



TOWN OF PALM BEACH

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

I. **CALL TO ORDER AND ROLL CALL**

Gail Coniglio, Chair	PRESENT
Eric Christu, Vice Chair	PRESENT
Marilyn N. Beuttenmuller	ABSENT (Unexcused)
William J. Gilbane	PRESENT
Jorge Sanchez	PRESENT
Michael Vincent John Spaziani	PRESENT
John J. Tatooles	ABSENT (Excused)
Nicki McDonald, Alternate	ABSENT (Participated by Teams)
Victoria Donaldson, Alternate	PRESENT
Matthew Ailey, Alternate	PRESENT

Clerk's Note: Alternate Members Donaldson and Ailey voted in the absence of Ms. Beuttenmuller and Mr. Tatooles.

II. **INVOCATION AND PLEDGE OF ALLEGIANCE**

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

III. **APPROVAL OF AGENDA**

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

IV. **APPROVAL OF THE MINUTES**

- A. Minutes of March 6, 2025, Planning & Zoning Commission Meeting
- B. Minutes of April 1, 2025, Planning & Zoning Commission Meeting

A motion was made by Mr. Spaziani and seconded by Mr. Gilbane to approve the March 6, 2025, and April 1, 2025, Planning and Zoning Commission meeting minutes. The motion carried unanimously, 7-0.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were none.

VI. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

Mr. Sanchez stated that there were two (2) conflicting Ordinances concerning landscaping. One allowed modifications to existing properties of 50% or less without meeting native landscaping requirements. The other required a signed certificate from an adjacent neighbor to remove a diseased hedge, including their approval of the replacement species and size, at no cost to them. He suggested Town staff review the issue and forward it to the Town Council.

Director Bergman explained that the neighbor consent provision applied when an entire hedge was removed, requiring neighbor consent so they would understand what would be replanted. He clarified that the provision did not mandate the neighbor to dictate the species of planting, though that could occur in some cases. He also discussed native requirements and landscape buffers, noting these had been major topics in recent years. He advised that the Planning and Zoning Commission could recommend that staff review the issue, refer it to the Town Council, and suggest it be sent to ORS for further study.

James Murphy, Assistant Director of Planning, Zoning, and Building, explained that the neighbor consent form was initiated to facilitate that the replacement of hedge materials would not have to be reviewed by the full Architectural Review Commission.

Ms. Donaldson spoke regarding traffic issues in Town. She wondered if there was some way to develop a schedule of approved projects with their start dates to give residents an idea of what to expect in terms of traffic. Chair Coniglio agreed and mentioned the Public Works Department and their master list of projects that should be included in any timeline created.

Ms. Hofmeister-Drew stated that there was a recent presentation by one of the engineers, about the public works projects that will be moving forward. She said that PZB staff will coordinate with Public Works to create

a timeline of projects. She also spoke about public outreach that is conducted by staff to get information out to residents.

Chair Coniglio requested opinions on the July date for the Planning and Zoning Commission meeting. Director Bergman stated that the zoning-in-progress for food and beverage expires in July. The plan was to obtain two additional months of traffic data from The Corradino Group. He stated that staff were anticipating zoning in progress completion in June, so staff will have recommendations for the Town Council.

Chair Coniglio said the PZC would meet on Thursday, June 26, 2025, at 9:30 a.m.

VII. COMMENTS FROM THE PLANNING, ZONING & BUILDING DIRECTOR AND STAFF

There were no comments heard at this time.

VIII. OLD BUSINESS

A. CODE REVIEW:

1. Code Review of potential Changes to the Commercial Zoning Districts' Permitted and Special Exception uses, including the Difference between Gross Leasable Area and Gross Square Footage

Jennifer Hofmeister- Drew, Planner, presented the Code Review and continued reviewing the list of permitted and special exception uses in commercial zoning districts. She confirmed that, based on the PZC's recommendation to disallow additional private clubs, adjustments had been made to the list of special exceptions. Chair Coniglio asked about including schools, and Ms. Hofmeister-Drew noted that public and private academic schools have been removed, as previously discussed. She added that further discussion was needed on the distinction between gross leasable area and gross square footage.

Mr. Gilbane asked whether removing schools would require notice provisions when presented to the Town Council, even if they agreed with the Planning and Zoning Commission. He noted having received questions from residents about when the prohibition on schools would take effect if approved. Ms. Hofmeister-Drew stated that the changes would require an ordinance with two readings.

Regarding private clubs, Ms. Hofmeister-Drew stated they would only be addressed in terms of existing ones. She continued the discussion on proposed changes to the C-TS district, reviewed by the PZC for the North and Central areas. She highlighted revisions concerning the maximum gross leasable area versus gross square footage. Private Clubs were included in the discussion based on recommendation made by the PZC at the December 3, 2024 PZC meeting. She added that sections related to the BTR clause would be reviewed and relocated to the non-conforming section of the new code.

Mr. Spaziani suggested that definitions be discussed and clarified soon, noting the need for clear terms during future discussions. Ms. Hofmeister-Drew responded that a list of definitions had been provided at the last meeting, covering many code terms that are routinely descriptive of uses. Chair Coniglio inquired about specialty food stores and believed sidewalk cafes were allowed by right. Ms. Hofmeister-Drew stated that town-serving retail is classified as a special exception use and that outdoor cafes required Town Council approval.

Ms. Hofmeister-Drew stated that the C-OPI and C-B zoning districts are being considered to be incorporated into the proposed C-TS Central district. She noted this zoning district is in the middle bridge area. Staff is recommending the C-PC district, which is strictly the Royal Poinciana Plaza, to remain, though it has been simplified into what are personal services, retail, and office. She noted that in this specific zoning district, there was nothing to prohibit office use on the first floor. Chair Coniglio thought this should be revisited.

Ms. Hofmeister-Drew stated that Section 134-1212 would be moving to Article III Site Plan Approval. She said that it may be edited and will be presented to the PZC for review.

Chair Coniglio asked if the definition of town-serving had been determined. Ms. Hofmeister-Drew responded that that it was currently based on gross leasable area. Mr. Bergman added that the 50% threshold was a flexible figure and would be evaluated to determine if it was still appropriate.

Mr. Gilbane noted that the comprehensive plan had been amended to include the term "resident," allowing for

differentiation between residents and non-residents within the town-serving definition. Ms. Hofmeister-Drew explained that town-serving referred to business operations and would be clarified during the cleanup of commercial zoning districts to improve clarity and usability.

Ms. Donaldson wondered if the town wanted to build a town-serving library with a café if it could be done in this area. Ms. Hofmeister-Drew said in certain areas, municipal structures would be allowed by special exception. If there was a dining component, it would be approved by Town Council.

Mr. Spaziani asked if the C-B zoning district could be disposed of and that area turned into a residential area. He said it was such a small area, it might be better used for other purposes than commercial.

Attorney O'Connor commented that the Commission could explore a text amendment rezoning the area referenced by Mr. Spaziani from commercial to residential. She noted some potential implications from the Live Local Act and suggested a discussion about the Live Local Act at a future meeting.

Ms. Hofmeister-Drew discussed the planned center, the Plaza. She said the uses listed were too specific.

Ms. Hofmeister-Drew stated that in the current code, Gross Leasable Area is defined. In summary, she stated that any tenant in any building could come up with a gross leasable area. She said it was not what it looked like from the outside, but it is really what they are being taxed on. She stated that the code has been combining taxation with zoning. Staff would like to go to zoning, and taxation would come through the business tax receipt process. The PZC discussed gross leasable area to gross square foot to floor area ratio. There were some clarifications provided by staff along with some examples cited.

Ms. McDonald asked about town-serving office space. She wondered how office space was being defined as town-serving in areas of different sizes. Ms. McDonald thought it seemed unclear, and she recalled a discussion about intensity, which changes with square footage and location. Ms. Hofmeister-Drew said that the town-serving criteria are currently being proposed based on a gross square footage of 3,000. However, she acknowledged that

3,000 for office space is small, and research was still underway.

Ms. Hofmeister-Drew stated official recommendations had come from the commission, that included private and public academic schools, places of worship and private clubs be removed from all but the south end area that still requires further study. The PZC acknowledged that staff should move forward with those, and Ms. Hofmeister-Drew stated the list of definitions would be prepared for the next meeting.

Public Comment

Anita Seltzer, 44 Cocoanut Row, stated that it is important not to lose sight of the intent and purpose of each district and the issues associated with them as referenced in the current code. She also reminded the PZC that the Worth Avenue District is subject to other regulations codified into the current code. She further discussed existing regulations that govern areas in the town.

Ms. Hofmeister-Drew noted that the Business Tax Receipts are the primary data in the City's records. She said zoning is about knowing the building's relationship to the land.

2. Mock-up of Potential New Zoning Code

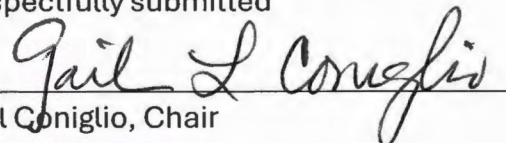
Director Bergman gave an overview of the new zoning code. He stated that a draft Chapter 135 had been created and was laid out in seven articles. He said that nonconformities in the town are a huge item. He explained the structure of the code.

IX. **NEXT MEETING:** Tuesday, June 3, 2025, 9:30 AM

X. **ADJOURNMENT**

A motion was made by Mr. Spaziani and seconded by Mr. Sanchez to adjourn the May 6, 2025 Planning and Zoning Commission meeting at 11:30 AM. The motion carried unanimously, 7-0.

Respectfully submitted


Gail Coniglio, Chair

6/3/2025
Date