



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, FEBRUARY 15, 2021 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 9:35 a.m.

Gail Coniglio, Chair	PRESENT
Richard Kleid, Vice Chair	PRESENT
Rick Pollock, 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

Please Note: Mr. Gilbane voted in the absence of Mr. Pollock.

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James Murphy, Assistant Director of Planning, Zoning and Building
Bradley Falco, Planner I
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 Mr. Spaziani and seconded by Mr. Kleid to approve the agenda as amended.
Motion carried unanimously, 7-0.

IV. APPROVAL OF DECEMBER 21, 2021 PLANNING AND ZONING COMMISSION MINUTES

Motion made by Mr. Christu and seconded by Mr. Kleid to approve the December 21, 2021 meeting minutes as presented. Motion carried unanimously, 7-0.

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

There were no comments heard at this time.

VI. **BACKUP CODE REGULATIONS RELATED TO THE FOLLOWING STUDY ITEMS:**

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

Mr. Bergman indicated that staff made a presentation on incentives for one-story homes in the R-B Zoning district to the Town Council, similar to the discussion that staff initiated previously with the Commission. He indicated that staff proposed the following incentives for one-story homes: elimination of the angle of vision, reduced side yard setbacks, increase in height allowance, increase in lot coverage allowance, and no requirement of a CCR measurement. Other possible changes were an increase to FAR allowance and a limited review by ARCOM. Mr. Bergman touched on the number of professional planning firms that submitted proposals in response to the RFQ for a planning group to assist the department in the code review process. He asked for the Commissioners feedback on these items.

Mr. Sanchez inquired about the firms that submitted proposals. Mr. Bergman stated he was in a cone of silence, but added the information would be discussed at the next Town Council meeting.

Ms. Beuttenmuller inquired if there was any opposition to the reduction in the setbacks. Mr. Bergman explained that the items were only potential incentives to be discussed by the Commission. When asked about the opposition to the two-story homes, Mr. Bergman indicated that he received concerns related to the setbacks with two-story homes.

Mr. Bergman provided a visual presentation of incentives for one-story homes.

Ms. McDonald recommended amending the language regarding the overall height of a building and/or accessory structure. Mr. Bergman agreed.

Mr. Christu pointed out a typographical error in the section on side setbacks. Mr. Bergman agreed. Mr. Christu inquired about the reduction in setbacks and wondered if the owner could choose the side in which they preferred the reduction. Mr. Bergman stated the concept was still to be determined and added another issue was mechanical equipment placed in the setbacks.

Mr. Tatoes inquired about the rear height plane setback. Mr. Falco explained the definition of the rear height plane. Mr. Tatoes asked about the impact of raising the allowable rear height plane. Mr. Bergman stated there was no change proposed for this regulation. Mr. Murphy also weighed in on this issue.

Mr. Spaziani thought the Town should hold a seminar for architects, which should include discussions on the benefits of one-story homes. He thought the Town should look to some of the past, successful one-story home designs.

Ms. Coniglio wondered if the Town was restricting an incentivized use while granting variances for larger uses. Mr. Bergman discussed the current variances that were routinely requested, the most popular being CCR and setbacks. Mr. Bergman believed the Town should increase the number of zoning districts or to move to one district with various lot sizes.

Mr. Murphy indicated that the proposed language was to ensure that there was no work around, specifically a second-floor variance, to a one-story home incentivization.

Ms. Coniglio thought that many of the suggestions were reasonable. However, she did not believe that ARCOM should be removed from the review of the home, especially since the neighbors deserved to receive notice of any project, which proposed to reduce the setbacks. She also questioned how the reduction of the garage would impact the automobiles on the street as well as the massing on the streetscape. Mr. Murphy thought the change would not be significant and explained his reasoning.

Ms. McDonald thought education on incentives would be important for the neighbors. Ms. Coniglio thought that the incentives should be reviewed by the Community prior to any changes.

Mr. Murphy explained why he believed an increase in setbacks would not have negative impacts. Ms. Coniglio agreed with Mr. Murphy's premise but felt educational outreach would be paramount, to which Mr. Murphy agreed.

Mr. Tatooles discussed parking requirements in other communities that he researched. Mr. Tatooles recommended applying certain standards according to lot size for consistency.

Mr. Sanchez thought that public education was important. He was not in favor of requiring parking to occur in the rear of the property if the garage was eliminated. He also pointed out that mechanical equipment was much quieter with new technology. He added that there was noise standards in place within the Town. Mr. Sanchez thought a carport should be allowed, even in the setbacks.

Mr. Spaziani thought some consideration should be given to moving cars to the rear of the home and pools to the front. Mr. Spaziani thought allowing incentives on a limited trial could be beneficial.

Mr. Gilbane suggested asking architects to weigh in on some of the geometric issues for the smaller sized lots.

Ms. Coniglio still believed the approach should be slow and thoughtful.

A consensus of the Commission was to direct staff to continue to review the matter.

2. Study the Off-Street Parking Garage Requirement for Single-Family Dwellings Related and the Screening Requirement for Off-Street Parking in the Front or Street Side Yard.

Mr. Bergman indicated that staff worked on proposed language to the Code for this item, which deleted the requirement for a garage.

Mr. Kleid inquired about the proposed language indicating a hedge requirement at 2 ½ feet instead of the current 6 feet requirement. He believed the 2 ½ feet was too low of a requirement.

Mr. Murphy indicated that the six-foot-high wall and hedge had issues. He discussed the issues witnessed by staff from this requirement.

Mr. Sanchez thought it was important for a proper house to have a public side. While he advocated for privacy, he was against the hedge requirement.

Ms. Coniglio was in favor of reducing the hedge requirement for many reasons. Ms. McDonald agreed.

Mr. Spaziani thought that the first floor of the home should be screened.

Mr. Murphy reminded the Commission that the screening requirement was to obscure parking.

Mr. Tatooles asked for clarification on whether the elimination of the garage requirement was for one-story homes and/or two-story homes. Mr. Bergman stated the wording currently indicated both one and two-story homes. The Commission agreed that the requirement should be eliminated for only one-story homes. Mr. Tatooles also wondered if a homeowner would have the option to plant a taller hedge if they so choose. Mr. Murphy recommended adding “at minimum” to allow the homeowner the choice.

A consensus of the Commission was to direct staff to eliminate the garage requirement for a one-story home and to return with revised language.

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

Mr. Bergman indicated that staff worked on proposed language to the Code for this item, which simplified the language regarding the requirements of mechanical equipment. Mr. Bergman provided location suggestions for mechanical equipment.

Ms. Coniglio liked the idea of exploring alternative locations for mechanical equipment but wondered if it would impact the incentives of larger setbacks.

Mr. Murphy indicated that all modifications were linked and would have countering effects. He added that while FEMA was driving this particular change, there had been numerous changes to this section of the Code in the past 50 years, indicating that this issue has been problematic over the years.

A short discussion ensued about the possible location for mechanical equipment.

Mr. Gilbane suggested cleaning up the confusing and redundant language in the Code. He also suggested asking the professionals to provide their thoughts on ideal locations for mechanical equipment.

Ms. Beuttenmuller asked for clarification on the section that considered to mechanical enclosures. Mr. Bergman responded and stated that staff was seeking the Commissioners’ suggestions on mechanical enclosures.

Mr. Sanchez asked about the type of complaints the Town had received on mechanical equipment. Mr. Bergman responded and provided his perspective on the complaints.

Mr. Christu's thought that the mechanical equipment issues were not driven by FEMA but by aesthetics and sound. He also believed that newer technology was solving some of the issues.

Mr. Murphy described the requirements to house the mechanical equipment, which were non-compliant and required variances. He discussed how new FEMA requirements would affect the aesthetics.

Ms. McDonald inquired how equipment could be placed underground with the FEMA requirements. She also asked if a noise output should be measured rather than placing a distance requirement on the equipment location. Mr. Bergman responded.

A consensus of the Commission was to direct staff to continue to review the matter.

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

Mr. Bergman discussed how the Code included 9 different building height definitions. He stated that staff believed they could simplify this with one definition, while including enough variables in the definition to cover all circumstances. Mr. Bergman discussed how the many different definitions and terminology was problematic and explained how one definition could simplify the Code. He thought finding the point of measurement was key to determining the building height definition.

Mr. Sanchez said that the goal was good architecture; he expressed a concern that a building height restriction could limit certain architectural styles.

Mr. Murphy explained that staff researched the variances granted for the past four years and found several variances granted for building height, despite the nine definitions in the Code. He believed that this was an indication that the definitions were not working.

Mr. Bergman stated that staff was trying to find a measuring point that would cover every conceivable and possible location. He believed the base height of the building definition should begin at the FEMA elevation.

Ms. Coniglio agreed with Mr. Sanchez that the Commission should not limit the design professionals.

A consensus of the Commission was to direct staff to continue to review the matter.

VII. CCR/FAR PRESENTATION

Mr. Bergman provided a presentation on the difference between CCR and FAR. He discussed the possible shift moving from CCR to FAR.

Ms. Coniglio inquired if FAR would be able to capture some of the features that were not currently included in the calculations of CCR, such as towers, loggias, and porches. Mr. Bergman responded and described his view of how FAR could calculate different spaces. Ms. Coniglio asked about the sliding scale that allowed a larger home on a smaller lot. Mr. Bergman suggested that the sliding

scale was something the Commission could discuss. Mr. Murphy discussed the efforts of staff to come up with a calculation that would be understood by everyone.

Mr. Gilbane advocated for the use of FAR. He thought it would help to eliminate a box look of a home on smaller lots. He suggested that FAR would allow architects to design homes that were appropriate for the neighborhood, while protecting the neighbors' light and air.

Mr. Tatoes inquired if FAR was used in the larger lots in Town. Mr. Bergman replied that the larger lots use lot coverage, not FAR.

Mr. Spaziani agreed that CCR was difficult to understand and added that FAR would simplify the calculations. He was unsure about the use of a sliding scale.

Mr. Bergman presented some preliminary FAR calculations by staff. Mr. Bergman stated he would send the calculations to the Commission. Mr. Bergman introduced the possibility of one zoning district for all single-family homes.

A discussion ensued about the possibilities of a new zoning district as well as changing from CCR to FAR.

There was no action taken on this item.

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

Mr. Bergman discussed staff's effort on working to be prepared when the new consultants are hired by the Town to assist with code review and possible reform.

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

None

X. **ADJOURNMENT**

Meeting was adjourned at 11:42 a.m. without benefit of a motion.

Respectfully Submitted,



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

kmc