



TOWN OF PALM BEACH

Planning & Zoning Commission

MEETING MINUTES OF THE PLANNING & ZONING COMMISSION HELD ON WEDNESDAY, JANUARY 3, 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
John Tatoes, Member	PRESENT
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	ABSENT (Excused)

Also present: Bob Garrison, Architect and Consultant to the Commission

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
Jennifer Hofmeister-Drew, Planner III
Kelly Churney, Acting Town Clerk
Joanne O'Connor, Town Attorney

II. PLEDGE OF ALLEGIANCE

Ms. Churney led the meeting with an invocation. Chair Coniglio led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF THE MINUTES

- A. Approval of the December 6, 2023, Planning and Zoning Commission Meeting Minutes

Mr. Kleid questioned a motion made at the last meeting in relation to PUDs and

wondered if it captured the intent of the discussion.

Ms. Churney advised the Commission on how to proceed should they want to revise the motion.

A motion was made by Mr. Spaziani and was seconded by Mr. Tatooles to reopen the motion to eliminate PUDs from the Town of Palm Beach Comprehensive Plan. The motion was carried unanimously, 7-0.

There was a short discussion about what the motion should include to capture the intent of the Commission's discussion, which was to eliminate *future* PUDs from the Town of Palm Beach Comprehensive Plan.

A motion was made by Mr. Spaziani and was seconded by Ms. Beuttenmuller to eliminate future PUDs from the Town of Palm Beach Comprehensive Plan. The motion was carried 5-2, with Messrs. Sanchez and Christu dissenting.

A motion was made by Mr. Kleid and was seconded by Mr. Spaziani to approve the minutes of the December 6, 2023, Planning & Zoning Commission meeting as presented. The motion was carried unanimously, 7-0.

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

No one indicated a desire to speak.

VI. OLD BUSINESS

A. Code Review by ZoneCo. – Sean Suder

Mr. Suder gave an overview of the progress thus far:

- A residential district study was conducted, and draft sections of the code were provided for review by the Planning and Zoning Commission and the Town Council.
- ZoneCo was working with staff regarding the commercial districts. A first preliminary draft memorandum had been provided to staff, and study drafts of the districts would be provided to the PZC for review soon.
- ZoneCo would begin engaging with the community at the south end of the island, which would include a deep dive into the future zoning and development patterns for that area.

Mr. Suder advised that there was a website, www.pbzoning.org, which acted as a clearinghouse for all information related to the zoning code project. He noted that there were active links on the site to provide information from the beginning of the project to the present. The site also included a resource library.

Chair Coniglio asked if there would be additional meetings with Mr. Suder. Ms. Hofmeister-Drew responded that staff would be working with Mr. Suder to develop a schedule for in-person meetings and additional virtual meetings. She informed the commission that the south-end public engagement meetings would be included in the schedule.

Mr. Kleid asked if Mr. Suder was aware of text amendments that developers had requested in the recent past. Mr. Suder said that he was aware of and had reviewed some of the requests to provide feedback about how the zoning code project may be impacted. Mr. Gilbane suggested that staff share how future proposed text amendments should be addressed. Ms. Hofmeister-Drew responded that as part of the code, it was required that before the Planning and Zoning Commission reviewed any proposed text amendments, those amendments be presented to the Town Council.

Chair Coniglio asked about text amendments being presented. She recalled discussing the

addition of information in the Town Alert which would include a brief description of any requests for text amendment changes.

A. 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 presented at the December 6, 2023, PZC Meeting

- Future Land Use – 3rd Revision, new edits shown in purple.
- Housing – 2nd Revision, new edits shown in purple.
- Historic Preservation – 2nd Revision, new edits shown in purple.
- Public Safety – 2nd Revision, new edits shown in purple.
- Recreation and Open Space – 2nd Revision, new edits shown in purple.
- Property Rights – 2nd Revision, new edits shown in purple.

Jennifer Hofmeister-Drew, Planner III, presented the draft 2024 Town of Palm Beach Comprehensive Plan Update. She explained the edits made to the data and analysis and goals, objectives, and policies for (D&A and GOPs) since the December presentation. Based on the discussion from the last three plan reviews, changes and updates have been made. The PZC members agreed to review the document page by page to discuss potential updates or changes.

Ms. Coniglio pointed out a reference to overhead power lines and noted that the town would no longer need overhead lines once the underground project was complete. Any such references were suggested to be “utilities” rather than “overhead lines.” There was a brief discussion about where the words “shall” and “will” had been used throughout the document. Ms. Hofmeister-Drew stated she would replace “shall” with “will” throughout the document. It was suggested that words that lead to ambiguity be eliminated as often as possible.

Ms. Coniglio said she would like to see Public Safety included where essential services were referenced. Mr. Bergman explained that essential services, as referenced in the comprehensive plan, were defined in the zoning code as specific to land use.

As the commission worked through the zoning code, several changes in the wording were suggested for clarification, and the staff professionals acknowledged suggestions, stated the changes that could be made, or provided explanations if the changes should not be made.

Regarding traffic and transportation, coupled with growth, Ms. Hofmeister-Drew noted the growth happening in the downtown West Palm Beach area. She discussed places that were under review for alternative ways to traverse, like Okeechobee Road. She said the town manager and the planning department were following up on communications on future growth. She noted that, in addition, an intergovernmental process was being implemented to address traffic flow. The impact had been positive. She advised that coordination of signalization has been a cooperative effort between the county, the Town of Palm Beach, and West Palm Beach.

Ms. Coniglio shared an observation that the Florida Department of Transportation was responsible for state roads, and they would be the agency to approve the City of West Palm Beach development orders based on the level of road service in West Palm Beach.

It was decided that language would be included to indicate that the town comprehensive plan was the overriding document when conflicts must be clarified.

Mr. Gilbane thought it would be worthwhile to define architectural styles that were in keeping with the town. He suggested using current industry-acceptable terminology to describe or

outline the varied styles of structures. The commissioners thought photographs could be removed from the housing element. Ms. Hofmeister-Drew acknowledged the desire not to have photographs in the housing plan. She did note that some of the pictures were inserted to break up the words and provide illustrations as to what was being discussed. She said a comprehensive plan does not have to be a text-only document.

Mr. Tatoes questioned the goal on page 7, relative to Objective 6, “The Town shall assist with state, regional and local efforts in affordable housing that are fair and equitable through intergovernmental coordination and other appropriate mechanisms.” Ms. Hofmeister-Drew stated that local governments in the State of Florida must address affordable housing in their comprehensive plans. Providing affordable housing that met today's standards in the town was not feasible. Addressing the affordability housing issue was done by assisting the effort on a larger regional basis. That section of the document would be reworded for clarification.

Ms. Coniglio referred back to Housing Element Objective 5, Policy 5.1. She asked if there should be a reference to compliance with all zoning codes. Ms. Hofmeister-Drew responded that the reference could be added.

Ms. Beuttenmuller referenced the Historic Preservation Element Summary, noting the sentence which contained the following, “the history of the State of Florida and to all people of the United States,” could be worded better. Mr. Gilbane also noted that after “specimen trees,” in the same paragraph summary, the word “is” should be added.

Under the Public Safety Element, it was thought that one of the sections had too much history and could be refined. Ms. Hofmeister-Drew concurred and said she would work to reduce the wording further.

Mr. Tatoes noted under the Public Safety Element Goals, Objectives, and Policies, Policy 2.2, he did not think it was necessary to specify vehicular and non-vehicular.

Mr. Gilbane pointed out that in Objective 3, policies, there was language about hurricanes, but since the Town was a barrier island where traffic gets intense, he suggested that perhaps non-weather-related emergencies should be incorporated into the language. He said every day, emergency vehicle egress was becoming more of a concern for residents. Ms. Hofmeister-Drew advised that the objective was intended to be specific to emergency management services, and that was why all the policies were related to the same. She commented that she would ensure the non-weather-related emergency language was in the document.

Ms. Beuttenmuller pointed out some wording inconsistencies in Objective 1 under Public Safety. Ms. Hofmeister-Drew said she would make corrections.

Ms. Beuttenmuller thought the blue box on page 9 could be removed under the Recreation and Open Space Data and Analysis. She also mentioned on page 14, under the Henry Morrison Flagler Museum, the list of displays was not necessary. She thought the first paragraph was sufficient. She also referenced page 18 where the marina features were listed, questioning the list needed to be included in the plan.

Ms. Coniglio asked if there was value in adding that most of the library’s support was through philanthropic efforts. She said the town funds their annual initiative and thought it was worth substantiating that the town supports the library. She also noted that the word “visitors” should be removed under the recreation section.

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

- Coastal Management – 1st Revision, new edits shown in green.
- Conservation – 1st Revision, new edits shown in green.
- Capital Improvements – 1st Revision, new edits shown in green.
- Intergovernmental – 1st Revision, new edits shown in green.

Ms. Hofmeister-Drew stated that the PZC had not seen the above four items in the strikethrough version. She noted that all of the elements were ready to review. She said the changes were minor.

In the Property Rights Element, Ms. Coniglio asked if language should be added to indicate the updated coastal program that was reviewed several years ago. She said the original was in 1998, but the town went through a huge review exercise about how the program should be updated and advanced. Under Policy 1.6, she asked whether an item “e” could be added that would maintain the identified protocol with the U.S. Army Corps of Engineers related to sand placement, renourishment, and funding. She thought it was critical to recognize that the U.S. Army Corps had defined protocols that were helpful to the town and must be maintained.

Ms. Beuttenmuller suggested the removal of the graphics and the list of hurricanes.

Ms. Spaziani asked Mr. Bergman about the coastal construction line. Mr. Bergman indicated that it was all regulated by the state.

Ms. Coniglio said while she wanted to protect natural resources, beach nourishment and management aimed to protect upland properties and residents. Ms. Coniglio thought the purpose of the coastal program was to provide protective measures that should be referenced in the document. She also said there was a reference to inlet dredging in 1929. She thought there might be some logic to include in the document, the U.S. Army Corps of Engineers’ obligation to keep the navigability of the port viable and that sand should be put on the dry beach. She said that was currently a protocol by the U.S. Army Corps.

Under the Conservation Element, subjective commentary should be removed. Ms. Coniglio wondered if a sentence should be added as to the obligation of the town to protect the nearshore reefs, sub-tropical hardwood hammocks, and mangroves. She thought this would fit in with the section where the plan talked about protecting endangered species. Mr. Sanchez said some of those protections were regulated at the state level.

Ms. Coniglio asked if there was an opportunity to address the town’s mooring in the conservation element or the Coastal Management Element. Mr. Bergman said that every year, the state created laws that must be placed in the comprehensive plan, and he would like an opportunity to review those laws.

The Capital Improvement Element was discussed, and some minor changes in wording were suggested. The plan should include, under existing and future health care facilities, page 2 of Data and Analysis, that there were no hospitals on the island. However, there were emergency care facilities. Under Policy 4.1, Ms. Coniglio thought the language on page 7 of Goals, Objectives, and Policies should have indicated that “The Town Will undertake” rather than

“The Town may elect to undertake.” She said the bulkhead came to mind because at some point, as the bulkhead is raised, not only will there be an obligation by the town to the public, but a review will also be needed. It was also noted that Ms. Coniglio’s comment may impact Objective 4. Mr. Tatooles noted the term “development orders” had not been defined at the top of page 6. Mr. Bergman advised that the State defined development orders, and the town issues development orders. Mr. Tatooles asked if the language addition would point to the town looking at the levels of service, as well as what impacts new permits being issued would have on the town. Mr. Bergman commented that the town staff reviewed local service and concurrency throughout the process.

Mr. Gilbane asked if a project would be considered when evaluating service levels if it had been approved but had not yet been built. Ms. Hofmeister-Drew said two reviews were conducted. One review was the long-term level of service review, and the other was site-specific. She said there had been discussions about this because, going forward, it would be necessary to look at long-range impacts on transportation and other services. Mr. Sanchez asked if the language was included because it was state-mandated. Ms. Hofmeister-Drew said it is part of the review for transportation and traffic impacts. She said the state was the reviewing agency for all comprehensive plan amendments. Comprehensive Planning contemplates long-term planning.

Ms. Hofmeister-Drew recommended these comments be addressed in the transportation element, which would be presented to the Planning and Zoning Commission for review next month. In the meantime, staff was waiting for the traffic impact comments from Corradino Group, which should be included for review.

On page 2 of the Intergovernmental Goals and Objectives, the language states that “the town will request the county appoint at least two town representatives to appropriate county advisory committees,” Ms. Coniglio thought it should be noted that one was the Impact Fee Review Committee.

Mr. Coniglio asked if there was an opportunity to add the port with the Army Corps of Engineers on page 12 of the Intergovernmental Coordination Element Goals, Objectives and Policies.

Mr. Gilbane asked if something should be put into the Intergovernmental Coordination Element about maintaining some type of view on state bills that affect the town and how those were monitored. Ms. Hofmeister-Drew said participation with the League of Cities and the town’s lobbyist monitor these things, but some language could be incorporated into the document if desired.

Ms. Hofmeister-Drew presented a timeline of the next steps in the PZC review of the Comprehensive Plan. She also included the next steps undertaken by the Town Council and the Local Planning Agency.

Ms. Coniglio asked if variances would be discouraged with the code changes being made. She was wondering what Mr. Suder’s opinion was concerning the many variances that had been requested recently. She also asked if the review should be expedited before legislation changes. Mr. Suder responded and thought he could move at the pace requested by the Commission and the Town. He stated he would work with staff to develop a timeline. Ms. Coniglio thought it was a good time to recalibrate the timeline.

VII. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

No one indicated a desire to speak at this time.

VIII. COMMENTS FROM THE PLANNING, ZONING & BUILDING DIRECTOR

No comments were heard at this time.

IX. ADJOURNMENT

A motion was made by Mr. Sanchez and was seconded by Mr. Spaziani to adjourn the meeting at 12:17 p.m. The motion was carried unanimously, 7-0.

Respectfully Submitted,

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

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