



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, NOVEMBER 16, 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) 227-6408.

I. CALL TO ORDER AND ROLL CALL

Chair Coniglio called the meeting to order at 9:30 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
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

Mr. Bergman requested to change the order of the agenda by placing Item VII. prior to Item VI.

**Motion made by Mr. Pollock and seconded by Mr. Kleid to approve the agenda as modified.
Motion carried unanimously, 7-0.**

- IV. **APPROVAL OF OCTOBER 19, 2021 PLANNING AND ZONING COMMISSION MINUTES**
Motion made by Mr. Kleid and seconded by Mr. Pollock to approve the October 19, 2021 meeting minutes as amended. Motion carried unanimously, 7-0.

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

There were no comments heard at this time.

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

Mr. Bergman provided an overview of several issues in the Zoning Code that staff believed needed discussion and possibly to be addressed. Mr. Murphy provided possible changes. Mr. Bergman laid out a path forward for Code Review.

Ms. Coniglio felt the zoning code and the requirements for building a home needed to have some kind of qualified standard, and any decisions made today might be overridden by changes to the code.

Mr. Tatoes inquired if the R-B district was most problematic. Ms. Coniglio indicated that the problem in the R-B district was that homes on smaller lots were being built lot line to lot line. Mr. Bergman responded all of the districts would be examined, and it seemed that most of the issues raised occur in the R-B district.

Mr. Pollock felt the Commission should initially make a decision whether to use CCR or FAR. He suggested using FAR since CCR had not been working. Mr. Bergman explained the starting point would be setbacks and defining the 2-dimensional and 3-dimensional building envelope.

Ms. Coniglio cautioned the Commission not to move too far into the details but to wait for the consultant. She stressed the importance of not moving too quickly because changes to the code would come forward, not only to simplify the process for staff, but also for residents.

Mr. Sanchez commented this was an enormous leap forward that he had wanted for decades, and a magnificent consultant was needed.

Ms. McDonald inquired what could be done at this moment in time to assist with problems experienced mainly by the north end homes. Mr. Bergman explained this process could take 2-3 years, but if a known solution to a problem was found in the meantime, that could be approved by Town Council.

Mr. Kleid thought it would be beneficial and productive if staff were to come up with suggestions for potential changes to the Code, since staff had the expertise and knowledge of the issues.

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

1. 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. Bergman discussed the parking requirements for homes, such as supplemental off-street parking and garages. Mr. Bergman provided a diagram for an example of the issue.

Mr. Kleid thought it would be beneficial to understand why there was a requirement for a garage.

Mr. Pollock felt the approach should be whether to require on-property parking and establish those parameters. He thought the next issue to discuss separately should be hedges and garages. He felt the goal was to get cars off the street.

Mr. Christu thought the issues of the garage and the screening should be bifurcated. He inquired if the screening was a big issue and if staff had received many complaints. Mr. Bergman explained the screening applied to cars parked in the front of the home. He thought this could be an opportunity to reduce the 6-foot hedge height. Ms. Coniglio asked the requirement for the sight triangle. Mr. Murphy asked for direction on the idea of requiring a single-family home to provide on-site parking in a garage.

Ms. Coniglio asked whether the Commission wanted to bifurcate garage versus screening, take them as a whole, or decide to get more information.

Mr. Tatoes thought that the items should not be bifurcated. He also thought that the screening should be required as well as a garage. He indicated that his street was problematic, where cars were parking on the street and homes looked as though they had a parking lot in their front yard. He was in favor of keeping the hedge at 6 feet and keeping the garage.

Mr. Sanchez recalled the vast majority of pre-1970 homes had one-car garages or carports. Now new homes were requested to have side loaded garages, using an enormous amount of property for garages and parking. Many of these garages were used as extra rooms and very few housed a vehicle. He discussed the high hedges, which were making the town into green corridors. Mr. Sanchez invited staff and the Commission to come to his home on Southland Road so that he could point out three different examples of what Mr. Murphy had spoken about, including the driveways now under discussion. Ms. Coniglio cautioned that the group must adhere to the Sunshine Law but could visit individually and suggested visiting La Puerta and North Ocean Boulevard to see modest screening.

Ms. Beuttenmuller did not think the garage requirement made sense.

Mr. Tatoes compared the code to that of a Chicago suburb where he had lived. He felt people owned more cars today. He believed a home with a large parking lot was unattractive.

Ms. Coniglio asked for input regarding the 6-foot hedges and whether lower hedges were less objectionable, whether a 2-car garage was used to take cars off the street, or if a 1-car garage was a better requirement. Mr. Bergman responded today's code dictated the number of parking spaces required, based on the size of the home. He added the garage requirement was based on lot width.

Mr. Kleid felt the screening had to be sufficient so that the onsite parking could not be seen. He wanted to make a motion to eliminate the requirement for garages, state that onsite parking must be screened, and the sight triangle must be preserved.

Motion made by Mr. Kleid and seconded by Mr. Spaziani to eliminate the requirement for a garage, to continue requiring screening for on-site parking, and maintain the sight triangle.

Discussion ensued after motion was made. Ms. McDonald thought the motion should only be for one-story homes. Mr. Sanchez was opposed because he felt a consultant should review these items. He was opposed to over planting large hedges on the streets. Mr. Gilbane thought the sight triangle should be a priority over the screening due to a life safety issue.

Motion carried 5-2, with Mr. Sanchez and Ms. Coniglio opposed.

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

Mr. Bergman discussed FEMA requirements for mechanical equipment.

Ms. Coniglio asked if staff had any suggestions.

Mr. Bergman thought that Mr. Murphy had a good suggestion for a carve out in the building where the mechanical equipment could be located.

Mr. Tatooles commented a new house being built on his street had a carve out for the mechanical equipment, so it was possible. He suggested placing the equipment on the side of the home that had more space. Mr. Sanchez pointed out the code already allowed that. Mr. Tatooles reported if mechanical equipment was not placed above flood level, the warranties were not honored. He questioned the measuring point for replacement equipment, which Mr. Bergman explained would be NAVD.

Ms. McDonald inquired if owners were being held to a maximum noise level. Mr. Bergman stated that a noise level maximum was in place.

Mr. Sanchez stated that new equipment was becoming quieter and more efficient, but there would still be noise with a carve out.

Mr. Bergman further explained the building carve out.

Mr. Pollock felt this was an opportune time to eliminate future problems by increasing setbacks.

Mr. Bergman suggested staff create a table for mechanical equipment and bring it back to the next meeting.

Mr. Sanchez felt architects should comment on this issue.

Mr. Murphy commented the table on mechanical equipment would include items not yet discussed, such as the requirement of a wall to screen the equipment.

Mr. Sanchez asked staff to study placement of the equipment on the roofs with proper screening.

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

Mr. Bergman discussed the definition for building height and overall building height. He provided a drawing to illustrate the issue. He stated that there were currently 9 definitions for building height. He thought this was problematic and should be simplified.

Ms. Beuttenmuller asked if any other coastal towns had a one definition policy. Mr. Bergman responded Jupiter Island and Miami Beach were examples to study and then apply to real life situations. Ms. Beuttenmuller requested that examples be brought to the next meeting.

Mr. Kleid suggested Mr. Castro might be able to explain why there were 9 definitions at the next meeting.

Mr. Sanchez asked that modern architecture be considered.

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

Mr. Murphy presented current one-story regulations, and possible incentives that could be implemented.

Mr. Kleid suggested prohibiting two-story homes unless a special exception was granted, and the rules must be followed.

Mr. Spaziani felt a land use attorney should be consulted. Mr. Murphy agreed, and clarified he was proposing positive incentives rather than taking rights away.

Mr. Gilbane wanted to have examples so that members could drive around to see them before the next meeting.

Mr. Bergman expressed concern regarding taking away property rights and suggested further study.

Ms. McDonald expressed concern that the Commission had voted not to require garages, which could be a real incentive for a one-story home.

Mr. Tatooles asked why Mr. Murphy opposed reducing the front setback. Mr. Murphy explained his reasons.

Mr. Christu felt the garage issue and the carve out for mechanical equipment could be incentives. He believed sea level rise and legal issues were the guiding issues. He added that these issues needed to be sorted out prior to the Commission moving forward.

Mr. Kleid stated he would be much more comfortable with staff bringing their ideas after they had been reviewed by the attorney, so that discussion would be about items that could happen.

Ms. Beuttenmuller felt the public should provide input on these issues.

Ms. Coniglio commented there was nothing to present to the public now, but she agreed getting their input would be important.

Motion made by Mr. Christu and seconded by Mr. Sanchez, to reconsider the previous motion regarding eliminating the requirement for garages, to continue to require screening for on-site parking and maintain the sight triangle. Motion passed 5-2, with Ms. Beuttenmuller and Mr. Spaziani opposed.

Mr. Christu explained he did not believe the motion accomplished the intent, and he felt there had not been sufficient discussion.

Mr. Pollock explained he had been considering the hedge rather than the garage when he voted and would like staff to come back with their ideas before voting again.

Mr. Kleid suggested waiting until something concrete was presented to the Commission by the professionals and had also been reviewed by the land use attorney.

Mr. Sanchez suggested each member studying the four items presented today and bring them back to the next meeting to present the members' ideas.

Discussion ensued. Ms. Coniglio felt a consensus of the Commission was that everyone requested more information. She suggested focusing on number 4, incentives, for the next meeting. Mr. Pollock thought number 4 should have been first on today's agenda since it could affect some of the other issues that were raised.

Mr. Gilbane asked for homework from staff of concrete examples so that members could drive around town to study each one.

Ms. Coniglio stated she had a list of homes and asked everyone to provide 5 homes to Mr. Bergman so that he could distribute a complete list to each member. At the next meeting the homes on the list would be discussed, applying the four issues discussed today.

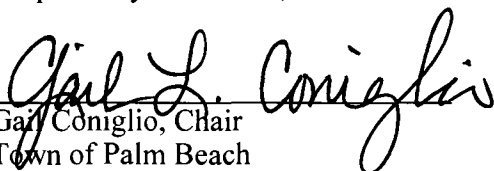
VIII. **COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR**

There were no comments heard at this time.

IX. **ADJOURNMENT**

Meeting was adjourned at 11:55 a.m. without benefit of a motion.

Respectfully Submitted,



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