

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, AUGUST 16, 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 9:29 a.m.

Gail Coniglio, Chair	PRESENT
Rick Pollock, Vice Chair	PRESENT
Richard Kleid, Member	ABSENT (Excused)
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
Town Attorney John C. Randolph
Kelly Churney, Deputy Town Clerk

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF THE AGENDA

Motion made by Ms. Beuttenmuller and seconded by Mr. Christu to approve the agenda as presented. Motion carried unanimously, 7-0.

IV. APPROVAL OF MINUTES FROM THE JUNE 21, 2022 PLANNING AND ZONING COMMISSION

Motion made by Mr. Spaziani and seconded by Mr. Sanchez to approve the June 21, 2022 meeting minutes as presented. Motion carried unanimously, 7-0.

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

No one indicated a desire to speak at this time.

VI. **PRESENTATION ON STATUS OF CODE REVIEW WITH SEAN S. SUDER, ZONECO**

Mr. Suder provided an update on some of the items in the Code that he and the Corradino Group were reviewing since the last report. He indicated he had been holding one-on-one meetings with some of the professionals in the Town as well as preparing a draft code outline. He added that he was working on a first draft of the R-B Zoning district calibration as well as reviewing a list of code issues that had been provided by the Town staff. He stated an outline of the draft code would be reviewed at the work session in September or October. At the end of August, he hoped to present a full review of the existing code.

Ms. Beutenmuller expressed concern about the phrase to make Palm Beach “legal” again. Mr. Suder indicated that many of the historical buildings and developments could not be built under the current code. Mr. Sanchez stated that many of the beloved landmarked buildings could not be built today. Ms. Beutenmuller stated she understood the concern, however she believed the actual wording sounded a bit harsh.

Ms. Coniglio inquired about Mr. Suder’s discussion about the R-B district calibrations. Mr. Suder responded and explained that the term meant to express that he was looking at the standards in the district. He indicated that he would present the standards that currently existed and any proposed changes to these standards in September.

Mr. Sanchez asked about the timing for the joint September meeting. Mr. Bergman stated that staff was hoping to hold a joint meeting with the consultants, the Town Council and the Planning and Zoning Commission meeting in October. Ms. Coniglio thought October would be preferable since more of the residents would be in Town.

Ms. McDonald inquired about the urgency of moving CCR to FAR and wondered if this was still considered a priority. Mr. Suder stated that it would be considered separately and would be discussed in the work session in September or October.

VII. **PRESENTATION ON PROPOSED NEW PROPERTY RIGHTS ELEMENT TO THE TOWN OF PALM BEACH COMPREHENSIVE PLAN**

Ms. Hofmeister-Drew discussed the new element in the Comprehensive Plan, called the Property Rights element. She provided a history of the element and how it was initiated. She explained the reasons it would need to be adopted in the Comprehensive Plan.

Ms. Coniglio asked for any nuances between what existed today and how the new element would change the Plan. Ms. Hofmeister-Drew explained four policies that were to be included for consideration, but not mandated.

Mr. Tatooles wondered if staff should be looking to eliminate any duplication or inconsistencies if the concepts were already incorporated into the Comprehensive Plan. He also wondered why the Town was adopting the verbatim language and not consolidating the language into current sections. Ms. Hofmeister-Drew stated that it was being adopted to comply with state law but added that staff would be reviewing many of the items in the Comprehensive Plan in the next year.

A short discussion ensued about the reason the new element was being adopted as written, rather than reviewing the Comprehensive Plan to remove inconsistencies.

Mr. Pollock confirmed it would be edited, if necessary, during the review of the Comprehensive Plan. Ms. Hofmeister-Drew responded and confirmed any duplications would be removed. Mr. Bergman stated he was very familiar with the Comprehensive Plan and did not believe there were any redundancies.

Mr. Spaziani asked if there was a time limitation to make the changes. Mr. Bergman stated that the Town would not be able to make any future changes to the Comprehensive Plan until the new element was adopted.

Ms. McDonald asked about Policy 1.1, specifically the word “control” in this section. Mr. Bergman stated that the language was mandated by the state; however, he felt that moving forward during the Comprehensive Plan review, the language could be weighed and considered.

Mr. Christu inquired if staff wanted feedback on the language. He also stated he understood the concerns of changing the language mandated by the state. He indicated he could accept the language as written to accelerate an approval of the change.

Mr. Sanchez inquired if this was the basis for the story in the Palm Beach Daily News that was written about Landmarked buildings. Ms. Hofmeister-Drew responded no; it was not the basis for the story. She added this change had been in the works for a year.

Mr. Spaziani asked about eventually making changes to the language. Ms. Hofmeister-Drew discussed how changes could be made moving forward.

Motion made by Mr. Spaziani and seconded by Mr. Christu to approve the addition of Property Rights to the Comprehensive Plan and to take the item to the Local Planning Agency and the Town Council for approval. Motion carried unanimously, 7-0.

VIII. ADDITION OF SITE WALL REGULATIONS TO THE LIST OF CODE REVIEW ITEMS

Ms. Hofmeister-Drew indicated that staff would like one more item to add to the list for Mr. Suder to review. She discussed a concern for site walls built on property lines. A second concern was the height of the site walls when one property is higher than the adjacent property. Lastly, a concern was raised with respect to drainage and how it changed when site walls were built on property lines.

Mr. Sanchez recommended inviting some of the landscape professionals to be a part of any discussion on site walls.

Ms. Coniglio asked about some of the items raised at past meetings to be discussed. She asked about a schedule in which the Commission would be reviewing the items. Mr. Bergman indicated that the consultants would now be studying these items. He added that staff would provide updates to the Commissioners once staff began to receive feedback from the consultants. Ms. Coniglio reminded the Commissioners that the Town Council would receive a monthly update at their Wednesday meeting from the consultants.

Mr. Gilbane asked if the consultant’s schedule could be provided to the Commission so that they could understand the timeline.

Mr. Sanchez wondered if the consultants' comments could be presented to the Planning and Zoning Commission prior to the Town Council's presentation. Mr. Bergman agreed that would be the ideal situation.

Ms. McDonald asked if landscaping walls could be considered as well, aside from brick-and-mortar walls, since landscape professionals need to trim hedges on both sides. Ms. Hofmeister-Drew agreed to consider these types of walls.

IX. **COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR**

Mr. Bergman summarized the high priority items to be reviewed by the consultants. He thanked the Commission for their help with the Comprehensive Plan addition.

Mr. Spaziani asked that staff include the amount of square feet in the scenarios for one-story home versus the two-story homes; he believed this information would assist in incentivizing homeowners.

Mr. Bergman stated that the Town Council provided direction to make changes to three different items in the Code, which included a special exception required for certain business tax receipts, floodplain variances to be considered by the Landmarks Preservation Commission, and subdivisions and lot splits. He provided explanation on these three items.

Mr. Spaziani inquired about the effect of House Bill 423, and how it would affect the historical significance of Landmarked buildings and FEMA regulations. Mr. Bergman indicated the state law was mandated, and stripped Home Rule away from the Town. Mr. Bergman explained how ARCOM would no longer review any proposed demolitions but added the proposals would be reviewed by staff. Mr. Bergman reviewed which homes were protected, and not affected by House Bill 423. A short discussion ensued on this issue.

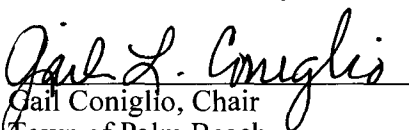
It was discussed that staff would determine whether to hold a Commission meeting in September 2022, and then notify the Commission.

Ms. Coniglio stated she recently visited another coastal community where the mechanical equipment was elevated seven (7) feet on the rear of the residence. She thought this may be an idea to discuss moving forward.

X. **ADJOURNMENT**

Motion made by Mr. Spaziani and seconded by Mr. Christu to adjourn the meeting at 10:33 a.m. Motion carried unanimously, 7-0.

Respectfully Submitted,


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

kmc