



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
MONDAY, DECEMBER 5, 2022
9:30 A.M.**

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Kelly Churney, Deputy Town Clerk at (561) 227-6340.

I. CALL TO ORDER AND ROLL CALL

Chair Coniglio called the meeting to order at 9:30 a.m.

Gail Coniglio, Chair	PRESENT
Rick Pollock, Vice Chair	PRESENT
Richard Kleid, Member	PRESENT
Michael Spaziani, Member	PRESENT
Eric Christu, Member	PRESENT
Marilyn Beuttenmuller, Member	PRESENT
Jorge Sanchez, Member	PRESENT
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT
John Tatooles, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James Murphy, Assistant Director of Planning, Zoning and Building
Jennifer Hofmeister-Drew, Planner III
Kelly Churney, Deputy Town Clerk

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Churney led the Commission with an Invocation and the Pledge of Allegiance.

III. APPROVAL OF THE AGENDA

Motion made by Mr. Pollock and seconded by Mr. Kleid to approve the agenda as presented. The motion carried unanimously, 7-0.

IV. APPROVAL OF MINUTES FROM THE NOVEMBER 7, 2022, PLANNING AND ZONING COMMISSION

Mr. Kleid provided one grammatical change to the minutes. The changes were accepted by the Commission.

Motion made by Mr. Kleid and seconded by Mr. Spaziani to approve the November 7, 2022, meeting minutes as amended. The motion carried unanimously, 7-0.

V. **COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT PLEASE**

Dragana Connaughton, 267 Merrain Road, referred to a presentation given at the November 7, 2022, Planning and Zoning Commission (PZC) meeting. She shared her concerns about suggestions made during the presentation and added her feelings that the presenter did not have a solid understanding of Palm Beach living. Ms. Connaughton indicated that she was a long-time realtor in the Palm Beach area.

VI. **UPDATE ON COMPREHENSIVE ZONING CODE REVIEW**

Mr. Bergman introduced the item, stating Sean Sudor would be presenting an update pertaining to the public input on the comprehensive zoning code review.

Mr. Bergman stated that he would like to modify the agenda by postponing the presentation on Proposed Amendments to the Commercial Zoning Districts Related to Business Tax Receipts (BTR) to a future meeting.

There was a consensus from the Planning and Zoning Commission to postpone the discussion on Business Tax Receipts to a future Planning and Zoning Commission (PZC) meeting.

A. **Proposed Public Engagement Discussions**

Sean Suder, Zoning consultant, made a presentation to the PZC, which included the details of how the public would be engaged in the process.

Ms. Coniglio stated her appreciation for Mr. Suder's participation in the process of updating the comprehensive zoning code. She noted a new community-wide fear that the code would impact property owners and their lives. She noted that the code was the only solution to manage development and growth. Ms. Coniglio encouraged the public to understand the Planning and Zoning Commission was just one layer in a multi-layered process for updating the zoning code. She said no decision would be made without a tremendous amount of community collaboration.

Mr. Suder stated the charrettes would include real-time illustrations from local illustrators. He understood that visuals would be key to the process.

Mr. Pollock wanted to know when the discussions would begin. He thought the Commission should come up with a strategy with Mr. Suder before the public engagements.

Mr. Kleid wanted to know if the venues had been secured for the charrettes. Mr. Kleid also agreed that some strategic plans should be discussed. Mr. Suder responded that his firm and other partners were working on programming for the charrettes. They would be in town on December 14, 2022, and should have more details to present to the Planning and Zoning Commission.

Ms. Coniglio expressed concern that additional anxiety was being created in the community by a lack of details being provided. She stated the importance of giving the community a sense of what was being done.

Mr. Gilbane wondered how the Commission could assist the consultants and the public to prepare for upcoming public engagements. He agreed that some strategy was needed so that the engagements would be meaningful and productive.

Ms. McDonald wondered if a sense of Town's current environment should be provided and feedback solicited from that point, rather than taking the approach of

making recommendations that could cause the community to take on a defensive posture.

Mr. Tatoes wondered if the Commission would be able to see the items to be presented prior to the engagements.

Mr. Suder stated that January would be the kickoff meeting where details about each charrette would be outlined. The charrettes will be held in February. The goal was going to be gathering information that was relative to the hot-button issues.

Mr. Sanchez thought the Commission should know the details of each presentation prior to the public hearing the details.

Ms. Coniglio expressed concern about both suggestions.

Mr. Gilbane suggested the PZC help the staff of Zone & Co understand how people in the town were going to receive the information, and how to set the tone for citizens to listen and participate with open minds. He thought the diversity of the PZC could be very valuable in setting the stage for the upcoming public participation opportunities.

Bob Garrison, Architect and consultant to PZC, agreed the big picture must be decided first. He said neighborhoods needed to be discussed based on their own characteristics. This would help people determine which discussions were relevant to them.

Mr. Pollock said the PZC had to give a proposal to be taken to the charrettes. He did not believe the neighborhoods could be addressed individually. A proposal needed to be developed so that there would be something to present.

At this time, it was the consensus of PZC to begin the discussion of the proposed zoning districts. The Commission would then focus on one district, discussing CCR vs. FAR, proposing new building height definitions, and then proposing lot size for one district.

B. Zoning Review Discussion

1. CCR vs. FAR
2. Proposed Zoning Districts
3. Proposed Lot Size (Maximum & Minimum)
4. Proposed New Building Height Definitions

Mr. Bergman discussed how the staff reviewed the residential built environment. He said a substantial amount of staff time had been spent looking at 1,540 residential homes on 92 streets, primarily in the north end of the town, all in the R-B zoning district. The goal was to see what was built in terms of the FAR, the average lot size, the proposed CCR, and what the CCR should look like. Of the 1,540 homes, staff used the local property appraiser's website to look at floor area and lot sizes.

Mr. Bergman stated that during Mr. Suder's diagnostic review of the Town Zoning Code, he proposed dividing the existing R-B zoning district as follows: R-B district would be smaller, a Lake-Trail R-L District would be created for some of the larger sites along the lake and an R-S district would be created for the Sea streets. He presented two boards, which showed how the district would be broken into smaller

sections. He indicated that the vast majority of homes would remain in the redefined R-B district. With the smaller R-B district, the built environment currently had a FAR of approximately 36 percent. Mr. Bergman said the R-B district had some outlying lots that were very small, as well as a couple of extremely large lots. Those properties were not used in determining the 36 percent FAR for the district.

The R-B district being proposed by Mr. Suder would include 1,227 homes, with an average lot size of 15,923 square feet. Staff looked at a small lot of 5,000 square feet, where the average FAR would be 60 percent, a 10,000 square foot lot in this proposed R-B district would have a FAR of 35 percent, and a half-acre lot would have a FAR of 33 percent.

Ms. Coniglio said one of the reasons why the homes in the north end of town were so large and looming was because a sliding scale was used to calculate CCR. So, larger structures were allowed on smaller lots. She did not believe the intent of the PZC was to allow larger homes on smaller lots.

Mr. Bergman stated the R-L zoning district, as proposed by Mr. Suder, would be a small district, including 133 homes or properties. Staff looked at the average lot size of 30,820 square feet with FAR in this proposed district at 33 percent. A small lot of 10,000 square feet would have an average FAR of 30 percent; a half-acre or 20,000 square foot lot would have a 35% FAR; a 1-acre lot would have a 22% FAR; and a 1.5-acre lot would have an 18% FAR.

The third district being proposed is the R-S district for the Sea streets. There would be 168 homes in this district, with the average existing FAR at 45%, average size lot is 9,792 square feet. On a 5,000-square-foot lot, the FAR would be 40 percent; on a 10,000-square-foot lot the FAR would be 41 percent; and on a 15,000-square-foot lot the FAR would be 37 percent. Mr. Bergman reiterated the information being provided had been taken from the county property appraiser's website.

Ms. Coniglio asked if there was a consensus to move forward with districts.

Mr. Sanchez suggested the possibility of a fourth zoning district for streets such as Clarke Avenue.

Mr. Garrison agreed with Mr. Sanchez that a fourth district may be helpful. He noted that streets like Clarke were very different from the Sea Streets.

Ms. Coniglio asked to which district Clarke Avenue was assigned. Mr. Bergman responded the R-B zoning district.

Mr. Christu stated that he believed the information provided by Mr. Bergman was the information the Commission had been waiting for to make its determinations.

A question was raised about whether an ocean zoning district was necessary.

Mr. Suder displayed a map of the existing and proposed R-B Districts. He said he did not think a need was demonstrated to create another oceanfront zoning district.

He explained the districts he had proposed, and showed the oceanfront properties which were located in R-A and R-AA zoning districts.

The consensus of the PZC was to move forward with the three proposed zoning districts.

Ms. Coniglio asked the commission to consider what they wanted to see on the larger lots. She noted the PZC discussions would start with R-B.

Mr. Kleid noted the commission had no control over FEMA affecting the required height of a structure. He said that would determine how houses would look from the streets.

Mr. Pollock said the first data point was going to be where a property was positioned on the FEMA map.

Mr. Bergman said there were nine different definitions for building height in the existing code, depending upon where a property was located. This had been problematic for staff and applicants. He said it was time for a definition change for height in the code. Mr. Bergman proposed one definition with three situations that would be covered by the same. In addition, he noted that FEMA requirements would result in taller structures since measuring would begin with as high as 3 ft of freeboard. He stated as FEMA continued to change, there were preliminary flood maps still being debated in Palm Beach County, and FEMA zones may be even higher.

Mr. Sanchez expressed concern about having different lot elevations on the front and rear of the property.

Mr. Bergman presented language for clarifying the definition of building height in the code. It had also been sent to Mr. Suder for consideration.

Ms. Coniglio asked, following a discussion pertaining to rooflines and angles, if staff could provide additional information. Mr. Bergman believed that building height could still be condensed into one definition. He indicated he would work with Mr. Suder to put together some illustrations for the PZC.

Ms. Coniglio mentioned the proposed lot size maximum and minimum. At the last meeting, Mr. Kleid suggested 15,000 square feet, which was consistent with the average lot size on the north-end properties.

Mr. Sanchez thought limiting the maximum lot square footage in the R-B districts would be a mistake. It would deny the history of the town since there was beauty in having greener, larger spaces. He believed the structure size should be limited, but not the lot size.

Mr. Bergman said today, if several lots were combined, whatever square footage was allowed was the size structure that would be permitted. Staff was tasked with looking at lot aggregation. A solution to this would be a minimum and maximum lot

size. James Murphy, Assistant Director, noted one of the issues he had heard since joining the Town of Palm Beach was the aggregation of lots and how that physically impacted the existing streetscape. Currently, the zoning code would take into consideration the ratio of what that total square footage would be and provided the developer/owner the construction square footage that they must work within. This practice would dramatically change the streetscape. One way to handle this without losing the charm of the streets would be to limit the amount of building area and limit the number of lots that may be aggregated. He suggested avoiding the size that was typical of the historical geometry of each of the plats of the streets.

Mr. Spaziani would encourage limits to the number of lots that may be combined and the allowable square footage.

Ms. Coniglio was not supportive of combining lots and allowing a house lot line to lot line.

Ms. Beuttenmuller said her lot was 20,000 square feet and it did not seem all that large. She was not opposed to a 20,000-square-foot lot on a block, compared to a 15,000-square-foot lot, which she believed was small. She thought it was extreme to deny a homeowner the possibility of combining two lots to create a 20,000-square-foot lot. She also indicated a potential reduction in traffic as a benefit of combining lots.

Mr. Garrison suggested a limitation on the number of lots that could be assembled and a limitation on the size of the house. He also thought input was necessary from residents.

Ms. Coniglio asked staff to prepare some graphics to show what would happen when lots were combined, what would be allowed under the current code, and how it would look when a structure was built on combined properties.

Mr. Spaziani referred to the R-B zone, small homes in a quaint neighborhood. He thought the allowance of combined lots and large homes would change the entire feel of the R-B zoning district at the north end of the town. He expressed the importance of keeping the character of the north end.

Mr. Gilbane stated the town had hired a best-in-class consultant and he would like to hear from them about what they do in other communities with similar issues. He did not feel it was effective to take one or two examples to characterize an entire district. However, he recommended the PZC determine what would not work in a district, define it, and present it to the consultant. It would then be the consultant's job to make sure the new zoning protected the town from creating additional unwanted instances. He noted on Orange Grove Road, there was a historic home on two combined lots, which was a good example of the attractive use of combined lots.

The consensus of the commission was for staff to focus on lot limitations and building sizes.

The discussion continued with Mr. Bergman presenting FAR (floor area ratio) and

CCR (cubic content ratio). He provided a history of how FAR and CCR had become what they were at the present time. He stated of the homes reviewed by staff, the CCR maximum, if followed, should have been 3.69 percent. Based on the information available to staff, that number was closer to 6 percent. CCR was a methodology that was very difficult to use and difficult for staff to verify. FAR was more universally utilized and easier to verify. There needed to be a regulation that expressly states the maximum size of a home that may be built. CCR did not work for the town and FAR would not change or solve the challenges being experienced. Mr. Bergman said lot coverage may solve the problem on some lots, but not all.

Mr. Bergman asked if the PZC would like to continue their direction pursuing FAR rather than CCR. He stated if converting to FAR, a review needed to begin as to how each building space would be calculated (i.e., basements, garages, covered porches, screen rooms, etc.).

Staff suggested allowing the Architectural Review Commission (ARCOM) to approve a slightly higher FAR (+5% FAR) if certain criteria were fully met, such as no zoning variances, mechanical equipment located within the building envelope, matching certain architecture, or other criteria.

Ms. McDonald asked Mr. Murphy to weigh in on why he thought lot coverage may be a better tool for measurement than FAR.

Mr. Murphy said FAR established square footage that the layperson could understand. He felt that history revealed itself and that CCR was not the answer. It was all about sensitive infill construction.

The consensus of the commission was to move away from the use of CCR (cubic content ratio).

Mr. Garrison was never in favor of CCR but believed FAR also had the potential to be problematic. His concerns were on the side and front yards. Front and rear yards were needed, and side yards were more flexible. He wanted to see a footprint developed of what could be constructed on a property.

Ms. Coniglio would be looking for staff to provide the size of structures that could be placed on a lot.

C. Presentation on Proposed Amendment to the Commercial Zoning Districts Related to Business Tax Receipts

This discussion had been postponed by the Commission.

VII. **COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS**

Ms. Coniglio announced the next meeting in January. She stated there had been a discussion about moving the meeting to a week before the Town Council meetings. She asked staff to find out when the Town chambers would be available and if there was a consistent day and time that would work for the PZC monthly meetings.

Mr. Pollock would like to make sure the PZC was paying attention to the south end of the

town because in the original proposal, there was a mention that nothing was going on there. Recently, two properties had been purchased to be demolished. Several developers were offering condominium owners more than fair market value to purchase. He was concerned the south end was the area of town most likely to be redeveloped.

Mr. Murphy advised one of the protections of the condominiums on the south end was the nonconforming status. The underlying regulations were in. They could demolish a non-landmarked multi-family building, but the consequence was they would lose the nonconforming height and density.

VIII. **COMMENTS FROM THE PLANNING AND ZONING BUILDING DIRECTOR**

There were no comments heard at this time.

IX. **ADJOURNMENT**

Motion made by Ms. Coniglio and seconded by Mr. Spaziani to adjourn the meeting at 12:03 p.m. Motion carried unanimously, 7-0.

Respectfully Submitted,


Gail Coniglio, Chair
Town of Palm Beach
Planning & Zoning Commission

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