

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, JUNE 21, 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	ABSENT (Unexcused)
Richard Kleid, Member	ABSENT (Unexcused)
Michael Spaziani, Member	ABSENT (Unexcused)
Eric Christu, Member	ABSENT (Excused)
Marilyn Beuttenmuller, Member	PRESENT
Jorge Sanchez, Member	ABSENT (Unexcused)
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT
John Tatooles, Alternate Member	PRESENT

Please note: All three alternates voted in the absences of the Messrs. Pollock, Kleid and Sanchez.

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
Bradley Falco, Planner II
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

Mr. Bergman requested the deferral of item VI. C, VI. D and VI. E to a future meeting.

Motion made by Ms. Beuttenmuller and seconded by Mr. Gilbane to approve the agenda as presented. Motion carried unanimously, 5-0.

IV. **APPROVAL OF MINUTES FROM THE APRIL 19, 2022 PLANNING AND ZONING COMMISSION**

Motion made by Ms. Beuttenmuller and seconded by Mr. Gilbane to approve the April 19, 2022 meeting minutes as presented. Motion carried unanimously, 5-0.

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

No one indicated a desire to speak at this time.

VI. **PRESENTATION ON CURRENT AND POTENTIAL CODE REGULATIONS RELATED TO THE FOLLOWING STUDY ITEMS:**

A. **Incentives to encourage the construction of more one-story homes and reducing second-story mass in the R-B District**

Ms. Hofmeister-Drew indicated that she would be discussing the first three items on the agenda. Ms. Hofmeister-Drew presented various graphics that showed a few options of smaller setbacks and increased lot coverage as incentives for a one-story home.

Mr. Tatooles asked about the square footage difference of the home shown. Mr. Murphy responded and provided this information.

Ms. Coniglio asked to see the effect on greenspace and the addition of a pool in the scenarios provided. Mr. Murphy responded and stated he would provide this information in future presentations.

Mr. Tatooles asked about the allowable square footage of a two-story home in the same scenarios. Mr. Murphy responded. A short discussion ensued about the calculations allowable for a two-story home. Ms. Hofmeister-Drew further described the incentives staff had discussed for one story homes.

Mr. Murphy discussed the possibility of changing the restrictions for a one-story home; he believed it may incentive owners to move towards building a single story.

Ms. McDonald expressed concern for the expansion of a one-story home closer to the neighbors.

Mr. Gilbane agreed and understood that light and air were important to residents. He also added that the placement mechanical equipment was also a critical element to be considered.

Mr. Bergman indicated that he would like the Commission's feedback for future discussions. He understood that the Commission felt that 7.5 feet for setbacks was too small, and the Commission would like comparisons to two-

story homes. He stated that staff would like to incentivize one-story homes, with the input and help from the Commission. He added that the new consultants were also looking at this issue.

Ms. Coniglio asked that staff study more options between the 10 foot and the 7.5-foot setbacks, possibly 8.5- or 9-foot setbacks.

Ms. McDonald wondered if the consultants could provide some suggestions, based on their experience. Ms. Coniglio agreed but thought that the Commission could provide input that staff could take to the consultants.

Mr. Tatoes asked to see the graphics showing a pool.

Ms. Beuttenmuller asked what would happen if a neighbor objected to the setback. Mr. Bergman responded and explained that if changes were made to the Code, a homeowner would be allowed to build to the changed setback by right.

Ms. McDonald asked how the community would be made aware of any changes made. Mr. Bergman stated that the Town Council requested a time certain, monthly update by the consultants. Mr. Bergman stated that other types of distribution may be explored and assured the Commission that the notice would be provided to the public. Ms. McDonald wondered if a zoning in progress could be put into effect for this item. Mr. Bergman stated he would need to speak to Town Attorney Randolph, who would assist in that determination.

Mr. Gilbane thought the issues that occur in the side yard setbacks were important as well as the possible space for a pool. Additionally, he thought that the placement of mechanical equipment was also crucial to the discussion.

The Commission asked that staff explore a 10-foot setback for a one-story home, provide a graphic of the same lot size for a two-story home, provide a graphic showing the landscaped open space for the lot, and provide a graphic showing mechanical and pool equipment.

Ms. Beuttenmuller asked if staff could consult with an engineer on placing mechanical equipment on the roof. Mr. Bergman discussed the possibility of placing this equipment on the roof.

Ms. McDonald asked for graphics that showed an attractive installation of the mechanical equipment on the roof.

Mr. Gilbane suggested clearing up any myths relating to the mechanical equipment on roofs, as to alleviate the concerns of the residents.

Ms. Hofmeister-Drew suggested bringing back real projects that staff was

currently reviewing to show how the changes could impact current projects.

Mr. Bergman also stated that the discussion tied into another item of study by staff, which would limit the second story massing in the R-B District. He discussed the problems with the “box” type of homes that were being developed.

Ms. Hofmeister-Drew presented the possibility of limiting the second floor so that it would not exceed 70% of the first floor. She presented a graphic illustration of this concept.

Ms. McDonald asked if the change could create a Bert Harris issue. Mr. Murphy responded and recalled his experience with the same issue in Miami Beach.

Ms. Coniglio thought the idea was simple and moved away from the “box” design of new homes. She inquired about balconies and how they would be calculated. Ms. Hofmeister-Drew responded.

Mr. Tatoes asked about the angle of vision regulations. Ms. Hofmeister-Drew responded.

Ms. Coniglio inquired if staff could work on both presented issues. Mr. Bergman wondered if a 70% reduction was appropriate or if the Commission wanted to see a different reduction. Ms. Coniglio asked to see several different examples.

Mr. Gilbane thought that an architect could provide the Commission with more interesting designs, considering mechanical equipment and a reduction in a second-floor mass.

Ms. Hofmeister-Drew discussed the size of homes on lots related to CCR and FAR. She thought that smaller lots should have smaller homes, while larger lots should allow for a larger home. She asked if the Town moved to a FAR calculation, should the allowable FAR be one standard number or should the calculation consider the size of the lot.

Ms. Coniglio asked the Commission if they wanted to take small steps or if they wanted to jump into the discussion on FAR vs. CCR.

Mr. Gilbane thought the discussion on FAR/CCR could be ongoing during any other changes to be made.

B. Conversion from the use of cubic content ratio (CCR) to floor area ratio (FAR) in the R-B District and instituting FAR within all districts

Ms. Hofmeister-Drew refreshed the Commission on the method in which CCR is calculated.

Mr. Tatooles referenced historical news articles from Palm Beach that discussed the change from FAR to CCR. He understood that FAR was the uniform standard.

Mr. Murphy described how the CCR's sliding scale was ineffective.

Ms. Hofmeister-Drew stated it was difficult for staff to verify the CCR calculations submitted by professionals. She further stated if the Town moved to FAR, staff would need direction on which elements, such as a pergola or terrace on a home, to include in this calculation.

Mr. Bergman stated that FAR would not solve the concern for large homes on a lot; however, he did state it was a calculation that staff could verify and validate.

Ms. Hofmeister-Drew suggested returning to the Commission with the elements of a home that the Town currently calculates in CCR.

Ms. Coniglio asked if FAR would assist ARCOM in helping them when assessing large homes. Mr. Bergman responded and stated that FAR was a quantifiable number in which most people can understand. Ms. Coniglio wondered about the changes and whether homeowners would consider it as a taking.

Town Attorney Randolph believed this would not be a taking as it would only be a change to a formula to provide more verifiable calculations.

Ms. Beuttenmuller asked if the same elements in CCR would be included in the calculation in FAR, and added if different elements were included, it may not only be a change in formula. Mr. Bergman discussed his efforts in converting the sliding CCR scale into FAR numbers. Mr. Bergman also discussed staff's efforts in reviewing all the homes in the R-B District, which had an average of 35% FAR. These homes also had an CCR average of 6, which he stated was not acceptable and too high.

Mr. Gilbane thought that the calculations of pergolas, porches, loggias, basements, and mechanical equipment should not be an issue in the FAR calculations since they are also included in the CCR calculations.

Mr. Tatooles wondered about the issue of trying to eliminate the movement of allowing larger homes on smaller lots. Town Attorney Randolph did not believe this was a taking issue since incentives were being offered for one-story homes. Mr. Tatooles wondered if the Town would be limited to restricting larger homes on smaller lots. Town Attorney Randolph responded.

Ms. Hofmeister-Drew continued to present FAR and how it was used in other communities. Ms. Hofmeister-Drew showed graphics, which demonstrated a current CCR of 4, which equated to a 36.4% in FAR. Ms. Hofmeister-Drew

reviewed the number of homes that were studied in the R-B District, in terms of CCR.

A short discussion ensued about what calculations would be acceptable for FAR.

Ms. Hofmeister-Drew summarized her presentation with showing translatable calculations from CCR to FAR. She indicated that the FAR calculation would be based on the lot size. Ms. Hofmeister-Drew presented possible percentages to begin discussions, which represented a slight reduction in FAR.

Mr. Bergman stated that staff had consistently received complaints that homes were too large. He suggested that the Commission consider a slightly lower, allowable FAR calculation.

A discussion ensued about any potential taking issues if a decreased FAR calculation was considered.

Mr. Bergman stated that staff wanted to present the relatable CCR/FAR calculations to begin the discussions with the Commission.

Mr. Tatooles asked about design incentives that may be beneficial to the community. Mr. Bergman thought that building without the need for a variance, the overall home design, the roof design, the placement of the second-floor windows, and the location of the mechanical equipment were all items that ARCOM could consider when possibly allowing a higher FAR calculation. Mr. Bergman added that the consultants would study FAR.

Motion made by Mr. Tatooles and seconded by Mr. Gilbane that the Town eliminate CCR and move to a FAR standard for the R-B Zoning District.

Ms. Beuttenmuller wondered if the same exceptions considered in CCR would be considered in the FAR calculations. Mr. Bergman stated that staff would return and present exactly the items to be included in the FAR calculations. Ms. Beuttenmuller expressed concern in moving forward until all items to be included were outlined for the Commission. Ms. Coniglio agreed.

Ms. Hofmeister-Drew thought that some of the additional items to be included in the calculation should be standardized.

Ms. Coniglio wondered if the Commission should offer consensus to move forward with FAR but to hold any vote until they understood how it would impact potential development projects.

Mr. Tatooles agreed with withdrew his motion.

C. Siting of mechanical equipment (A/C, pool and fountain pumps and heaters and generators.)

Please note: This item was deferred and will be heard at a future meeting.

D. Measuring building height within the Town.

Please note: This item was deferred and will be heard at a future meeting.

E. Single-family residential on-site parking requirements.

Please note: This item was deferred and will be heard at a future meeting.

VII. UPDATE ON COMPREHENSIVE ZONING CODE REVIEW

There was no update at this time.

VIII. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

No one indicated a desire to speak.

IX. COMMENTS FROM THE PLANNING AND ZONING BUILDING DIRECTOR

Mr. Bergman stated that the Town Council directed staff to take the item of Marginal Docks back to the Commission for discussion. He indicated that there was a new type of platform boat lift, which would require a variance each time it was proposed. He thought the regulations could be slightly changed to include these docks.

Mr. Bergman stated that there were some future land map glitches that would be brought to the Commission at a future meeting.

Mr. Bergman also discussed an addition relating to property rights that would need to be made to the Comprehensive Plan. This change was a result of a change made by Governor DeSantis. Mr. Bergman discussed the timing on this change.

Mr. Bergman stated that he and Mr. Murphy would be making a presentation on FAR to the Town Council at their July 13, 2022 meeting.

Mr. Bergman updated the Commission on his work with the consultant, Sean Suder from ZoneCo. He also indicated Mr. Suder would be making a monthly presentation to the Town Council.

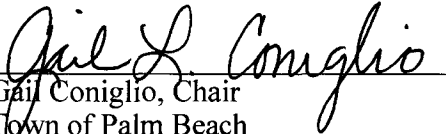
Mr. Bergman stated he spoke to Ms. Coniglio about the Commission's meeting calendar and whether they would like to cancel one of the summer meetings. After some discussion, the Commission decided to cancel the July meeting, but would meet in August.

Ms. McDonald asked if the Commission should have a list of their top items to be addressed to provide to the consultant. Mr. Bergman provided some direction, discussed the items that staff had discussed with them and explained the items that Mr. Suder was currently reviewing.

X. **ADJOURNMENT**

Motion made by Mr. Tatooles and seconded by Mr. Gilbane to adjourn the meeting at 11:14 a.m. Motion carried unanimously, 5-0.

Respectfully Submitted,



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

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