



TOWN OF PALM BEACH

Planning & Zoning Commission

MEETING MINUTES OF THE PLANNING & ZONING COMMISSION HELD ON WEDNESDAY, JUNE 7, 2023

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 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, Acting Town Clerk, 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	PRESENT
Jorge Sanchez, Member	ABSENT (excused)
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT
John Tatooles, Alternate Member	PRESENT

Clerk's Note: Mr. Gilbane and Ms. McDonald voted in the absence of Messrs. Spaziani and Sanchez.

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James Murphy, Assistant Director of Planning, Zoning and Building
Jennifer Hofmeister-Drew, Planner III
Antonette Fabrizi, Administrative Assistant
Also present: Bob Garrison, Architect, and Consultant to Commission

II. PLEDGE OF ALLEGIANCE

Ms. Coniglio led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mr. Bergman proposed the following two changes to the posted agenda: moving the Mechanical Equipment item to be heard after Mr. Suder's presentation and removing the proposed R-L Standards and the R-L map changes from Mr. Suder's presentation.

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

IV. APPROVAL OF MINUTES

A. Approval of the April 27, 2023, Planning & Zoning Commission Meeting Minutes

The Commission requested the following changes to the minutes of the April 27, 2023, meeting:

Ms. Beuttenmuller suggested adding the word "not" to the comments provided by Mr. Sanchez on page 10 of the agenda packet, last paragraph on the page, line 3 from the bottom of the page: *"homes, in many ways, was that the properties were not required to conform to the current code."*

Mr. Kleid suggested changing the word "their" to "the" on page 13 of the agenda packet, first paragraph on the page, line 5 of the paragraph: *"and added that the Landmarks Preservation Commission felt the proposed arcade was..."*

Mr. Kleid also suggested capitalizing the words "comprehensive plan" to be consistent with the rest of the document. See page 15 of the agenda packet, the last paragraph on the page, the last line from the bottom, and page 16: *"Comprehensive Plan."*

Mrs. Coniglio suggested adding the words "including accessory structures" to Mr. Bergman's comments on page 10 of the agenda packet, paragraph four from the top of the page, last sentence: *"building heights including accessory structures."*

Motion was made by Mr. Kleid and was seconded by Ms. Coniglio to approve the minutes of the April 27, 2023, Planning & Zoning Commission meeting as amended. Motion carried unanimously, 7-0.

B. Approval of the May 3, 2023, Planning & Zoning Commission Meeting Minutes

The Commission requested the following changes to the minutes of the April 27, 2023, meeting.

Mr. Kleid suggested changing the word "was" to "were" on page 22 of the agenda packet, the fourth paragraph from the top of the page, second line from the bottom: *"if they constituted a quorum who were..."*

Motion was made by Mr. Kleid and was seconded by Ms. Coniglio to approve the minutes of the May 3, 2023, Planning & Zoning Commission as amended. Motion carried unanimously, 7-0.

V. COMMUNICATION FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

No one indicated a desire to speak.

Clerk's Note: Item VI. Code Review Items for Study & Recommendation from The Town Council Regarding Proposed Amendments to Chapter 134- Zoning was moved to be heard after item VII. Discussion and Direction Regarding the Following Items, and was heard at 11:54 a.m.

VI. CODE REVIEW ITEMS FOR STUDY & RECOMMENDATION FROM THE TOWN COUNCIL REGARDING PROPOSED AMENDMENTS TO CHAPTER 134- ZONING

Wayne Bergman, Director of Planning, Zoning & Building

A. Article VI. District Regulations. Division 8-12. Pertaining to Commercial Zoning Districts Related to Mechanical Equipment

Wayne Bergman, Director of Planning, Zoning and Building, provided a brief overview of the Town Council's request for the Planning & Zoning Commission to re-evaluate the proposed text language with graphic illustrations and pictures of mechanical equipment, including generators, within the proposed setbacks.

Discussion ensued regarding pushing the mechanical equipment further back on the roof of a building from the sightline of the ground due to the new height of mechanical equipment. A permit completed via an ARCOM staff approval or an ARCOM approval related to screening and placement was suggested as the best way to move forward with regulating the mechanical equipment without placing specific height regulations in an Ordinance.

It was the Consensus of the Commission to defer this item to the June 15, 2023, meeting.

VII. DISCUSSION AND DIRECTION REGARDING THE FOLLOWING ITEMS:

Sean Suder, Zone Co., Planning Consultant, and Team

Sean Suder, Zone Co., Planning Consultant, provided a brief overview of the items for discussion. He started the presentation by introducing what variables the Commission would be solving for, what variables the Commission would not be solving for, and what the study would not be entertaining due to existing and proposed legislation.

A. North End Zones & Standards

1. Defining the North End Zones (R-B and R-L)

Mr. Suder provided the existing and Design Study Zoning Map defining the North End Zones (R-B and R-L). He described the three zones that are proposed to be modified and why changes were being proposed. The modifications of the R-B zone were recommended to create a new R-L (Lake Trail) zoning district consisting of waterfront lots along Lake Worth primarily of approximately ½ acre (20,000 sq. ft.) of an east-west orientation. The Lake Worth fronting properties were proposed to be a specifically calibrated zoning district, separate from the smaller interior lots in the R-B district.

Discussion ensued regarding whether to codify the new residential zones or just a specific zone and the difference between the zones on the map provided. Clarification was provided as to what street the depicted zones started on, which was described as Wells Road. The Commission requested a different color be selected to depict the zones for easier distinction.

Motion made by Mr. Pollock and seconded by Mr. Gilbane to accept only the R-B District as proposed in the Zoning Map in the Design Study.

Discussion ensued regarding clarification on the boundaries of the new R-B District, Wells Road north to the inlet.

Public Comment:

Mr. Gary Pohrer, 1356 N Ocean Blvd., provided a suggestion to include the properties south of the Beach Club in the R-B District. He also posed a question regarding the color of the properties on the map. James Murphy, Assistant Director of the Planning, Zoning and Building Department, provided clarification on the boundaries of the proposed zones. Mr. Pohrer suggested that the oceanfront district should include properties from Wells Road north to Canterbury.

Motion carried unanimously, 7-0.

2. Review of Charrette Finding in the North End

Mr. Suder presented a review of the Charrette findings in the North End and how the approach to solving issues was selected. He provided a few comments on the approach selected, called “deconstructing the box,” and what zoning issues had been affecting the neighborhoods.

Mr. Suder explained that the first item to solve for was “how to promote unified character.” He suggested several examples of how to promote unified character, which included the following: breaking up building mass and encouraging variation in form while maintaining the existing scale; relaxing the first-floor setback requirements to allow for more flexibility and relief in form; reconfiguring the second-floor area to a maximum of 50% of the first floor; allowing for more appropriate incursions into the required setbacks; reducing the maximum width of the curb cuts and increasing the distance between curb cuts; and removing the enclosed parking requirements while encouraging parking in the side or rear yards.

Mr. Suder then explained that there were no proposed changes to the Primary Uses and Accessory Uses in the R-B District of the north end of the island and stated that all the Uses were to be maintained.

There were no additional questions or discussions from the Commission or staff on this topic.

3. Defining New R-B Standards and R-L Standards

Mr. Suder provided an overview of the new R-B Standards. He discussed a deeper dive into the setbacks of the lot standards touching on the existing regulations and the Design Study. He discussed the permitted incursions in setbacks.

He spoke regarding reconfiguring the maximum lot coverage standards to 45% for one-story and 30% for two-story principal buildings. He stated that the Design Study also recommends including attached accessory structures, such as garages and pergolas, in the lot coverage. He explained the existing and proposed exceptions to lot coverage, such as interior courtyards and loggias.

He briefly discussed the minimum landscaped open space, maximum unshaded openings, and tree canopy cover that are included in the Design Study to be reviewed by the Commission.

Mr. Suder explained the proposed maximum building height standards for primary buildings, which were 16 feet for a one-story and 20 feet for a two-story building. He spoke regarding accessory structures and the items for discussion.

He spoke regarding using bulk standards as opposed to CCR standards. He explained the Reference Table included in the Design Study.

Mr. Pollack inquired about Mr. Suder's recommendation on where to start the discussion. Mr. Suder responded that he felt that the Commission should begin with the more general items and then move to specific items. He spoke regarding starting with a discussion of using bulk standards and the threshold question and then moving to the building blocks, such as lot coverage, setbacks, height, location of accessory buildings, and landscaped open space. He inquired if the deconstruction of the box would be the appropriate item to decide upon at this time.

Ms. Coniglio stated that the Board agreed with the concept of deconstructing the box.

Mr. Suder spoke regarding setbacks and inquired of the board if they agreed that the existing setbacks were not working and which setbacks should be adjusted (front yard vs. rear or side yard).

Ms. Coniglio spoke regarding needing to know the size of a second story prior to answering the question of setbacks.

Mr. Garrison spoke regarding the question of whether a garage will be included in the cubic content and setbacks being a good place to start the discussion. Ms. McDonald expressed concern over the 0-3ft setback for garages and inquired whether allowing a garage to be 8 feet tall would mean that it would require an 8-foot hedge and if that was the look that was desired.

Mr. Gilbane spoke regarding there being no information on corner lots, to which Mr. Suder responded that corner lots would be studied separately.

Mr. Pollock expressed concern about allowing a 0-3 ft setback for garages in the front. Mr. Gilbane spoke regarding having a study of the accessory structures and agreed with Mr. Pollock's concern. Ms. Coniglio spoke regarding discussions about whether to allow a garage at all. Discussion ensued on the size of garages, placement of garages, use of garages, and necessity of requiring garages. Mr. Tatooles spoke in opposition to allowing garages so close to the street but spoke in support of allowing other types of accessory structures, such as pergolas, to be allowed. In response to a question from Mr. Tatooles, Mr. Bergman spoke in support of the placement of a garage on the side of the home and spoke in support of requiring a specific amount of parking spaces on the lot rather than requiring a garage. Further discussion ensued regarding requiring a garage and what the placement of the garages would be, and the proposed setbacks.

Motion was made by Mr. Gilbane and seconded by Mr. Kleid to remove the requirement for garages to be built but require there to be an appropriate amount of parking spaces on the property, per the size of the lot, and as recommended by staff.

Public Comment:

Susan Gary, 229 Onondaga, spoke in support of the motion, which provided flexibility for homeowners.

Mr. Pollock expressed concern over the motion and inquired as to why this item was being discussed at this time.

Lynn George, 249 Mockingbird Trail, expressed concern over cars being parked on her street as there was supposed to be no parking allowed on her street. She spoke in support of restricting street parking.

Gary Pohrer, 1356 N. Ocean Blvd, spoke in support of the motion. He provided recommendations on different proposed setbacks and required maximum square footage in addition to maximum lot coverage.

Anita Seltzer, 44 Cocoanut Row, expressed concern that two commissioners were not at the meeting who had institutional knowledge and inquired if it was premature to vote on the item without a full commission.

Ms. Coniglio inquired as to why garages were mandated, to which Mr. Garrison and Mr. Bergman responded. Discussion ensued regarding the origin of the garage requirement.

Ms. Coniglio confirmed that the motion was to allow property owners to include a garage or not, with the caveat of requiring a certain amount of off-street parking on the property.

Motion carried 5-2, with Mr. Pollock and Ms. Coniglio dissenting.

Mr. Suder recommended the discussion to answer the following questions:

1. Do we allow use of the setbacks?
2. Which setbacks were allowed to be used?
3. How much of the setbacks should be allowed to be used?
4. What should we allow to be included in the setbacks?
 - a. Uninhabitable
 - b. Habitable

In response to a question from Ms. Coniglio regarding what the setbacks should be, Mr. Suder recommended discussing if the Commission wanted the first-floor setbacks to be different from second-floor setbacks; and if this should be used as a tool to help with the massing. Discussion ensued on requiring the first and second-floor setbacks to be different or to provide more flexibility by requiring a maximum square footage standard rather than the different story setbacks.

Ms. Coniglio inquired if the setbacks were 10 feet and how many of Mr. Suder's questions were part of the discussion. Mr. Suder explained that these questions were still relevant and addressed the maximum square footage measurement. He further stated he believed State Law prevented the ability to allow a requirement for this measurement.

Ms. Coniglio expressed concern over reducing the setbacks and allowing additional structures in the setbacks. Ms. McDonald inquired how the greenspace would be impacted if the number of accessory structures increased. Mr. Gilbane spoke regarding the greenspace coverage being preserved and stated that the Commission should decide on the setback and discuss the questions. Mr. Pollock spoke in support of deciding on the setback first and then addressing the other items later. In response to a question from Ms. Coniglio, Mr. Suder explained why a 15-foot setback had been recommended. Discussion ensued on the appropriate numbers for the setbacks.

Motion made by Mr. Pollock and seconded by Mr. Gilbane to keep the side yard setbacks at 15 feet and rear yard setbacks at 10 feet for one- and two-story houses.

Public Comment:

KT Catlin spoke in support of the motion.

Gary Pohrer spoke in opposition to the proposed setbacks and expressed concern over the different setbacks for two stories.

Susan Gary, 229 Onondaga, spoke in support of the preservation of the setbacks as proposed in the motion.

Stan Johnston, 244 Nightingale Trail, spoke in support of using FAR to control square footage and spoke regarding letting the side yard setbacks at 10 and 15 feet for the different floors.

Leigh Dunston, 282 Monterey Road, spoke regarding the requirements under SB 250 and expressed concern over making decisions prematurely.

Mr. Randolph addressed that there were items that could be done that were not restrictive, such as offering incentives.

Susan Gary expressed concern over the size of homes and the setbacks.

Mr. Suder spoke regarding the Bert J. Harris Act potentially preventing the Town from instituting maximum square footage.

Mr. Randolph stated that the Commission would not be discussing restricting the maximum square footage at this time due to SB250.

Motion carried unanimously, 7-0.

Motion made by Mr. Pollock and seconded by Mr. Gilbane to accept the proposed 22-foot front setback as a new zoning parameter, and if a homeowner elected to use the 22-foot front set back on the first floor, they would be required to use the 35-foot setback on the second floor.

Mr. Garrison expressed concern over the difference in the setbacks for the two stories. He stated that 80% of the plane must be setback on the second story. Discussion ensued on what the second-floor setback should be.

Terry Welch, Yard & Company, provided clarification on the different setbacks between the first and second floors.

Motion revised by Mr. Pollock to accept the 22-foot setback on the first floor, with an option of 60% of the second-floor front façade to be setback to 28 feet. Motion died for lack of a second.

Mr. Suder stated that this item did not need to be approved today and that this discussion had provided an option to study and discuss further at a future meeting. Mr. Suder spoke regarding the next steps, including presenting the items that had been approved today to Town Council and then having a discussion on how the voids (greenspace, etc.) were used in the setback.

Clerk's Note: At this time, the Commission heard Item VI. Code Review Items for Study & Recommendation from The Town Council Regarding Proposed Amendments to Chapter 134-Zoning.

Maggie Zeidman, Town Council President and resident at 229 Barton Ave., expressed appreciation to the Commission, staff, and consultants for all their hard work and dedication to this project on behalf of the Town Council.

Motion made by Mr. Gilbane and seconded by Mr. Pollock to move the remainder of the discussion items to the Special Planning & Zoning Commission meeting on Thursday, June 15, 2023. Motion carried unanimously, 7-0.

VIII. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

There were no additional comments from the Planning & Zoning Commissioners.

IX. COMMENTS FROM THE PLANNING AND ZONING DIRECTOR

There were no additional comments from the Planning & Zoning Director.

X. ADJOURNMENT

The meeting was adjourned at 12:48 p.m. without the benefit of a motion.

Respectfully Submitted,

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

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