TOWN OF PALM BEACH

Minutes of the
Special Town Council Meeting
Held on April 12, 2023

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on April 12, 2023, at 9:31 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Churney gave the invocation. Council President Council President Zeidman led the Pledge of Allegiance.

III. APPROVAL OF THE AGENDA

Wayne Berman, Director of Planning, Zoning and Building, stated that the applicant withdrew item ZON-23-032, 125 Worth Avenue.

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

IV. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore indicated that she did not have any comments.

V. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton indicated the BAC would meet at 9:30 on April 24, 2023. He stated that the topic of discussion would be on the paid parking program, including a sticker program for residents, ParkMobile, valet, shuttle, signage, 30-minute parking spaces, and a potential parking structure. He stated that the recommendations would be going to the Town Council on May 9. He stated that the program would be launched in October/November. He announced that the six-week pilot shuttle program has launched.

Council Member Araskog spoke regarding public comment on the shuttle program. She indicated that the shuttle vehicles in Palm Beach would not have advertisements on the exterior.

Council Member Araskog discussed efforts by Town staff on their research that was provided to the Town Council on zoning applications. She asked the public to recognize how hard the staff worked for the Town. Council Member Araskog raised her concerns about the proposed Vineta Hotel; she asked the Town Council for a reconsideration of the motion so that it could be heard on the next agenda. Town Attorney Randolph stated there should be no conversation on the project until a motion of consideration has been made. Discussion ensued regarding the process for a motion for reconsideration. Council President Zeidman asked if there was anyone on the prevailing side of the Vineta Hotel project that would like to make a motion for reconsideration. No one indicated a desire to make a motion for reconsideration. Council President Zeidman disclosed additional ex parte communications that occurred during the meeting with a representative from the Vineta Hotel project.

Council President Zeidman welcomed the zoning consultants. She reviewed the process for the meeting. She also indicated that the public safety meeting would be held today at the Sailfish Club from 5 p.m. to 6:30 p.m. She also thanked the Planning, Zoning and Building Department, as well as the ORS Committee, for the proposed pamphlet regarding landscaping.

Council Member Araskog requested an item regarding questions related to the pamphlet be added under Any Other Matters.

VI. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT PLEASE

Anita Seltzer, 44 Cocoanut Row, expressed concern over a complete rewrite of the Zoning Code and spoke regarding concerns of the community.

KT Catlin, 266 Fairview Road, expressed concern over the unity of lots in the north end of Town.

Joanie Goodman, 911 N. Ocean Blvd., expressed concern over the large scale of some homes being built on smaller lots.

Lynn George, 249 Mockingbird Trail, presented photographs of a new home, as well as existing homes, on Mockingbird Trail and expressed concern over the scale of some homes being built.

David Kelso, 255 Monterey Road, spoke in favor of the public platform. He asked for the Town Council to pass zoning in progress for streets in the north end.

Pam Dunston, 282 Monterey Road, expressed concern over the proliferation of construction projects in the north end and spoke regarding issues of noise and congestion.

KT Catlin, 266 Fairview Road, did not believe the zoning in progress was the answer to the issues in the north end. She thought the changes to the zoning code were the answer.

Leigh Dunston, 282 Monterey Road, spoke in support of the Town instituting zoning in progress until the zoning code revisions are adopted.

Debbie Bricker, 101 Worth Avenue, spoke in support of the dedication of the Town Council Members. She spoke regarding comments and concerns that she had received from various residents regarding development in the Town while she was gathering signatures for a petition.

VII. PRESENTATIONS

A. Presentation Regarding Findings from the Public Engagement & Proposed Code Changes

Sean Suder, ZoneCo.
Joe Nickol, Yard & Company
Joe Corradino, The Corradino Group

Mr. Suder introduced the team and provided a brief background on the process up to this point.

Mr. Nickol displayed a short video recap of "Design your Palm Beach Week" Charrette and provided an overview of the charrette summary report.

Please note: A short break was taken at 10:45 a.m. The meeting resumed at 10:58 a.m. Council Member Araskog did not return to the meeting.

B. Recommendations to the Planning Zoning Commission from the Town Council

Mr. Suder spoke about the key areas of focus, which included designing for base flood elevation, congestion, north-end construction, mid-town construction, and south-end issues. He spoke about immediate action items to be addressed, including modifications to business tax receipt requirements, creating a new building height definition, updating the freeboard requirements, and updating requirements for commercial mechanical equipment. He stated the goal was to have a new zoning code in place by March of 2024.

Wayne Bergman stated that the action items had been reviewed by staff and the Town Council at previous meetings.

Gail Coniglio, Chair of Planning and Zoning Commission (PZC) asked that the Commission be able to dive into the suggestions as presented and to return to the Town Council by the May 9, 2023, meeting. She thought the two priorities would be building height definitions and freeboard requirements. Council President Pro Tem Lindsay spoke in support of the top priorities and suggested that there might be items on the list that the Commission would not necessarily need to consider in-depth, specifically the item regarding business tax receipts.

Council Member Cooney asked for a bit more detail on each of the items. Mr. Bergman indicated how staff looked at each issue and had ideas on ways to move forward. Mr. Cooney was apprehensive about moving forward with a study on freeboard until more details were provided.

Council Member Crampton also expressed concern about the freeboard requirements and recommended setting that item aside until there was further information.

Mr. Corradino stated that his group was working on the traffic and valet studies. He would be analyzing the data collected within the next few months and would be reporting back to the Town Council. He expected to make recommendations to the Town Council by June or July of 2023. Council Member Crampton requested that any available data be provided to Mr. Bergman in order for it to be shared with the public at the upcoming BAC meeting regarding the paid parking program.

Mr. Suder discussed the upcoming schedule of how his team planned to roll out the newly proposed zoning code. Council President Zeidman asked that the schedule be provided to the Town Council so that they could share it with the public.

Mayor Moore reminded the public that they would be able to participate via Zoom over the months during which some of the residents may not be in Town.

Council President Pro Tem Lindsay asked that a one-week reminder be provided to the residents so that they could participate if so desired.

Mr. Suder provided an example of the review of each district in Town, and how the consulting team would be reviewing these areas.

Mayor Moore wanted to make sure that the proper process was followed in notifications for each discussion.

Council President Zeidman suggested that the PZC meetings should allow for Zoom as well, in the event of resident participation. The Town Council agreed with Council President Zeidman's suggestion.

Council President Pro Tem Lindsay asked about the possibility of zoning in progress for the north end. Council President Zeidman stated she was intending on raising the issue under Any Other Matters, with a possibility of placing it on the May agenda.

Town Attorney Randolph stated he was going to yield to Mr. Suder to determine when the study of the north end of the island would begin. Mr. Randolph stated that when the study was specific enough to refer the item to the PZC, then the zoning in progress should be declared. Mr. Randolph stated that Mr. Suder should indicate when he was at that point.

Mr. Suder stated that he was studying the items with the intent of asking the PZC and the Town Council for their feedback. A discussion ensued about whether the zoning in progress should be placed on the agenda in May or June.

Council Member Crampton asked the consultants to provide their expertise and determine when the Town Council should act on moving forward with zoning in progress. Mr. Suder responded and stated that the team was close to that point but needed to consult with their legal counsel prior to conferring with Town Attorney Randolph.

Mr. Randolph stated that this item could be placed on the May agenda. He recommended that the Town Council refer the items for study to the PZC at today's meeting.

Mayor Moore asked about when an application was considered to be "in the queue." Town Attorney Randolph responded.

Council President Zeidman requested clarification of what could be done today, to which Mr. Randolph responded. She spoke regarding the five items being referred to the PZC.

Mr. Suder spoke regarding instituting zoning in progress on the newly formed districts.

Council President Zeidman stated that the Town Council needed to know where demolition and construction projects existed in the town. She suggested the staff start with a map of all current and planned projects.

Mayor Moore agreed and spoke regarding specific areas that were causing concern with certain residents and spoke in support of ensuring that they were included in the zoning in progress discussion.

Council President Pro Tem Lindsay spoke regarding the importance of receiving more information from the consulting team prior to taking action at the May meeting. Mr. Suder responded.

Council Member Crampton spoke regarding items that needed to be discussed before zoning in progress could be established.

Council Member Cooney asked for more information on each of the items that would be referred to the PZC. Mr. Bergman responded and provided an explanation of the changes to business tax receipts. Council President Pro Tem Lindsay wondered if this item could go directly to staff rather than being referred to the PZC. Mr. Bergman stated that since the change was to the Zoning Code, the PZC would need to consider it first.

Mr. Bergman provided an explanation for the proposed changes to non-conforming lots and then further explained the changes to the requirements for mechanical equipment.

Mayor Moore asked Chair Coniglio if the PZC had enough meeting time to discuss the items. Chair Coniglio stated that she asked for a second, additional meeting to allow for enough time to discuss the items.

Council President Zeidman recommended adding more explanation on the upcoming agendas for the proposed items so that the public could understand the discussion items.

Council Member Crampton stated that he thought it would be helpful to see the number of construction projects on some of the north-end streets. Council President Zeidman suggested including a map that highlights the construction projects.

Mr. Bergman discussed using a GIS mapping program to provide a map with this information.

Motion made by Council Member Cooney and seconded by Council Member Crampton to refer all five items recommended by staff to the Planning and Zoning Commission for study. Motion carried unanimously, 4-0.

Council President Zeidman called for public comment.

Mr. Dunston, 282 Monterey Road, expressed appreciation to the Town Council and the consultants for working through the items discussed.

Anne Pepper, 333 Seaspray Avenue, stated that she did not believe the commercial areas in the Town should be glossed over when mid-town was being studied.

Anita Seltzer, 44 Cocoanut Row, expressed concern over a lack of information on the commercial districts and inquired about when the district map would be presented. Mr. Suder responded.

VIII. REGULAR AGENDA

A. Old Business

1. **ZON-23-032 (ARC-23-022) 125 WORTH AVE (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, 125 Worth Partners LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the substantial demolition exceeding 50% exterior building elevations for the renovation and expansion of the existing four-story nonconforming commercial building (with underground parking) including multi-story additions and façade alterations proposing in accordance with the Worth Avenue Design Guidelines and a Special Exception to permit retail and office uses greater than 4,000 SF gross leasable area in the C-WA district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required parking; (2) to modify and expand nonconforming four-story building; (3) to exceed the maximum overall building height in order to construct a new rooftop and rooftop projections; (4) to exceed the maximum allowable lot coverage for the fourth level; (5) to reduce the required front yard setback, (6) to eliminate the requirement for an on-site loading space, (7) to retain and increase the existing nonconforming lot coverage for the first, second and third levels; (8) to retain the existing nonconforming building length; (9) to retain the existing nonconforming landscape open space; and (10) to further increase the existing nonconforming floor area due in association with the voluntary demolition of portions of the nonconforming building exceeding 50% of exterior wall square footage, in conjunction with the renovation of an existing four-story office and retail building. [The Architectural Review Commission has moved this project forward to the Town Council for zoning review prior to the architectural design review at their February 22, 2023, meeting.] [Town Council deferred this project to the April 4, 2023, Town Council meeting.]

This item was withdrawn at the approval of the agenda.

IX. ANY OTHER MATTERS

Additional public comment was heard at this time.

Douglas Daft, 101 Worth Avenue, stated that he did not think that the process had included enough resident participation up to that point.

Joanne Oscar, resident, expressed concern over some of the proposed changes to the zoning code and expressed concern over the expansion and over-development of the town.

Ronald Berk, 101 Worth Avenue, discussed his history of living in two other iconic towns, aside from Palm Beach. He explained how overdevelopment in the two towns had drastically changed the towns. He asked the Town Council to put items in place now so that Palm Beach was not changed.

Patrick Donaghy, 101 Worth Avenue, thought buildings should be looked at from all angles when they are proposed to be changed.

Cynthia Oneglia, 2155 Ibis Isle Road, expressed concern over the lack of parking on Worth Avenue.

Lynn George, 249 Mockingbird Trail, thought that the Town Council should consider restricted parking around Town Hall.

Delphine Daft, 101 Worth Avenue, asked if environmental, pollution, or water issues were being taken into account during the zoning code discussion.

X. ADJOURNMENT

Motion made by Council Member Cooney and seconded by Council Member Crampton to adjourn the meeting at 12:42 p.m. Motion carried without the benefit of a roll call.

APPROVED:

Margaret A. Zeidman

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney

Kelly Churney, Acting Town Clerk
Date: 5/9/23

SEAL OF THE TOWN OF PALM BEACH FLORIDA
INCORPORATED APRIL 17, 1911