



# TOWN OF PALM BEACH

Town Manager's Office

## MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON APRIL 2, 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	ABSENT
Michael Spaziani, Member	PRESENT
Richard Kleid, Member	EXCUSED
Marilyn Beutenmuller, Member	PRESENT
Jorge Sanchez, Member	PRESENT
John Tatooles, Member	PRESENT
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT
Dragana Connaughton, Alternate Member	PRESENT

Staff Members present were:

James Murphy, Assistant Director of Planning, Zoning and Building  
Jennifer Hofmeister-Drew, Planner III  
Pat Gayle-Gordon, Deputy Town Clerk  
Joanne O'Connor, Town Attorney

### **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 Mr. Spaziani and seconded by Mr. Gilbane to approve the agenda. On roll call, the Motion passed unanimously, with Mr. Gilbane and Ms. McDonald voting instead of the absent members.**

Ms. McDonald noted that the Transportation Element was not on the agenda. She asked when the Commission could expect to see it again. Ms. Hofmeister-Drew responded that the Transportation Element would be presented to the PZC next month as additional time was necessary for data collection that would account for the level of service standards.

#### **IV. APPROVAL OF THE MINUTES**

##### **A. Minutes of Planning & Zoning Commission Meeting on March 5, 2024**

**Motion was made by Mr. Tatoes and seconded by Ms. Beutenmuller to defer the Minutes of the March 5, 2024 Commission meeting to the May 7, 2024 Commission meeting for revision and correction. On roll call, the Motion passed unanimously, with Mr. Gilbane and Ms. McDonald voting instead of the absent members.**

#### **V. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS**

No one indicated a desire to speak.

#### **VI. COMMENTS FROM THE PLANNING AND ZONING BUILDING DIRECTOR**

James Murphy, Assistant Director, noted that Mr. Bergman could not attend the meeting. There were no comments on his behalf.

#### **VII. COMMUNICATIONS FROM CITIZENS -3 MINUTE LIMIT PLEASE**

No one indicated a desire to speak.

#### **VIII. ZONING REVIEW UPDATE**

##### **A. Presentation by ZoneCo. regarding the following items:**

- Recap of the Residential Districts Study
  - Mid-Town Commercial Districts Study
  - South End Zoning Study
- Sean Suder, Lead Principal / Founder, ZoneCo.*

Mr. Suder noted that a lot of work had been done over the last few months, studying every aspect of the Town of Palm Beach Code. The study was done in preparation for drafting commercial and south-end district code sections. The November presentation on residential districts was recapped, as it was intended to address and update the R-B zone, which had been creating a lot of friction in the community relative to homes being constructed on lots that seemed too small

for the houses being built. Mr. Suder stated that the Residential Districts Overview resulted in a study draft of the six Palm Beach residential districts, which had been reformatted and simplified, and the usability of the existing residential zoning districts improved. He noted that these were actual code districts that would be included in the draft code. The draft study removed civic and cultural uses, as they would be included in new districts. The draft study also focused on better calibrating the R-B District to respond to community feedback. He explained the approach and guiding principles applied to address the proposed code updates. He noted a large part of the study was to look at street widths. When the north end was studied, the street widths varied from seventeen feet to more than forty feet. Three subareas were proposed based on interior conditions noted during the study.

Ms. McDonald referred to establishing the lot, regulating the subdivision, and merging lots within the R-B District by establishing minimum and maximum required lot areas. She requested clarification on the Lot areas within Subareas A, B, and C. She needed help understanding the 20,000 sq. ft. maximums in Subareas A and C. She presented an example and asked how the maximum of 20,000 sq. ft. could be the same in Subareas A and C. Mr. Suder said there was a discussion about subdividing lots. He said that over time, it was decided that combining two lots of up to one-half acre in that area would be best. Ms. McDonald said she thought the maximum in Subarea C should have been different than the maximum in Subarea A. Mr. Tatoes agreed with Ms. McDonald. Mr. Suder said he would look back over the subareas.

Chair Coniglio noted there were long conversations about zoning change. She asked Mr. Suder if the subareas were consistent with the zoning changes. She also remembered a conversation about combining lots and adding a requirement for larger green spaces. She felt some questions still needed to be answered. Mr. Suder said Subarea C was not necessarily tied to lot size but to lot orientation, east-west versus north-south, and roadway widths along those areas. Originally, different zones were discussed, but a decision was made to get away from that since there was no desire to rezone large properties.

Mr. Tatoes asked how the building areas would be determined. He noted that the front setback was tied to street width. He asked if the height of the structures was being lowered.

Chair Coniglio encouraged dialogue but noted that this information would be presented to the PZC again in more detail at a future meeting.

Mr. Sanchez thought the north end needed to be further analyzed. He thought the history of Palm Beach needed to be considered. What made it a better environment was the larger lots, and he was concerned about codifying limitations on the number of lots that may be combined.

Mr. Spaziani did not care for sub-category B. His main concerns were about the Sea Streets; he thought they deserved an exclusive zoning designation. He wondered if Mr. Suder could work on changing the category to an R-SS or Residential Sea Streets. He said there were many nonconforming lots on those streets. He thought some restrictions should be put on allowing people to take larger lots and divide them into fifty-foot lots, which would increase density. Mr. Suder asked if new zoning districts should be created or if rezonings should be avoided. He said he has been sensitive to rezoning because he understood that rezoning properties was not popular in the past.

Chair Coniglio asked Mr. Suder to further consider the concern expressed about the 'one size fits all' mentality with respect to the proposed subareas. Mr. Suder said he would review this, and he noted that in Subarea C, the idea of a maximum was to avoid lot consolidation, which created huge lots on the water. He said that as a policy issue; he would ask the PZC members to tell him whether there were concerns about combining lots into large estate lots.

Ms. Connaughton wondered what was wrong with keeping the original platting for the Sea Streets. She thought the original planning regulations should remain in place on the Sea Streets.

Mr. Suder discussed establishing a residential area within the R-B Zoning District. He said discussions over the past two years had centered around home sizes. He noted that the residential area allowed outdoor accessories such as pools and patios, but setbacks still exist. He said this gets the homes to the desired size for the area. He noted there may be occasions where an accessory structure has to be placed in the setback area. Mr. Suder discussed the justification for the sizes in relationship to the street widths. He also discussed building heights in relation to street widths.

Mr. Gilbane suggested that Mr. Suder talk about the relationship between setbacks from the street and the building heights. He thought the one thing that needed to be added to the presentation was the height of houses. Mr. Suder said they had tried to achieve approximately a 1:1 human scale ratio. He further explained the ratio and distance between buildings in relation to street width.

Mr. Sanchez asked if looking at the 1:1 ratio would be better and if further setbacks were required for taller buildings. He thought it was important to bring architecture to the streets. This would require allowing leeway to the architectural professionals.

Ms. Connaughton asked how many streets were considered narrower in the north end versus wider streets. She was concerned about the restrictions being put on the north end. Mr. Suder referred to a study that had been prepared, and he agreed to forward it to PZC members. Concerns were expressed about how the proposed changes would impact the addition of allowable accessory structures to their

properties.

Mr. Tautoles was concerned about the allowance of *up to 25% of the gross square footage of the structure*. He said this could result in a lot of square footage in accessory structures. He also asked how the FAR limitation relates to CCRs that were put into place in the 1990s in an attempt to limit home sizes. He asked if there is a proportionality allowance based on lot size. Mr. Suder said it is proportional. He noted that many variables were taken into consideration. He discussed some of those variables.

Mr. Sanchez made a point about homes commonly referred to as courtyard homes. He said that in that situation, the house is situated as far back on the lot as possible, and the garden and pool are in front of the home. He said that allows for more green space and creates privacy for the residents and neighbors. He did not think that type of architecture should be discouraged.

Chair Coniglio asked about approaching the code by lot size. Mr. Suder responded that they were attempting to use scalability, in terms of lot size, in the residential areas with setbacks. Chair Coniglio also thought there were too many variables. Mr. Suder said the idea is to allow balanced square footage to maintain the north end's character.

Mr. Suder stated that a study of one of the full streets somewhere near Monterey was conducted. He noted that he would provide that study for the next meeting. He also noted that street widths are determined to be narrow at approximately 30 to 35 feet.

Mr. Suder said the R-B Zoning District has been the most challenging part of the code reform project.

Mr. Suder began presenting the Mid-Town Commercial Districts. The study had the areas broken down into three: 1) Town Center Area; 2) Royal Palm Way Area; and 3) Royal Poinciana Area. He explained the data used to get a snapshot of each area. He provided an overview of the findings from each of the areas. Mr. Suder spoke about pre-1974 zoning when there was only one commercial district. The code consisted of what uses were prohibited but not what were allowed. The code did include setback and height limitations. He discussed changes that had been made since 1974, which included the five commercial zoning districts, a three-story height maximum, Worth Avenue Design Guidelines, and the establishment of the Architectural Review Commission.

Mr. Suder shared his study of the history of Worth Avenue, which began as something other than a commercial corridor. He talked about how the avenue evolved.

Mr. Suder provided similar information about the study of Peruvian Avenue. He

pointed out some of the differences compared to Worth Avenue.

Mr. Suder provided information about the study of South County Road and North County Road. He discussed the challenges that exist in the mid-town area.

Mr. Suder summarized the commercial zoning study considerations for the designated areas.

Chair Coniglio said that additional infill development concerns the entire community. She said that the town-serving approach has been loosened, which has allowed more regional stores to comply, which she was not sure was the goal. She noted paring requirements are outdated, which has also helped maintain the small business atmosphere. Mr. Gilbane asked how the Town protects itself against infill development. Mr. Tatoes also noted that private group uses have grown but are indicated in the code as low intensity uses. He said all of the private group uses are not low intensity and some are located in residential districts. He felt that this should be addressed. Mr. Suder responded.

Mr. Spaziani asked why Mr. Suder was considering eliminating the C-B Zoning District. Mr. Suder responded. Ms. Hofmeister-Drew noted that the staff has been reviewing commercial districts and several comments have not yet been discussed with Mr. Suder. The C-B District is the only place that allows for hotels and there needs to be more discussion between staff and Mr. Suder.

Mr. Suder discussed south-end opportunities. He said that area was a unique, turn-key type of development pattern in Palm Beach. There is a lot of condominium living. He also discussed the challenges that have been identified in the south end. He talked about the zoning considerations recommended to improve the south end.

Mr. Spaziani said the design of the south end is incredible. He thought that feeling should be retained.

Chair Coniglio noted that additional meetings are needed. She asked the pleasure of the Commission. Ms. Hofmeister-Drew suggested a side-by-side review to assist in determining the goals for the code. She thought this needed to be decided for each district.

Mr. Tatoes thought the districts should be addressed holistically. Mr. Suder said the idea was to simplify the code already provided. He said all code sections have been provided. He acknowledged that there were a lot of additional regulations and definitions that needed to be built out.

Chair Coniglio requested that staff and Mr. Suder work together to create a meeting schedule and agenda for each meeting so the commissioners can be

prepared to respond to public inquiries.

The consensus of the PZC was to wait until fall to review the entire document that may be reviewed page by page. She asked if the commission wanted to have meetings in the interim. The consensus was affirmative, and Ms. Hofmeister-Drew stated that staff would work with Mr. Suder to create a meeting schedule. There was a suggestion for staff to provide meeting minutes from previous discussions along with agenda packets on the code sections. This would be helpful for the commissioners to remember what had already been discussed.

Ms. Connaughton would like Mr. Suder to explain the difference between designing homes in different areas such as New England home versus a South Florida home.

John Corey, 426 Austrailian Avenue, recapped how the comprehensive plan had been addressed and he suggested red-lined versions of the code for review, moving forward. He also thought it may be interesting to model the current zoning that is allowed on certain streets.

## **IX. REGULAR BUSINESS**

### **A. Planning & Zoning Commission Annual Report** *Jennifer Hofmeister-Drew, AICP, LCAM, Planner III*

The Planning & Zoning Commission Annual Report is scheduled to be presented at the May 14, 2024, Town Council Meeting.

## **X. NEXT MEETING: Tuesday, May 7, 2024**

## **XI. ADJOURNMENT**

**Motion was made by Mr. Spaziani and seconded by Mr. Gilbane to adjourn the Planning and Zoning Commission Meeting at 11:43 a.m. On roll call, the Motion passed unanimously, with Mr. Gilbane and Ms. McDonald voting instead of the absent members.**

Respectfully Submitted,

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