



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON TUESDAY, APRIL 1, 2025

I. CALL TO ORDER AND ROLL CALL

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

Clerk's Note: Two (2) regular members are absent, therefore Alternate Members McDonald and Donaldson will be voting for today's meeting.

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

Motion was made by Mr. Gilbane and seconded by Mr. Spaziani to approve the Agenda. On roll call, the Motion passed unanimously, 7-0.

IV. APPROVAL OF THE MINUTES

A. Minutes of the March 6, 2025, Planning & Zoning Commission Meeting.

Chair Coniglio reported some suggestions regarding the Minutes and asked Deputy Town Clerk Gayle-Gordon to explain the issues with the Minutes. Ms. Gayle-Gordon responded that a Commissioner had expressed some concerns that there was not enough detail regarding the Breakers Hotel item, so it was returned to the vendor who handles the Minutes for revision. Chair Coniglio then suggested that the Minutes be deferred.

Motion was made by Mr. Christu and seconded by Mr. Spaziani to defer the March 6, 2025 Planning and Zoning Commission meeting minutes to the May 6, 2025 meeting. On roll call, the Motion passed unanimously, 7-0.

V. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

Chair Coniglio welcomed Mr. Tatoes, who was participating on Zoom, and wished him a Happy Birthday.

VI. COMMENTS FROM THE PLANNING, ZONING, AND BUILDING DIRECTOR AND STAFF
There were none.

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
There were none.

VIII. NEW BUSINESS – NONE

IX. OLD BUSINESS

A. Update Regarding Zoning In Progress Related to Resolution No. 069-2024 - Restaurants, Bars and Clubs

Clerk's Note: Chair Coniglio recused herself from this discussion, completed Form 8B, and left the dais. Alternate Member Ailey will vote in her absence.

Jennifer Hofmeister-Drew, Planner III, introduced Eric Czerniejewski, The Corradino Group, who provided an update regarding Zoning in Progress. ‘

Mr. Czerniejewski stated that seventy-two (72) tube counts had been collected at the three (3) bridge crossings, along with four (4) additional locations, with State Road A1A closed at the roundabout, to evaluate traffic flow. He referred to the update in February and stated that this included a significant increase in traffic along the Flagler Bridge and the Royal Park Bridge. He said those counts were considered when the townwide study was done to look at peak hours. He stated that those seven (7) tube counts helped space out the three (3) bridge crossings along with the four (4) additional areas.

Mr. Gilbane asked if January 9 through January 11th were during school vacation time, and Mr. Czerniejewski said no.

Mr. Czerniejewski mentioned that evening peak hours include 6:00 p.m. and later. He also said the tube counts were collected on Thursday. He said the intersection counts were processed once the Corradino Group had all data from the video cameras for Thursdays and Saturdays. He noted there was a weekday and a weekend. For clarification, Mr. Czerniejewski explained the difference between a tube count and an intersection count. As part of the data collection, he noted that twenty-five (25) counts were seasonally adjusted and increased toward 25 volumes. The evaluation was conducted using Synchro software, which evaluates the level of service and delay at intersections. He noted that when he assessed the roundabout operations, he took the March 2024 counts because of modifications in that area. He discussed the data, which did not include committed trips from the playhouse, trips to West Palm Beach, or other town committed trips, noting it was essential to evaluate minus all the committed trips to establish a rational nexus for anything that might be done as far as making a change or a restriction. His goal was to get actual operations minus anything additional. He added that additional traffic makes things worse, so he provided most intersections, starting with district 1 and working through some of the intersections in that area. He noted that one deficiency was identified in the midday and evening peaks at Bradley Place, Coconut Row, and Royal Poinciana Way, where the intersections operated at an F level of service. He noted that most other intersections operated at levels of service B, C, and D.

Ms. McDonald asked why the service levels were being averaged, and Mr. Czerniejewski explained. He summarized that there was an issue at Royal Poinciana Way and Bradley Place, with the level of service up at midday and evening peak hours. He said the road segment between Sunrise and Royal Poinciana on Bradley Place was overcapacity when the Paramount project was evaluated. He thought it had become worse now that the intersection was operating at an F level of service.

Mr. Czerniejewski explained the districts and said he would walk the Planning and Zoning Commission through the original destination information. He discussed the sixty (60) food and beverage locations in the districts and stated that time was taken to look at the number of seats and the total trips generated per ITE. He stated that streetlight data was used to analyze trips that originated and where they ended. He also discussed the information about the number of trips off-island coming into the town for food and beverage locations, as well as total weekday and weekend trips.

Ms. McDonald wondered how, with the clubs, it was possible to know the purpose of the trips. Mr. Czerniejewski explained that part of the study is to weave the trips together, using all the data. He said that the intersection and road segment operations are used. He stated that the O&D data would provide more specific information concerning the percentage of trips for food and beverages.

Mr. Czerniejewski shared the Origin-Destination Analysis – weekday external to internal trips. He then discussed each district's traffic loading summary collected from December 2024 Streetlight Data.

Mr. Czerniejewski provided preliminary recommendations for the ZIP Food and Beverage Locations. His recommendations included evaluating the January 2025 and February 2025 Streetlight Data so that there would be two additional data points related to traffic loading, along with the December 2024 Streetlight Data, and potentially limiting any new food and beverage locations in District One due to the level of service based on the 2025 traffic operational conditions.

Mr. Spaziani asked how the service levels had improved from last year to this year. Mr. Czerniejewski said several intersections are stop-controlled, and some are one-way. He said the goal was to get to a B-level of service. He also explained that it was essential to establish a baseline before making policy changes.

Mr. Gilbane stated that everyone knows there are problems. He thought averages were a problem in the town and wondered when a proper update would be provided for the additional months, given that the data is lagging. He also asked how to overlay the committed trips in District 1 meaningfully without polluting the baseline. Mr. Czerniejewski responded.

Ms. Donaldson felt that facts were needed for each month, instead of averages. She wanted to know the exact numbers from January through December. Mr. Czerniejewski answered that it was important not to take just a single month, particularly a month with holidays, but to make sure that the commission is seeing a repetitive two (2) or three (3) months to see a more accurate reflection of the percentages of trips.

Ms. McDonald thought that seeing the month-to-month data might help the commission see the effect of the changes made along the way.

Mr. Czerniejewski stated that he was coordinating with Public Works, and Kimley-Horn was also doing an annual traffic count update. He said that the report should be available sometime during April. He said additional track tube count data was taken on some of the road segments, and that information would be evaluated and cross-checked to determine any additional issues.

Mr. Ailey asked if where the biggest issue had been identified, if the difference between morning peak hours and evening peak hours could be evaluated, he noted it was similar except for eastbound. He said the issues are midmorning or midday and afternoon. From a traffic perspective, he wondered if anything could be done at that intersection. Mr. Czerniejewski said he had not contemplated that, but he would look into it. He said no matter what, there would still be a capacity issue. However,

he could still contemplate whether any intersection improvements could be made to help solve a portion of the concern.

Mr. Tatooles asked about the difference between when the President is in town and when the road is closed. Mr. Czerniejewski responded that the traffic analysis did include when the road was closed east of Southern Boulevard.

Mr. Christu asked how long until the data would be available to the Planning and Zoning Commission. Mr. Czerniejewski said it would be approximately one month after data collection for it to be available. Mr. Christu wondered if the clubs were very different. He noted that Sailfish is up there, and then the other two clubs certainly are distinct geographically from the other food and beverage destinations. He asked if it would allow that level of differentiation between the trips. Mr. Czerniejewski noted that the consultants did establish that it was approximately thirty-eight (38) out of sixty (60) food and beverage locations. He explained how that data was combined.

Mr. Gilbane noted that another element related to the ZIP is the commercial town-serving district, which is supposed to serve town residents primarily. He noted that school schedules impact traffic. He would be interested to see how external trips versus internal trips determine what happens in the town-serving district.

Ms. Hofmeister-Drew explained the direction staff sought from the Planning and Zoning Commission. She said the staff recommended an extension of the ZIP through June.

Ms. Donaldson expressed concern about the large projects that are already planned, and what situation that leaves the town regarding making changes. Mr. Czerniejewski stated that those projects are already factored into the intersection analysis, and if there is further degradation, it will be established. He reiterated that he wanted to have a baseline without committed trips and then add in the committed trips to determine where the problems exist.

Motion was made by Mr. Spaziani and seconded by Ms. McDonald to extend the Zoning in Progress to the June 3, 2025, Planning and Zoning Commission Meeting as additional information will be forthcoming from The Corradino Group. On roll call, the Motion passed unanimously, 7-0.

Mr. Spaziani inquired about the traffic study being conducted with Kimley-Horn. Mr. Czerniejewski stated it is an annual update that is always done separately from what the Corradino Group is doing. Ms. Hofmeister-Drew further explained the yearly updates.

Clerk's Note: Chair Coniglio returned to the dais for the remainder of the meeting.

B. Review of Changes to the Permitted and Special Exception Uses in the Town-Serving Commercial District

Wayne Bergman, Director of Planning, Zoning, and Building, directed the Commission to the detailed table displayed, which listed every current permitted use and special exception use in the five (5) commercial districts. He stated that there were a large number of uses, but the list was very detailed and accurate.

Ms. Hofmeister-Drew stated that staff had been working with Peter Henn and Joanne O'Connor, Attorneys, about how to look at the commercial districts. She noted that some adjustments had been made from the information provided at a previous meeting, but she noted that the document is fluid, and she would have the adjustments to share as part of her presentation. She stated that there was an immediate need to get the commercial districts analyzed, which would be helpful with the zoning in progress being active. Ms. Hofmeister-Drew began with the town-serving commercial and referenced three distinct areas of town-serving commercial. She noted that the focus on the town serving corresponds to the three (3) entryway bridges from the west. She discussed the north area and the central area but stated that three (3) different regions were being proposed for town serving, the north, central, and south, and they correlate with the Corradino Group's analysis of the town as a whole.

Ms. Hofmeister-Drew discussed changes being proposed to the definitions. She stated that staff was implementing the policy changes that made the comprehensive plan through the zoning code. Those changes were specific to town serving, town resident, and town person. She explained the changes in detail and discussed suggestions being made by staff. She stated that the nonprofit cultural was being eliminated because the town has a new cultural institution zoning district. The professional and studio type schools will be noticed in the special exception uses, uses where there are only public and private schools, eliminating the academia, which could increase the definition of schools. She said essential services were already defined as town serving. Public parks would remain, and residences above the first floor would be assumed to serve the town. She explained the strikethrough and underlined version and stated that the definitions had been clarified, indicating what the new code would look like with six (6) uses as permitted by right in the town serving north and central areas.

Chair Coniglio asked about the past decision to modify the gross leasable square footage. She wondered if it would be worth returning to how things were in 2000. Ms. Hofmeister-Drew then discussed special exception uses, because with the permitted uses that have a maximum of 3000 square feet, there has been discussion throughout the comprehensive plan process about reducing the square footage. Chair Coniglio thought that the town could reduce leasable

square footage again to encourage small businesses and smaller operations, which would create less intensification. She shared some ideas that she thought would help protect the charm and quality of life in Palm Beach. Ms. Hofmeister-Drew said the square footage could be reviewed in areas close to residential areas to see how any potential impacts may be reduced.

Mr. Bergman explained that permitted uses by right can be approved with very little to no involvement. However, special exception uses would have to be approved by the town council. He said currently, there are fourteen (14) criteria that must be met in order for the town council to grant approval of a special exception use. Chair Coniglio thought the fourteen (14) set the bar low. Mr. Bergman agreed and said the compliance with the comprehensive plan would be another of the fourteen (14) required criteria.

Mr. Gilbane noted that when the code was originally written, the town was not built out. Now he questioned whether certain uses that are special exceptions, in a built out town, should be allowed in the town serving districts. He also noted that the schools generate a lot of traffic on the island. He did not think that additional schools were needed to educate people from the region, as less than 30% of the students that attend school on the island live on the island. He felt the code needed to be modernized to remove those uses in the town serving district because he felt it undermined the purpose of the district. Chair Coniglio agreed.

Ms. Hofmeister-Drew explained the proposed changes to the C-TS North and Central districts. She said staff would like to wait and take a look at the south end districts last. There was some discussion about office uses and services. Ms. Hofmeister-Drew said the medical and veterinarians would be moved to town serving, or doctors would be removed from the town serving office establishments. She acknowledged it was confusing, as written. Mr. Henn, Attorney, advised that not all of the footage in a lease space impacts the public. He cited restrooms, foyers, stairwells and common areas between walls as examples. He noted that there are requirements to have restrooms, and he did not think that space should be subtracted from the square footage. It was noted that the air-conditioned and outdoor spaces should be separated.

Chair Coniglio stated that further discussion about the square footage would be placed on a future agenda, and she noted that Mr. Henn would be providing additional information for the commission to consider.

Motion was made by Mr. Gilbane and seconded by Ms. McDonald to remove public and private schools from the Special Exception uses in the town-serving commercial district and send to Town Council for approval.

Public Comments:

Katherine Catlin, 265 Fairview Road, stated that the town has just moved from the comprehensive plan task. She questioned if the PZC was going to look at amending the comprehensive plan as it has just been approved, or whether the established mechanism that calls for the code to set the percentage of town persons that are in the definition should be used. She did not think that the square footage and leasable square footage needed to be reinvented. She also stated, as it relates to special exceptions, she would like to see them eliminated altogether. She suggested grandfathering existing uses. Ms. Hofmeister-Drew responded to Ms. Catlin's comments.

Anita Seltzer, 44 Cocoanut Row, addressed the special exception issue. She reminded the PZC of the principal of equivalency, so that issues with regard to square footage were supposed to be mitigated by the accommodation of parking for the respective square footages. She thought the issues with the ZIP and traffic did dovetail with what was happening in the C-TS District. She agreed with Ms. Catlin's comments.

On roll call, the Motion passed 6-1, with Mr. Christu dissenting.

Ms. Hofmeister-Drew continued her presentation.

Public Comment:

Anita Seltzer, 44 Cocoanut Row spoke regarding the definition of "resident" as referred to on the Town's website.

X. ANY OTHER MATTERS

There were none.

XI. NEXT MEETING: Tuesday, May 6, 2025, at 9:30 a.m.

XII. ADJOURNMENT

Motion was made by Mr. Gilbane and seconded by Mr. Spaziani to adjourn the April 1, 2025 Planning and Zoning Commission Meeting at 11:34 AM. On roll call the Motion passed unanimously, 7-0.

Respectfully submitted


Gail Conglio, Chair
5/6/25
Date

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

LAST NAME—FIRST NAME—MIDDLE NAME CONIGLIE, GAIL		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING & ZONING COMMISSION	
MAILING ADDRESS 1139 N. OCEAN BLVD		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH	COUNTY PALM BEACH	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED APRIL 1, 2025		NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
		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, GAIL CONIGLIO, hereby disclose that on APRIL 1,, 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, _____;
- ☐ 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:

UPDATE REGARDING ZONING IN PROGRESS
RELATED TO RESOLUTION NO. 069-2024

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

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.