



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on May 5, 2026

CALL TO ORDER AND ROLL CALL

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

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

Staff Present: Wayne Bergman, Jennifer Hofmeister, Pat Gayle-Gordon, Joanne O'Connor, Town Attorney

PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon delivered the invocation and Chair Coniglio led the Pledge of Allegiance.

MINUTES

1. Minutes of the April 7, 2026, Planning and Zoning Commission meeting

A motion was made by Mr. Klein and seconded by Ms. Chapman to approve the minutes of the April 7, 2026 meeting as presented. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

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

COMMENTS

2. OFFICIALS

Chair Coniglio expressed her appreciation for Bob Garrison's service to the Town.

3. STAFF

There were no comments from the staff.

4. PUBLIC - 3 MINUTE LIMIT

There were no comments from the public.

UNFINISHED BUSINESS

5. Discussion on Commercial Districts

Jennifer Hofmeister, Planner III, gave a presentation regarding the Commercial Zoning District amendments. She explained the definition of "Town-Serving" and stated that the Garden Club had suggested a number of ideas to be implemented in the Commercial Zoning District.

Mr. Bergman requested that the commission allow Ms. Hofmeister to provide a broad overview presentation before questions were asked. He noted that the item involves a comprehensive review of the entire commercial district, including conditional and permitted uses, comprehensive plan changes, parking considerations, and other related matters. It is not a quick fix amendment or one of the tranches as have been previously presented. He noted that it would be helpful to allow Ms. Hofmeister to make the presentation to cover the major points first, with questions held until the conclusion due to the anticipated length and complexity of the discussion.

Ms. LeCates asked whether the State's requirement for establishing a Floor Area Ratio (FAR) standard was directly tied to the comprehensive plan goal of reducing development intensity. Ms. Hofmeister clarified that the requirement stems from a comprehensive plan policy adopted by the State in 2024 in response to comments in the ORC report. She explained that the requirement is intended to establish a measurable intensity standard for commercial development and is related to how the Town regulates commercial buildings and land use, rather than to reducing or increasing development intensity itself. Mr. LeCates concern was how to analyze intensity of use and distinguish between that and the FAR standard, which encompasses everything that exists in the town. Ms. Hofmeister explained.

Town Attorney O'Connor, further explained that one of the criteria for approval of a special exception is consistency with the comprehensive plan. She noted that while much attention has been placed on the comprehensive plan's reference to avoiding an increase in the "pattern of intensity of use," the plan contains multiple provisions that must be considered equally and not viewed in isolation. Ms. O'Connor agreed that the FAR discussion is separate from the comprehensive plan language regarding patterns of intensity of use, explaining that the FAR requirement pertains to the regulation of buildings and structures and is necessary to comply with the State mandate.

Chair Coniglio stated that the town has land development regulations that should be adhered to. It has been stated many times that the town code is not broken; it needs to be easier to read and organize, which is being done. She cautioned against approving requests that do not meet certain thresholds without appropriate justification. Discussion further focused on whether revised conditional use criteria could reduce the need for variances by establishing clearer benchmarks for approvals. Ms. Hofmeister explained that the intent is to codify measurable standards within the conditional use process, such as thresholds tied to gross floor area, parking demand, and traffic generation. She provided an example in which projects exceeding a specified traffic-impact threshold could be required to complete a full traffic study and to provide mitigation measures. Staff noted that current conditional use criteria are vague and often addressed through declaration of use agreements rather than clearly defined code standards. It was confirmed that revisions to the code are being developed in coordination with Jones Foster to place clearer burdens and standards on applicants, making the review process more objective and easier for boards and councils to evaluate. Concerns were also raised regarding whether parking and traffic

standards could be strengthened sufficiently to withstand challenge through competing engineering or traffic analyses.

Ms. Fairfax expressed concern about the potential unintended consequences of proposed commercial district regulations, particularly setback requirements, emphasizing the difficulty in evaluating their long-term impacts without further analysis or modeling. It was noted that many of the Town's most successful and walkable commercial areas are characterized by buildings located close to the street, creating active pedestrian environments rather than large setback areas with limited functional use. She requested additional analysis demonstrating how proposed standards would affect established commercial areas such as Worth Avenue and the Midtown Commercial District, particularly in cases where residential properties may later transition to commercial use. Concerns were raised that excessive setback requirements could alter the character and pedestrian orientation of these districts in undesirable ways.

Ms. Hofmeister directed the Commission to page 8 of 56 in the backup materials and explained that the table addressing lot, yard, and area requirements was intentionally included. She noted that the table references minimum side yard setbacks while recognizing that many existing buildings in the area are currently attached with no side setbacks between them. Ms. Hoffmeister further explained that the Worth Avenue design guidelines are identified as an important consideration in evaluating future development. She emphasized that the Town's comprehensive plan and commercial district regulations are intended to address not only commercial development itself, but also the relationship and compatibility between commercial properties and adjacent residential areas. Ms. Hofmeister said in the end, the town code is going to make sure that the town is not being more restrictive or burdensome so that it doesn't end up in a legal matter.

Mr. Klein commented that the staff has done yeoman's work on these amendments. He asked if one of the goals was to try to eliminate the concept of a declaration of use, and he also asked if the information that would typically be included in a declaration of use would be included in conditional use requirements. Ms. Hofmeister said that it is not being proposed at this time, but given some of the past projects, staff is looking at the town's procedures.

Mr. Sanchez commended the staff for the great work done on the code thus far. He agreed with Ms. Fairfax and stated that the Garden Club made a good point that the small businesses that are truly town-serving are almost completely gone. He mentioned the price of rentals being very high, making it difficult for small business owners. He suggested granting the property owner an additional floor as long as the street floor is available to small town-serving shops at half the average rental rate in that area.

Mr. Gilbane expressed support for the proposed code revisions, describing them as meaningful progress toward a broader framework for evaluating commercial development and adaptive reuse. He emphasized the need to prioritize long-term policy objectives and develop clearer standards for evaluating the intensity of uses, rather than focusing solely on individual dimensional requirements such as setbacks. Mr. Gilbane suggested that the Town establish objective criteria within the code to determine whether proposed adaptive reuses are more or less intensive than existing uses and whether they better serve residents. He further stated that Town Council should have stronger tools to negotiate and permanently limit future development or use rights when granting conditional uses, rather than relying heavily on declarations of use,

which can later be amended. He was concerned that declarations of use may be vulnerable to incremental changes over time, particularly through subsequent approvals sought by developers. He also noted that clearer standards related to intensity of use, parking, and valet operations are needed to better manage impacts on surrounding neighborhoods and traffic conditions. Overall, Mr. Gilbane characterized the proposed revisions as an important first step toward creating a stronger regulatory framework that would allow the Town to encourage less intensive and more resident-serving development patterns over the long term.

Mr. Ailey stated he thinks that the criteria for the conditional use are going to be the key, basically complying with Senate Bill 2025.

Ms. Hofmeister provided direction and an approach for moving forward. She stated that she felt everyone was comfortable with the FAR but needed to know if the PZC was comfortable with the town-serving concept. She said a meeting would be held where setbacks and regulations could be reviewed for each of the commercial districts to discuss how staff will regulate intensifications.

Mr. Bergman stated that in follow-up, today if town-serving recommendations and FAR recommendations made by staff is a good place to conclude for today. The uses and criteria for conditional uses along with dimensional metrics will still need to be discussed. Mr. Bergman further stated that staff is awaiting a parking study from Kimley-Horn.

Public Comments

Danielle Del Sol, President and CEO of the Preservation Foundation of Palm Beach stated that the Foundation has been working with retailers who are in crisis as rents are increasing and their stores are going to be replaced. She stated that the Foundation has created a program to try to assist these retailers. She asked the Commission to prioritize the preservation of local retailers and small businesses in its discussions and amendments. The new program is called the Community Business Preservation Program which will offer technical, promotional and probably financial assistance to local retailers to keep local businesses open in Palm Beach.

Anita Seltzer, 44 Cocanut Row complimented the staff on the work and discussion. She did a page by page review of the amendments, providing detailed comments and questions regarding the draft commercial district regulations, focusing primarily on clarity, organization, and implementation of the proposed standards. She requested clarification of terminology, including references to "formerly known as special exceptions," and sought a better understanding of how proposed FAR percentages could affect future redevelopment potential within specific districts. She also questioned whether terms such as "compatible," "subordinate," and "customarily incidental" should be more clearly defined or cross-referenced within the code and suggested simplifying portions of the "town serving" language for readability.

Ms. Seltzer further raised concerns regarding how the proposed standards would function in practice, particularly with respect to parking requirements, conditional use criteria, and enforcement of existing special exception standards. She noted that while dimensional standards regulate building size, the intensity and operational impacts of uses within those buildings remain a significant concern. She emphasized the importance of aligning the regulations with the goals, objectives, and policies of the comprehensive plan and questioned whether stronger integration with those provisions was needed.

Additionally, Ms. Seltzer commented that certain code provisions appeared disorganized or incomplete, identifying areas where language consistency, grammatical corrections, and additional explanatory detail may be warranted. She expressed concern that quantitative review criteria for special exceptions have not always been consistently applied in recent years, resulting in approvals that may not fully align with the intent of the code. Overall, she acknowledged the complexity of the effort, recognized the substantial amount of work still ahead, and expressed appreciation for the ongoing discussions and future workshops.

End of Public Comments

6. Discussion on Fill

Wayne Bergman, Director of Planning, Zoning and Building gave an update and stated this will come up for discussion at next month's meeting.

Mr. Ailey suggested a process request to ensure the Commissioners are ready for the next meeting. Ms. Donaldson suggested the Four Arts Library (Amanda) for assistance.

ANY OTHER BUSINESS

There was a discussion about holding two meetings per month to get through the zoning review process.

Ms. Gilbane suggested office hours for residents who would like to submit input on topics being discussed by the commission. Ms. Hofmeister responded.

MEETING SCHEDULE

7. The next meeting is scheduled for June 2, 2026, at 9:30 a.m.

ADJOURNMENT

A motion was made by Mr. Gilbane and seconded by Mr. Klein to adjourn the meeting at 11:12 a.m. The motion was carried unanimously, 7-0.

Respectfully Submitted,


Gail Coniglio, Chair