



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on June 3, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 AM in the Town Council Chambers.

Members Present: Michael Vincent Spaziani, Eric Christu, Marilyn Beuttenmuller, Victoria Donaldson, Jorge Sanchez, William Gilbane, Nicki McDonald, Matthew Ailey, Gail Coniglio

Staff Members Present: Wayne Bergman, Director of Planning, Zoning, and Building, Jennifer Hofmeister, and Joanne O'Connor, Town Attorney

Clerk's Note: Alternate Member McDonald will be a voting member due to the passing of Mr. Tatooles.

PLEDGE OF ALLEGIANCE

Deputy Clerk Gayle-Gordon gave the Invocation, and Chair Coniglio led the Pledge of Allegiance.

Chair Coniglio called for a moment of silence in observance of the passing of John Tatooles.

APPROVAL OF AGENDA

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

MINUTES

1. Minutes of the Planning and Zoning Commission Meeting Held on May 6, 2025

Ms. Beuttenmuller referred to page 7 of the backup, third paragraph beginning “Attorney O’Connor...” and suggested that paragraph be rewritten as it was missing some elements. Town Attorney O’Connor stated she would listen to the recording and make the necessary revisions.

A motion was made by Mr. Gilbane and seconded by Mr. Spaziani to approve the minutes of the May 6, 2025, meeting as amended. The motion was carried unanimously, 7-0.

COMMENTS

2. OFFICIALS

Ms. Beuttenmuller thanked Ms. Hofmeister for her work in finalizing the Comprehensive Plan, a copy of which was received by each member.

3. STAFF

There were none.

4. PUBLIC - 3 MINUTE LIMIT

Chair Coniglio called for public comment. No one indicated a desire to speak.

UNFINISHED BUSINESS

5. Draft Town of Palm Beach Zoning in Progress: Traffic and Parking Analysis

Clerk’s note: Chair Coniglio declared a conflict regarding this item and recused herself from the dais.

Wayne Bergman, Director of Planning, Zoning, and Building, provided a historical background to support the study. He stated that in May 2021, the Town Council was surprised to find out that restaurants, bars, and nightclubs were permitted by right in certain zoning districts of the Town. In July 2021, the Town Council adopted Ordinance No. 12-2021, which made food and beverage operations (including restaurants, bars, lounges, nightclubs, and private clubs) special exception uses in the commercial zoning districts. At that time, Town Attorney Skip Randolph pointed out to the Town Council that they should have valid data to base their decisions. He specifically addressed the basis for regulating all food and beverage operations, the need to study existing traffic and congestion problems that directly relate to food and beverage operations on the island, and how to deal with possible future expansions of food and beverage operations.

In June 2024, the Town Council adopted Resolution No. 069-2024 declaring a Zoning-in-Progress (ZIP) on new and expanded food and beverage operations for six

months. In July of 2024, Sean Suder, ZoneCo, prepared a memorandum detailing the process for the Town to study the food and beverage operations to determine whether the current and projected food and beverage operations and seats were sustainable or not, and if their impact would adversely affect public resources. In November of 2024, Resolution No. 150-2024 was adopted to extend the ZIP for another six months. During December 2024, February 2024 and February 2025, the Corradino Group performed traffic measurements and obtained origin and destination data regarding food and beverage operations during the busy winter season. For the ZIP exercise, the Town was divided into five (5) districts, starting with District 1 at the north end and running south to District 5 at the south end of the island. Resolution No. 041-2025 was adopted in April of 2025, extending the ZIP to July 9, 2025. In May, the Corradino Group released the ZIP traffic and parking analysis regarding food and beverage locations.

Joe Corradino and Diana White of the Corradino Group were present to explain their methodology and data findings. Their recommendations were to prohibit new and expanded food and beverage establishments from operating before 5:00 PM in the areas of Town from Island Drive north to the Inlet and capping the current number of seats in the four (4) districts above Island Drive, which includes Districts 1, 2, 3, and 4. They also recommended that loading operations related to food and beverage establishments be restricted in all locations. Mr. Bergman stated his agreement with this recommendation, as there seems to be a haphazard approach to deliveries to restaurants and clubs, which includes parking in the right-of-way.

Mr. Corradino explained that they became involved with the ZIP in August 2024, which was extended until July 2025. The scope of services was to look at everything traffic-related, regarding the food and beverage establishments, such as the number of cars generated out of the community by these restaurants and bars; how much parking is required; the impact of that traffic on the roadway network, and the impact of that traffic on parking and loading. After analyzing the data, recommendations were developed to mitigate any negative impacts regarding traffic. Ms. White explained, in detail, the data collection and analysis for each district, which was followed by a discussion on the recommendations.

Mr. Aditya Katragadda joined the meeting via Microsoft Teams. He explained the time-of-day data collected and how the data could be segregated for analysis.

Ms. McDonald asked about the data collected when South County Road was closed in December. Ms. White responded that the original destination analysis was conducted using street light data from December 1, 2024, through February 28, 2025. She said deficiencies were completed when traffic counts were collected January 9, 10, and 11, 2025, and capacity analysis data, which Kimley-Horn completed at the beginning of March 2025. Ms. White also clarified that for the intersections to the southern end, the 2024 traffic counts were used for the southern intersections impacted by the road closure. Mr. Gilbane suggested that an

explanation of the road closure time during January, due to the Presidential Inauguration, be included in the executive summary.

Ms. White presented the recommendations based on several considerations, including the 2025 traffic analysis counts completed for January, the number of seats each district has approved, the Kimley-Horn 2025 updated document, and the 2030 forecasted traffic conditions.

Mr. Corradino stated two primary recommendations for the ZIP Food and Beverage Locations. One prohibited new food and beverage establishments in districts one through four from operating before 5:00 p.m. Seat counts would be capped at each district's current number of seats. The second was to restrict loading operations in all districts during weekday peak hours, with the specific hours to be determined with the forthcoming Parking and Loading Code Study currently underway with Kimley-Horn and Associates.

Mr. Corradino assured the Planning and Zoning Commission that he felt confident that everything that could be discovered through this level of analysis had been discovered. He also thought that the recommendations would mitigate the current issues from worsening.

Mr. Sanchez felt that the time factor was necessary for the commission members to understand the traffic patterns. He noted that most individuals attending the clubs are residents of Palm Beach. He wondered if restaurants were a realistic target of study. Mr. Corradino said the data could be more specific concerning time-stamped data concerning traffic destinations. He said there was no question that some effects were being felt from the ambient growth of the state and the region on traffic. He said the most significant traffic generator appears to be the food and beverage establishments.

Mr. Spaziani asked if it was important to the analysis that the reason for the traffic issues was the food and beverage establishments, or if there was a general traffic problem. Mr. Corradino said Palm Beach has a general traffic problem exacerbated by the food and beverage location because of the high number of seats. He further explained how capping the number of seats would work similarly to concurrency. He said it appeared that restaurant access was primarily for single-family type vehicles.

Mr. Gilbane shared that he thought the problems were with the commercial town serving district. He said if the numbers are over 50%, seats are being added for people who are not residents of Palm Beach. He said historically, the clubs have been 98% town residents. However, many trips to the clubs now are well over 50% off-island patrons.

Clerk's Note: Mr. Gilbane left the meeting at 10:19 a.m.

Mr. Sanchez was not supportive of additional restaurants in town. However, he did not feel that the approach was appropriate. He did not think the clubs or restaurants were causing issues; he felt that workers in town generated much congestion.

Ms. McDonald said understanding the big picture was more important. The question was whether a restaurant would want to open on weekends to serve dinner or lunch. She noted that traffic signals and intersections have been failing, and the question is whether to allow additional food and beverage establishments.

Mr. Corradino stated that traffic would get worse and uncontrolled if nothing was done. He said this is the first step in controlling traffic and regulating supply and demand.

Ms. Beuttenmuller asked how the traffic data for construction is compared to the data related to food and beverage. Ms. White said that there would be a different analysis.

Ms. Hofmeister was interested in the implications for the Town of Palm Beach relative to unbuilt, approved projects in West Palm Beach. Ms. White stated that data had been collected from West Palm Beach, and those numbers were added to the 2030 forecast operations.

Mr. Ailey thought that making a recommendation against restaurant operations during the day would not solve all the problems. He said additional issues would surface as additional changes occur, such as retail use buildings being converted to office space, and other similar changes.

Mr. Spaziani read from page 5 of the future land use section of the comprehensive plan, which states “that high traffic-generating commercial uses be prevented from further proliferating and also be reduced whenever possible”. He said that he believes the town has reached its maximum number of restaurants and that this sentence from the comprehensive plan should be taken in context.

Mr. Sanchez said he looked favorably at the recommendations and thought they were good for the town and a step in the right direction. He stated that the greatest problem was the service workers, who were limited to a certain time (8:30 – 4:30) on the island.

Responding to Ms. McDonald, Mr. Bergman stated that the staff was looking for a recommendation from the Commission to the Town Council, if it can be made today or at the next meeting on June 26.

Mr. Christu asked if the commission was ready to make a recommendation today.

Mr. Ailey said fewer restaurants are currently operating than one year ago, and the traffic has been worse this season. He suggested that the recommendation should include the fact that there is no restaurant issue at dinnertime.

Clerk's Note: Alternate Members Donaldson and Ailey will be voting members as Chair Coniglio is recused and Mr. Gilbane has left the meeting.

The Commission agreed to move forward with a recommendation to the Town Council.

Ms. Beuttenmuller felt the two recommendations should be voted upon separately. She also thought decisions could be rescinded if they were found not to be working as anticipated.

Mr. Christu inquired about the origins of the seating cap numbers. Ms. Hofmeister confirmed that the numbers were based on the Business Tax Receipts.

Public Comment

Anita Seltzer, 44 Cocoanut Row, thanked staff and the Corradino Group for providing the data. She shared her thoughts on the data presented and urged the Planning and Zoning Commission not to make a recommendation in haste.

Mr. Christu followed up on Ms. Seltzer's recommendation by asking Town Attorney O'Connor if extending the moratorium was possible. Ms. O'Connor stated she would not recommend an extension as it was already at thirteen (13) months, which was already a long time for a zoning-in-progress to be in effect. She stated that in today's Palm Beach Post, there was an opinion about Florida Senate Bill 180, which was recently adopted in the legislative session. It will become law once signed by the Governor. This bill was passed to bolster hurricane relief and recovery and enhance response efforts in Florida. It does have a provision that would prevent local governments in Florida from adopting more restrictive or burdensome amendments to their comprehensive plan or land development regulations or procedures regarding approvals of site plans, development permits, or development orders. This caused some consternation as "more restrictive or burdensome" is not defined in the Senate Bill.

Town Attorney O'Connor stated that the American Planning Association has spoken out in opposition, regarding unintended consequences. Still, the understanding now is essentially if passed and goes into law, it is retroactive to October 1, 2020, or to August 1, 2024. It would freeze local governments from making more restrictive or burdensome land development changes until October 1, 2027. This may affect your ability to adopt Ordinances due to the retroactivity. She explained that the Commission would recommend the Town Council adopt an Ordinance, which would be considered for first reading in July and second reading in August.

A motion was made by Mr. Sanchez and seconded by Mr. Spaziani to approve the recommendation to restrict loading operations in all districts during weekday peak hours, with the specific hours to be determined with the forthcoming parking and loading code study currently underway with Kimley-Horn and Associates. The motion was carried unanimously, 7-0.

A motion was made by Mr. Spaziani to proceed to placing a cap on restaurants. The motion failed for lack of a second.

There was discussion regarding the capacity of the number of seats and the time. Mr. Bergman cautioned against adopting an Ordinance with specific numbers.

Mr. Corradino stated that if the concept of the capacity or limit for no new seats during these periods was agreed upon, then staff could develop processes and procedures without codifying specific numbers.

A motion was made by Mr. Christu and seconded by Mr. Spaziani to defer the recommendation on point 1 from the Corradino Group regarding a potential prohibition on new food and beverage establishments before 5:00 PM to our next meeting. The motion passed unanimously, 7-0.

Mr. Christu suggested placing this item on the agenda for the next meeting, as a decision needs to be made this month.

Clerk's Note: Chair Coniglio returned to the dais for the rest of the meeting.

ANY OTHER BUSINESS

There was none.

MEETING SCHEDULE

6. The next meeting is scheduled on Thursday, June 26, 2025.

ADJOURNMENT

A motion was made by Mr. Spaziani and seconded by Mr. Sanchez to adjourn the Planning and Zoning Commission meeting at 11:17 AM. The motion was carried unanimously, 7-0.

Respectfully Submitted,


Gail Coniglio, Chair

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Donglio Gail Lynn</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning & Zoning Commission</i>	
MAILING ADDRESS <i>1139 N Ocean Blvd</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>6/3/2025</i>		NAME OF POLITICAL SUBDIVISION:	
		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 equally 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 the reverse side 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 inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate 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 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 otherwise may participate 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 other side)

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, Gail L. Coniglio, hereby disclose that on June 3rd, 20 25

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

- ☐ 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 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:

Discussion related to Zoning in Progress
for restaurants, bars, lounges and
Potential recommendations to the Town of
Palm Beach Town Council

Date Filed

6/3/25

Signature

gl

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.