

TOWN OF PALM BEACH

Town Clerk's Office

PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON THURSDAY, MARCH 6, 2025

I. CALL TO ORDER AND ROLL CALL

Gail Coniglio, Chair	PRESENT
Eric Christu, Vice Chair	PRESENT
Marilyn N. Beuttenmuller	EXCUSED
William J. Gilbane	PRESENT
Jorge Sanchez	ABSENT
Michael Vincent John Spaziani	EXCUSED
John J. Tatooles	PRESENT
Nicki McDonald, Alternate	PRESENT
Victoria Donaldson, Alternate	PRESENT
Matthew Ailey, Alternate	PRESENT

Clerk's Note: Three (3) regular members are absent, therefore all alternate members would be voting for today's meeting.

Deputy Town Clerk Gayle-Gordon stated the meeting was quasi-judicial and all speakers would be sworn in.

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

Wayne Bergman, Director of Planning, Zoning and Building, requested that the Commission hear the Breakers Hotel's item before the New Business item. The

request was granted.

Motion was made by Mr. Tatooles and seconded by Ms. McDonald to approve the Agenda, as amended. On roll call the Motion passed unanimously, 7-0.

IV. APPROVAL OF THE MINUTES

A. Minutes of the February 4, 2025, Planning & Zoning Commission Meeting

Motion was made by Mr. Christu and seconded by Ms. McDonald to approve the February 4, 2025 Planning and Zoning Commission Meeting Minutes. On roll call the Motion passed unanimously, 7-0.

V. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

Chair Coniglio stated that she would establish some parameters when the Breakers item was presented.

VI. COMMENTS FROM THE PLANNING, ZONING AND BUILDING DIRECTOR AND STAFF

Mr. Bergman stated that staff may have comments during some of the presentations but none at this time.

VII. COMMUNICATIONS FROM CITIZENS-3 MINUTE LIMIT PLEASE

Chair Coniglio introduced Peter Henn, AICP, Senior Counsel at Jones Foster Law Firm. He stated he had been a land use Attorney for 35 years after starting with Greenberg and Traurig, which at the time was the largest law firm in Florida. He gave a brief description of his professional history and explained his understanding of what Palm Beach wants for its future.

Clerk's Note: All speakers were sworn in at this time.

Ann Petrie, 134 Australian Avenue, spoke about traffic congestion and parking issues. She stated that a school was being proposed for the area on South County Road behind the sandwich shop (between Chilean and Australian Avenues), and she was very much against it.

Lynn Foster, 315 South Lake Drive, spoke about the various building and landscaping projects. She implored the Commission to focus more on needs and less on wants when reviewing and evaluating projects.

VIII. NEW BUSINESS

A. Review of Permitted and Special Exception Uses in the Commercial Zoning District

Jennifer Hofmeister-Drew gave a presentation regarding the special exception uses in the Commercial Zoning Districts. She explained that staff had decided to look at permitted and special exception uses in all five commercial districts. She discussed staff's evaluation of the commercial zoning districts. She stated that all of the permitted and special exception uses were set forth in the presentation.

Ms. McDonald thought two things were limiting, one where the special exception uses spell out the uses, she thought it should just refer to private clubs. Ms. Hofmeister-Drew agreed. Ms. McDonald said taking academic out of the line item that states public or private academic schools. She felt that would allow more leeway for the town.

Mr. Tatoes thought the school use should be moved to a special exception in every district rather than allowing schools by right. He was not sure what the original intent was and Ms. Hofmeister-Drew responded.

Mr. Gilbane commented that one of the things about schools and the intent of the zoning code when it was put in for commercial town serving was to make sure there were schools in town to ensure community and make sure the needs of the community were served. He thought that a determination needed to be made with regard to whether there were enough schools to serve the townspeople. He said that as a built-out community, the PZC should think about whether there is enough to serve the built-out community. Ms. McDonald did not see any downside to schools just being allowed under a special exception.

There was discussion about the various uses, considering which should be permitted, which should require a special exception, and which should be prohibited. The restrictive factors discussed were parking lots, private clubs, schools, and religious institutions. There were some questions about the allowance of schools, and Ms. Hofmeister-Drew noted that schools were allowed as a special exception use in other zoning districts.

Mr. Gilbane noted that with a special exception, the burden remains on the town. Ms. Hofmeister-Drew said there are criteria that need to be addressed. Attorney O'Connor said there is an easier burden for the applicant than when requesting a variance. The applicant has to show that there are no detrimental impacts to the neighbors.

Chair Coniglio asked about residences above the first floor which is a fairly nonconsequential impact on the community. She said her biggest concern was that the PZC had very clearly defined what is town-serving for all of the special exception uses. She said with the burden being on the town, the town needs enough foundation with which to determine if the criteria for a special exception use are met. Chair Coniglio was also concerned about changes of use. Ms. Hofmeister-Drew noted that in Palm Beach, special exception uses do not run with the land, they run with the business. Chair Coniglio was concerned that the commercial districts had become a larger draw. Mr. Spaziani was concerned about being stuck in a situation where the use has outlived its successful life. The idea was raised that the focus should be on limiting the permitted uses in each area so that there isn't a conversion of a business that is intensification.

After discussion, the PZC requested that staff present the various uses in a table format, showing permitted and special exception uses for all of the commercial districts. It was also suggested that "town serving" criteria be defined, with potential percentage adjustments for various types of uses.

Some categories that were discussed for consideration included limiting the number of permitted uses in each district, consideration to remove certain uses such as storage facilities and drive-through businesses, reviewing the requirements for schools and religious institutions, addressing the issue of private clubs and membership programs, and considering the size and intensity of uses when determining town-serving criteria.

The consensus of the PZC was to revisit this topic for additional discussion at their next meeting with updated information to be provided by the town staff.

Clerk's Note: Mr. Ailey left the meeting at 12:57 PM.

Clerk's Note: This item was heard out of order before the New Business item.

IX. OLD BUSINESS

A. A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 6-71, The Breakers Planned Unit Development (PUD-A), To Authorize the following:

1. Demolition of and existing two-story structure and construction of new three-story building with basement and overhead pedestrian walkway.

2. Construction of new parking structure with one level of subterranean parking, and surface parking, additional improvement to support buildings, the golf course, and landscape/hardscape.

RESOLUTION NO. 006-2025: A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 6-71, The Breakers Planned Unit Development (PUD-A), As Previously Amended, To Authorize The Demolition Of The Existing Two-Story Family Entertainment Center And The Italian Restaurant And Their Replacement With A New, Three Story Structure With Basement Connected By An Overhead Enclosed Pedestrian Bridge To The Existing Two-Story Beach Club Building, With Related Site Improvements; And To Allow The Construction Of A New Parking Structure Consisting Of One Level Of Subterranean Parking And One At-Grade Surface-Level Parking Area To Replace An Existing Surface Parking Lot.

Mr. Gilbane stated he was recusing himself from participating in this discussion. He completed Form 8B and left the dais.

Ms. McDonald stated that in the backup, it seemed that there was a question about the legitimacy of the application and membership. Mr. Bergman responded that the application had been deemed complete, and there were several items regarding processing of the application for the Breakers. He referred to Ms. Hofmeister-Drew for further response. Ms. Hofmeister-Drew explained the review process.

Joanne O'Connor, Town Attorney, stated that it was not in the Commission's purview to determine whether a Special Exception was needed for a private club. The focus should be on the design standards, one of which was compliance with existing zoning regulations, and the Town Council would ultimately make the decision.

Chair Coniglio requested that the parameters within which the Commission needs to act be placed on the overhead document reader for the public and commission members' view.

Jamie Crowley, Attorney, Gunster Law Firm, gave an opening statement on behalf of the Breakers Hotel. He spoke about the history of the PUD and emphasized that the Breakers had maintained a membership program dating back to 1926 and that the proposed changes were within the existing PUD agreement. He stated there was no private club at The Breakers. He addressed concerns about traffic and parking, stating that the additional parking spaces were for current employees and not for additional intensity or development.

He explained how the beach club was initially approved, and at the time, the PUD was consistent with the town's comprehensive plan.

Paul Leone, CEO of The Breakers Hotel, gave an extensive presentation on the Breakers' history, its importance to Palm Beach, and the details of the current application. He addressed concerns about membership, traffic, and the impact on the community. Mr. Leone emphasized the Breakers' commitment to serving the town and maintaining its character. He responded to public misinformation and opposition to the Breakers project.

Clerk's Note: A short break was taken at 11:05 a.m. and reconvened at 11:15 a.m.

Public Comments

Lillian Fernandes, a resident of 318 Caribbean Road, spoke in support of the Breakers. She expressed concern about special exceptions being granted to any entities.

Peggy Trefewi, a resident of Main Street, spoke in support of the Breakers, but asked about a plan for the construction vehicles.

Page Lee Hufty, a resident of 340 Island Road, expressed concern about construction traffic on Main Street. She thought the construction equipment should remain at the site.

Jennifer Hofmeister-Drew, Planner III, gave the staff presentation regarding The Breakers PUD 2025. She provided the general standards for PUD regulations and noted that the majority of the application was compliant. She highlighted some of the outstanding issues related to circulation, parking, and the need for an updated master plan. She refreshed the PZC on where the town stood with the general standards and going forward, the potential impacts on traffic with the change of use. She said The Breakers was vested when it was first developed and allowed to have a conversion of use. With that conversion of use, there is a requirement that parking and traffic be analyzed based on the conversion from a dwelling unit to 1500 square feet of commercial space.

Mr. Crowley mentioned that regarding traffic and road widening, The Breakers had previously been engaged in discussion about widening the roads, but it was decided that would not be a good idea because of the hedge. He said the front entryway was widened as agreed upon with staff, keeping greenspace on the perimeter of the main entryway, which is a prominent feature of the hotel. He stated they would continue to work with staff to address whatever traffic mitigation measures are necessary.

Mr. Tatoes thought the use of the word club had caused some confusion. He

thought there needed to be more consideration given to the fact that the word “club” had been used, but Mr. Crowley was also representing that it was a membership “club.” He also thought that there was a bigger issue that the town council would have to review similar programs that other hotels would want to implement in town. He thought the PZC should recommend that the town council either explore or send back to the PZC to explore what these things are, as being promoted by hotels in town. He also thought there should be a review of whether there are regulations for these types of uses.

Mr. Christu said this application was unique in that it was a PUD application that staff had considered complete and 98% compliant. He asked for confirmation as to what the commission would need to respond to from a timing perspective. He said there was still information to be gained. Mr. Bergman deemed the application complete, although a small amount of information would have to be obtained before the town council's hearing. He noted that the PZC only had sixty days to deal with the application and make a recommendation to the town council. He said there were also three combination projects as part of this application and staff found out during the review that this would require a replat of the PUD, as well. He discussed the timeline for reviewing the application and stated that the PZC could grant approval or make a recommendation with conditions to the town council.

Chair Coniglio asked if that would be a part of the construction management agreement (CMA) that the town would enter into with The Breakers. Mr. Bergman stated that this could be in the CMA. Mr. Bergman suggested that the conditions could also be made as part of a recommendation for approval today to the Town Council. Chair Coniglio asked if the replatting would trigger any additional traffic or circulation that should be identified. Mr. Bergman said the replat would be driven by the location of the parking garage and the location of the family entertainment center crossing from one PUD tract into another PUD tract, more of a technical issue. Mr. Bergman reiterated that the PZC only had sixty days within which to take action.

Ms. McDonald thought part of the pushback that was so hard on The Breakers was because of the sixty-day timing. She asked if it would help to take some extra time to answer the questions. She asked if there was a reason to move forward with this project at a certain pace. Mr. Crowley responded that they had been to the PZC twice, and it was really a question of whether the standards in the PUD had been met. He said that they needed to get to the town council, and they needed as much time as possible to design the underground parking facility.

John David Corey, 426 Australian Ave, stated that the private club issue seemed to be a topic for the town council to discuss. He said the staff memo

addressed concerns expressed by members of the community. He stated that the design review was in the hands of the Architectural Review Commission and the Landmarks Commission. He was concerned about the PZC rendering an opinion on the site plan without additional information.

Motion was made by Mr. Tatooles and seconded by Mr. Ailey to recommend sending Resolution No. 006-2025 to the Town Council with the following conditions: the Town Council consider whether the special exception is required with respect to the membership club, with respect to the traffic and circulation studies, that a new master plan be submitted, potentially the existing requirements be eliminated with regard to widening of county road, and the ingress and egress for construction, particularly on Main Street and potentially for the recreation facility, be reviewed to minimize impact on the neighbors. On roll call, the Motion passed unanimously, 6-0 with Mr. Gilbane recused.

X. ANY OTHER MATTERS

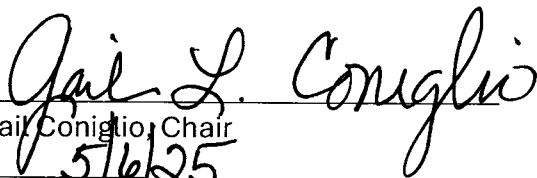
There were none.

XI. ADJOURNMENT

Motion was made by Mr. Tatooles and seconded by Ms. McDonald to adjourn the Planning and Zoning Commission meeting at 1:10 PM. On roll call, the Motion passed unanimously, 6-0, as Mr. Ailey had already left the meeting.

XII. NEXT MEETING: April 1, 2025, at 9:30 AM

Respectfully submitted



Gail Coniglio, Chair

Date

5/6/25

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME GULBADE, WILLIAM		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING + ZONING Commission	
MAILING ADDRESS 675 N LAKE WAY		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PAUMotu	COUNTY	☒ CITY	☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 7.6.2025		NAME OF POLITICAL SUBDIVISION: TOWN OF PAUMotu	
		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, William Gilbane, hereby disclose that on 3/6, 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, The Gilbane Family _____;
- ☐ 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:

Flagler Systems has executed a Pre Construction Agreement for a portion of this project. I am a Board Member ~~and~~ and Shareholder of Gilbane Inc. Gilbane Inc. is the parent company of Gilbane Building Company which has the engagement with Flagler Systems.

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

3.6.25

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.