



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on February 3, 2026

CALL TO ORDER AND ROLL CALL

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

Members Present: Chair Coniglio, Vice Chair Gilbane, Matthew Ailey, Marilyn Beuttenmuller, Barbara Chapman, Victoria Donaldson, Anne Fairfax, Carol LeCates

PLEDGE OF ALLEGIANCE

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

Clerk's Note: Jorge Sanchez arrived at 9:32 a.m.

MINUTES

1. Minutes of the December 2, 2025, Planning & Zoning Commission meeting

Ms. Beuttenmuller made the following revisions:

Page 2:

Second line:interpretations are clarifying...

Page 4:

Ms. Beuttenmuller suggested that staff provide clarity regarding the cause versus the benefits..., *it should say cost versus the benefits...*

A motion was made by Mr. Gilbane and seconded by Ms. LeCates to approve the minutes of the December 2, 2025, meeting as amended. The motion was carried unanimously, 7-0.

2. Minutes of the January 6, 2026, Planning & Zoning Commission meeting

Ms. Beuttenmuller made the following revisions:

Page 3, 4th paragraph:

Chair Coniglio's...she had not yet seen a house in the North end be rebuilt as a one story.

Page 4

2nd full paragraph: ...staff reviewed additional projects....

Page 5

1st paragraphs second lines...the word shows should be shops

Page 6

Line five: remove the word which:retail or restaurants carried different parking...

Last paragraph: "She" explained that the discussion about commercial...: replace the word SHE with Ms. Hofmeister.

A motion was made by Mr. Gilbane and seconded by Mr. Sanchez to approve the minutes of the January 6, 2026, meeting as amended. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

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

COMMENTS

3. OFFICIALS

Chair Coniglio announced that the next meeting will be held on Monday, March 2, 2026.

Ms. Donaldson asked for further clarification with respect to the Town residents. Ms. Hofmeister stated there are a couple of things when it comes to the town resident, not town serving which is related to commercial operations. She said the comprehensive plan prioritizes the "town resident" in its goals. While the Comprehensive Plan is a policy document rather than a regulatory tool, it guides subsequent code updates and decision-making. Ms. Hofmeister emphasized that town residents should be prioritized, particularly regarding parking and tennis memberships which are governed through the Recreation Center.

Ms. Donaldson noted that it also said it was not in coordination with the dock rules. Ms. Hofmeister stated that based on further review, there would be a new definition with

regard to town residents; it would not just be anyone living on the island for three months. She said there will be a defined permanent and seasonal resident.

Mr. Gilbane said this was an area in the comprehensive plan that he spent a lot of time on with Ms. Hofmeister. He said that the Comprehensive Plan intentionally incorporated the concept of "town resident" as a policy strategy to guide future code updates. The goal was to distinguish residents from the broader "town-serving" category, which would include hotel guests, employees and other users, particularly when addressing intensity-of-use issues such as parking and access to facilities such as the Mandel Recreation Center. It was noted that there had been refinements to the definitions of full-time and seasonal residents to provide consistency, and that procedural requirements such as documentation for resident eligibility, would remain outside of the comprehensive plan. The Town Council had agreed that upcoming discussions related to town-serving uses and club membership qualifications would be an appropriate place to apply such distinctions.

Ms. Hofmeister said speaking to "town serving" has to be distinguished from "town resident." She stated that this could be brought back for further discussion next month.

4. STAFF

5. PUBLIC - 3 MINUTE LIMIT

UNFINISHED BUSINESS

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

6.1 Quick Fix #12: Basements - Amended to Address Flood Vents Openings

Mr. Bergman made a presentation on basements, stating there would be a comprehensive fix to the code with respect to this issue. He reminded the PZC of previous discussions regarding matters of drainage and flooding, the differences between South end underground parking garages and ending residential basements. He noted some items remain under review and will be presented to the Commission again in the future for considerations that would simplify the rules and try to put the town's basement regulations into alignment with the Florida Building Code and FEMA requirements. However, today, the board would be considering a simple but necessary text amendment.

Mr. Bergman explained that the issue arose during review of the Ambassador and Edgewater project, which sought twenty variances and proposed underground parking rather than surface parking. Both ARCOM and the Town Council supported the underground parking concept.

The Town's current basement regulations allow wall openings only for vehicular access, pedestrian access, and fire escape. As a result, the applicant could not classify the lower-level garage as a basement and could not seek a variance from that limitation. To allow the application to proceed, the Town accepted a hold harmless letter, prepared

and reviewed by the Town Attorney, with the understanding that either the applicant or staff would bring forward a text amendment to address the issue.

The Town Council's intent was to permit underground parking in condominium buildings to qualify as a basement. However, once FEMA-required flood vents are installed in these structures, they no longer meet the current definition of a basement. The proposed amendment would correct that conflict.

The matter was also scheduled for discussion at the upcoming Town Council meeting.

Ms. Chapman requested some clarification on the draft Ordinance. Mr. Bergman stated that the draft ordinance was very simple and had been provided at the dais.

Ms. LeCates inquired about DEP permitting requirements. Mr. Bergman explained and thought it was likely that the permit would be approved.

Ms. Fairfax spoke regarding water issues in the south end. She thought it was important to envision what could happen in the future with sea level rise. Mr. Bergman stated this is the reason FEMA requires the flood vent systems. He also spoke about mechanical systems that are designed to keep water out of the lower levels. He noted that DEP is involved in this process to make sure the primary dunes are protected.

Mr. Sanchez spoke regarding underground garages and building heights. He thought there were two ways of constructing parking garages, one with sump pumps and others basically functioning like a swimming pool, impermeable to a certain height. Flooding concerns should be mitigated. He referenced the Town-owned garage at 1140 Royal Palm Way, explaining that it relies on pumps and is expected to flood at times, with advance notice given not to leave vehicles during those times. He contrasted that approach to a fully sealed garage designed for the prevention of water intrusion.

Mr. Sanchez asked whether a property owner in the South End could increase building height from five stories to ten stories through a variance. Mr. Bergman stated that such a change would not be permissible through a variance and would require an amendment to the comprehensive plan.

Ms. Donaldson spoke about water intrusion. She thought the major issue was the Intercoastal waterway.

Ms. Chapman spoke about looking at each project individually rather than as one.

Ms. LeCates has noticed that many environmental agencies do not look at the projects cumulatively. She said it would be interesting to have communications with DEP regarding the entire subject area.

Mr. Gilbane spoke about his experience working with FEMA following Super Storm Sandy, and the importance of having a mechanical means to empty the water out from a structure. He said one size does not fit all when it comes to resiliency and it is important to have varied ways of dealing with flood events in the code.

Ms. Beuttenmuller commented on the WHEREAS clauses in the Ordinance and suggested removing some of them. Joanne O'Connor, Town Attorney, explained the reasons for including several WHEREAS clauses, as they provided the history of the Ordinance.

Ms. Chapman stated her reasoning for keeping the WHEREAS clauses.

Motion was made by Mr. Gilbane and seconded by Mr. Sanchez that the proposed Ordinance No. XXX-2025 be recommended to the Town Council with the adjustments agreed upon by the Town Attorney, and be brought to the Town Council next week. The Motion was carried 6-1, with Ms. LeCates dissenting.

6.2 Quick Fix #14: Front / Rear Setbacks

Mr. Murphy presented revisions to the RB Zoning District front and rear yard modification provision, describing it as a "quick fix" previously discussed by the Commission. He explained that the item had been directed for study by an elected official and allows a structure to move five feet closer to the front property line in exchange for providing an additional five feet in the rear yard to create more usable rear yard space.

There was consensus to retain the provision in the Code but to establish formal criteria for the Architectural Review Commission (ARCOM) to grant the modification as a waiver. Mr. Murphy noted the item had been reviewed by the Town Council and the Planning Commission multiple times and was now being presented in ordinance format for potential transmittal to Town Council.

Staff clarified that, consistent with prior Commission direction, the ordinance retained the requirement that only the first story may encroach to 25 feet, while the second story must remain at 30 feet. Any modification beyond that would require a variance rather than a waiver. Staff also noted that requests for this type of front setback adjustment had historically been limited.

The primary purpose of the amendment was to establish clear criteria for ARCOM when considering such waivers while keeping the underlying Code structure intact. Staff requested the Commission's endorsement to move the ordinance forward to Town Council.

Mr. Sanchez had a little problem with what was being presented, and he stated the importance of Town Council paying attention to the experience of their appointees to

the Landmarks Preservation and Architectural Review Commissions. Ms. Fairfax agreed with Mr. Sanchez's comments and shared her thoughts.

Chair Coniglio wondered if the proposal was approved as it currently exists, if a balcony or outdoor architectural feature could be included on the second floor. Mr. Murphy said yes, as discussed last month.

Ms. Lecates stated that she was happy leaving the second story back.

Mr. Gilbane felt that a second story increased the type of architecture that was less desirable.

Motion was made by Ms. LeCates and seconded by Ms. Chapman to approve the Ordinance as currently drafted with the 25 and 30 feet setback. The Motion was carried 4-3, with Mr. Sanchez, Mr. Gilbane and Ms. Donaldson dissenting.

Mr. Sanchez asked if there could be a change to allow for a portion of the structure to move forward, allowing a better way for architects to look at historical architecture. Mr. Murphy responded.

Mr. Murphy confirmed the dissenters' reason for dissenting were primarily wanting the whole 2nd floor to be pushed back.

NEW BUSINESS

7. Discussion of Proposed Changes to the Commercial Zoning Districts

Ms. Hofmeister gave updates and explained that the review of commercial districts had begun in May, prior to several new Commissioners joining the Commission. The review was paused to address state-mandated changes identified in the Evaluation and Appraisal Report for the Comprehensive Plan, as well as various "quick fix" amendments undertaken by staff.

Ms. Hofmeister stated that the review of commercial districts had now resumed and was anticipated to take several months to complete. No draft ordinance had been prepared at this time, as the item was intended solely for discussion and to bring new Commissioners up to speed.

Ms. Hofmeister clarified that the discussion would focus on commercial establishments, particularly in relation to "town-serving" and "town resident" concepts, rather than individual residential properties. Staff further noted that draft Comprehensive Plan

updates had been prepared and could be brought forward at the next meeting if the Commission so desired.

Ms. Hofmeister discussed the detailed changes being suggested by staff, while stating that staff would be further looking at the lists of permitted uses, conditional uses which were formerly known as special exception uses and prohibited uses. She also discussed the term Town Serving and its meaning.

Chair Coniglio asked when changes were made to the Town-Serving number and how the new calculation with leasable area affected it. Ms. Hofmeister responded that staff thought the number had changed at a time when there was an inability to lease out the space. She said the square footage is not changing, but the way it is interpreted will be different.

Chair Coniglio asked if there was any appetite of the Commission to focus on the town-serving number, and maintain that within the comprehensive plan. Mr. Gilbane stated it is not only the size of the building that matters, it is also the intensity of use. He felt that traffic and the trip generation from off-island that the use is going to generate on roadways that are already operating below a preferred standard. Ms. Hofmeister said the principle of equivalency would be brought forward. She said parking does regulate commercial uses, but that had not been used since variances are allowed.

Mr. Gilbane asked if an intensity standard would be reached, allowing staff to deny construction until roadway levels of service can be maintained. He said it is tough to move forward talking about square footage, without the discussion on intensity of use. Ms. Hofmeister responded that construction will take longer than off-season. She said when the comprehensive plan was adopted, the level of service is changed and the Town needs to ensure the level of service is being met. Ms. Hofmeister further stated that the Town staff cannot tell developers that development may not occur because of property rights.

Mr. Bergman stated this is the starting point for a long discussion on commercials and it needs to be determined whether additional commercial zoning districts were needed or if there should be less. He said the biggest thing at this time is to look at uses. He stated there is an ongoing study of the Town's parking regulations which are not currently adequate.

Mr. Gilbane asked if the Planning department could group the uses by intensity. Ms. Hofmeister responded, and said the strikethrough version could be provided to the commission members. She said once the proposals are approved, there will be a cleaner version.

Ms. Hofmeister asked if the Commission was happy with the direction the discussions are moving at this time. She stated that there would be additional information presented

for more discussion at future meetings as staff refines and stabilizes the supplementary district regulations.

Mr. Ailes asked about the changes to definitions, and wondered if the 3,000 square foot limit (4,000 square feet on Worth Avenue), had been reduced. Ms. Hofmeister clarified that the metric had been revised from gross leasable square footage to gross floor area, which is measured to the exterior walls and aligns with property appraiser data and development review standards.

The commission further discussed balancing commercial development between the north and south ends of Town. Ms. Hofmeister advised that a South End study was underway in coordination with the Citizens Association, including density mapping and stakeholder outreach to determine appropriate uses and community needs.

Residential uses in commercial districts were addressed, and Ms. Hofmeister confirmed that residential uses above the first floor were currently permitted in the Town-Serving Commercial, Worth Avenue, and Office Professional Institutional (OPI) districts, but not in the CPC or CB districts. Several Commissioners expressed support for expanded mixed-use residential opportunities to promote vitality, reduce traffic, and encourage shared parking.

Attorney O'Connor advised that any regulatory changes must consider state law constraints, including SB 180, which limits more restrictive land use regulations through October 2027, as well as federal and state protections regarding religious institutions and schools. Limitations on such uses must avoid substantially burdening religious freedom absent a compelling governmental interest, such as public safety.

There was some discussion pertaining to short-term rentals, clarifying that rentals of less than three months were not permitted in residential districts and that time-share uses were distinct from short-term rentals.

Staff invited additional comments and one-on-one meetings with Commissioners to refine direction before bringing future amendments forward.

ANY OTHER BUSINESS

MEETING SCHEDULE

8. The next meeting is scheduled for Monday, March 2, 2026

ADJOURNMENT

A motion was made by Mr. Sanchez and seconded by Mr. Gilbane to adjourn the meeting at 11:28 a.m. The motion was carried unanimously, 7-0.

Respectfully Submitted,


Gail Coniglio, Chair