



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON TUESDAY, MAY 7, 2024

I. CALL TO ORDER AND ROLL CALL

Chair Coniglio called the meeting to order at 9:38 a.m.

Gail Coniglio, Chair	PRESENT
Eric Christu, Vice Chair	PRESENT
Marilyn N. Beuttenmuller	PRESENT
Richard M. Kleid	PRESENT
Jorge Sanchez	PRESENT
Michael Vincent John Spaziani	PRESENT
John J. Tatooles	PRESENT
William J. Gilbane, Alternate	PRESENT
Nicki McDonald, Alternate	PRESENT
Dragana Connaughton, Alternate	PRESENT

II. PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF AGENDA

Motion was made by Member Kleid and seconded by Vice Chair Christu to approve the agenda. On roll call, the Motion passed unanimously.

IV. APPROVAL OF THE MINUTES

A. March 5, 2024, Planning & Zoning Commission Meeting Minutes

There were a few revisions made to the Minutes, after which a Motion was made to

approve the Minutes as amended.

Motion was made by Member Kleid and seconded by Vice Chair Christu to approve the Minutes of the March 5, 2024, Planning and Zoning Commission Meeting as amended. On roll call, the Motion passed unanimously.

B. April 2, 2024, Planning & Zoning Commission Meeting Minutes

There were a few revisions made to the Minutes, after which a Motion was made to approve the Minutes as amended.

Motion was made by Member Kleid and seconded by Member Tatooles to approve the Minutes of the April 2, 2024, Planning and Zoning Commission Meeting as amended. On roll call, the Motion passed unanimously.

V. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

Member Kleid, as Vice Chair of the Board of Directors of the Citizens Association of Palm Beach (CAPB) which represents the condominiums south of Sloan's Curve to the southern end of the town, made two requests. The first request was for Mr. Sean Suder, ZoneCo, to revisit with the CAPB again during the fall months to provide an overview of the new Code. The second request was for Mr. Suder to assist in the preparation of a survey, on behalf of the CAPB, to be distributed to all Boards of Directors for the various condominium associations, seeking input as to what they would like to see in the new Code impacting the southern end of town. Mr. Wayne Bergman, Director of Planning, Zoning and Building, thought this was a reasonable request and agreed to communicate the request to Mr. Suder.

Chair Coniglio referenced a recent Preservation Foundation Symposium, attended by several members of the Planning and Zoning Commission. She said there were discussions about the history of Palm Beach and Mr. Robert M. Grace's expertise and advice on ways to move forward while protecting and preserving the Palm Beach community. Chair Coniglio stated there had been discussion about infill development and concerns about the effect regional attractions may have on traffic and infrastructure. She wondered if the Commission and Staff were interested in reviewing protective measures set forth in the Code. She also wondered if measures should be taken to protect the smaller businesses, whether such special considerations would be triggered based on building size, number of employees, or some other defined criteria. She asked for input from the commissioners.

Mr. Gilbane said one of the big concerns a few years ago was lack of retail businesses on Worth Avenue. He said the market conditions may change. He thought the town-serving aspect of the Code needed to be reviewed and tightened up. Subsequently, measures should be taken to preserve the culture, quaintness, and the charm of the Town.

Chair Coniglio asked where the town is in terms of the code reform. Ms. Hofmeister-

Drew reviewed the discussions that had taken place between Mr. Suder and staff. She said there was a lapse of approximately five months due to state legislation. The procedure is to do the comprehensive plan first since it is the policy document. The Code is the implementing tool, as well as other policies that may be used. She said there are still opportunities for planning in the south end, and that planning can be done with the Civic Association in the summer, but Mr. Suder would like to present the code during the fall months. Ms. Hofmeister-Drew advised the Planning and Zoning Commission that now was the time to look at the town policies and think about how to implement them. She noted there was a significant change in the dynamics of Palm Beach during and following the pandemic.

Chair Coniglio thought that if there were additional considerations that could be added to the comprehensive plan, which is a blueprint for the executive leaders of the community, and a conversation with the community; now was the time to have those conversations and make those decisions.

Chair Coniglio encouraged the commissioners to submit their thoughts and ideas about how to move forward with discussions to Ms. Hofmeister-Drew. Ms. Hofmeister-Drew said staff would also conduct a survey of the Code because there are many regulations, and there is an opportunity to improve those regulations. She cited town-serving definition and percentage as examples.

VI. COMMENTS FROM THE PLANNING, ZONING AND BUILDING DIRECTOR

Mr. Bergman stated that the Town Council, at their last meeting, requested that the Planning and Zoning Commission undertake a review of, not only the entire Town Code, but also exterior lighting. Staff has sent out current town regulations on exterior lighting, the self-certifying affidavit used by the Building Department for permits for exterior lighting. As an example, the lighting design guidelines and codes that were implemented in Jupiter Island was also included.

Mr. Spaziani mentioned LEEDS building standards. He would like to have something in the code to address green development in the town. He thought residential and commercial properties should be considered. Ms. Hofmeister-Drew responded that there is a new policy in the Conservation Element that speaks to consideration with providing for and encouraging LEED certified building. Once the Comprehensive Plan is adopted, the town has one year to implement those policies. A brief discussion ensued.

Ms. Connaughton stated she would like to have special precautions for lighting during turtle season since that has been a constant problem for many years.

VII. COMMUNICATIONS FROM CITIZENS -3 MINUTE LIMIT PLEASE

Rick Smith, 130 Sunrise Avenue, Palm Beach, FL, talked about the presentation and a YouTube video from the Preservation Foundation's Robert M. Grace Leadership Symposium held March 28, 2024. He encouraged the Commissioners to watch the 19-

minute video on YouTube. He expressed opposition to the Paramount building and explained why he did not support the project.

Anita Seltzer, 44 Cocoanut Row, Palm Beach, FL, spoke about several issues that she thought were worthy of follow-up discussion with regard to backup that was put into the record for the April meeting.

VIII. OLD BUSINESS

A. Zoning Review Update

Sean Suder, Lead Principal / Founder, ZoneCo.

Sean Suder, Lead Principal / Founder of ZoneCo, introduced the presentation of the zoning review update.

Member Gilbane asked Mr. Suder to think about a program level schedule for summer steps in the zoning review. He thought having dates in advance would be helpful for everyone.

Member Sanchez asked if the commissioners could meet with Mr. Suder via Zoom, individually. Mr. Suder answered affirmatively and said those meetings could be scheduled through the Planning Department.

Member Connaughton asked how much of what had already been delivered to the town would remain the same in the fall. Mr. Suder said some of the documents would remain the same, but a fresh review of the entire update is being conducted. He said that Word document drafts of all non-district sections have been submitted to staff for review. The residential and commercial districts continue to be under review. The general layout will be the same but there will be changes based on feedback. Mr. Suder said narrow streets and wide streets are still being looked at, but additional discussions are necessary with the planning staff. He said one on one meetings with PZC and Town Council would also be helpful. Member Connaughton said ideally, if there were a clean slate, Palm Beach is a built-out community. She stated that she had traveled up and down every street in the north end and she shared her findings. Chair Coniglio encouraged Member Connaughton to meet individually with Mr. Suder to discuss her concerns.

Member Tatoes suggested that it would make sense for the individual conversations between Mr. Suder and commissioners be accompanied by a member of staff. Mr. Suder invited commissioners to include a favorite building designer or architect to join them for the individual meetings. He thought it would also be helpful to have input from people who design buildings in Palm Beach.

B. Draft 2024 Town of Palm Beach Comprehensive Plan Update

Strike Through and Underline Version of Data and Analysis and Goals, Objectives, and Policies of the Transportation Element - 3rd Revision

Clerk's Note: Member Sanchez left the meeting at 12:29 PM.

Ms. Hofmeister-Drew presented a summary of the changes that had been made in the draft version of the Transportation Element.

The commission began reviewing the Transportation Element Data and Analysis, line by line.

Chair Coniglio asked if on page 2, the 3rd paragraph should include language about ingress/egress relative to factors that impact transportation. Ms. Hofmeister-Drew responded that for decades, parking had been recognized as a problem. However, it had not been addressed in the comprehensive plan. The updated 2024 version will address parking by having a sub-element and policies that are directly related to parking.

Member Spaziani asked if The Breakers PUD had been considered in the study. Ms. Hofmeister-Drew said the Corradino Group will be looking at the Royal Poinciana Plaza and The Breakers to determine the new growth rate.

The Commissioners pointed out some scrivener's errors in the document. Staff members made note of the changes.

Chair Coniglio referred to the FDOT process and asked about the interrelationship with changes and development and what the road impact would be in West Palm Beach. She said if there was a road change, she wanted to know their criteria and whether there would be an opportunity for the Town of Palm Beach to make meaningful inquiries. Mr. Tom Baird, Town Attorney, responded that the way transportation planning works in Palm Beach County, the county has authority over establishing levels of service for state and county roads. They also have the ability to establish Transportation Concurrency Exception Areas (TCEA) and they have approved that the only way to change that would be to go back through the process which would have to be initiated by the City of West Palm Beach. He said the Town would not have an entry point to that process unless it were opened up for comments from the Town.

Member Tautoles asked if all of the text relative to the Florida requirements needed to be included. Ms. Hofmeister-Drew said no, it could be removed, and the numbering section could be reduced. Chair Coniglio suggested that the paragraph about Brightline be reduced because it would be outdated almost immediately.

On page 42, Ms. Hofmeister-Drew suggested removal of items a, b, and c. On page 43, Vice Chair Christu inquired about the referenced Transportation Planning Area (TPA). Ms. Hofmeister-Drew said the TPA does a report that includes every municipality. The roadways in Palm Beach are constrained so when improvements are referenced, it is about capacity. She explained the

Town's participation in the TPA.

Chair Coniglio thought that any roadway rated less than LOS C should be re-evaluated.

Member Gilbane noted that during the traffic study that Public Works is doing with the Corradino Group, the traditional timing of the study is not exactly Palm Beach rush hour. He asked if this level of service analysis had been done on regional engineering timing, or if it had been done with the Palm Beach timing. Ms. Hofmeister-Drew responded this document has used the state peak hours.

Ms. Hofmeister-Drew stated that with regard to South Ocean, Royal Poinciana was also considered A1A on the TPA map and that was there it was divided. That explanation may be added to the document.

Chair Coniglio referenced Town of Palm Beach Transportation Element and asked if ingress/egress could be added. Ms. Hofmeister-Drew said yes. Chair Coniglio also wanted to talk about lane signalization, one-way streets, and similar modes of positive impact on traffic circulation.

Member Kleid noted there was no language in the document about the Police Department. He asked why traffic police officers were not included in the document. Ms. Hofmeister-Drew said the Police Department is addressed in their Public Safety element, but something could be added to reflect the coordinated effort of staff when it comes to transportation and circulation. Mr. Gilbane added that if the roadway is performing at a LOS C or below, then a police officer would be available for enforcement. Chair Coniglio asked staff to check with the Police Department. She added that the Police Department is out in public and maybe this could be related to circulation or the ability for emergency vehicles to move efficiently through traffic patterns.

There was some discussion about the data projections included in the document. Ms. Hofmeister-Drew said the data projections were actual.

Member Connaughton asked if there had been consideration to making North County Road two lane, like it once was prior to the lane being created where no passing is allowed. She would like to see the passing lane reinstated to help traffic move more fluidly as well as making North County Road two lanes again. She said the changes made have impeded progress. Ms. Hofmeister-Drew responded.

Chair Coniglio asked if there was an opportunity to ask Town Council to make a staff change to recreate the level of service requirement to be included in the comprehensive plan. Ms. Hofmeister-Drew suggested that when the GOP's are reviewed, the commission should let her know if she has addressed that thoroughly enough, it could be tweaked if necessary.

Member Gilbane thought the truck traffic on North Lake Way had increased significantly since the one-way flipping happened. He said it seemed like a lot of the trucks are using the lake road trying to get in and out of town. It was suggested that the size of vehicles using North Lake Way be limited.

Chair Coniglio thought language could be added on page 51, to the Level of Service narrative, indicating that the current adopted level of service is unattainable because it does not adequately plan for failure.

Member McDonald did not feel that the Origin-Destination Analysis was comprehensive enough. She stated her reasons. Vice Chair Christu also thought that the analysis was incomplete. Ms. Hofmeister-Drew stated she would work with the professionals to obtain additional information about the data analysis.

Member Sanchez stated that an enormous amount of traffic has come about because of the volume of construction and the small parcel sizes which allow more structures.

Chair Coniglio pointed out that the information about the West Palm Beach Downtown Development Authority included the creation of jobs for local residents. She did not think that information was pertinent to the Transportation Element. Ms. Hofmeister-Drew agreed. Member Connaughton asked for data about the number of Palm Beach residents who use the free ride services.

Chair Coniglio noted that some of the signage to allow for traffic flow is located on pavement. She thought traffic signalization should be up at the light. She thought this could be in a policy or strategy.

Member McDonald thought that on page 28 of the document, if Part 1: Expansion of paid parking in the business district, from Barton Avenue to Hammon Avenue, should reference the business and beach district. Chair Coniglio asked if other parts, for instance from Royal Poinciana North, where there are both commercial and beach parking areas, should be referenced. Ms. Hofmeister-Drew responded that this portion of the element is relative to the six-point parking program that has been adopted. She recommended not adding parts to this part of the document, although it could be added as a suggestion.

Member Connaughton mentioned Worth Avenue valet parking. She thought it had caused a lot of traffic congestion that was not an issue prior to the valet parking being implemented. Ms. Hofmeister-Drew said that is part of the valet parking study being conducted by The Corradino Group.

Review of the Goals, Objectives and Policies document ensued. Chair Coniglio asked if Policy 1.3 was relevant. The consensus was to eliminate that paragraph.

Vice Chair Christu asked, under Objective 2, if the cumulative impact of individual permits being issued was a consideration. He asked what the language about a development order or permit, or a development permit for land use encompasses. Ms. Hofmeister-Drew acknowledged Vice Chair Christu's point and stated that it would be a new policy, one that would be critical to recognize. He also thought the language should be reviewed for consistency. Ms. Hofmeister-Drew explained the relationship of the objective/policies to concurrency. Member Gilbane thought the comprehensive plan should give staff the ability to say no to the issuance of a permit due to timing. Ms. Hofmeister-Drew suggested that a policy be considered to limit the issuance of permits for single family development projects to allow limitations with regard to the number of projects that may be ongoing at the same time in a specified area.

Member Sanchez said the main objective would be to shorten the time of construction. Because of good deeds, the length of process has increased. He thought if contractors were allowed to work longer hours, the projects would be completed in less time. A brief discussion ensued about ways to legislate or incentivize construction projects being completed in a timelier manner. Member Tatooles thought the verbiage could be more restrictive with regard to traffic and roadway level of service ratings.

Ms. Hofmeister-Drew explained what "proportionate fair-share mitigation for transportation facilities" as written in Policy 2.6. She said the fair-share is that portion of the project that is impacting the road, resulting in a lower level of service rating.

Ms. Hofmeister-Drew stated that in the data analysis looking at the roadways that are impacted, she will update the language to be nonspecific.

Member Beuttenmuller thought there was an implication that bicycling could be an answer to the traffic issues. She said in the beginning paragraph of Objective 3 and Policy 3.5, the language should be changed because no one is going to give up their cars for bicycles. Member Kleid noted a letter written by Mayor Moore regarding opposition to bicycling past Sloan's Curve. He did not think that most residents would want to see an increase in bicycle paths. Ms. Hofmeister-Drew explained the state statutes require alternative modes of transportation be identified in the comprehensive plans. However, language could be tweaked because some of the areas pose safety issues. She stated that she would review and adjust the language based on discussion points.

Chair Coniglio asked why Objective 4 did not include all state roads. Ms. Hofmeister-Drew responded and agreed that the language could include all state roads. Chair Coniglio asked where consideration was included with regard to some mitigation opportunities under Objective 4, Policy 4.2. She requested that in Policy 4.1 or 4.2 that all state roads be listed and that mitigation

opportunities be identified. She said the Comprehensive Plan should create a situation where intergovernmental activities identify the opportunities.

Member Tatooles, referring to Objective 5, thought language should include the actual objective and goals.

Public Comments

Anita Seltzer, 44 Cocoanut Row, Palm Beach, FL, shared her thoughts about the Transportation Element discussion. She noted that there is work that needs to be done for the Transportation Element and understanding how critical it is as a support mechanism for the Future Land Use Element. She reviewed some opportunities in the documents where she thought language could be improved. Ms. Hofmeister-Drew stated that she would schedule a time to meet with Ms. Seltzer and review her suggestions.

John David Corey, 426 Australian Avenue, Palm Beach, FL, referred to the data and analysis section which addresses the Royal Poinciana traffic counts. He stated there was an increase of 73,000 which indicates the immense redevelopment happening on the north end of the island. He stated there are a lot of resources at the Transportation Planning Agency (TPA) that are mentioned in the comprehensive plan. Ms. Hofmeister-Drew shared the names of those who serve on the TPA Executive Committee. He thought perhaps the comprehensive plan should state that the town would seek a position on the board. He said the word “roadway” is used a lot in the document and should also be thought of as “rights of way.”

Lew Crampton, 2335 S. Ocean Blvd., Palm Beach, FL, asked if there is a clear picture of what is happening in West Palm Beach and what that means for the Town of Palm Beach in terms of development. He noted that post-COVID, the largest impact on the town has been the public using local beaches. He said that whatever West Palm Beach does, may balance impacts on Palm Beach. Ms. Hofmeister-Drew responded the impacts were substantial and those numbers would be part of the traffic and parking study.

IX. NEXT MEETING DATE: Tuesday, June 4, 2024, at 9:30 AM

The members decided that there will not be a Commission meeting in July.

X. ADJOURNMENT

Motion was made by Vice Chair Christu and seconded by Member Spaziani to adjourn the Planning and Zoning Commission meeting at 12:45 PM. On roll call, the Motion passed 7-0 with Member Gilbane voting for Member Sanchez who left the meeting at 12:29 PM.

Respectfully submitted

Gail Coniglio, Chair

Date