

TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on August 5, 2025

CALL TO ORDER AND ROLL CALL

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

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

Absent: Marilyn N. Beuttenmuller

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

Clerk's Note: Alternate Members McDonald and Donaldson will be voting members due to the passing of Mr. Tautoles and the absence of Ms. Beuttenmuller

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 26, 2025, Planning and Zoning Commission Meeting

On page 3 of the Minutes, Mr. Spaziani corrected it to read "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."

A Motion was made by Mr. Gilbane and seconded by Mr. Spaziani to approve the Minutes of the June 26, 2025, meeting as amended. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

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

COMMENTS

2. OFFICIALS

There were none.

3. STAFF

There were none.

4. PUBLIC - 3 MINUTE LIMIT

Mr. Rick Smith, 130 Sunrise Avenue, expressed concerns regarding the Town's Comprehensive Plan and its role in an ongoing controversy involving the Town and the Paramount Theatre. He emphasized that the comprehensive plan takes precedence over zoning regulations, and any future agreements must be compliant. He thanked the Commission, staff, and residents for their work on the plan and explained that his purpose was to ensure everyone is informed and not "blindsided" later. He read excerpts from the plan highlighting its legal authority and focus on preserving quality of life, managing traffic, parking, and infrastructure, and preventing overdevelopment in low-density areas. He stressed that the Planning and Zoning Commission must follow the principles in the plan when making decisions, and that any actions violating the plan will face objections from residents in opposition to the Paramount. He respectfully requested that a formal letter be sent to the Town Council and Planning & Zoning office, advising them of current and future objections to any settlement that goes against the comprehensive plan.

Joanne O'Connor, Town Attorney, reminded the Commission that the Paramount matter is currently in litigation and will return to the Town Council in the fall. She noted that staff have been involved in mediation and advised them not to comment publicly. She also stated that sending the letter requested by Mr. Smith would be inappropriate for the Commission at this time.

UNFINISHED BUSINESS

5. Draft Work in Progress of Glossary of Terms

Ms. Hofmeister explained that the zoning code is a working draft document continually updated with new and revised definitions to align with the Town's goals. The Town planned to combine multiple chapters of the code into a comprehensive Land Development Regulation (LDR), incorporating architectural, environmental, and comprehensive plan terms. She noted that a revised angle of vision definition was revised in the glossary as will be presented by James Murphy, Assistant Director of Planning, Zoning, and Building under New Business. Also, the definitions for "Town resident" and "permanent resident" are included in the backup materials. She encouraged feedback and offered to meet with anyone who had further input.

During the discussion, a suggestion was made to consider updating the terms "waiver" and "variance," especially since variances are being granted without true hardships; staff acknowledged the suggestion but said it would be addressed later due to time constraints. Ms. Hofmeister agreed this could be prioritized before the commercial section review and said criteria from other municipalities would be incorporated. She proposed bringing the item forward in September or October, according to the Commission's preference.

Mr. Christu asked about the design-related definitions and whether staff had sought input from architects or other skilled tradesmen. Ms. Hofmeister stated that staff were asking local architects to assist with the images to make them more easily definable.

Mr. Murphy responded to Ms. McDonald's question regarding input from architects. He confirmed that revised waiver and variance definitions would be brought to the Town Council and the Commission. He explained the changes were not a quick fix, as they primarily addressed landmark and historically significant structures where variances often involved setbacks to preserve historic buildings. The Landmarks Preservation Commission initiated the review and involved design and preservation staff, including Abraham Fogel and Frederic Mittner, in collaboration with the Preservation Foundation.

Mr. Murphy added that he and Ms. Mittner, along with local architects, were compiling a comprehensive list of architectural terms. These terms, used inconsistently and often undefined in the zoning code, would be standardized to ensure clear definitions with zoning implications. He noted that currently, such words are used intermittently and sometimes interchangeably throughout the zoning code, yet they are not defined.

Ms. Donaldson asked if the Commission was to focus on the new draft. Ms.

Hofmeister confirmed the new draft definitions list was distributed as a work in progress. Still, the day's focus remained on long-standing items directed by the Town Council for expedited action. She noted that questions on the draft could be addressed. The discussion turned to the "Town resident" definition. Ms. Hofmeister explained that the code regulates the relationship between structures and land, not people, and that procedural matters – such as proving residency for parking passes, recreational discounts, or club memberships – belonged in departmental procedures, not the code. The goal was to maintain a general definition consistent with the comprehensive plan's resident-focused vision, while ensuring specifics were handled administratively rather than in zoning or environmental regulations.

Mr. Gilbane suggested that perhaps staff could provide the Commissioners with some background on all the places where residency matters, including sitting on a Commission or being elected to the Town Council. He felt this was more rules and ordinances than the zoning code. Ms. Hofmeister stated she could do that and maybe even put some notation in the definition for consistency. Ms. Coniglio disagreed with a nebulous glossary definition. However, she understood others' perspectives. Ms. Hofmeister understood but did not think the definition was appropriate in the zoning code, although Ms. Donaldson felt it would provide a frame of reference.

Ms. Hofmeister noted that she wanted to use the word "domicile" and requested input from the attorney. She reiterated that the code definition would not control issues like traffic but relates to resident parking and tennis team eligibility. In zoning, the focus remained on the relationship between buildings and land, with "Town-serving" provisions aimed at limiting building size to serve local needs rather than attracting outside traffic.

Mr. Sanchez recalled a decades-old case where a non-property-owning lessee voted and influenced significant political change, questioning whether tax payment should define residency. Others agreed that while opinions varied, services and benefits already required proof of a connection to the Town, whether through a specific or general residency definition.

Mr. Christu discussed balancing a general "Town resident" definition with specific eligibility criteria for services or roles. The Commission agreed that requirements such as tax payment or lease terms could be applied procedurally rather than embedded in the code. Examples included allowing a long-term lessee to access recreational facilities while reserving eligibility for serving on a commission or running for Town Council to those meeting stricter criteria. This approach would maintain flexibility and avoid potential issues from overly rigid definitions in the zoning code. Mr. Christu discouraged a one-size-fits-all approach.

Ms. Coniglio questioned whether the definitions were specific enough to fulfill the

comprehensive plan's primary goal of protecting Town residents. She noted the definition might not belong in the building code and asked whether this protection had already been adequately addressed in the comprehensive plan. Ms. Hofmeister explained that the comprehensive plan made its twelve elements specific to Town residents, centering the community's vision on those who live there. The plan's current definition of a Town resident, anyone residing for over three months, would be revised to align with whatever definition was adopted in the code. Until now, there was no definition in the code for "Town resident," but one is being added. Ms. Coniglio sought confirmation that the proposed definitions, including "Town resident," would be incorporated into the comprehensive plan. Ms. Hofmeister said absolutely. Ms. Coniglio expressed discomfort, questioning the clarity of language such as "someone who has made the Town a permanent home, even if living temporarily elsewhere." She argued that the phrase lacked a clear standard, leaving "permanent" open to subjective interpretation and potential misuse. Ms. Donaldson agreed.

Mr. Sanchez suggested that maybe the staff had enough information to return to the next meeting with more concise information for discussion. It was agreed that Ms. Hofmeister would welcome emails or individual meetings with commission members on the definitions of "Town resident" and "permanent resident" so they could review and make comments before the next meeting to streamline future discussions. The commission members emphasized that the definitions must focus on those who truly live in the Town and consider it their home if applied to the comprehensive plan. Minor corrections, such as spelling issues, could be submitted individually, while substantive feedback would be provided through the upcoming review process.

Public Comments

Anita Seltzer, 44 Cocoanut Row, commented that part of the challenge was determining how to address "Town-serving" provisions in the comprehensive plan. She cautioned that in the U.S., property ownership is not required to run for office, and linking taxpayer status to eligibility would create legal issues.

Mr. Spaziani noted that the definition of "lot" improperly used the word "lot" itself and suggested using "parcel of land" instead. Others agreed that similar issues existed throughout the document. The commission decided to send all comments to Ms. Hofmeister for consolidation, allowing her to prepare a revised draft with changes highlighted for review at their next meeting.

6. Verbal Code Review Update from July Town Council Meeting

Mr. Bergman provided a brief overview of the July Town Council meeting, noting that a new Chapter 135 zoning code was in development and would be presented in

sections as it was processed. In the meantime, seven “quick fix” amendments to the current code were identified and approved by the Town Council for the Planning and Zoning Commission to review. Mr. Bergman stated that Mr. Murphy would discuss and explain the proposed changes in detail. Mr. Bergman noted that the staff had been drafting memos and proposed draft ordinances that Joanne O’Connor, Town Attorney, had reviewed and was ready to move forward. However, the staff needed a consensus from the Commission that the changes were good.

NEW BUSINESS

7. Zoning Code Items - Quick Fixes #1-7

7.1 Quick Fix #1: Mechanical Equipment

Mr. Murphy explained the placement of Mechanical Equipment, the height of the screening wall, and the flood elevation. He reviewed the proposed quick-fixes and the seven accompanying draft ordinances. He noted that each identifying factor had been presented to the Town Council, which authorized staff to pursue the ordinances by introducing them to the Planning and Zoning Commission for review, discussion, and transmittal. The ordinances were drafted to address contradictions, inefficiencies, and unnecessary variances. He stated that four of seven were transferred favorably to the Town Council. Four items were zoning-code related, including mechanical equipment regulations, which remained a complex issue due to FEMA elevation requirements, height limits on screening walls, and rooftop placement restrictions. The remaining three items were procedural, such as standardizing appeals and streamlining time extensions. Mr. Murphy provided a timeline of discussions and actions regarding the code review. He stated that equipment screening walls would be presented to the PZC for their discussion and input. He discussed contradictions to the code that have proven frustrating for staff and property owners. He discussed options for changing the code. He discussed perceived problems and proposed solutions to address the issues with mechanical equipment placement.

7.2 Quick Fix #2: Nonconforming Lots

A special exception is required for an unplotted lot, and site plan review is required for a platted lot. Mr. Murphy discussed Nonconforming Parcels, the perceived problems, and the solutions proposed to address the issues.

7.3 Quick Fix #3: Angle of Vision

Mr. Murphy discussed Angle of Vision and the proposed solutions to prevent the appearance of mass and scale from the street.

7.4 Quick Fix #4: Residential use in Commercial Districts Default to R-C

Mr. Murphy discussed Commercial Districts with Residential Components and the proposed solutions. There was a brief discussion.

7.5 Quick Fix #5 Appeals

Mr. Murphy discussed the Appeals Criteria and the proposed solutions.

7.6 Quick Fix #6 Duration of Land Use Approval & Extension of Time
Mr. Murphy discussed Time Extensions and the proposed solutions.

7.7 Quick Fix #7 Floodplain Notice

Mr. Murphy discussed Floodplain Variances for landmarked homes and the proposed solutions.

A motion was made by Mr. Christu and seconded by Mr. Gilbane to recommend the seven (7) quick fixes, as outlined by staff, to the Zoning Code to the Town Council. The motion carried unanimously, 7-0.

ANY OTHER BUSINESS

Deputy Town Clerk Gayle-Gordon read the conflict of interest (Form 8B) filed by Chair Coniglio at the June 26, 2025, meeting into the record.

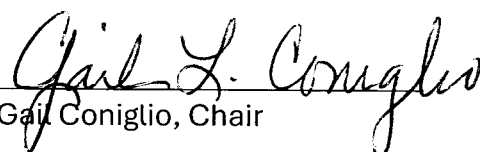
MEETING SCHEDULE

8. The next meeting is scheduled for September 3, 2025

ADJOURNMENT

A motion was made by Mr. Sanchez and seconded by Mr. Spaziani to adjourn the August 5, 2025 Planning and Zoning Commission meeting at 11:07 AM. The motion carried unanimously, 7-0.

Respectfully Submitted, ~


Gail Coniglio, Chair