



TOWN OF PALM BEACH

Planning & Zoning Commission

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON TUESDAY, NOVEMBER 5, 2024

I. CALL TO ORDER AND ROLL CALL

Chair Coniglio called the meeting to order at 9:30 a.m.

Gail Coniglio, Chair	PRESENT
Eric Christu, Vice Chair	PRESENT
Marilyn N. Beuttenmuller	PRESENT
Michael Vincent John Spaziani	PRESENT
Jorge Sanchez	PRESENT
John J. Tatooles	PRESENT
William Gilbane	PRESENT
Nicki McDonald, Alternate	PRESENT
Victoria Donaldson, Alternate	PRESENT
Matthew Ailey, Alternate	PRESENT

II. PLEDGE OF ALLEGIANCE

Clerk Support Specialist DeClaire gave the Invocation and Chair Coniglio led the Pledge of Allegiance.

III. APPROVAL OF THE MINUTES

- A. Minutes of the September 3, 2024, Planning & Zoning Commission Meeting
- B. Minutes of the October 1, 2024, Planning & Zoning Commission meeting

A motion was made by Mr. Gilbane and seconded by Mr. Christu to approve the minutes from the meetings of September 3, 2024 and October 1, 2024, as amended. The motion carried unanimously 7-0.

IV. APPROVAL OF AGENDA

A motion was made by Mr. Spaziani and seconded by Mr. Tatooles to approve the agenda as presented. The motion carried unanimously 7-0.

V. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

There were no comments heard at this time.

VI. COMMENTS FROM THE PLANNING, ZONING AND BUILDING DIRECTOR

There were no comments heard at this time.

VII. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE

There were no comments heard at this time.

VIII. REGULAR BUSINESS

A. Code Review Update

Sean Suder, ZoneCo, presented a high-level review of the code. The diagnostic side of the code was reviewed, stating that the code, adopted in 1974, needed continuity and to reflect a clear, consistent vision. He reviewed the steps that had been taken to date.

Mr. Suder reviewed the next steps which would include the Corradino Group adding environmental resiliency standards into the draft. A public review draft is anticipated for release in December.

Wayne Bergman, Planning Zoning and Building Director, provided staff comments and requested the Planning and Zoning Commission's input on whether they believe the final steps of the process are progressing in the right direction.

Mr. Tatooles was concerned that the new code could not be easily compared to the old code. He wanted to see a strikethrough version of the code. He felt the new code seemed generic. He asked if there was a clear set of goals that needed to be achieved through the development of a new code. He wanted to ensure that effective elements of the old code were retained in the code reform process.

Mr. Sanchez thought the new code was short in many points. He noted that in general, there were a few significant areas in the code that he did not feel were reviewed in enough depth. He expressed some challenges with regard to landmarked structures and the code. In the RB district, Mr. Sanchez felt that with all of the setbacks, an architect does not have much area within which to develop an architecturally pleasing structure. He discussed landscaping and what gives certain areas in Palm Beach their unique character. He noted that there was a lot of prohibitions with gardening in the new code.

Ms. McDonald pointed out the time and effort that had been spent on the code and discussed major points that The Corradino Group had brought forward with regard to the Sea Streets, the east west streets and lakefront streets. She did not feel that some of the major items discussed had been adequately broken down in the code, particularly in the R-B group. She also felt the information in the new code was slim in the south end, R-D1 and R-D2 districts. She noted that would likely be an area of concern going forward. Ms. McDonald said that the new code referenced two- and three-story buildings, but she said when she drove through that area, she observed five and six story structures in the R-D1 and R-D2 districts. Even in the new comprehensive plan, the wording includes “under limited circumstances, a maximum height of five stories.” She asked what would be preferred in that district in the future if there are opportunities to rebuild.

Mr. Gilbane addressed the new code from a perspective of process and what he deemed a success in the comprehensive plan process. He thought the way the comprehensive plan process had been handled was productive, and a similar approach may be effective in finalizing the new code. He also agreed with comments made by other commissioners.

Mr. Spaziani shared comments, thanking everyone for their hard work. He agreed that the comprehensive plan process was successful. His main concern was the sea streets, and he was displeased with how that area was addressed because he could not see how the fifty-foot lots were being protected. In addition, he felt that the sea streets area should have its own designation and be protected into the future.

Chair Coniglio shared opinions expressed by her fellow commissioners, as well as Mr. Bergman’s concerns about the RB districts, specifically because if there is no CCR or no FAR, the footprint of the building is not designable. She said residents continually express concern that things have gotten too large. She also thought that a strike-through version of the code was necessary for staff and residents. She said it would be important to accept resident input. Chair Coniglio asked if staff could participate as integrally as was done with the comprehensive plan. She asked if the Town had resources that would allow the community to participate in the process. Mr. Bergman responded yes.

Director Bergman explained the Code review process led by Sean Suder vs. the review of the Comprehensive Plan in response to Ms. McDonald’s question.

Eugene Pandula, former Landmarks Preservation Commissioner, stated that the whole discussion could be summed up by asking how this process could be simplified so everyone could understand. He noted that he was on ARCOM when a lot of work was done on the Sea Streets. He felt that keeping the code simple to allow for creativity was the best approach.

K.T. Catlin, 265 Fairview Road, expressed concern that the code process was as far along as it is before completion of the comprehensive plan. She noted that to her knowledge, there were no meetings held with ARCOM or Landmarks board members. She noted that they also work with the code at every meeting, and she felt their feedback was important to the process.

Anne Pepper, 333 Seaspray Avenue, remarked that Mr. Tatooles's comments reflected her opinion about the process and how important it is to have specificity. She stated that specifics would be necessary to uphold the content of the comprehensive plan. She said the code was created to protect the neighborhoods, and with the uniqueness of Palm Beach, that protection needs to continue.

John David Corey, 426 Australian Avenue, said he thought that ZoneCo should incorporate comments from staff, the public and respective commissions into the current document. He said the comprehensive plan process worked well, and a strikethrough document would be helpful once all comments are incorporated. He suggested that street models be created to show what each street would look like at build-out using the conditions of the new code. He suggested this be done for the R-B and R-D districts. Mr. Corey said that the comprehensive plan does mention that Palm Beach is built out, but he would argue that even under current zoning, there are areas that are not built out. He said there needed to be a comparison of the current zoning to the proposed zoning in the modeling process. He also recommended that ZoneCo review the document to flag any areas that may be in conflict with the Comprehensive Plan.

Susan Gary, 229 Onondaga Avenue, liked the idea of handing this document over to staff and allowing them to start making it work for the town.

Mr. Suder clarified and explained a few things discussed during the comment period. He noted that the RAA district is already its own separate zone. On the R-B district, lot coverage and landscaping requirements had not been eliminated. He explained the contents of the code that preserves the open space, requires green space and makes sure the structures are not big boxes. He also spoke about courtyard residence allowances included in the code, which provides an incentive for courtyard homes.

Chair Coniglio noted that the current work product would be further reviewed by staff.

Mr. Sanchez felt the document should be provide to members of the Architectural Review Commission and the Landmarks Preservation Commission. Ms. Hofmeister-Drew said staff was in agreement and that they would review and format the document with strikethrough text.

B. Discussion Regarding Zoning In Progress

Mr. Bergman noted that the Zoning in Progress and the Discussion Regarding Private Clubs would be interconnected. He said Mr. Suder, ZoneCo and Eric Czerniejewski, The Corradino Group, had each recommended an extension to the Zoning in Progress which would be presented to the Town Council at their next meeting. He said that some traffic and parking information needed to be collected during peak season. Also, counting the number of seats at a food and beverage establishment was in progress, and would present challenges along

the way due to the difference in various types of food and beverage establishments.

Chair Coniglio requested bifurcating the two topics to allow for discussion of private clubs. She discussed concern with at least four properties that have expressed an interest in having private clubs. She did not think that additional private club applications should be considered.

Mr. Sanchez thought the Town Council was already working on future proposed private clubs. Chair Coniglio thought the Planning and Zoning Commission should make a recommendation to the Town Council.

Mr. Tatoes was also concerned and wondered if the number of seats in food and beverage establishments should be discussed rather than only discussing private club uses. Ms. McDonald said the issue of private clubs should be addressed promptly upon receipt of the traffic study data. Ms. Hofmeister-Drew stated that staff would be coordinating with the traffic consultant in the collection of data. She said staff has also listed items that will need to be gathered and analyzed. She noted that in the current Zoning in Progress Resolution, only private, for-profit clubs are addressed.

Mr. Gilbane said the comprehensive plan provides a guide for approaching intensification of use. He thought that creating more for-profit clubs and event spaces could be a real problem.

Mr. Ailes said that there was a queue of applications for restaurants or clubs and the longer the Town has a prohibition, the longer that queue will be. He said the code needs to be clear and reasonable input accepted. He felt that a clear framework was necessary to keep the discussion based on factual information. He thought the commissions should know exactly when, where and what counts would be taken to identify the traffic pain points in town.

Susan Gary, 229 Onondaga Avenue, agreed with Chair Coniglio and thought it was time to do something in this regard. She encouraged the commission to support Chair Coniglio.

There was discussion about the distinction between for-profit and not-for-profit private clubs. Mr. Gilbane wondered how long it would take to collect the necessary data about private clubs. Attorney O'Connor advised that it would be premature to make a motion or recommendation to Town Council at this time.

Ms. Hofmeister-Drew reviewed the current resolution with the Planning and Zoning Commission. She emphasized that the not-for-profit clubs were not included. Attorney O'Connor advised that a motion could be made to recommend amending the Zoning in Progress to include not-for-profit clubs.

K.T. Catlin, 265 Fairview Road, agreed with Chair Coniglio. She thought that the key is balance, and time is of the essence.

Anita Seltzer, 44 Coconut Row, stated that the comprehensive plan was likely to be approved next week at the Town Council meeting. She discussed some issues that she felt needed to be revisited by the PZC and possibly Town Council.

A motion was made by Mr. Tatoes and seconded by Mr. Sanchez to recommend to the Town Council that the Zoning in Progress Resolution be extended and expanded to cover all zoning districts in the town as well as not-for-profit clubs and proprietary clubs. On roll call, the motion carried unanimously 7-0.

Mr. Spaziani thought it was concerning that there was no regulation or measurements as to whether there are enough food and beverage establishments. He thought that a measurement needed to be established. Ms. Hofmeister-Drew responded.

Mr. Ailes asked for a copy of the Scope of Work for the traffic study.

C. Discussion Regarding Private Clubs

The discussion regarding Private Clubs was incorporated in the previous agenda item, discussion about the Zoning in Progress.

D. Palm Beach Acre within the Comprehensive Plan

Mr. Bergman provided staff comments and discussed the benefits of eliminating the Palm Beach Acre from the comprehensive plan. He provided comparisons of a regular acre versus a Palm Beach acre.

Mr. Spaziani suggested lowering the densities in the residential districts. Mr. Bergman said the question was whether the Commission wanted to stay with using the Palm Beach Acre, having the acre represent an inaccurate number. Mr. Spaziani favored using the number of units per acre, and having the right acreage, but not allowing more units based on the Palm Beach acre. Ms. Hofmeister-Drew explained lot area and Mr. Bergman stated that his research showed that the Palm Beach acre was only related to density.

A motion was made by Mr. Christu and seconded by Mr. Sanchez to recommend to the Town Council to consider removing the Palm Beach Acre from the Comprehensive Plan as outlined in Mr. Bergman's memo dated October 23, 2024. The motion carried by a vote of 6-1, Mr. Spaziani voted no.

IX. ANY OTHER MATTERS

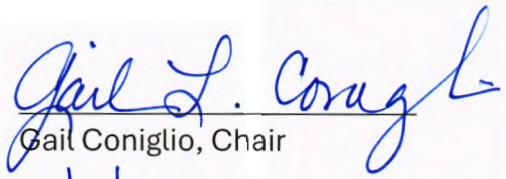
There were no further matters discussed at this time.

X. NEXT MEETING: December 3, 2024, at 9:30 a.m.

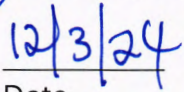
XI. ADJOURNMENT

A motion was made by Mr. Spaziani and seconded by Mr. Gilbane to adjourn the Planning and Zoning Commission meeting at 11:31 a.m. The motion carried unanimously 7-0.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail L. Coniglio". The signature is written in a cursive style and is positioned above a horizontal line.

Gail Coniglio, Chair

A handwritten date in blue ink that reads "12/3/24". The date is written in a simple, blocky style and is positioned above a horizontal line.

Date