



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, APRIL 19, 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
Richard Kleid, Vice Chair	PRESENT
Rick Pollock, 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
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.

Ms. Coniglio welcomed Jennifer Hofmeister-Drew, a new planner in the Planning, Zoning and Building Department. Ms. Coniglio asked Mr. Bergman for an update on the hiring of a consultant to assist in Code Review.

Mr. Bergman provided an update and indicated the new firms would be onboard within the month.

Mr. Kleid inquired if a land attorney had been hired as well. Mr. Bergman responded and stated one of the consulting teams included a land use attorney.

III. **APPROVAL OF THE AGENDA**

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

IV. **APPROVAL OF MINUTES FROM THE FEBRUARY 15, 2022 PLANNING AND ZONING COMMISSION**

Motion made by Mr. Kleid and seconded by Mr. Christu to approve the February 15, 2021 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. **BACKUP CODE REGULATIONS RELATED TO THE FOLLOWING STUDY ITEMS:**

Mr. Bergman reviewed and provided an overview of the four upcoming items for discussion. He added that the Town Council expressed an interest that the Commission develop a new zoning district or a zoning overlay for streets or an area in Town where the owners were interested in maintaining one-story homes.

A. **Evaluate Providing Incentives to Encourage the Construction of More One-Story Homes in the R-B District**

Mr. Bergman explained the proposed changes to the Code that would provide incentives for owners to build a one-story home. He said the following incentives were considered: setbacks, height, angle of vision, lot coverage, overall height, landscape open space, and CCR.

Mr. Sanchez stated his neighborhood, near Southland Road, was quickly changing. He hoped that his neighborhood would be included in any future incentives to build a one-story home.

Mr. Spaziani believed the incentives should demonstrate that a one-story home could be financially beneficial to homeowners. He suggested creating a chart that outlined how a larger one-story home could be built, rather than a smaller two-story home. Ms. Coniglio agreed and thought a picture or pamphlet would be helpful.

Ms. McDonald asked for clarification for language in Section 134-893 (5) and (6). Mr. Murphy explained the sections in question and pointed out that the section related only to the homes on the Sea streets.

Mr. Pollock thought the language was confusing and contained conflicting information, specifically Section 134-893 (3). He believed the Code was not helpful. He thought this section would shrink the setbacks and force owners to build a shotgun style home.

Ms. Beuttenmuller argued that the language should not indicate that a variance

would not be granted. She believed that homeowners should have the right to seek a variance, if needed.

Mr. Tatooles expressed concern that the language indicated that a variance could not be requested. He believed the Code language should be clear and concise about the rules, rather than point out what could not be done. Mr. Tatooles pointed out inconsistencies in the Code.

Mr. Gilbane thanked staff for the work that had been completed. He inquired how staff would determine which streets would be considered “one-story streets.” Mr. Bergman responded and indicated neighbor consensus would be the driving factor. Mr. Gilbane thought a simplification of the Code was important so that applicants could understand what could be built. He added that light and air were important to homeowners, and they may find value in this incentive.

Mr. Christu thought the Commission should consider whether residents want one-story incentives. He wondered if residents would like a one-story home that may be closer to the neighbors or would a two-story home with larger setbacks be preferable. He thought the conversation warranted more discussion.

Mr. Kleid questioned the language that indicated that a variance could not be requested. He thought the drafting of the proposed changes could use some work. Mr. Kleid provided some language changes for 134-893 (6a), (7a), (10a) and (12a).

Ms. Coniglio wondered if the whole code should be changed. Mr. Kleid agreed and thought the whole section should be rewritten.

Ms. Coniglio also thought a flexible code should be created. This new code should outline a path with incentives as well as one that needed variances. She believed an applicant should only be able to apply for an incentive or a variance, not both. She wondered some of the issues would be solved if a change was made from CCR to FAR. Mr. Bergman stated he believed the Code would be cleaner with FAR. Ms. Coniglio wondered if the current discussions were relevant if an upcoming change in FAR was imminent.

Mr. Bergman agreed it was an awkward conversation when the consultants would be onboard soon to assist in Code reform.

Ms. Coniglio thought pictures and visuals were essential in assisting the average person to understand the Code.

Mr. Spaziani thought that CCR should be changed to FAR, as it was more simple and easier to understand. He was not in favor of an overlay district; he thought it would add more complications into the Code. He thought a simple chart that showed what was allowed would be helpful.

There was a consensus of the Commission to direct staff to move to FAR from CCR.

Ms. Coniglio stated that a consistent and clear formula for FAR was needed, especially outlining what items would be included in the calculations.

Mr. Tatooles stated his preference would be to create one residential zoning

district with one set of rules that would be divided by the lot size. He thought this would be easier to understand.

Mr. Sanchez stated that while there was frustration with the Code among the Commission, it was all for a good cause. He believed the consultants would be able to understand the frustrations and desires of the Commission.

Ms. Coniglio asked staff if they wanted to move forward with the agenda, knowing the Commission would like a new, clean Code document. She also acknowledged that the Commission would be working on the Code items over the summer months.

Mr. Bergman stated that items B and C were supplemental items that could be discussed at a later time. He thought item A and D were very important and obtaining the Commission's feedback would be helpful.

There was a consensus of the Commission to move to item D.

- B. Study the Off-Street Parking Garage Requirement for Single-Family Dwellings Related and the Screening Requirement for Off-Street Parking in the Street Fronting Yard

There was a consensus of the Commission to discuss this item at a later time.

- C. Re-Evaluate the Mechanical Equipment (A/C, Pool and Fountain Pumps, Heaters, and Generators) Requirements

This item was discussed after Item D.

Ms. McDonald wondered if placing the mechanical equipment on roofs could take away from the beauty of Palm Beach.

Mr. Gilbane thanked Ms. McDonald for her comment. He thought it was extremely important to bring in design professionals to show the Commission pictures and graphics of how placing the equipment on the roof could be visually attractive.

Mr. Sanchez was in favor of placing the equipment where it would not be seen.

Ms. McDonald agreed that visuals would be very important.

Mr. Pollock found issue when the owners' equipment became an imposition to the neighbors.

Mr. Sanchez took issue that the mechanical equipment could be moved without any notice to the neighbors.

Mr. Murphy explained a current issue where owners were elevating and screening their equipment because of the new FEMA requirements. However, the screening did not comply with the Code and required the homeowner to seek a variance. Or, if the equipment and screening were compliant, it became a visual eye sore. Mr. Murphy went on to explain the issues that he has experienced with these situations.

Mr. Pollock thought it was important to understand who the end user would be in the application. He cautioned against allowing developers to make certain requests that would become an imposition to the neighbors.

Ms. Coniglio thought that after staff performed the FAR calculations, they could return to the Commission with visuals that show the equipment's height, its appearance in the building envelope, the screening, and its appearance on the roof.

Mr. Spaziani inquired about the type of equipment that was included in the FEMA requirements. Mr. Bergman responded.

Ms. McDonald pointed out that these items could look different in the R-B Zoning District. She felt it was important to study this district.

A discussion ensued about mechanical equipment and how the approved equipment could change during the actual installation.

There was a consensus to request staff to return with visuals, pictures, and the possibility of placing equipment on the roof.

D. Evaluate Existing Requirements for Measuring Building Height Within the Town

Mr. Bergman stated that he would like to find one building height definition to satisfy all zoning districts. He indicated that having 9 different building height definitions was problematic and added that the Town Council still reviewed variance requests for building height each year. He said that FEMA was driving items to be placed at a higher level. Mr. Bergman stated that building height was currently measured by the exterior wall of a home. He believed it should be measured at the top of the peak of the highest point of the roof.

Ms. Coniglio believed that visual representations displaying how the building height was currently measured compared to how staff believe it should be measured would be very helpful.

Ms. Beuttenmuller thought the language in section 134-2 (d) was confusing. Ms. Coniglio wondered if the language in question would be necessary if a change was made to allow FAR calculations. Mr. Bergman stated he would review the language.

Mr. Pollock thought point of measurement was ambiguous and needed clarification. He thought that sea level would be a good point of measurement.

Ms. McDonald inquired if a freeboard number needed to be added to the FEMA measurement. She postulated that if the FEMA number was subject to change, the freeboard number would be subject to change as well, thus making the point of measurement a concept rather than an exact number. Mr. Bergman discussed the many different flood zones in the Town. He also discussed the recent presentation to the Town Council that recommended an increase in freeboard. Mr. Bergman stated that the Town Council would need to discuss how much freeboard would be required. Ms. McDonald wondered if the Town's insurance would change based on the freeboard. Mr. Bergman responded and stated that the Town would receive additional credits on the CRS rating, which would directly affect the Town's flood

insurance premium.

Mr. Gilbane thought changing from CCR to FAR would help to clarify building height. He also thought the mechanical equipment language could move forward with pictures, as well as bringing in architects and engineers to have a discussion with the Commissioners. He believed this item could move forward as he did not believe it would be affected by the change from CCR to FAR.

Ms. Coniglio inquired if staff had a recommendation for building height. Mr. Bergman stated he was in favor of the building height stated in section 134-2 (A1) but added that there was still a flood zone X, which did not have a base flood elevation. Mr. Pollock inquired if fill would be used to bring the properties in flood zone X up to a base elevation. Mr. Bergman stated fill could be used. Mr. Bergman stated that there were properties on the beach that used the coastal construction control line as their measurement and added that number was generally higher than FEMA. Mr. Bergman thought that 134-2 A (1) and 134-2 A (3) should cover most properties in Town, and 134-2 A (2) would cover the other properties not covered in 1 and 3.

Ms. Coniglio inquired about Mr. Pollock's recommendation to use sea level. Mr. Pollock believed that sea level would provide a starting measurement for each property. He explained his thoughts on using the sea level measurement and why he believed it would work for all properties. Mr. Gilbane thought Mr. Pollock's suggestion would be a great example of where visuals would be helpful.

A discussion ensued about using sea level as the starting measurement.

Mr. Murphy stated that many municipalities use the sea level rise datum but then default to the FEMA map. He believed the FEMA map was easier and more consistent to use. Mr. Murphy stated that staff would return with visuals to show the Commission the different measurements.

Mr. Sanchez pointed out that properties on the lake had very different elevations. He did not believe it was fair to average the elevation of these lots to determine the building height. Mr. Bergman agreed and added that those situations make this determination difficult.

Mr. Bergman stated that staff would be in favor of placing the mechanical equipment on the roofs of homes or in the building envelope. Ms. Coniglio thought that including the mechanical equipment in the building envelope was problematic.

At this point in the discussion, the decision was made to discuss mechanical equipment, Item. C.

VII. UPDATE ON COMPREHENSIVE ZONING CODE REVIEW

There was no discussion on this topic.

VIII. **COMMENTS FROM PLANNING AND ZONING COMMISSIONERS**

There were no comments from the Commissioners.

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

Mr. Bergman stated that staff had been working on a providing the FAR and CCR of the built environment. He stated that staff had reviewed 59 streets, and 1,232 homes had been examined. From this assessment, the average FAR was 41%. Ms. Coniglio asked for confirmation that these measurements did not include the significant add-ons to homes, to which Mr. Bergman provided confirmation.

X. **ADJOURNMENT**

Motion made by Mr. Spaziani and seconded by Mr. Kleid to adjourn the meeting at 11:03 a.m. Motion carried unanimously, 7-0.

Respectfully Submitted,



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

kmc