



TOWN OF PALM BEACH

Planning & Zoning Commission

MEETING MINUTES OF THE PLANNING & ZONING COMMISSION HELD ON TUESDAY, MARCH 5, 2024

Please be advised that in keeping with a 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 9:29 a.m.

Gail Coniglio, Chair	PRESENT
Eric Christu, Vice Chair	PRESENT
Michael Spaziani, Member	PRESENT
Richard Kleid, Member	PRESENT
Marilyn Beuttenmuller, Member	PRESENT
Jorge Sanchez, Member	PRESENT (Arrived at 9:34 a.m.)
John Tatooles, Member	PRESENT
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT
Dragana Connaughton, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
Jennifer Hofmeister-Drew, Planner III
Pat Gayle-Gordon, Deputy Town Clerk
Tom Baird, Town Attorney

II. PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the invocation. Chair Coniglio led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Harvey Oyer, on behalf of the Society of the Four Arts, requested a change in the order of the items on the agenda to allow the presentation of Items VII.A and VII.B to follow the presentation of Item VI.A. The Commission discussed the rearrangement of the agenda.

A motion was made by Member Kleid and seconded by Member Sanchez to reorder the agenda with Items VII.A and VII.B to follow the presentation of Item VI.A and Items VI.B and C are to be moved to the end of the meeting. The motion was carried 6-1, with Mr. Spaziani dissenting.

IV. APPROVAL OF THE MINUTES

A. Minutes of Planning & Zoning Commission Meeting on February 6, 2024

A motion was made by Member Kleid and was seconded by Member Tatooles to approve the minutes of the February 6, 2024, Planning & Zoning Commission meeting as presented. The motion was carried unanimously, 7-0.

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

David Kelso, 255 Monterey Road, spoke about overdevelopment in Palm Beach. He urged the Planning and Zoning Commission to carefully consider changes that weaken the text in the documents that regulate actions in the town.

VI. OLD BUSINESS

A. Zoning Review Update

Sean Suder, Lead Principal / Founder, ZoneCo.

Mr. Suder reviewed the Town of Palm Beach Zoning Code Update. He stated the current code of more than fifty years old, is being updated through the crafting of custom-tailored, clear, consistent, user-friendly, sustainable, defensible zoning regulations that will advance the Town's vision balanced with property rights. He stated that the Town's vision is defined through the Comprehensive Plan. Mr. Suder reviewed the draft study of the residential districts. In addition, he discussed the codify module which includes the following:

- Residential Districts Studied and Code Sections Drafted
- Commercial Districts Studied and Code Section Drafts Underway
- Worth Avenue Design Guidelines Reviewed
- South End Studied and Public Engagement on Thursday, March 7, 2023
- Cultural and Institutional District Studied and Draft Underway
- Nonconformities Studied and Draft Underway
- Administration and Procedures Under Study

Some substantive work will be brought back to the Planning and Zoning Commission, relative to commercial districts once completed. He reviewed the next steps, stating a full code draft is anticipated sometime in the coming year.

Mr. Spaziani asked when the residential component of the zoning review update would be discussed in detail. Mr. Suder said it was reviewed in November, but it may be reviewed again.

Mr. Gilbane reiterated that a lot of work has been done and a comprehensive program level schedule, including the dates and milestones of what has already been achieved in terms of the study, would be helpful. He suggested that all activities that have already occurred be included in

the schedule. Mr. Suder agreed.

Mr. Sanchez thought the details of the R-B District needed to be further reviewed in depth. Mr. Spaziani agreed.

Chair Coniglio said the site of the R-B goals had been lost; she asked if there was value to considering the study by lot size even though it was agreed upon that street size would be used. She also asked that an updated calendar be compiled.

B. Draft 2024 Town of Palm Beach Comprehensive Plan Update

Strike-Through and Underline Version of the Data and Analysis and Goals, Objectives, and Policies of the following Elements:

- Future Land Use – 5th Revision, new edits shown in Orange
- Housing – 4th Revision, new edits shown in Orange
- Historic Preservation – 4th Revision, new edits shown in Orange Public
- Safety – 4th Revision, new edits shown in Orange
- Recreation and Open Space – 4th Revision, new edits shown in Orange
- Property Rights – 4th Revision, new edits shown in Orange
- Coastal Management – 3rd Revision, new edits shown in Blue
- Conservation– 3rd Revision, new edits shown in Blue
- Capital Improvements– 3rd Revision, new edits shown in Blue
- Intergovernmental – 3rd Revision, new edits shown in Blue
- Infrastructure Element - 2nd Revision, new edits in Purple

C. Draft 2024 Town of Palm Beach Comprehensive Plan Update - Map Series

Ms. Hofmeister-Drew presented the 2024 Town of Palm Beach Comprehensive Plan update. She noted that the entire Comprehensive Plan had been presented to the Commission with strike-through and underline detailing. She said all of the elements had been provided except for the Transportation Element. The Town Council had directed the consultant not to do the 1% annual increase in traffic which is state recognized, but not recognized in the town. She stated additional projects that are vested such as The Breakers have been provided and will be taken into consideration. Next month the Transportation Element will be presented.

During review of each element of the Comprehensive Plan, the PZC members pointed out changes that needed to be made. Staff made note of the requested changes relative to PUD's, and other miscellaneous wording throughout the document. Following the review, Ms. Hoffmeister-Drew went over the next steps.

Anita Seltzer, Coconut Row, thanked staff for copies of the information. She thanked the PZC for their efforts and expressed one concern about the wording brought forward by Mr. Kelso earlier during the meeting. She suggested that the list of all specimens and historic trees be made available online.

VII. NEW BUSINESS

- A. Privately Initiated Future Land Use and Zoning Maps and Text Amendments to the Comprehensive Plan and Zoning Code for parcels of land more particularly described in Exhibit A and displayed in Exhibit B, Ordinance Nos. 001-2024 through 004-2024.

Josh Martin, Frisbie Group

There was some discussion about the fact that the Planning and Zoning Commission had already voted not to allow additional Planned Unit Developments. Mr. Spaziani had some concerns about hearing the proposed ordinances. Mr. Bergman provided staff comments and an explanation of the ordinances being presented.

Rob Frisbie, Frisbie Group, commented on the newly proposed plan. He stated the request is for the Planning and Zoning Commission to recommend approval for the creation of a uniquely restrictive PUD that provides the guarantees against future intensification that the community and the Town Council are seeking. The Frisbie Group is committed to working with the PZC, staff, and the Town Council until all parties agree upon language.

Josh Martin, Frisbie Group, discussed details of the project. He explained the phases of the process and what was being requested from the PZC at this time. He stated that this PUD is tied to architectural review and approval and would also be reviewed by the Architectural Review Commission. He said all applications are contingent upon one another.

Mr. Bergman provided some follow-up staff comments on the presentation. He noted that unlike The Four Arts, which was started with a staff recommendation to deal with private group use, he questioned whether it would be advisable to consider changes to the comprehensive plan and zoning code while both are still under review. With regard to overall height, height, number of stories, landscape open space, lot coverage, setbacks, building area, all of which are yet to be provided, would be part of the PUD tentative and final if this project is moved forward in the process. He noted that currently, zoning would allow 20 dwelling units on the total property. The comprehensive plan and future land use map designations of commercial and single-family would allow 34 dwelling units. Mr. Bergman explained the zoning of the property and stated that no residential use would be allowed in the C-B zoned area.

John Koch, 100 Royal Palm Way, expressed opposition to the proposed plan. He said the vast majority of the 39 condominium owners were in opposition to the original plan, and they had not been advised of the plan being presented today. He stated that members of the condominium association are willing to meet with the applicants.

Peter McLeod, 100 Royal Palm Way, spoke in opposition to the project.

Frank Lynch, 1 Royal Palm Way Association, stated this plan was entirely new. Unfortunately, his association could not comment on the plan presented today. He raised some questions and talked about concerns associated with the project.

Katie Presley, 133 Seaspray Ave., also on behalf of her daughter of 136 Seaview Ave., said she had not met with The Frisbie Group, although they had reached out and tried to schedule a meeting. She expressed concern about this location for a PUD.

Allen Gozlan, 141 Seaview Ave., spoke in opposition of the requested PUD. He expressed concern that the Frisbie Group was not being transparent.

Jim Bauman, 100 Royal Palm Way, spoke in opposition to the project. He agreed with Mr. Koch.

Ann Jackson, 135 Seaview Ave., agreed with Ms. Presley. She was very opposed to the PUD rezoning.

Susan Watts, 44 Cocoanut Row, asked about traffic flow from South Ocean. She thought the issue was in process with the town being in the middle of the Zoning Code and Comprehensive Plan projects. Ms. Watts did not think this was the right time to consider the request.

Sarah Mettler, 330 Cocoanut Row, spoke in opposition to the project.

Anne Iorio, 131 Seaview Ave., spoke in opposition to the PUD.

Christine Seaver, 100 Royal Palm Way, agreed with Mr. Koch's comments.

Liza Pulitzer, 15 S. Lake Trail, spoke in opposition to the project.

Matt Iorio, 131 Seaview Ave., clarified the entrance into Seaview is not two-way. He said this is not a de-intensification of use. He was opposed to a PUD.

Chris Levine, 100 Royal Palm Way, briefly stated opposition to the project.

Anne Pepper, 333 Seaspray Ave., thought there was a hijacking of the process. What was being presented had never been seen before and she thought the PZC should say no. She expressed concern that there was no notification of the specific plan to the public.

K.T. Catlin, 265 Fairview Ave., submitted comments that were read into the record by Ms. Hoffmeister-Drew. She was supportive of the request.

Jeffrey Berman, 100 Royal Palm Way, submitted comments that were read into the record by Ms. Hofmeister-Drew. He was supportive of the proposed development.

Reginald Stambaugh, 1818 Florida Avenue, Palm Beach Attorney, was present representing a group of citizens opposed to the project.

Anita Seltzer, 44 Cocoanut Row, talked about the process. She asked for clarity since this was supposed to discuss a text amendment.

Tom Quick, 291 El Vedado, agreed with the comments in opposition to the PUD. He spoke about his concerns with traffic and safety.

Suzanne Reynolds, 340 S Ocean Blvd., spoke in opposition to the proposed project.

Win Lewis, 135 Seaview Ave., spoke in opposition to the proposed project.

Ms. Hofmeister-Drew explained the process with regard to the ordinances that have been presented. She said some concept plan of density was necessary at this time, but this is not site-specific. She explained what the PZC was considering at that time.

Mr. Frisbie stated they had gotten feedback two months ago from the Town Council and the plan

was to go back and work on the plan before presentation to the PZC. He thought the iterative process was being continued and he said more than 175 meetings as part of their community outreach initiative. He addressed several of the public comments.

Motion was made by Member Kleid and seconded by Member Spaziani to recommend that the Town Council not approve Ordinance No. 001-2024. On roll call, the motion was carried by a vote of 7-0.

Motion was made by Member Kleid and seconded by Member Spaziani to recommend that the Town Council not approve Ordinance No. 002-2024. On roll call, the motion was carried by a vote of 7-0.

Motion was made by Member Kleid and seconded by Member Spaziani to recommend that the Town Council not approve Ordinance No. 003-2024 to the Town Council. On roll call, the motion was carried by a vote of 7-0.

Motion was made by Member Kleid and seconded by Member Spaziani to recommend that the Town Council not approve Ordinance No. 004-2024. On roll call, the motion was carried by a vote of 7-0.

- B. Privately Initiated Text Amendments to the Comprehensive Plan and Zoning Code to amend the Future Land Use Element related to Private Group Use and creation of a new Cultural Institution District. Ordinance Nos. 005-2024 and 006-2024.

Harvey E. Oyer, III, Partner - Shutts & Bowen LLP

This item was addressed immediately following Sean Suder's presentation, VI.A.

Mr. Christu and Mr. Sanchez recused themselves from the discussion and participation concerning The Four Arts.

Harvey Oyer, Shutts & Bowen, LLP, introduced the request on behalf of The Society of the Four Arts. The request is for Text Amendments – Zoning and Comprehensive Plan. He reviewed the community services provided by the Four Arts. The request was to create a new CI Cultural Institution Zoning District which would be designed to implement the Private Group Use Future Land Use category. The Town Council provided review and feedback on the proposal at their February 14, 2024, meeting.

Ms. McDonald asked why there was a rush to make the changes. She thought this was out of order, relative to the Zoning Review Update process. Mr. Oyer responded with his reasoning for getting these changes made now. He said some of the problems that need to be addressed are safety related. He also said that Mr. Suder has been involved in the process and has provided input which has been adopted and incorporated into the text amendments. He noted staff have also had ample time to review the requests.

Ms. Jennifer Hofmeister-Drew, Planner III, offered staff comments that relate to the Cultural Institution Zoning District. She explained what was being proposed when it comes to the private group use text amendment. She said when it comes to the zoning district, CI, which proposed legislation would help two properties, The Four Arts and The Flagler Museum. There are also other properties that have private group uses. Those properties would be looked at to be rezoned if the CI zoning district is approved. She stated that Mr. Suder and staff have reviewed the Cultural

Institution zoning district, and she said that zoning map amendments would have to accompany the approval. She stated that the Town Council has oversight of any changes to land use designation or private group use.

Mr. Kleid asked what would happen to properties such as the Preservation Foundation and the Royal Poinciana Playhouse. Ms. Hoffmeister-Drew said Cultural Institution Zoning District, as proposed, is very specific. Mr. Oyer said the Preservation Foundation and the Royal Poinciana Playhouse have no nonconformities, they fit into legal, conforming zoning districts.

Mr. Bergman explained the ordinances before the PZC, Ordinance No. 005-2024 is an ordinance to amend the comprehensive plan. Ordinance No. 006-2024 is an ordinance for the zoning text amendment.

Motion made by Member Kleid and seconded by Member Tatoes to recommend to Town Council, approval of Ordinance No. 005-2024.

Public Comment

Mr. Michael Ainslie, 202 Plantation Road, spoke in support of the ordinances and talked about why there is a sense of urgency to get these ordinances approved.

George Matthews, 343 Seabreeze Ave., spoke in support of the Cultural Institution District.

K.T. Catlin, 265 Fairview Road, supported the Cultural Institution District, but thought additional information was needed. She expressed her concerns.

Joe Jacobs, 324 Plantation Road, spoke in support of the Cultural Institution District.

Robert Forbes, 171 Clarke Ave., spoke in support of the Cultural Institution District.

Bonnie McElveen-Hunter, 240 Banyan Road, spoke in support of the Cultural Institution District.

Skip Aldridge, 2295 S Ocean Blvd., representing The Citizens Association of Palm Beach in support of the Cultural Institution District.

Regina Lee, 227 Australian Ave., spoke in support of the Cultural Institution District.

Wilbur James, 10 Golfview Road, spoke in support of the Cultural Institution District.

The Vice Chair, Society of the Four Arts, 100 Royal Palm Way, spoke in support of the Cultural Institution District.

Tom Quick, 291 El Vedado Rd., spoke in support of the Cultural Institution District.

Patrick Henry, 630 Crest Rd., spoke in support of the Cultural Institution District.

Bob Donnelly, 190 Via Palma, spoke in support of the Cultural Institution District.

Shelly Gubleman, also representing her husband, Billy, spoke in support of the Cultural Institution District.

Bill Roberts, 401 Seaview Ave., spoke in support of the Cultural Institution District.

James Chip DePalma, 456 S. Ocean Blvd., spoke in support of the Cultural Institution District.

Liza Pulitzer, 15 S Lake Trail, spoke in support of the Cultural Institution District.

Julianna Koch, 263 El Pueblo, spoke in support of the Cultural Institution District.

Sandra Thompson, 44 Cocconut Row, spoke in support of the Cultural Institution District.

Barry White, 133 Banyan Rd., spoke in support of the Cultural Institution District.

Cynthia Hoyt, 133 Banyan Rd., spoke in support of the Cultural Institution District.

Christina Aylward, 117 Casa Bendita, President Palm Beach Garden Club, spoke in support of the Cultural Institution District.

Ron Bradley, 118 Hammon Ave., spoke in support of the Cultural Institution District.

Anne Pepper, 333 Seaspray Ave., confirmed that two residential parcels on the north side of Seaview, owned by the Four Arts, were not included. She spoke in support of the Cultural Institution District but thought it important for the Commission to understand what may be permitted by right, if the requests are approved.

Gay Hart Gaines, 2 N Breakers Row, spoke in support of the Cultural Institution District.

Philip Rylands, President, and CEO of The Four Arts, spoke in support of the Cultural Institution District.

Rip McIntosh, 1263 North Lake Way, spoke in support of the Cultural Institution District.

Bob Guthrie, 140 El Mirasol, spoke in support of the Cultural Institution District.

Correction noted by Mr. Oyer, striking out commercial Worth Avenue and adding the word “may,” striking “shall”, remove the bracket and add “subject to Town Council approval.”

Motion was amended by Member Kleid and seconded by Member Tatooles to recommend approval of Ordinance No. 005-2024 to the Town Council, with the above referenced changes in wording. Motion was carried by a vote of 7-0. Mr. Sanchez and Mr. Christu did not participate in the discussion or vote. Mr. Gilbane and Ms. McDonald voted.

Mr. Oyer discussed the line item changes to the zoning text amendment, Ordinance No. 006-2024. In reviewing the zoning text amendment line by line, Mr. Suder addressed the definitions and suggested amending the text. Based on the discussion and recommendations, Mr. Suder will work with Mr. Oyer and staff to improve and tighten the language of the proposed ordinance where necessary.

Motion was made by Member Kleid and seconded by Member Beuttenmuller to recommend approval of Ordinance No. 006-2024 to the Town Council, subject to a consensus of opinion between the three parties who are going to make changes that apparently, were agreed to by the Planning and Zoning Commission. Motion was carried by a vote of 7-0. Mr. Sanchez and Mr. Christu did not participate in the discussion or vote. Mr. Gilbane and Ms. McDonald voted.

VIII. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

Mr. Gilbane mentioned private group use and when it was originally thought of that every use there was a not-for-profit organization. He believes that many of the private clubs are the same and that should be looked at to find where they belong in the document. Mr. Hoffmeister-Drew affirmed and responded.

IX. COMMENTS FROM THE PLANNING, ZONING & BUILDING DIRECTOR

There were none.

X. ADJOURNMENT

Motion was made by Member Spaziani and seconded by Member Gilbane to adjourn the meeting at 3:53 p.m. Motion was carried unanimously, 7-0.

Respectfully Submitted,

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

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