

TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on October 7, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 09:30 AM in the Town Council Chambers.

Members Present: Marilyn Beuttenmuller, Jorge Sanchez, William Gilbane, Nicki McDonald, Gail Coniglio, Carol LeCates, Barbara Chapman, Victoria Donaldson, Matthew Ailey, Anne Fairfax

Staff Present: Wayne Bergman, James Murphy, Jennifer Hofmeister, Kelly Churney, and Town Attorney Joanne O'Connor

PLEDGE OF ALLEGIANCE

Town Clerk Churney led the invocation, and Chair Coniglio led the Pledge of Allegiance.

ELECTION OF VICE CHAIR

Marilyn Beuttenmuller nominated William Gilbane for Vice Chair. There were no other nominations at this time.

A motion was made by Ms. Beuttenmuller and seconded by Ms. McDonald to accept William Gilbane as Vice Chair. The motion was carried unanimously, 7-0.

MINUTES

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

Ms. Beuttenmuller suggested one amendment to the minutes on page 11. She asked Mr. Bergman to explain what he was trying to convey in the sentence regarding basements. Mr. Bergman suggested that the comma and the word "which" be removed.

A motion was made by Ms. Beuttenmuller and seconded by Mr. Sanchez to approve the September 3, 2025, minutes as amended. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

Mr. Bergman requested to reorder the four quick fix items in order of complexity, as follows: Fill, Front/Rear Setbacks, Landmark Incentives, and Basements. The Commission accepted this change.

A motion was made by Mr. Gilbane and seconded by Ms. McDonald to approve the amended agenda. The motion was carried unanimously, 7-0.

COMMENTS

2. OFFICIALS

Mr. Sanchez expressed concern about the upcoming traffic impacts on the Town. He suggested the Town Council review the residents' staff hours to better serve residents, particularly with potential issues with impending traffic.

Ms. Donaldson discussed the number of preteens on motorbikes and scooters. She thought this was a problem that the Police Department should review.

Ms. Fairfax inquired about the cones and signage in front of Town Hall and whether it fell within the Planning and Zoning Commission (PZC) purview. Mr. Sanchez said a Town Council member had informed him that the area would change after the new budget year. Ms. Hoffmeister noted that FDOT and the consultant had plans for landscaping in that area.

Ms. LeCates asked about the new code in Chapter 135 and how the transition would work if Chapter 134 were eliminated. Ms. Hofmeister explained that Chapter 134, the zoning code, would be updated for clarity and combined with other land development chapters into a new Land Development Code encompassing zoning, landscaping, signage, subdivision rules, and a unified glossary of terms.

Ms. Coniglio suggested that residents should be educated before the transition, and the new code should be publicized.

3. STAFF

There were no comments heard.

4. PUBLIC - 3 MINUTE LIMIT

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

UNFINISHED BUSINESS

5. Zoning Code Items - Quick Fixes #8-14

5.3 Quick Fix #13: Fill

Mr. Murphy discussed the seven items that had been transmitted to and approved on first reading by the Town Council. These changes included mechanical equipment, nonconforming parcels, angle of vision, residential use on the second floor in C-TS, C-WA, or C-OPI Districts defaulting to R-C, appeals, duration of land use approval/extension of time, and floodplain notice. He indicated

that the next four items to be discussed by the PZC would be fill, R-B front/rear setback modification, landmark incentives, and basements.

Mr. Murphy explained that the fill ordinance was brought forward as a quick fix to correct an error in Municode that altered the original intent of the regulation. He stated that the issue of fill is complex, involving FEMA requirements, the Florida Building Code, zoning standards, and drainage considerations, and clarified that staff was not seeking to revisit the broader fill policy. The correction restores the proper formula for calculating the maximum amount of fill permitted (finished floor elevation minus crown of road) divided by two, to ensure consistency with the Town Council's original intent and maintain harmony between redeveloped and existing properties.

Mr. Sanchez supported the front garden recommendations but opposed applying the same standards to the sides and rear yards. He said architects should be allowed to design entrances closer to the road grade so that homes are better connected with the street. He also cautioned that the depicted wall could trap excessive water and lacked the required protective measures between the homes. From an engineering perspective, he disagreed that lower elevations are always better. He supported applying the change only to the front.

Mr. Murphy emphasized that the ordinance was intended to correct Municode errors that had been previously interpreted by staff to avoid negative calculations. He noted that no research had been done on alternative drainage solutions. Although the Council considered Mr. Sanchez's proposal for case-by-case reviews, it was not approved. Mr. Murphy urged the PZC to forward the ordinance as directed by the Town Council.

Mr. Bergman acknowledged Mr. Sanchez's concern and said the issue should be revisited when evaluating stormwater retention on individual lots. He noted staff intends to classify lots based on FEMA compliance, which would provide the right context to address fill requirements. He reiterated the purpose of the current ordinance, while Mr. Sanchez maintained that the issue should be resolved immediately.

Ms. McDonald suggested correcting the scrivener's error now and later discussing whether walls or other barriers were needed. She noted that staff were already adjusting the equation to avoid negative numbers, effectively correcting practice.

Ms. Donaldson asked if there were any variance concerns. Mr. Bergman said that since the adoption of the fill code, there had been very few requests for additional fill.

Ms. Coniglio noted a motion was on the table and requested a second. Town Clerk Churney asked for clarification on the motion, and Ms. Coniglio restated the motion made by Mr. Sanchez, which he confirmed, reiterating his opposition to applying changes to side and rear yards.

A motion was made by Mr. Sanchez to postpone any corrections at this time and to revisit the entire issue of fill. The motion failed for lack of a second.

Ms. Coniglio passed the gavel and made a motion.

A motion was made by Ms. Coniglio and seconded by Mr. Gilbane to modify the definition of fill in Municode.

Ms. Coniglio asked staff to provide a date when this would be next discussed for the benefit of Mr. Sanchez. Mr. Sanchez stated that the position of the PZC was to request that the Town Council allow them to review this further.

Mr. Bergman reviewed the study conducted in 2020, during which several months were spent examining the Woods Hole Resiliency Study, and the Town entered into a contract with Calvin, Giordano & Associates to assist with the engineering. He said that before 2020, exactly what Mr. Sanchez described was happening all over town. Mr. Bergman did not believe it would be a high priority for staff to revisit the same issue as was undertaken in 2020.

Mr. Gilbane suggested that staff provide the PZC with a briefing on the 2020 work to help prepare for future discussions. He noted the issues were complex and commissioners needed time to review them. Mr. Sanchez agreed.

Ms. LeCates recalled that the 2020 discussion was extensive, and she was pleased with the outcome. She agreed that this should be done at the time that drainage is discussed.

The motion was carried unanimously, 7-0.

5.4 Quick Fix #14: Front / Rear Setbacks

Mr. Murphy presented a specific section in the R-B District, which allows a property owner to modify and decrease the front yard in an effort to increase the rear yard. He explained that while the code permitted setback modifications, there were no additional supporting rules about how to implement the modifications. He said the ordinance is relatively new and was introduced as a zoning discussion item in May 2009. The ordinance, adopted in 2009 without discussion, predates multiple FEMA map changes that raised required home elevations. Showing examples of homes out of character with their streets, he noted that conditions in the north end differ significantly. Staff recommended that such requests be reviewed on a case-by-case basis by the Architectural Commission (ARCOM) or the Landmarks Preservation Commission (LPC), through a design waiver, which would allow better project tracking. Alternatives presented included keeping the provision as-of-right, deleting it entirely, or adopting the design-waiver approach.

Ms. Coniglio stated that her preference would be for streetscape to be the dominant factor influencing decisions.

Ms. LeCates asked if ARCOM reviews setback modifications and whether it could require the standard front yard setback. Mr. Murphy said yes if the modification is identified during the review. He added that ARCOM or LPC could already determine that a project overwhelms the street, even without the applicant invoking the setback allowance.

Mr. Sanchez found that the buildings shown in the pictures had more architectural merit than some of the other structures along the street. He stated that the permitted flexibility allows architects to add more character to the structures. He felt it would be terrible to delete this option.

Ms. McDonald thought that houses appeared more massing when they had been moved forward on the lot. While she did not think there should be a blanket permission, she supported requests being presented to ARCOM, even if guardrails were in place before the project reached ARCOM.

She also suggested that notification to neighboring property owners should be transparent about the proposed changes.

Ms. LeCates asked where the five feet came from and wondered if the rule could remain the same but be reduced to three feet.

Ms. Beuttenmuller thought that the third option was the best. She decided to make a motion.

A motion was made by Ms. Beuttenmuller and seconded by Mr. Sanchez to select option number three, which involves converting the "as a right" allowance to an ARCOM-reviewed design waiver and allowing the staff to flesh out the details.

Ms. Coniglio said her last concern was whether design waivers provided ARCOM enough strength to make appropriate decisions. She suggested developing verbiage that would give ARCOM a strong position for approval or denial.

Mr. Sanchez suggested keeping this focused so as not to forget that the PZC and Town Council are requiring two-story structures with two-car garages, possibly side-loaded. Ms. Coniglio did not agree.

Mr. Ailey wondered if staff had introduced the design waiver concept to ARCOM. He felt that everyone shared a similar sentiment about it, and he thought it was essential to seek professional input from ARCOM. Mr. Murphy said it would be taken to ARCOM and Landmarks for discussion.

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

The motion was carried 5-2, with Ms. Coniglio and Ms. LeCates dissenting.

5.1 Quick Fix #8: Landmark Incentives

Friederike Mittner, Architectural Review and Historic Preservation Manager, noted that many Landmark homes often deviate from standard rules. She said staff had been directed by the Town Council and the Landmarks Preservation Commission to promote greater participation in the landmarks program. She then presented the Landmarks Incentives, focusing on refining processes, re-vesting nonconformities, and creating opportunities and incentives for expanding landmarked homes.

Abraham Fogel, Design & Preservation Planner, discussed the re-vesting component of the landmarks process improvement. He provided examples and stated this would only apply to single-family structures.

Ms. Mittner used the residence at 195 Via Del Mar to illustrate the need for a variance and recent modifications to the property. She highlighted code sections requiring updates related to guardrails. She stated that the draft ordinance would undergo further review by the LPC and Town Council before any formal readings and adoption.

Mr. Ailey asked if Landmark properties could increase coverage to 10% above the current maximum. Ms. Mittner confirmed, noting that projects must still meet compatibility standards and

receive LPC and Town Council approvals. When Mr. Ailey asked about a similar allowance for the R-A district, Ms. Mittner said there was no CCR provision in that area.

Ms. Coniglio asked whether the lot coverage increase was 5% or 10%. Ms. Mittner confirmed it was up to 10%. While supportive of LPC flexibility, Ms. Coniglio expressed concern about maintaining the landscape open space. Ms. Mittner said the staff reviewed variance data and found that the increase would scale proportionally with the lot size. Mr. Murphy added that lot coverage is always calculated based on lot size, so specific numeric limits would not need to be detailed in the code.

Mr. Gilbane supported the changes.

Ms. Beuttenmuller thought the terms in the proposed language needed further refinement to ensure consistent terminology.

Mr. Sanchez thought the changes were a huge step in the right direction.

Ms. LeCates was in favor of the incentives for landmarks. However, she thought that maximums needed to be added to the language. She noted that she could not support F and G in the backup, as proposed.

Ms. Chapman asked about the point of measurement and wondered if the visual compatibility applied to the specific landmark structure or the surrounding areas. Ms. Mittner stated the compatibility applied to both.

A motion was made by Mr. Sanchez and seconded by Mr. Gilbane to accept the recommended changes with the corrections that will be provided to the staff by Ms. Beuttenmuller.

Ms. Coniglio called for public comment.

Aimee Sunny of The Preservation Foundation of Palm Beach stated that this would be particularly important for the future of landmarks in Palm Beach. She said the Foundation has been advocating for a program like this for the past several years, noting that special properties require special codes to ensure such structures remain livable, lovable parts of the community, rather than museums that are frozen in time. She stated that she had reviewed the code and was supportive of the concepts included.

The motion was carried 6-1, with Ms. LeCates dissenting.

**Note: A short break was taken at 11:24 a.m. and the meeting resumed at 11:31 a.m.*

5.2 Quick Fix #12: Basements

Mr. Bergman reviewed current basement regulations, noting that the Town's code conflicted with FEMA and Florida Building Code Standards. He said the goal was to codify the PZB's interpretation, clarify definitions, and align with FEMA and State codes, including sub-basement classifications. This informal presentation outlined necessary updates, including the requirement for flood vents in basements and the definition of areas where basements may or may not be built. Staff is working to integrate federal and state regulations into the Town's zoning code.

Mr. Gilbane noted his familiarity with including basements, but not sub-basements, in FAR calculations, stating that in his experience, they were typically included. Mr. Bergman explained that if a basement is fully submerged on all four sides, it should not be included in the FAR.

Ms. Donaldson asked how underground parking at The Breakers differed from basement space. Mr. Bergman explained that basements may be either fully beneath the building footprint or extend beyond it. He noted that proposed southern parking garages would exceed the size of the buildings above and raised the question of whether a garage covered by only a foot of soil should count toward lot coverage.

Ms. McDonald questioned whether a fully underground basement should count toward open space or lot coverage, noting that if it is buried under fill, it might reasonably qualify as landscape open space. Mr. Bergman agreed that language in the code could be revised and asked if he should refine it and present an updated version to the commission.

Ms. Donaldson confirmed that any changes would apply to the entire island.

Ms. LeCates raised concerns about sea level rise and questioned whether there was sufficient information to continue permitting basements wherever allowed by flood zones. Mr. Bergman responded that in areas where basements are permitted, there were no significant concerns about flooding, drainage, and sea level rise.

Mr. Murphy stated that the recent review of the Ambassador project highlighted the challenges of applying long-dormant code provisions related to basements, noting that this was the first time in roughly twenty years such regulations had been revisited. He explained that discussions about basements should be separated into two categories: those in the South of Sloanes and RD-2 districts versus those in North End, lakefront, or oceanfront single-family areas, because the environmental and design impacts differ significantly. He said that in southern districts, subgrade parking can reduce impervious surface areas and heat-island effects by eliminating large asphalt driveways, allowing basements to serve a functional parking purpose rather than simply providing additional living or recreational space. Mr. Murphy emphasized that future projects similar to the Ambassador development are likely and that the Town should consider district-based distinctions when updating basement regulations.

Ms. Fairfax commented that, with concerns about climate change, there may be much larger problems in the future than just basements that will flood.

ANY OTHER BUSINESS

There was no other business discussed.

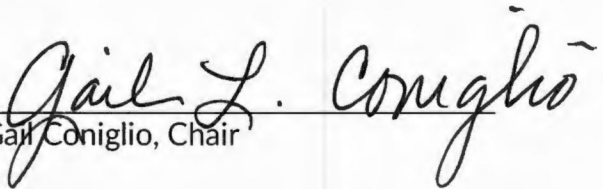
MEETING SCHEDULE

6. The next meeting is scheduled for Tuesday, November 4, 2025.

ADJOURNMENT

A motion was made by Mr. Sanchez and seconded by Ms. McDonald to adjourn the meeting at 11:57 AM. The motion was carried unanimously, 7-0.

Respectfully Submitted,


Gail Coniglio, Chair