



TOWN OF PALM BEACH

Planning & Zoning Commission

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON TUESDAY, OCTOBER 1, 2024

I. **CALL TO ORDER AND ROLL CALL**

Chair Coniglio called the meeting to order at 9:31 a.m.

Gail Coniglio, Chair	PRESENT
Eric Christu, Vice Chair	PRESENT
Marilyn N. Beuttenmuller	PRESENT
Michael Vincent John Spaziani	PRESENT
Jorge Sanchez	PRESENT
John J. Tatooles	PRESENT (Arrived at 9:35 a.m.)
William Gilbane	PRESENT
Nicki McDonald, Alternate	PRESENT
Victoria Donaldson, Alternate	PRESENT
Matthew Ailey, Alternate	PRESENT

Clerk's note: Ms. McDonald voted for Mr. Tatooles until his arrival.

II. **PLEDGE OF ALLEGIANCE**

Deputy Clerk Gayle-Gordon gave the Invocation, and Chair Coniglio led the Pledge of Allegiance.

III. **APPROVAL OF AGENDA**

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

IV. **APPROVAL OF THE MINUTES**

A. Minutes of the Planning & Zoning Commission Meeting of September 3, 2024

Ms. McDonald pointed out that there were certain errors in the minutes, namely

comments being attributed to her or vice versa. Mr. Tatoes also stated that he had substantive changes to comments or partial comments attributed to him. Chair Coniglio then suggested that the minutes be deferred to the next meeting. Mr. Sanchez stated that towards the end of the meeting, he had requested a copy of the Code as it was modified, and he would like for his request to be in the minutes when they are revised.

A motion was made by Mr. Tatoes and seconded by Mr. Gilbane to defer the September 3, 2024, meeting minutes to the meeting on November 5, 2024. The motion carried unanimously 7-0.

V. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS

Chair Coniglio commented on the recent hurricane disaster that devastated some sections of Florida and inquired about what actions the Town could take to offer assistance.

VI. COMMENTS FROM THE PLANNING AND ZONING BUILDING DIRECTOR

There were no comments heard at this time.

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

No one indicated a desire to speak at this time.

VIII. OLD BUSINESS

A. Code Review Verbal Update

Sean Suder, Lead Principal of ZoneCo, reported that a copy of the administrative review draft number 1 of the full Zoning Code rewrite had been provided to the Planning, Zoning, and Building department staff for review. He reiterated this was a first draft and that there would be many more. Mr. Suder stated that a cover memorandum was also attached, which requested that staff review the document before releasing it to elected officials because it was in a preliminary draft form. He said that would not preclude the Planning and Zoning Commissioners (PZC) from getting a copy. However, he suggested that the PZC members reserve comments until a public review draft was released. Mr. Suder said there would be many policy-related and other decisions to be made prior to the finalization of the document.

Mr. Tatoes asked if the document was in strike-out format. Director Bergman referred to the memorandum provided by Mr. Suder, which set forth the existing articles, the new articles, and how the articles were changed. He also explained that because the document was being completely rewritten, it would be nearly impossible to provide a strikeout version.

Mr. Christu also wished to have a copy of the document, but he did not think that the PZC members should further disseminate the document outside of the

commission. He cautioned against releasing the document to the public because he felt that would create unnecessary angst in the community.

Town Attorney Joanne O'Connor advised that the draft document was a public record. However, staff could decide not to disseminate it to the public unless someone requested a copy.

Ms. McDonald requested that the calendar of progress, which showed the dates and meetings that would occur prior to the finalization of the document, be further clarified. She thought the addition of some color would help. Ms. Hofmeister-Drew responded that she would meet with Mr. Suder to refine the calendar, creating more opportunities for the public to comment and commissioners to review, like how the Comprehensive Plan was done. Once updated, the schedule would be provided to commissioners.

Mr. Suder asked that the commissioners take time to read the memorandum, which explained a lot of what had been incorporated into the draft code document. He reiterated that the document was in draft form.

Ms. McDonald wanted to better understand what the public review draft work session meant, as indicated in the calendar document. Mr. Suder explained that the administrative review draft was intended for staff review. Once comments were received, a public review draft would be published. Subsequently, the code would be broken down into sections, where all topics would be reviewed during scheduled sessions.

Ms. Beuttenmuller requested that the PZC members receive a copy of the draft by the end of the week.

B. Discussion Regarding Zoning In Progress (ZIP) as Related to Resolution No. 069-2024

Chair Coniglio declared a conflict of interest and left the dais for the discussion of this item. The gavel was passed to Vice Chair Eric Christu.

Eric Czerniejewski of the Corradino Group provided an update on items discussed at the September 3, 2024, PZC Meeting. He noted concern regarding the differentiation between public and private food and beverage establishments. All the seats would be included in the calculations, as discussed by the Town Council. He noted that ongoing updates were being made regarding the number of seats and that information was anticipated to be available sometime between mid-October and early November. He noted there was discussion regarding the Lakewood Casino and some of the associated buildings, which would be noted but not included in the calculations. As part of the additional scope of service, he stated that the Corradino Group would be looking at traffic counts for the traffic and

parking study. Mr. Czerniejewski stated that the Corradino Group would be conducting a new origin-destination (O & D) analysis; this time, streetlight data would provide information during peak season. The zones would be focused on food and beverage locations. As far as the traffic counts for Southern Boulevard, he indicated the vendor would be ready to go, with the goal of simultaneously collecting information to determine the difference between when Southern Boulevard was open or closed. This would indicate the impact across the bridges. The Corradino Group was also looking at the parking in each district, based on the food and beverage locations and seating. They would also continue looking at the impact of loading on adjacent roadways.

Mr. Bergman stated that based on the information provided at the last meeting, Mr. Czerniejewski had created five districts to calculate the potential trips generated based on the existing food and beverage (F&B) uses. In summary:

- District One: Royal Poinciana Way North, 2,569 F&B seats and 9,572 trips generated.
- District Two: Clarke Ave / Antigua Ln to Royal Poinciana Way, 2,420 F&B seats and 8,991 trips generated
- District Three: Australian Ave to Clarke Ave / Antigua Ln., 963 F&B seats and 3,309 trips generated
- District Four: El Vedado to Australian Ave., 2,432 F&B seats and 8,991 trips generated
- District Five: El Vedado and everything south, 1,534 F&B seats and 5,536 trips generated. (Mar-a-Lago was still yet to be analyzed)

Mr. Bergman stated that these numbers were based on the business tax receipts, which were undergoing an audit. He found the number of trips generated based on the size of F&B today was much larger than realized. He stated that the information needed would be the percentage of total trips that could be attributed solely to F&B trips. Once calculated, an analysis needed to be done on whether the percentage of F&B trips lowered the level of service on the roadways and whether the existing parking was adequate to support the 60 F&B establishments in Town.

Mr. Bergman noted that Mr. Suder had made some possible suggestions to consider if it was determined that a significant portion of the traffic and parking problems were related to the F&B establishments.

Mr. Czerniejewski stated that he could perform a certain amount of analysis while awaiting the audit information. He stated there was also a discussion about analyzing a trip generation calculation at one restaurant location in each of the established districts. This would provide local data for vehicles traveling in and out for those vehicles entering and exiting during peak season. He advised the commission that there would be some necessary analysis after the O&D analysis was obtained. He noted that some of the information would not be presented until

sometime in January. However, updates would be provided as information was obtained.

Mr. Tatoes noted that the Mar-a-Lago Beach Club was not included. He said there was food service on the beach. He also asked how many of the trips generated were from off-island versus local trips on-island. Mr. Czerniejewski said that the street light data would provide specific information regarding the zones where F&B establishments are active.

Mr. Gilbane wondered if the capacity allowed in a facility should be included, in addition to the number of seats. Mr. Bergman stated that this had been added to a discussion item for the upcoming Town Council meeting. He explained the difference between the capacity and the number of seats, and the role of the Fire Marshal in determining capacity. Ms. Hofmeister-Drew commented that the declaration of use agreements were in place for several of the establishments. Town Attorney O'Connor advised that these were special exception uses that were controlled through the declaration of use agreements.

Ms. McDonald thought the traffic figures could be misleading since all the seats accounted for were not filled every night.

Mr. Gilbane thought that events that drive substantial volumes of traffic should be included in the study. He said event traffic needed to be included in the numbers. Ms. McDonald also thought that hotels should be included in the counts. Mr. Christu asked if there was historical data for events. Ms. Hofmeister-Drew noted that a special event permit was not required for private events and to date, there was no data available.

Mr. Sanchez thought the Royal Poinciana Playhouse and the Celebrity Room should be included in the study. He also thought that dining was only a minor contributor to the traffic congestion. He mentioned that the time restraints placed on employees who serve the island residents may be contributing to the traffic issues.

Ms. Donaldson noted that the town-serving element was very important to the Town.

Mr. Ailey asked some questions for clarification, to which Mr. Czerniejewski responded. He also expressed some concern about making sure the right definitions of capacity were in place. Mr. Czerniejewski commented that it was interesting that no permits were required for private events and added that would make it difficult to measure. Mr. Czerniejewski suggested working with Town staff to develop a methodology for determining the capacity element of private events.

Anita Selzer, 44 Cocconut Row, provided some commentary about the trips generated. She asked some questions regarding the presentation.

IX. NEW BUSINESS

A. Discussion & Recommendations Regarding an Ordinance to Change Chapter 134 Zoning, Supplemental Regulations, Division 17, Marijuana Centers & Dispensaries

Town Attorney O'Connor provided an overview of the Town's Ordinance regarding marijuana centers and dispensaries. She advised that with the State allowing municipalities to regulate marijuana centers and dispensaries, this would be a good opportunity to clarify and simplify the Town of Palm Beach's ordinance regarding marijuana. There was a brief discussion about the existing ordinance and suggested amendments.

A motion was made by Mr. Spaziani and seconded by Mr. Christu to recommend the amended Ordinance No. 034-2024 for approval to the Town Council. The motion carried unanimously 7-0.

B. Forthcoming Matters

- Existing Private Club Uses

Chair Coniglio asked if a future agenda item would include a discussion about the prohibition of private clubs. Mr. Bergman said it could be a part of the discussion.

There was a consensus among the Planning and Zoning Commission agreed to include a discussion of the prohibition of private clubs with the above-referenced forthcoming matter.

Mr. Spaziani asked Attorney O'Connor for an update on the Declaration of Use for Mar-a-Lago. Ms. O'Connor said she was working with the Town Council and Town Manager on the issues related to Mar-a-Lago.

X. NEXT MEETING DATE: Tuesday, November 5, 2024, at 9:30 AM

XI. ADJOURNMENT

A motion was made by Mr. Spaziani and seconded by Mr. Christu to adjourn the Planning and Zoning Commission meeting at 10:42 a.m. The motion carried unanimously 7-0.

Respectfully submitted,

Gail Coniglio, Chair

Date