



TOWN OF PALM BEACH

Town Manager's Office

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON JANUARY 7, 2025

I. CALL TO ORDER AND ROLL CALL

Chair Coniglio called the meeting to order at 9:30 a.m. On roll call, all members were present EXCEPT alternate member, Matthew Ailey.

Gail Coniglio, Chair	PRESENT
Eric Christu, Vice Chair	PRESENT
Marilyn N. Beuttenmuller	PRESENT
Michael Vincent	PRESENT
John Spaziani	PRESENT
Jorge Sanchez	PRESENT
John J. Tatoes	PRESENT
William Gilbane	PRESENT
Nicki McDonald, Alternate	PRESENT
Victoria Donaldson, Alternate	PRESENT
Matthew Ailey, Alternate	ABSENT

II. INVOCATION AND 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 Ms. Beuttenmuller to approve the agenda. On roll call, the Motion passed unanimously.

IV. APPROVAL OF THE MINUTES

A. Minutes of the December 3, 2024, Planning and Zoning Commission Meeting

Mr. Tatoes clarified that in reference to page 7 of 7, the first paragraph after

the vote, it was he who stated the first sentence, not Mr. Gilbane, as indicated in the minutes.

Mr. Gilbane noted that on page 4 of 7, the second paragraph from the bottom, he did say that being shut down by private security was a problem. Instead, he intended to convey that the road closure itself created a problem that needed acknowledgement due to its impact on the entire town. Deputy Town Clerk Gayle-Gordon stated she would review the audio recording to ensure the minutes accurately reflected what was said.

Ms. Beuttenmuller identified several scrivener's errors in the Minutes and provided her suggestions to Deputy Clerk Gayle-Gordon.

Motion was made by Vice Chair Christu and seconded by Mr. Gilbane to approve the Minutes, as amended. On roll call, the Motion passed unanimously.

V. COMMUNICATIONS FROM CITIZENS-3 MINUTE LIMIT PLEASE

Rick Smith, of 130 Sunrise Avenue, Unit 315, Palm Beach, addressed parking issues in the town and the impact it has on the residents. He also spoke about bridge openings during rush hour.

Michael McCarty, of 223 Atlantic Avenue, Palm Beach, spoke about the impact that intensification of use in the Town has on traffic and parking.

VI. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS - None

VII. COMMENTS FROM THE PLANNING, ZONING & BUILDING DIRECTOR - None

VIII. OLD BUSINESS

A. Results of Email Responses to Private Clubs Regarding Membership

Jennifer Hofmeister-Drew, Planner, provided the results of responses regarding the current number of members from private clubs in Town. In response to Ms. McDonald's request, she explained Declaration of Use Agreements (DOUA), which provide for restrictions, allows the Town Council to approve certain uses subject to those restrictions and conditions intended to benefit the public health, safety and welfare. After the explanation, Mr. Gilbane pointed out that the Town Code requires one parking space for every four members. Mr. Gilbane also noted that in the code, private clubs are Special Exception Uses. Mr. Gilbane asked if private clubs were considered Special Exception Uses within a Planned Unit Development. Ms. Hofmeister-Drew responded that certain uses within the PUD

may require a Special Exception Use approval, but a PUD is its own zoning district. Mr. Gilbane asked if a Special Exception Use could be the mechanism by which a Declaration of Use Agreement would be required. Ms. Hofmeister-Drew responded affirmatively.

Mr. Tatoes commented that a Declaration of Use Agreement is a contractual agreement that supersedes what is in the Code.

Vice Chair Christu added that it was a bit of a misnomer, other than the Carriage House, as to the Declaration of Use Agreement. He said the Carriage House was the modern version of application of a Declaration of Use Agreement.

Ms. McDonald asked if there were limitations on the maximum number of people attending parties at any of the private clubs. Ms. Hofmeister-Drew responded that staff cannot issue a special permit for events on private property. Therefore, there would be no limits imposed by the Town.

Mr. Gilbane noted that some Declarations of Use Agreements do apply to events, particularly regarding traffic. He agreed that the Carriage House was the newest and most modern but noted that the Mar-a-Lago Declaration of Use Agreement is detailed and contains information about events and traffic. He said another thing to consider in terms of capacity would be the Fire Code.

Ms. Hofmeister-Drew said the Planning, Building and Zoning staff's focus is on the zoning code. The Fire Department would be responsible for capacity limitations based on the Fire Code. She added that any of the Declarations of Use Agreements for private clubs are site specific.

Chair Coniglio asked about the definition of membership regarding capacity, and whether there was any distinguishing between a Town resident or non-Town resident. Ms. Hofmeister-Drew said that there were some Declarations of Use Agreements that included language about on-the-island and off-island residents. Chair Coniglio wondered if there may be an opportunity to retroactively determine maximum membership capacity and what the subset of those memberships would be.

Joanne O'Connor, Town Attorney, explained that more recently, under a provision in the Town Code, the Town Council may require a landowner to provide a Declaration of Use Agreement when granting a Special Exception Use. Ms. O'Connor noted that the Declaration of Use Agreement must be recorded in the public records to ensure ongoing compliance. Any violation of the conditions outlined in the Agreement would constitute a code violation. Mr. Tatoes raised a question regarding enforcement and consequences of a violation. Attorney O'Connor stated any violations would be addressed through the Code.

Enforcement process. Mr. Gilbane followed up and stated that we should be able to know where we are in terms of the Declaration of Use Agreement for each private club. Mr. Sanchez reminded everyone that the private clubs have agreements with the Town and stated that Code Enforcement should be handling the enforcement issue. Mr. Sanchez also stated that the Planning and Zoning Commission should prioritize the traffic issues instead.

Chair Coniglio said the determination that needed to be made was how many more private clubs should be allowed on the island.

Mr. Gilbane agreed that traffic is a priority, but there is an obligation to finish the work in connection with the Zoning-in-Progress for restaurants and clubs.

Public Comment

John David Corey, 426 Australian Avenue, Palm Beach, asked about the recent tarps placed over the courts at the Breakers Hotel. He asked if there was an opportunity to put a Declaration of Use on the tennis facility. Ms. Hoffmeister-Drew said the Breakers Hotel will be coming forward with an amended and restated Resolution with some changes to several of the buildings and structures on the site. Staff will be preparing a new Declaration of Use.

IX. NEW BUSINESS

A. Draft Schedule for Code Review

Jennifer Hofmeister-Drew, Planner, presented the draft schedule for Code Review. She said the goal is to have the Town Code adopted in April 2026.

Chair Coniglio said that it seemed like a long time. She asked if it would be helpful to have a conversation to provide feedback prior to the completion of the document. Ms. Hofmeister-Drew presented a timeline and explained the process the staff anticipates.

Mr. Bergman stated that staff would go through the Code and identify the issues dealt with daily and bring those to the Planning and Zoning Commission monthly, based on category, for your review. He said this timeline is the first draft, and staff is looking to do this correctly with guidance and direction from the Planning and Zoning Commission.

Ms. McDonald asked if there was anything the PZC could be doing before the review in April. Ms. Hofmeister-Drew responded that staff was working on a spreadsheet which references the various sections of the Code being reviewed.

Mr. Bergman stated that this process cannot be rushed.

Mr. Gilbane explained what he thought would work well with the schedule without getting into the minutia of what staff has to do on a daily basis. He liked that this schedule shows work occurring by staff with the focused areas for PZC review. He thought it was good that the items citizens would be most interested in were being reviewed during season. He was pleased with the schedule but asked for a heads-up in a month or so about what kind of topics would be presented to the PZC for review.

Chair Coniglio expressed a concern that one of the biggest public concerns, those being general variances and floodplain variances, should be closer to the beginning. Ms. Hofmeister-Drew said it could be moved up. Mr. Bergman stated that the Administration and Procedures section of the Code, is about the public meetings. Mr. Bergman said it would be much like a cut and paste of what is currently in place. However, materials for variances and special exceptions will be covered in other articles prior to that.

Chair Coniglio asked at what point in the process the Town Council will be included. Ms. Hofmeister-Drew stated that the Town Council would be briefed after the staff met with PZC. Mr. Tatroles suggested reporting to the Town Council after each section is completed. Mr. Bergman explained that it was always staff's intention to share the work product with the Town Council, probably every month or every two months and they may adopt something that has been approved by the Commission. Mr. Gilbane suggested a high-level plan in a written narrative might help everyone stay organized and on the same page.

X. NEXT MEETING: Tuesday, February 4, 2025

A. Town of Palm Beach Truck Regulation Study, Prepared by Kimley Horn & Associates 05.21.2021

Jennifer Hofmeister-Drew stated that she had provided the truck study to the Commissioners upon request.

Mr. Sanchez spoke about traffic where highway work is done at night. Mr. Sanchez said the inland waterway, intracoastal, is the major highway for ships and he asked why they could not do their work at night. Chair Coniglio said it is the U.S. Army Corps of Engineers. Mr. Gilbane added that although the USACE was carrying out the work, it was the County which is paying for the work and even though there is a proposal to change the work hours, the County will not pay for it. Vice Chair Christu spoke about bridge openings during rush hour and wondered why this was happening as it caused backups which takes a long time

to clear. Vice Chair Christu inquired if there were any records of when the openings should happen. Mr. Bergman stated that the Police Department keeps a record of the openings and will investigate if openings happen outside of the schedule. Mr. Tatooles commented that barges do not operate on a schedule. Mr. Sanchez also commented about possible solutions to the Town's traffic issues and stated that the most traffic is coming onto the island in the mornings and leaving between 2:00 pm to 5:30 pm. Mr. Sanchez stated that he wonders if this is caused by the Town Council limiting the hours for these vehicles coming to the Town. Chair Coniglio commented that it was mostly construction traffic and wondered if there could be incentives for carpooling.

There was a brief discussion about construction vehicles entering the island during peak hours and ways to limit the number of vehicles entering and exiting the island. Attorney O'Connor stated she would look into this further.

Mr. Sanchez stated building contractors should have freedom to perform and get their jobs done faster.

Ms. Donaldson added that carpooling to construction sites using vans instead of buses makes it easier as no special license is needed to drive vans.

Mr. Gilbane stated that there were less bicycles coming to the north end due to the road closures and stated that may be there were certain restrictions that could be put in place to limit certain vehicles to certain hours, use of special permits or no groups of bicycles on certain streets. Ms. Hofmeister-Drew stated that certain restrictions were being reviewed for some sections of Town. Ms. McDonald wondered how enforcement will be handled with any new restrictions.

XI. ADJOURNMENT

Motion was made by Mr. Gilbane and seconded by Mr. Spaziani to adjourn the Planning and Zoning Commission meeting at 10:45 a.m. On roll call, the Motion passed unanimously.

Respectfully submitted

Gail Coniglio, Chair

Date