private Group Use Future Land Use Designation; Amending Policy 2.3.6 To Remove The Maximum Lot Coverage And To Allow, In Limited Circumstances, The Maximum Building Height To Be Three Stories With Town Council Approval; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Harvey Oyer, an attorney on behalf of the Society of the Four Arts, presented the proposal for the creation of the CI Cultural Institutional Zoning District and the change to the Comprehensive Plan Text Amendment. Mr. Oyer displayed letters of support that had been received and had already been submitted to the Town Clerk for the Town's official records.

Council President Zeidman noted that Sean Suder, ZoneCo, was present via Zoom. She asked Mr. Bergman to discuss the intent of Ordinance 005-2024.

Mr. Bergman reviewed the proposed comprehensive plan text amendment.

Mr. Crampton supported the text amendment. He asked about the plans for the Lake Trail, to which Mr. Oyer stated that the trail would not change unless it was at the Town's discretion. He said the Lake Trail was not part of their proposal.

Council Member Araskog asked why cultural group use was included in private group use; she wished they had been separated to reduce confusion. Mr. Oyer responded separating the private and cultural group uses was a staff decision. Mr. Bergman explained that in the Comprehensive Plan Future Land Use designation, there was a private group use, which covered approximately eight properties. He indicated that the designation was acceptable, but there needed to be a corresponding zoning district. Ms. Hoffmeister-Drew was working on the Evaluation and Appraisal Review (EAR), which would continue taking care of the other properties. However, the proposed change was only for the two cultural institutional properties. Council Member Araskog expressed concern about the maximum building height. Mr. Oyer explained why this language was appropriate.

Mr. Bergman understood Council Member Araskog's proposed concern. Council Member Araskog recommended changing "may" to "shall" in section 2.3.6 (b). Town Attorney O'Connor recommended using the word "is" rather than "shall" in that section.

Anne Pepper, 333 Seaspray Avenue, recommended not using the word “shall” in that section. Council Member Araskog stated the word “may” could remain in section 2.3.6 (b).

A motion was made by Council Member Cooney and seconded by Council Member Pro Tem Lindsay to recommend the approval of Ordinance 005-2024 to the Town Council. The motion was carried unanimously, 5-0.

6. Text Amendment amending Chapter 134, Zoning, to create a new Division 16. CI Cultural Institutional District. (1:42:39)

ORDINANCE NO. 006-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, District Regulations; Amending Sections 134-1482-134-1500. – Reserved, To Create A New Division 16. CI Cultural Institutional District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Council President Zeidman mentioned that there would be a Declaration of Use (DOU) that would set limits as appropriate.

Mr. Bergman explained that if a Special Exception use was approved, the Town Council may enter into a DOU agreement with the applicant. He said Mr. Oyer had proposed three Special Exception uses with the subject application. He said if the Town Council wanted general issues addressed, the existing DOU would be amended since it applied to the entire campus.

Mr. Oyer said there was an existing DOU Agreement that was outdated but had been used to address parking issues.

Council President Pro Tem Lindsay wanted to ensure that there would not inadvertently be an allowance for more members than the campus could accommodate.

Mayor Moore thought the Four Arts had been on the island for a long time and had historically managed their membership well.

Council Member Cooney raised the issue of outdoor promotional events, although he thought that since it was a Special Exception approval subject to a DOU, the application process provided appropriate safeguards. He suggested striking the language “prohibiting the sale or giving away of an alcoholic beverage” since it could be addressed in a DOU agreement.

Council Member Araskog expressed concern about the use of alcohol and felt it could be difficult to regulate. She expressed concern about not having enough time to review all the changes. She confirmed that under Sec.134-1483 Permitted Uses., changes had been made to reflect the Planning and Zoning Commission’s discussion. Mr. Suder added that a not-for-profit cultural and arts institution was defined but was not tied directly to being a 501(c)3 organization.

Mr. Suder said the way the language was drafted, the entire property could have been used for any of the uses set forth. He did not think that was the intent of the applicant or the town. Therefore, one umbrella use, not-for-profit cultural and arts institutions, was created. That was permitted in the subject district, and within the definition and under that umbrella was a list of uses that comprised a not-for-profit cultural and arts institution. That also included permitted accessory uses that directly supported the defined uses. Mr. Suder thought this language more accurately reflected how the applicant wanted to use the property.

Council Member Cooney referred to the section that stated, "side yard of a lot in the campus adjoining a public or private roadway interior to the campus, no minimum side yard required." He asked if there was any other solution. Mr. Oyer said there was no other solution, but he thought the Town was safe because the town staff provided what they considered to be every type of setback. Regarding Council Member Cooney's concern, Mr. Oyer thought the Seaview Avenue neighbors would be considered front setbacks because they all have street frontage that subjected them to a much greater setback than what they were currently subject to in the R-B Zoning District.

Council President Zeidman asked what could be done to prohibit other people from applying for cultural institutions and then applying for zero setbacks. She further clarified that this would carve out the existing non-conformities. Mr. Oyer stated this was addressed in Section 134-1490, non-conforming buildings, and structures.

The Town Council reviewed the document section by section. Changes were suggested and noted by staff.

Mr. Suder clarified that Section 134-1483, regarding residential units, was very precisely written for artists and residents, limited to only three units with a maximum of three bedrooms and 2,300 square feet per unit.

Mr. Oyer reviewed the substantive changes in the side yards. He said they were now dramatically higher than R-B and R-C zoning districts.

Nelo Freijomel spoke about the floor area provision in the amendment language. He said the purpose of the floor area provision was to govern the gross floor area across all floors. He said there were not many one-story buildings on campus, and specifically, three-story buildings were looked at with a 50,000-square-foot floor area. That was the aggregate of all three floors combined. He said the floor area provision was in other commercial zoning districts, which was why it was included in the Cultural Institution district. Mr. Oyer said a two-story building would not be limited to 20,000 square feet on the first floor.

The Town Council reviewed Section 134-1493, Signs. Council President Pro Tem Lindsay wanted to prevent neon and backlit

signage.

Council Member Araskog wanted to see an example of how the built-out environment of the Four Arts campus could be with the new changes. Mr. Oyer responded.

Mr. Murphy suggested that before the second reading, Mr. Oyer should review parking requirements because the new proposal may trigger some parking requirements that had not been carved out. He recalled the existing campus was nonconforming in its required parking. Therefore, adding a use such as an accessory café may require additional parking.

A motion was made by Council Member Cooney and seconded by Council Member Pro Tem Lindsay to recommend the approval of Ordinance 006-2024 to the Town Council, as amended, to include the changes as discussed. The motion was carried unanimously, 5-0.

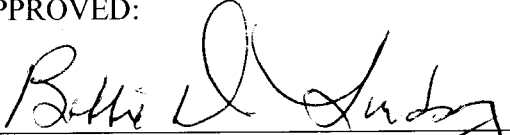
VI. ANY OTHER MATTERS

No comments were heard at this time.

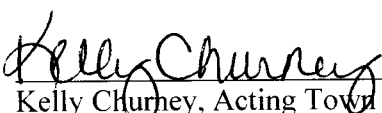
VII. ADJOURNMENT (3:11:50)

A motion was made by Council Member Cooney to adjourn the meeting at 12:46 p.m. The motion was not seconded. The meeting adjourned without the benefit of a roll call vote.

APPROVED:


Bobbie D. Lindsay, Town Council President

ATTEST:


Kelly Churney, Acting Town Clerk
Date: 4-9-24

