



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on June 26, 2025

CALL TO ORDER AND ROLL CALL

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

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

Staff Members Present: Wayne Bergman, Director of Planning, Zoning and Building, Jennifer Hofmeister, Planner III and Peter Henn, Assistant Town Attorney

Clerk's Note: Alternate Member McDonald will be a voting member due to a regular member vacancy.

PLEDGE OF ALLEGIANCE

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

MINUTES

1. Minutes of the June 3, 2025, Planning and Zoning Commission Meeting

A motion was made by Mr. Spaziani and seconded by Mr. Sanchez to approve the minutes of the June 3, 2025 meeting as presented. On roll call, the motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

A motion was made by Mr. Spaziani and seconded by Ms. McDonald to approve the agenda as presented. On roll call, the motion was carried unanimously, 7-0.

COMMENTS

2. OFFICIALS

Jorge Sanchez asked when the staff would look into the R-B zoning modifications. Mr. Bergman responded that it would be brought before the Commission in the next few months. Responding to Mr. Sanchez, he stated that an update regarding the Code review would be presented at the next meeting. Ms. Hofmeister explained to Mr. Sanchez that the Code review will be handled very similarly to how the Comprehensive Plan was handled, by bits and pieces, and eventually forwarded to the Town Council for review. She also explained how the review was handled for the commercial districts. James Murphy, Assistant Director, explained the R-B zoning process related to architecture and historic preservation. Town Attorney Peter Henn, spoke about Senate Bill 180, stating that last week the House and Senate sent the bill to the Governor. There is no specific guideline to date. He still feels that a good zoning code reform may be done regardless of Senate Bill 180, however caution will need to be exercised with the use of certain words such as more restrictive and more burdensome. He cited some examples.

3. STAFF

Mr. Bergman noted that Chair Coniglio will be leaving the meeting after the item under General Business and Vice Chair Christu will be chairing the meeting and will handle the Zoning in Progress item and the adjournment.

GENERAL BUSINESS

5. Draft Work in Progress of Glossary of Terms

Jennifer Hoffmeister, Planner III, presented the draft of the Glossary of Terms, which is part of the code review. She reviewed ten of the glossary terms, which would require changes to the town's Comprehensive Plan.

Chair Coniglio thought the easiest way to define a town resident would be if they are homesteaded. Mr. Henn responded that it is complicated given the nature of town residents who own more than one home. He said it is not as clear-cut as to only use homestead as the only criterion. Chair Coniglio felt that to be a town resident, someone would need to live in the town for six months and a day. Mr.

Gilbane suggested that the tax reference be set aside or used with another criterion.

Ms. Hofmeister stated she could look at the wording of Town Serving and bring more information back to the PZC next month. The PZC members expressed concern about the words used, such as “principally”, as part of the definition. Mr. Henn advised the PZC that caution must be used regarding overdoing the limits in a public arena. He said it was a good goal to make businesses town-serving, but having real metrics could create challenges.

Ms. Hofmeister noted that the town does not have an intensity standard in the comprehensive plan. She clarified the difference between residential use and commercial use.

Chair Coniglio noted that the commission members expressed concerns, and some guardrails were needed. Ms. Hofmeister responded that the town is moving forward to an intensity standard, which was never in place. Chair Coniglio did not think traffic should be included in the definition. Mr. Gilbane felt that traffic did belong with intensity. Ms. Hofmeister stated that there should be a definition for intensity where the details, including traffic, would be captured.

Ms. Hofmeister noted that in the town, special exception uses do not run with the land, the approval of a special exception use runs with ownership. The replacement of special exception use with conditional use is just a change of terminology. The criteria is being examined with Code Review.

Ms. Hofmeister said that definitions presented have been modified to be more applicable to the town. She said that a definition has been added for a waiver. Criteria for waivers will then need to be drafted. Chair Coniglio recalled she had heard waiver vs. variance in the past, and it was rejected resoundingly. She thought that the variance with a hardship was clearer.

Chair Coniglio asked if hardship should be defined. Mr. Gilbane stated that he would prefer that instead of waiver. Mr. Spaziani stated that there are at least seven criteria to the legal definition of variance, and those criteria are not listed in the definition for variance. Mr. Murphy stated there are seven criteria for variances, and Mr. Spaziani suggested that those criteria be added to the definition for waiver. Mr. Sanchez was supportive of the change.

UNFINISHED BUSINESS

Clerk's Note: Chair Coniglio recused herself from this discussion and left the dais at 11:02 a.m.

6. Zoning in Progress Recommendations

Mr. Bergman recapped the presentation made by the Corradino Group at the last meeting. He stated that based on their analysis over the winter season, there is a recommendation to limit, prohibit or restrict new food and beverage operations north of Island Drive, which would include Districts 1, 2, 3 and 4 of the five districts created for the study, at any time before 5 PM, Monday through Friday. He further stated that they completely stood by the recommendation but were willing to concede in Districts 1 and 2 with the same restriction. He stated that the staff is looking for a recommendation to bring to the Town Council. He stated that staff had prepared a memorandum laying out the Corradino recommendation and other options to resolve the Zoning in Progress. He said there was a request not to look at the hotel seat counts and private club seat counts. However, Mr. Bergman would not recommend that because of the trips to get people to and from those venues. He acknowledged that when the number of seats at hotels and private clubs is discounted, basically, the number of seats is half. He noted there was talk about limiting food and beverage establishments to the current number of seats by district. It was also suggested that if that was the case, include a buffer for a small increase and include a maximum. He said there was also discussion with the legal counsel about expanding the criteria for granting a special exception use. He said the special exception criteria, when it comes to traffic and parking, are very old school. They also talked about expanding the criteria for granting a special exception, creating a new level of use with more stringent standards.

Ms. McDonald wanted to ensure clarity with regard to hours because when she looks at lunch, which falls under peak hours and dinner would fall under peak hours. She said the study indicates that the signalized intersections, during peak hours, are at A, B and C between 11:00 a.m. and 2:00 p.m., which does not seem critical.

Ms. Hofmeister responded that there is a difference between the segments and the intersections. She asked Eric Czerniejewski, P.E., of the Corradino Group to further address Ms. McDonald's comments. Mr. Czerniejewski stated that the Corradino Group looked at numerous data sets, and he explained the data reviewed and how it was used. He also reviewed the data pertaining to the food and beverage weekday trips by district. He noted that the worst traffic occurs midday through 5:00 p.m. The restriction for new seats in Districts 1 and 2 would be before those times.

Mr. Ailey agreed with Ms. McDonald that if a decision is going to be made to restrict commerce in town, there needs to be a solid understanding of the data being used to support that decision. He said the recommendation was not consistent with his personal experience. He also felt that if the restaurants were polled, the number of patrons between 3:00 and 5:00 p.m. would be minimal. He did not feel that the data was adequate to restrict food and beverage establishments.

Ms. Donaldson did not feel that restaurants were a major problem. She said she would prefer to see numbers without the restaurants.

Ms. McDonald stated that she would not be in favor of limiting lunch service, but she may be willing to say no breakfast since that is the time when traffic volumes are high. She would place guardrails on the special exception to address traffic and parking. She said the section of town also needed to be considered.

Mr. Sanchez had concerns about restricting people who are traveling to the island to work for residents. However, he felt noise regulations were more important. He also noted that he would be less concerned about restaurants than clubs since the clubs bring more visitors to Palm Beach.

Mr. Spaziani asked if the consultants had dealt with the possible expansion of food and beverage opportunities, stating this was directed by the town attorney on what needed to be done. Mr. Czerniejewski responded that they looked at the baseline number of seats and additional traffic that would be generated by projects that were approved but not yet built. He said they also looked at a general radius of influence from the town, into the City of West Palm Beach. All of the under-review, approved, and unbuilt projects were considered, and a contingency for growth was added to the study. Mr. Spaziani asked how many seats were analyzed out of the proposed restaurants, for the future. Mr. Czerniejewski said that data could be extracted and provided to the commission. Mr. Spaziani asked why the study was divided into four sections. Mr. Czerniejewski said they approached the study by looking at character areas.

Mr. Gilbane felt the data was robust, and his feeling was that restaurants were not a problem. However, now that he has analyzed facts, he feels that everything is a problem when it comes to traffic, especially in Districts 2 and 3. He stated there is a volume problem everywhere on the island, and he cited some examples. He also framed what was being recommended as an interim step to revising the code. He was supportive of moving the resolution forward.

Ms. Beuttenmuller stated she would lean toward not making any change at this time.

Mr. Christu stated that he would respectfully vote against the ban at this time. He said he would need additional data that directly relates to the issues of food and beverage to make a decision. He stated that he would be agreeable to recommend #5 which is recommending no action at this time, but allowing changes to be handled as a part of full code reform, and then having the Town Council look into expanding the criteria for the granting of special exceptions for food and beverage for new or expanded operations.

Ms. McDonald then stated that the recommendation will not be in perpetuity.

There were no public comments.

Clerk's Note: Alternate member Donaldson will vote due to Chair Coniglio's recusal and departure from the meeting.

A Motion was made by Ms. Beuttenmuller and seconded by Mr. Sanchez to recommend taking no action at this time but to allow changes to the Food and Beverage operations to be handled as part of the full Code reform. On roll call, the Motion passed 5-2 with Messrs. Gilbane and Spaziani dissenting.

ANY OTHER BUSINESS

Deputy Town Clerk Gayle-Gordon read the conflict of interest (Form 8B) filed by Chair Coniglio at the June 3, 2025, meeting into the record.

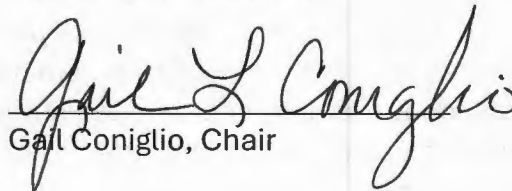
MEETING SCHEDULE

7. The next meeting is Tuesday, August 5, 2025.

ADJOURNMENT

A motion was made by Mr. Spaziani and seconded by Mr. Sanchez to adjourn the June 26, 2025 Planning and Zoning Commission meeting at 11:45 AM. On roll call, 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 CONIGLIO, GAIL		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING & ZONING COMMISSION	
MAILING ADDRESS 139 N. Ocean Blvd		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PB	COUNTY	☒ CITY	☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED JUNE 26, 2025		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, GAIL CONIGLIO, hereby disclose that on JUNE 26, 20 25:

(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:

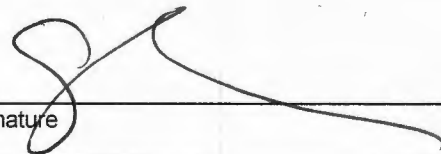
Zoning in Progress Recommendations

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

6/26/25

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.