



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 21, 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, Clerk to the Planning & Zoning Commission 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	ABSENT (Excused)
Eric Christu, Member	PRESENT
Marilyn Beuttenmuller, Member	ABSENT (Excused)
Jorge Sanchez, Member	PRESENT
William Gilbane, Alternate Member	ABSENT (Excused)
John Tatooles, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT

Please Note: Ms. McDonald and Mr. Tatooles voted in the absence of Mr. Spaziani and Ms. Beuttenmuller's absence.

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James Murphy, Assistant Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Kelly Churney, Secretary to the Planning and Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF THE AGENDA

Ms. McDonald requested to change the order of the agenda by placing Item VI. 4 prior to Item VI. 1.

Motion made by Mr. Kleid and seconded by Mr. Sanchez to approve the agenda as amended. Motion carried unanimously, 7-0.

IV. **APPROVAL OF NOVEMBER 16, 2021 PLANNING AND ZONING COMMISSION MINUTES**

Motion made by Mr. Kleid and seconded by Mr. Pollock to approve the November 16, 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:**

Mr. Sanchez stated that years ago, homes in the north end did not have tall hedges in the front yard; however, there was tall hedging in the estate section at that time. He indicated that the north end streets have become tunnels of greenery. He showed several photographs of homes in the north end that revealed tall hedging material in the front of the homes. He reviewed several homes on his street, indicating which met the existing Code and which did not. He attempted to show the Commission how the Town had changed the Code, most likely with good intentions; however, these changes resulted in forcing owners to create unfavorable conditions on their lots. He thought a Code review was important for this reason.

Mr. Tatoesles inquired why the Town shifted the Code so that these unfavorable conditions were more commonplace now. Mr. Sanchez thought these changes were due to neighbor complaints and town staff trying to correct issues in the Code.

Mr. Bergman presented a list of homes in the Town that demonstrated a variety of issues to be considered by the Commissioners.

1. **EVALUATE PROVIDING INCENTIVES TO ENCOURAGE THE CONSTRUCTION OF MORE ONE-STORY HOMES IN THE R-B DISTRICT.**

Mr. Sanchez thought this was a tough situation because many residents wanted the older style of homes to return, while not losing their property rights. He suggested having a dual Code, where an owner had the choice to follow the new Code or to follow the Code from the 1950's, which would only apply to one-story homes.

Mr. Castro thought there was more that could be added to the Code to incentivize the building of one-story homes. He suggested reducing side yard setbacks, allowing for more height for one-story homes, increasing lot coverage and reducing landscape open space requirements. He added that FAR and CCR would be reviewed once a consultant was brought on board.

Ms. Coniglio wondered if staff should begin the focus on CCR and FAR. She indicated that many homes were being built to the maximum due to the value of the land. She thought that a change to FAR could make a difference in the Town. She believed this change could be made prior to hiring a consultant, which she thought could take over a year. She also suggested that a change to FAR could potentially move homeowners to choose a one-story home, which in turn could help the Commission understand what incentives would be beneficial for homeowners.

Mr. Bergman reviewed some of staff's ideas to help incentivize one-story homes. Mr. Murphy discussed what staff thought were out of the box ideas to incentivize and reward one-story home designs.

Ms. Coniglio expressed doubt that the incentives would change the fact that homeowners try to maximize the home's footprint on their lot. She restated that she believed the change from CCR to FAR would be a better path forward at this time.

Mr. Sanchez questioned if the Commission should wait until the consultant was hired to make big changes. He also thought that the Town should look to the older Codes from the 1950-1960's, rather than reinvent an entire Code.

Mr. Kleid thought the best way to move forward was to allow staff to make a presentation on their recommendations and provide some direction. He did not think the Town could move forward until a consultant and land attorney were hired. He also thought the Commission should determine their vision and direction so that they could provide this to the consultant and land attorney, once hired. Mr. Sanchez agreed with Mr. Kleid's suggestion.

A discussion ensued on how to proceed forward.

Mr. Tatoes thought a financial incentive should also be considered.

More discussion ensued, particularly on eliminating the garage requirement while screening on-site parking.

Ms. Coniglio indicated that eliminating this requirement could be an incentive for a one-story home.

Ms. McDonald thought the decisions, such as removing the garage requirement, were the changes that could be made by the Commission, while leaving setbacks and more detailed zoning items to the Code review.

Mr. Pollock raised Mr. Castro's suggestion to increase setbacks and questioned whether this would incentivize one-story homes. He thought this change should be discussed prior to other suggestions due to the unintended consequences to surrounding properties.

Further discussion ensued on where the Commission could begin in making recommendations.

Mr. Castro stated that staff was not seeking recommendations from the Commission. He added that staff was looking for direction for potential code changes, which staff would draft and bring back to the Commission. Mr. Castro provided further examples of items that staff could work on to change.

A consensus of the Commission was to allow staff to return with changes to the Code in add/delete format. Mr. Tatoes thought drawings and diagrams would also be helpful.

Ms. McDonald wondered if it was worth the effort to make the changes prior to the hiring the consultant. Mr. Pollock thought it was worth the effort and stated that the residents should dictate the changes. Mr. Pollock thought providing direction to the consultant was imperative.

Mr. Christu thought that staff had good ideas, particularly incentivizing one-story homes. He reminded everyone that the details of the changes would be important.

Mr. Murphy discussed bringing back the following items for discussion: lot coverage, height, side setbacks, open space requirements, rear setbacks, eliminating the requirement for a garage, one-story pattern book, and increasing CCR for one-story homes.

Mr. Sanchez thought the Code should encourage the increase of outdoor living spaces as well as allowing a carport.

Mr. Murphy liked Mr. Sanchez's recommendations and suggested that staff review the possibility of not including a carport or loggia in CCR calculations.

Ms. Coniglio thought that an increase in CCR could be problematic.

Mr. Kleid questioned staff's opinion on pattern books. Mr. Murphy stated that the subject of pattern books was a repeated suggestion over the last 35 years; however, there was never an appetite to adopt this suggestion. Mr. Murphy suggested the possibility of looking at a pattern book for front façades that could be provided to professionals to help streamline the approval process.

Mr. Sanchez thought the term pattern book should be renamed to prevent a negative connotation.

Ms. Coniglio was not in favor of pattern books. She believed the design should be left to the owner and the architect.

Mr. Bergman was in favor of eliminating the garage requirement, especially for one-story homes; however, he wanted to be clear that the that the parking requirement would not be eliminated.

Mr. Castro thought the angle of vision should be included with the discussion on setbacks. He explained his reasoning.

Ms. Coniglio requested visuals in the upcoming presentation.

Mr. Pollock wondered if the Commission should discuss CCR vs FAR, since he believed it was the basis of many issues. Ms. Coniglio wondered if staff could bring forward a discussion on this issue. Mr. Castro stated that the Town Council would be studying this issue in the beginning of the upcoming year. Mr. Bergman stated that staff would bring back details for this discussion.

Motion made by Mr. Christu and seconded by Mr. Sanchez to direct staff to study the following items: lot coverage, height, side yard setbacks, open space requirements, eliminating the requirement for a garage, and angle of vision and return with recommendations at the January 18, 2022 meeting. Motion carried unanimously, 7-0.

2. STUDY THE OFF-STREET PARKING REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS RELATED TO THE REQUIRED GARAGE PARKING AND THE SCREENING REQUIREMENTS FOR SUPPLEMENTAL OFF-STREET PARKING.

Mr. Castro stated that staff would like to research the possibility of eliminating or reducing the required screening from the street for supplemental or off-street parking. Staff believed the current regulation is unrealistic and could be modified.

A consensus of the Commission was to allow staff to research the item and return with some recommendations.

3. RE-EVALUATE THE MECHANICAL EQUIPMENT (A/C, POOL AND FOUNTAIN PUMPS AND HEATERS AND GENERATORS) REQUIREMENTS.

Mr. Castro explained mechanical equipment was currently allowed in the side yard setback as long as the equipment was enclosed or screened as required. With the new flood elevation requirements, the equipment would need to be raised. He believed that the screening or allowing this equipment in the setback would become problematic. He believed eventually the mechanical equipment would need to be pulled out of the side yard setbacks and the required screening would need to be addressed.

Mr. Sanchez was not in favor of the recommendation because he thought mechanical equipment was getting quieter with newer technology.

Mr. Pollock stressed that consideration must be given to neighbors.

A discussion ensued about location possibilities for mechanical equipment.

Mr. Castro stated that staff would consider the issue and return to the Commission with some recommendations.

4. EVALUATE EXISTING REQUIREMENTS FOR MEASURING BUILDING HEIGHT WITHIN THE TOWN.

Mr. Bergman stated that staff was struggling with this issue as there were currently nine different definitions for building heights used by staff. He indicated that building height did not measure the height of a building but measured the height of an exterior wall. He stated staff was struggling to determine where to begin the measurement, as some heights used the crown of the road, existing grade, and neighbors' grade. Since the Town would not be raising the roads and due to the new FEMA requirements to raise the heights of new homes, Mr. Bergman explained that the crown of the road could no longer be used to measure the building height. He further explained that FEMA requires the measurement to use the base flood elevation in front of the property. However, where should the measurement begin for non-flood areas? He stated staff was reviewing the possibilities and would like to come up with one building height measurement.

Mr. Castro understood that the many building height measurements were difficult to review. He explained that many of these measurements were a result of situations that occurred in the Town with unintended consequences. Mr. Castro believed that staff could return with one or two definitions.

Ms. Coniglio wondered if three heights would be appropriate. Mr. Castro thought one or two definitions would work.

Ms. Coniglio inquired if one definition would restrict a homeowner, to which Mr. Castro thought it would allow the homeowner to have a better understanding of the requirements.

Ms. McDonald thought that the FEMA requirement would be a good place to start and could provide an understandable building height for all owners. Mr. Sanchez expressed concern for using this height, particularly for lots that were already elevated above FEMA requirements.

Mr. Castro indicated staff would need to consider these factors and incorporate them into a few recommendations that they could bring back to the Commission.

The Commission was satisfied to allow staff to return with some recommendations on building height.

At this time, Mr. Pollock asked if the Town would be using the CCR guidelines, the FAR guidelines, or a hybrid of both.

Mr. Castro stating that staff was researching the conversion from switching from CCR to FAR. He discussed the many issues that they were considering in this conversion.

A discussion ensued on this conversion.

Mr. Castro stated that staff would need to work with the consultant and land use attorney to come up with a proposal for the conversion so that no one's property rights were taken away.

Ms. Coniglio wondered if the change could be made with a calculation of 40% FAR, since many of the current homes tended to have a calculation of 40% CCR. Mr. Castro thought this one calculation would not work due to the sliding CCR scale that currently existed.

Ms. Coniglio asked staff to return with more information on the existing CCR and how it correlated to FAR. Staff agreed.

VII. UPDATE ON COMPREHENSIVE ZONING CODE REVIEW

There was no update heard at this time.

VIII. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR

There were no comments heard at this time.

IX. ADJOURNMENT

Meeting was adjourned at 11:05 a.m. without benefit of a motion.

Respectfully Submitted,


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