



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on February 12, 2025

I. CALL TO ORDER AND ROLL CALL (01:12)

The Town Council Development Review meeting was called to order on February 12, 2025, at 9:30 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (01:28)

Town Clerk Churney gave the invocation. Council President Lindsay led the Pledge of Allegiance.

III. COMMENTS OF MAYOR DANIELLE H. MOORE (02:17)

The mayor had no comments at this time.

IV. COMMENTS OF TOWN COUNCIL MEMBERS (02:33)

No comments were made at this time.

V. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (9:22)

Anita Seltzer, 44 Cocoanut Row, complemented those working on the comprehensive plan, Ordinance No. 015-2024, on the agenda. She noted that some amendments would need to be made to the maps upon completing the Code Reform process. Ms. Hoffmeister-Drew stated that additional modifications would be made to the maps. She also noted that staff would create an open and public space future land use category.

VI. APPROVAL OF AGENDA (03:42)

Mr. Bergman announced the following changes to the agenda:

XI. C. Resolution No. 014-2025 – Item Deferred to March 5, 2025

XI. F. Resolution No. 022-2025 - Addition to the agenda

XII.B.1.c. Correct Scrivener's Error – Item Deferred to March 5, 2025

XII.B.1.d. Correct Scrivener's Error – Item Deferred to March 5, 2025

XII.B.2.h. ZON-24-00749 Deferred to April 9, 2025

XII.B.2.i. ZON-24-00749 Deferred to April 9, 2025

XII.B.2.j. ZON-24-00749 Deferred to April 9, 2025

XII.B.2.k. Correct Scrivener's Error – Item Deferred to March 5, 2025

XII.B.2.l. Correct Scrivener's Error – Item Deferred to March 5, 2025

XII.B.2.m. Correct Scrivener's Error – Item Deferred to March 5, 2025

A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the amended agenda. The motion was carried unanimously, 5-0.

VII. CONSENT AGENDA (07:59)

- A. **ZON-24-0086 (ARC-24-0137) 500 S COUNTY RD (COMBO) - SPECIAL EXCEPTION AND SITE PLAN.** The applicant, THE EVERGLADES CLUB INC, has filed an application requesting Town Council review and approval for special exceptions and site plan review for the construction of a new concession stand and the maintenance and upgrade of the golf course. The Architectural Commission shall perform design review of the application.

Council Member Araskog disclosed her membership at The Everglades Club. Attorney O'Connor advised that Ms. Ziska had confirmed that her client was willing to waive any time limits set forth in the town code for the landmark designation for 163 Seminole Avenue.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve the consent agenda as presented. The motion was carried unanimously, 5-0.

VIII. ITEMS PULLED FROM CONSENT AGENDA IF NEEDED

IX. PRESENTATIONS (15:15)

- A. Presentation by Palm Beach Supervisor of Elections Wendy Sartory Link on Standalone Elections

Ms. Link spoke about municipal elections. She stated that federal, state, and countywide elections are conducted under the procedure outlined in the Florida Statutes. Each municipality is responsible for whether they would require the services of the Supervisor of Elections (SOE) to conduct a municipal election, noting that the county budget does not include funding for municipal elections and adding that elections, in general, have become more expensive. She explained the financial impact of stand-alone elections. Ms. Link provided election statistics for the Town of Palm Beach. In addition, she discussed the procedure associated with elections and referendum language for the ballot.

Ms. Link noted that the question had been raised about whether the SOE could administer a Town of Palm Beach election in February. She said that it would not be possible to have an election in March since the setup has already been done. However, an election could be held after March as long as no special election was scheduled. She acknowledged that the Town of Palm Beach typically has its own appointed canvassing board. However, the county's canvassing board would be available to the Town

at no additional cost.

Council Member Cooney thanked the supervisor for her professional management of the elections. He mentioned Palm Beach's long history of holding its caucus, and then one month later, the Town held an election, rather than waiting until March and experiencing a long three-month election process. He asked Ms. Link to explain what it would look like for the Town to administer its election. Ms. Link said the Supervisor of Elections could not loan out their machines, and we would have to try to find them through another vendor. She said a municipality might have the resources and be allowed to do a hand count. Still, she cautioned that every single hand-counted election that had been conducted had been inaccurate. She noted that the City Attorney would need to advise on whether a hand-counted election was an option.

Council Member Araskog asked about the January 31st election. Attorney O'Connor responded that the Town Charter contemplates the election being held in March. Ms. Link also noted that the SOE would not be available to assist in a January election.

Council Member Moran agreed with Council Member Cooney's comments and was disappointed the season had to remain long. Ms. Link suggested limiting the signate to a shorter period. Mayor Moore pointed out that the Town had tried to limit them but were sued.

A discussion ensued about how to remove deceased voters. Ms. Link stated that the Social Security Administration only notifies a single state of an individual's death.

Council President Lindsay called for public comment.

Anita Seltzer, 44 Cocoanut Row, asked about delaying the timing of the town's caucus process. Ms. Link responded. It was clear from the supervisor that the shortest election cycle was 85 days, not much different from how the Town currently processes their elections.

The consensus of the Town Council was that moving the election to accommodate the preference for a shorter election season would not be easily accomplished and would be too costly.

This discussion lasted approximately 42 minutes. To listen, please click the link on the agenda topic above.

X. [**REGULAR BUSINESS \(42:16\)**](#)

A. [**Code Review Staff Update \(42:17\)**](#)

[This matter was deferred from the January 15, 2025, Town Council meeting.]

Mr. Bergman provided an update on when the zoning text changes would be presented to the Planning and Zoning Commission, which he expects to be April and May of this year.

Council Member Cooney and Town Attorney O'Connor mentioned the addition of Peter Henn of Jones Foster. He was a certified planner and

Ms. O'Connor thought he would be helpful in reviewing the Town's code amendments.

Council President Pro Tem Crampton agreed with his colleagues that it would be most important to focus the initial code changes on residential zones while many of the residents were in town.

This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.

B. [Further Discussion Regarding Construction that Deviates from Approved Permit Plans \(47:32\)](#)

[This matter was deferred from the January 15, 2025, Town Council meeting.]

Mr. Bergman provided an update on the issue and options to address "After the Fact" approvals. Mr. Bergman stated that it was a continuing and problematic issue for the department and common for owners to deviate from the approved plans. Mr. Bergman stated that the deviations generally applied to mechanical equipment, site walls, fenestration, pools, and water feature locations, which were mostly owner-requested. Staff sought directions from the Town Council regarding implementing new regulations once an option had been chosen.

Council Member Cooney thought the problem was occurring more frequently than in the past. He thought minor changes were being made that should be appropriately addressed. However, he thought penalties should be in place for when significant changes were being made that impacted neighbors.

Council Member Araskog supported Mr. Bergman's suggestions. She felt penalties should be applied when the Town's laws are broken.

Council Member Moran favored several of Mr. Bergman's ideas. She provided suggestions on some of the recommendations.

Council President Pro Tem Crampton agreed and provided suggestions on the recommendations.

Mayor Moore was thrilled to see the suggestions and agreed with many of her fellow council members.

Council President Lindsay agreed with her colleagues and thought most changes were intentional. She asked staff if many of the deviations occurred with private providers, and staff responded that most of them were from private providers. She made suggestions on the recommendations. She also wondered if private inspectors could be fined or penalized when work was done without a permit. She asked Town Attorney O'Connor to explore this issue.

Council Member Cooney recalled a time when a landmarked home was undergoing renovations, and the level of demolition was beyond what was permitted and shown in the COA approvals. He had posed the idea of banning private providers from landmarked homes. He suggested that town employees be more vigilant. Still, there needed to be a balance between being firm on the people violating the rules and being kind to the impacted neighbors.

Council Member Araskog wondered about the inspection for Architectural Commission (ARCOM) approved projects. Mr. Bergman discussed the four inspections that occur.

Mr. Bergman recommended filing a complaint with the State on private providers if there are egregious errors. Attorney O'Connor stated there is an entire procedure in the Florida Statutes, Chapter 553, regarding permitting private building code inspection services.

Council Member Araskog wondered why an applicant was able to re-permit a job if work was done without a permit. Mr. Bergman explained that it was a revision to a permit.

Council President Pro Tem Crampton advocated for severe penalties for egregious errors.

Council Member Moran asked the staff to be reasonable in their assessments.

Council President Lindsay agreed with financial penalties since these errors cost the Town money.

Council Member Cooney was happy that the Town staff is reviewing the plans more than they have in the past.

Council President Lindsay called for public comment. No one indicated a desire to speak.

The consensus of the Town Council was to allow Wayne Bergman and Town Attorney O'Connor to develop an Ordinance for Chapters 18 and 54, which deals with these issues, and return to the Town Council within the next few months.

This discussion lasted approximately 30 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A short break was taken at 10:47 a.m. The meeting resumed at 10:56 a.m.

C. [Staff Update Regarding Downtown West Palm Beach Development Projects \(1:17:05\)](#)

Jennifer Hofmeister-Drew, Planner III, provided a map and list of all the

developments in West Palm Beach.

Council Member Cooney thought the amount of development was staggering.

Council President Pro Tem Crampton thought while staggering, it was not all bad. He thought some developments may cause some people to stay over in West Palm Beach.

Council Member Araskog was concerned about the development and its impact on the traffic in the town.

Mayor Moore was highly concerned about the development.

Council Member Moran appreciated the information and was concerned about the development.

Council President Lindsay expressed concern about the amount of new development and the lack of appropriate infrastructure improvements.

Ms. Hofmeister-Drew stated that the comprehensive plan would be discussed later in the meeting. Several policies regarding intergovernmental coordination and involvement in the regional area have been discussed and supported for adoption.

Council President Lindsay called for public comment. No one indicated a desire to speak.

This discussion lasted approximately 13 minutes. To listen, please click the link on the agenda topic above.

D. [Discussion Regarding a Possible Prohibition on Additional Public or Private Schools in Palm Beach \(1:30:46\)](#)

Council President Lindsay stated she placed this on the agenda for discussion. She did not believe there were enough residents on the island to adequately support an additional public or private school since island residents only represented 25% of the students attending the two schools on the island, and schools are intense uses.

Council Member Cooney thought the suggestion was thoughtful and timely. He thought other uses in the C-TS district might not be needed in the Town, and he felt the existing schools adequately served the town. He was recommended not to include gas stations in the review since the Town only had one.

Council Member Moran agreed that the existing schools adequately served the town as a built-out community. She thought other special exception uses could be removed from the list as well and added the Planning and Zoning Commission (PZC) should review the change and that it could be handled relatively quickly.

Mayor Moore fully agreed with her fellow council members. She thought that the town should quickly review these uses.

Council Member Araskog agreed with her fellow council members and felt the entire list of uses in the C-TS zoning district should be reviewed.

Council President Pro Tem Crampton did not fully agree with his colleagues. He thought the upcoming changes were inevitable, and he did not want to close off opportunities for the future as this was a changing community. He thought change could be managed while respecting the past. He added there may be an opportunity for an appropriate location for another school in town.

Council President Lindsay noted that there may be some zones where a school would fit in on the island. What is being responded to is that many of the changes that have occurred were not adding to the town's charm and quality of life. She said the focus is on C-TS, RB, zones in midtown, and heavy single-family and multi-family districts.

A motion was made by Council Member Araskog and seconded by Council Member Moran to send this item to the Planning and Zoning Commission (PZC), requesting that they study all uses in all zoning districts, omitting gas stations.

Council President Lindsay called for public comment.

Billy Gilbane, 675 N. Lake Way, Planning and Zoning Commission member, said the comprehensive plan clearly articulates a community, not a resort town. He said the plan challenges the Town to deny any region-serving development. He further said the C-TS was developed to ensure a place to buy groceries and gas during the summer months. While the comprehensive plan discusses creating a village community, the residents were all experiencing the traffic issue and wondered if the development on the island was serving the community or bringing more visitors to the island. He supported the direction of the motion.

The motion was carried unanimously, 5-0.

This discussion lasted approximately 15 minutes. To listen, please click the link on the agenda topic above.

E. [Update on Zoning in Progress on Restaurants and Clubs, including a Prioritized Timetable of P&Z Commission Recommendations \(1:45:28\)](#)

Ms. Hofmeister-Drew reviewed the Zoning in Progress timetable based on data collected by the Corradino Group, which should be completed in May. A draft report will be sent to the Planning and Zoning Commission in April.

Council Member Araskog asked if the zoning in progress could be extended for one month if needed. Town Attorney O'Connor responded in the affirmative.

Council President Lindsay called for public comment.

Jamie Crowley, an attorney with Gunster Law Firm, wondered when the data would be gathered and hoped that the Corradino Group would consider the traffic when the President is not in Town. He did not believe the restaurants were causing traffic issues.

Ms. Hofmeister-Drew stated that traffic circulation and capacity issues exist regardless of whether the President is in Town. She said the traffic counts have increased and will continue every year.

Council President Lindsay stated that the study began before the President ran for office again. She said the number of trips has steadily increased, now at 38,000 +/-trips each day. She said the town is a residential community that embraces tourism, as long as the tourism does not overrun the town's residential characteristics.

Council Member Araskog stated that there were more restaurant seats than residents.

This discussion lasted approximately 9 minutes. To listen, please click the link on the agenda topic above.

XI. [RESOLUTIONS \(1:54:31\)](#)

- A. **[RESOLUTION NO. 005-2025 \(1:54:34\)](#)**: A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **1250 North Ocean Boulevard** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2- 84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *[The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.] [This matter was deferred from the January 15, 2025, Town Council meeting.] [The applicant has requested to be deferred to the March 5, 2025, Town Council meeting.]*
Clerk's note: This item was deferred to the March 5, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- B. **[RESOLUTION NO. 008-2025 \(1:55:32\)](#)**: A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **325 South Lake Drive** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *[The property owners are supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*

Council Member Cooney and Council President Pro Tem Crampton disclosed ex-parte communications.

Council President Lindsay asked for proof of publication, which Friederike

Mittner, Design and Preservation Manager, provided.

Emily Stillings, with MurphyStillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1, 3, and 4 for Landmark Designation. She thanked the owners for supporting the designation.

A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Crampton make the designation report part of the record. The motion was carried unanimously, 5-0.

Council Member Cooney thanked the owners for embracing the structure. He said it is a classic Palm Beach place.

Council Member Araskog loved the building as a landmark.

Council President Lindsay expressed her fondness for the building.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 008-2025, designating the property at 325 S. Lake Drive as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.

This discussion lasted approximately 9 minutes. To listen, please click the link on the agenda topic above.

- C. **RESOLUTION NO. 014-2025:** A Resolution of the Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **163 Seminole Ave.** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2- 84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. (PALM BEACH COUNTY LISTS THE PROPERTY AS 165 SEMINOLE AVENUE) Owner: Dale Coudert, 2012 Steven H. Rose Trust. *[The property owner is supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*
Clerk's note: This item was deferred to the March 5, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- D. **RESOLUTION NO. 015-2025 (2:04:04):** A Resolution of the Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **225 S County Rd.** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. (PALM BEACH COUNTY LISTS THE PROPERTY AS 225 S County Road) Owner: Sphinx Properties, LLC.

[The property owner is supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]

Council Members Cooney, Moran, and Council President Pro Tem Crampton disclosed ex-parte communications.

Council President Lindsay asked for proof of publication, which Friederike Mittner, Design and Preservation Manager, provided.

Janet Murphy, with MurphyStillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1 and 3 for Landmark Designation.

A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Crampton make the designation report part of the record. The motion was carried unanimously, 5-0.

Council President Lindsay called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, spoke in support of the request for landmark. She thanked the owners and thought it was very appropriate to landmark this house.

Council Member Cooney was thrilled to approve this request for a landmark.

Council Member Araskog expressed her satisfaction with the landmarking program.

Council Member Moran thanked the owners for offering a great house to be landmarked.

Victoria Donaldson, 227 Brazilian Avenue, agreed this was the best project to preserve the buildings. She raised questions about FEMA regulations for new construction surrounding the landmarked structures. Mr. Bergman responded.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to approve Resolution No. 015-2025, designating the property at 225 S. County Road as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1 and 3 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.

This discussion lasted approximately 11 minutes. To listen, please click the link on the agenda topic above.

- E. **[RESOLUTION NO. 018-2025 \(2:15:19\)](#)**: A Resolution of the Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **216 Monterey Rd.** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. (PALM BEACH COUNTY LISTS THE PROPERTY AS 216 Monterey Rd.) Owner: Henry Jamison IV & Leslie Jamison. *[The property owner is opposing this designation. The*

Landmarks Preservation Commission voted 7-0 for Landmarking.]

Council Members Cooney, Moran, Council President Pro Tem Crampton, and Council President Lindsay disclosed ex-parte communications.

Council President Lindsay asked for proof of publication, which Friederike Mittner, Design and Preservation Manager, provided.

Janet Murphy, with MurphyStillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1, 3, and 4 for Landmark Designation.

A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Crampton make the designation report part of the record. The motion was carried unanimously, 5-0.

Council President Lindsay called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, was supportive of the property and stated that it met all the criteria for a Landmark Designation.

Council Member Cooney thought the home was a strong candidate for designation. He understood that the owner was not in favor and wanted to consider their wishes; however, he thought this home was an obvious candidate for Landmark Designation.

Council Member Araskog loved the home and hoped the owners would become more comfortable as they dealt with the Landmark Commission and the Preservation Foundation.

Council Member Moran thought the home was exemplary, especially since it was a Monterey-style home located on Monterey Road.

Council President Pro Tem Crampton was most concerned about landmarking a property against the owners' wishes. However, he agreed that the home was an ideal Monterey-style home and favored the designation.

Council President Pro Tem Lindsay was supportive of the designation.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 018-2025, designating the property at 216 Monterey Road as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.

This discussion lasted approximately 12 minutes. To listen, please click the link on the agenda topic above.

- F. **[RESOLUTION NO. 022-2025 \(2:27:54\)](#)**: A Resolution Of The Town Council Of The Town Of Palm Beach, Florida, Temporarily Amending The Hours For Construction Work Set Forth In Section 42-199 Of The Town's Code Of Ordinances For The Benefit Of The Health, Safety And Welfare Of The Residents; And Providing An Effective Date.

Director Wayne Bergman highlighted changes made to the draft resolution that was presented at the Tuesday meeting, which included

the hours of operation and the date when the temporary hours would end.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to approve Resolution No. 022-2025. The motion carried 3-1, with Council Member Araskog dissenting. (Please note: Council Member Cooney was not in the room during the vote)

This discussion lasted approximately 2 minutes. To listen, please click the link on the agenda topic above.

XII. [DEVELOPMENT REVIEWS \(2:29:20\)](#)

A. [Appeals \(2:29:21\)](#)

1. Appeal of the Architectural Commission's Approval of a Pedestrian Gate at **203 S. Lake Trail** (ARC-24-0027) at their December 20, 2024, Meeting. *[This matter was deferred from the January 15, 2025, Town Council meeting.]*

Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, and Council President Lindsay disclosed ex-parte communications.

John Eubanks, attorney for Leslie and Wayne Wytrzes at 444 Seabreeze Avenue, explained his clients' opposition to the allowance of a pedestrian gate.

Attorney Maura Ziska, representing the homeowner of 203 S. Lake Trail, stated that the request was presented to the Architectural Commission (ARCOM.) She said this originally began as a driveway, and subsequently, they elected to have a pedestrian gate. ARCOM voted in favor of the design, and there was no error in their judgment on the architecture and design features.

Mr. Bergman said the Public Works Department had concerns about a storm drain in the area where a driveway was proposed. Ms. Ziska stated that the owner removed the driveway from their plan to satisfy the neighbors.

Mayor Moore was reluctant to overturn the decision of the board. She understood both sides of the issue.

Council Member Cooney understood the neighbors' concerns but believed the commission had competent substantial evidence to base their decision on.

Council Member Moran understood the gate's design was on the plans. She stated that the Commission had acknowledged the neighbors' concerns but still made the decision. She was not favorable to overturning the decision.

Council Member Araskog argued that both driveways were not on the plans. Ms. Moran stated that the Commission spoke to the homeowner, who pointed out her additional driveway in the meeting. Council Member Araskog did not believe the plans clearly depicted the driveway situation. She favored sending the item back to the

Architectural Commission.

Council Member Moran argued that the path was on the plans and that the architecture was agreeable.

Council Member Araskog was concerned about changing plans on the meeting day. She thought it should be sent back to follow the process.

Council President Lindsay acknowledged that the ARCOM Chair seemed surprised that the Wyrzes' had a driveway on both sides of their property.

Council Member Cooney said this was an act of negotiation between applicants and the design review boards. He said some flexibility should be preserved in the process.

A motion was made by Council Member Araskog and seconded by Council President Lindsay to grant the appeal and return the project to the Architectural Commission so that the Commission could review it with the corrected plans. The motion failed, 2-3, with Council Members Cooney, Moran, and Council President Pro Tem Crampton dissenting.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to deny the appeal. The motion carried 3-2, with Council Member Araskog and Council President Lindsay dissenting.

This discussion lasted approximately 33 minutes. To listen, please click the link on the agenda topic above.

B. [Variances, Special Exceptions, and Site Plan Reviews \(3:02:07\)](#)

a. **Old Business**

a. [**ZON-24-0043 \(COA-24-0018\) 100, 101, 102, AND 103 FOUR ARTS PLZ - THE SOCIETY OF THE FOUR ARTS \(COMBO\) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE \(3:34:29\)**](#)

The applicant, Society of the Four Arts Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a Special Exception with Site Plan Review, and one (1) variance for the reduction of on-site parking requirement for the substantial improvements to the Four Arts campus site including 1) demolition exceeding 50%, and the construction of a new one- and two-story additions and renovations to the existing two-story theater building (O'Keefe), 2) demolition exceeding 50%, and the construction of a new three-story addition, and renovations to the existing three-story administrative building (Rovensky), 3) demolition of the existing shade structure and construction of a new pavilion, 4) a Master Signage Plan, and 5) landscape and hardscape modifications. The application proposes the abandonment and realignment of a portion of the existing Lake Trail. The Landmarks Preservation Commission will perform the design

review. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Landmarks Commission approved the project. Carried 5-2.]

2:00 PM TIME CERTAIN

Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, Council President Lindsay and Mayor Moore disclosed ex-parte communications.

On behalf of the Four Arts, Attorney Harvey Oyer re-introduced the design team and thanked the commission for their comments. Nate Rogers of Beyer Blinder Belle Architects presented the architectural plans for the project.

Council Member Cooney asked about the paver materials. Claudia Visconti of SMI Landscape Architecture discussed the materials to be used. Council Member Cooney asked about the monument sign and its proposed location. Mr. Rogers explained the design. Council Member Cooney asked about the scope of demolition on the historic buildings. Mr. Rogers explained the demolition element of the project. Council Member Cooney thought a construction management agreement should be instituted to manage the deliveries and other issues with the construction.

Council Member Moran stated that the wall would disappear, and the property would look like a lot. She clarified that the only thing remaining would be four walls.

Council President Pro Tem Crampton was glad that the architect listened to the comments from the Landmarks Preservation Commission.

Council President Lindsay recommended that the professionals send out information to the public about what to expect with the demolition. She also recommended signage that points to the Lake Trail and the safe crossing at Cocoanut Row.

Council Member Araskog asked about the recommendations made by three architects to reduce the width of the arcades. She thought it should be returned to the Landmarks Preservation Commission (LPC) for review and approval. Mr. Rogers discussed the design of the arcade and the signage.

Council Member Cooney liked the plan even though he was troubled by some of the additions at O'Keefe. However, he believes the project has ended up better. He was still a little troubled by the monument sign.

Council President Pro Tem Crampton raised concerns about construction and asked if the workers would be shuttled. He asked

about a construction management agreement and Mr. Bergman said that it would be appropriate for a project of this size.

Phillip Rylands, CEO of the Society of the Four Arts, 434 Seaspray Avenue, stated that it was a little early to be discussed, but once a general contractor answered, he would request that the workers be shuttled. Council President Pro Tem Crampton suggested an additional measure to be considered would be customer satisfaction.

Mayor Moore did not realize the interior of the building was being demolished. Mr. Rogers responded and stated the windows would not be relocated.

Council Member Araskog thought renderings should be created to outline the upcoming demolition that could be shown to the public. Council Member Araskog asked how long the Lake Trail would be closed. Council Member Araskog asked about the tabby material on the site. Ms. Visconti discussed the materials that would be used.

Council President Pro Tem Crampton asked if declaration of use and construction management agreements would be negotiated. Mr. Oyer responded.

Mr. Oyer discussed the variance request, which reduces the required parking spaces. He also reviewed the special exception and site plan review requests and explained why he believed they met the criteria outlined in the code.

Council Member Cooney thought the parking mitigation strategies were working during large events. He wondered if the same strategies could be incorporated into the declaration of use agreement. Mr. Oyer agreed.

Mayor Moore wondered if the organization would consider readjusting its lecture times to accommodate traffic.

Council Member Araskog agreed with Mayor Moore, especially when President Trump is in town. She wondered if the organization would consider the request. Mr. Oyer responded affirmatively. Council Member Araskog asked if the organization would still allow the public-school teachers to use the parking lot, and Mr. Oyer said there was no intention of changing that relationship.

Council President Lindsay called for public comment and asked the audience how many people were in favor of the project.

Most of the audience members raised their hands in support of the project.

Bob Guthrie, 140 El Mirasol, spoke supportively about The Four Arts project and the collaboration with the town.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney that Variance No. ZON-24-0043 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met and with the conditions that a construction management agreement is instituted and the declaration of use agreement is updated to include the parking mitigation strategies presented. The motion was carried unanimously, 5-0.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Special Exception and Site Plan Review No. ZON-24-0043 meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. The motion was carried 4-1, with Council Member Araskog dissenting.

This discussion lasted approximately 80 minutes. To listen, please click the link on the agenda topic above.

- b. [**ZON-24-0044 \(ARC-24-0085\) 315 CHAPEL HILL RD \(COMBO\) - SPECIAL EXCEPTION\(S\) AND VARIANCE \(3:02:44\)**](#) The applicant, Ocean Breezes 2 LLC (Frances Lynch, Attorney), has filed an application requesting Town Council review and approval for two (2) special exceptions (1) for the redevelopment of an existing nonconforming parcel of land in the R-A zoning district and (2) to provide reduced vehicular queuing back-up distance for vehicular gates installed on a cul-de-sac street. Additionally, one (1) variance to exceed the maximum required building height plane setback area for the construction of the new two-story residence is also being requested. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.][The Architectural Review Commission approved the project with conditions to return to the February 26, Architectural Commission meeting. Carried 7- 0.]*

Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, Council President Lindsay, and Mayor Moore disclosed ex-parte communications.

Attorney Frank Lynch, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project. Nelo Freijomel of

Spina O'Rourke presented the architectural plans for the proposed project.

Mr. Bergman provided staff comments on the application.

Council Member Cooney thought the home was beautiful and appropriate for the area. He was favorable to the special exception and the variances. He wondered about the plan to preserve the roots of the Kapok tree.

Keith Williams of Nievera Williams Design stated that they could contact an arborist, and the proposed home would be further away from the tree than the existing home.

Council Member Araskog wondered if staff supported the request. Mr. Bergman said the variance made more sense when he reviewed this request. Council Member Araskog asked about the hardship caused by the variance. Mr. Lynch provided an explanation of the hardship.

Council President Pro Tem Crampton thought the home would be a showplace for the area. He wondered if there were any FEMA concerns about this property. Mr. Bergman stated that all properties in town had FEMA concerns. Mr. Freijomel said the original seawall remains in place, and they have been looking at potential modifications that may be warranted.

Mayor Moore provided a history of the cul-de-sac and its creation. She thought the house was appropriate for the location.

Council Member Moran supported the application.

Council President Lindsay was in favor of the house and application.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog that Variance No. ZON-24-0044 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog that Special Exception No. ZON-24-0044 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. The motion was carried unanimously, 5-0.

This discussion lasted approximately 19 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A lunch break was taken at 12:59 p.m. The meeting resumed at 1:48 p.m.

- c. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO) - VARIANCE** The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on-site modifications. *[This project shall be deferred to the March 5, 2025, Town Council meeting pending Landmark Commission design review.]*

Clerk's note: This item was deferred to the March 5, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- d. **ZON-24-0063 (ARC-24-0106) 260 COLONIAL LN (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicants, Thomas & Meredith Hunt, have filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review to permit the redevelopment of an existing nonconforming parcel of land in the R-B zoning district which is deficient in lot depth and lot area. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the March 5, 2025, Town Council meeting pending Architectural Commission design review.]*

Clerk's note: This item was deferred to the March 5, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

b. New Business

- a. **ZON-24-0072 (ARC-24-0119) 136 REEF RD (COMBO) - VARIANCE (3:21:18)** The applicants, John and Bonnie Stepan, have filed an application requesting Town Council review and approval for one (1) variance for a reduced side yard setback for the construction of a new rear terrace. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project. Carried 7-0.]*

There were no disclosures of ex-parte communications.

Andre Harris of Andre Gerald Harris Inc. gave an architectural presentation.

Mayor Moore appreciated that the homeowner was keeping the home

and renovating it.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0072 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.

This discussion lasted approximately 3 minutes. To listen, please click the link on the agenda topic above.

- b. [**ZON-24-0074 \(ARC-24-0133\) 410 SEABREEZE AVE \(COMBO\) - VARIANCES \(3:24:28\)**](#) The applicant, Deborah Glass, has filed an application requesting Town Council review and approval for two (2) variances for a second story addition to (1) exceed maximum lot coverage permitted and (2) exceed maximum CCR permitted. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project. Carried 7-0.]*

There were no disclosures of ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project.

Council Member Araskog asked about the variance request and the hardship. Ms. Ziska responded.

Council Member Moran thought there was a slight improvement in terms of lot coverage.

Council Member Cooney had no objections to the request.

Council Member Araskog clarified lot coverage.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0074 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.

This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A short break was taken at 3:22 p.m. The meeting resumed at 3:30 p.m.

- c. **ZON-24-0076 (ARC-24-0134) 369 LAKE DR PH-A (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES (4:55:31)** The applicant, Hunter Trust, has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and three (3) Variances for (1) to exceed maximum building height, (2) to expand the nonconforming 6th floor, and (3) to reduce the existing nonconforming front /side street (west) yard setback, in conjunction with the construction of an approximately +/- 335 SF addition to an existing 6th floor penthouse unit in the R-D(2) zoning district. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project. Carried 7-0.]*

Council Member Cooney disclosed ex-parte communications.

Attorney M. Timothy Hanlon, representing the applicant, provided an overview of the project and the zoning requests associated with the project.

Council Member Araskog asked about the hardship for the application. Mr. Hanlon responded.

Council Member Cooney asked how many parking spaces are allocated for the residents. Mr. Hanlon responded, he also mentioned there was valet.

Kyle Fant of Bartholemew + Partners gave an architectural presentation. Mr. Hanlon responded.

Council Member Araskog asked about the building setback encroachment and Mr. Hanlon said that encroachment already exists.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0076 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Special Exception and Site Plan Review No. ZON-24-0076 meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. The motion was carried unanimously, 5-0.

This discussion lasted approximately 8 minutes. To listen, please click the link on the agenda topic above.

- d. **[ZON-24-0077 \(COA-24-0028\) 284 MONTEREY RD \(COMBO\) - VARIANCE \(5:03:55\)](#)** The applicant, Dustin Mizell, with Environmental Design Group on behalf of the owner DHC MONTEREY LLC, has filed an application requesting Town Council review and approval for one (1) variance to reduce the street side yard setback to allow the installation of mechanical equipment for the Landmarked property. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Landmarks Commission approved the project. Carried 7-0.]*

Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, Council President Lindsay, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project. Patrick Segraves of SKA Architect + Partners gave an architectural presentation.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Cooney that Variance No. ZON-24-0077 be denied for the reason that the application does not meet the criteria set forth in Section 134-201 (a), Items 1 through 7, specifically Items 1, 2, 3, and 5. The motion was carried unanimously, 5-0.

There was a brief discussion about what could be done to meet the height requirement. Mr. Bergman said the contractor would have to file revisions to do the work, but as long as nothing exceeds the 24- or 30-inch requirements, it would be allowed.

Council Member Moran was concerned about the public safety associated with the project. She thought it needed to go back to the Landmarks Commission.

Council Member Cooney said the wall was proposed to stay when the project was initially presented to the Landmarks Commission. He noted other areas where historic features are within safe sight visibility triangles.

Mr. Murphy provided additional staff comments.

A motion was made by Council Member Araskog and seconded by Council President Lindsay to reconsider the item “Intersection safe visibility triangle waiver request 284 Monterey Road” to be heard on March 4, 2025. The motion was carried unanimously, 5-0.

This discussion lasted approximately 26 minutes. To listen, please click the link on the agenda topic above.

- e. [**ZON-24-0078 \(COA-24-0030\) 448 N LAKE WAY \(COMBO\) - VARIANCES \(5:29:09\)**](#) The applicants, The Leonard Harlan Rev. Trust u/a/d 8/8/2018 and The Fleur Harlan Rev. Trust u/a/d 8/8/2018, have filed an application requesting Town Council review and approval for two (2) variances to reduce the side (south) yard setback requirement on the first and second floor for an existing two-story landmarked structure. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Landmarks Commission approved the project. Carried 7-0.]*

Council Member Cooney, Council President Pro Tem Crampton, and Council President Lindsay disclosed ex-parte communications.

Attorney M. Timothy Hanlon, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project. Jackie Albarran of SKA Architect + Planner gave an architectural presentation.

Attorney Maura Ziska, representing the homeowners to the south who are supportive of the variance and happy the owners are willing to close the gaps with landscaping.

Council member Cooney said this was one of the most historic residences in the town. He thought this project was well done.

Council President Lindsay toured the house recently, and she was supportive of the project. She could not believe the level of beauty achieved with the restoration of the house.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-24-0078 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.

This discussion lasted approximately 9 minutes. To listen, please click the link on the agenda topic above.

- f. **[ZON-24-0085 250 BRADLEY PL - VARIANCES \(3:29:24\)](#)** The applicant, Ross Flax (Maura Ziska, Representative), has filed an application requesting Town Council review and approval of two (2) variances to construct a boat lift that 1) exceeds the permitted maximum projection from land 2) provides a deficient north riparian side setback, for boat slip #12 at Lake Towers Condominium.

Council Member Cooney, Council President Lindsay, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project.

Council Member Araskog asked if there were other docks of similar size. Ms. Ziska responded. Council Member Araskog wondered if the residents in the condominium supported the request. Ms. Ziska responded.

Council Member Cooney asked if unit owners were the owners of the slips. Ms. Ziska responded and explained the assignments of the slips.

Council Member Moran asked about ownership of the slips. Ms. Ziska responded.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0085 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met, and with the condition that the use of the slip is only to be used by an owner in the building. The motion was carried unanimously, 5-0.

This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.

- g. **ZON-24-0090 (ARC-24-0139) 401 WORTH AVE (COMBO) - VARIANCES (5:38:26)** The applicant, 401 Worth Avenue Building Inc. Condominium Association, has filed an application requesting Town Council review and approval for two (2) Variances to 1) reduce the required street side yard and 2) reduce the rear yard setback from minimum requirements to install a new 100KW generator with screen wall and landscaping in the required side yard of an existing of multi-family building in the RC district. The Architectural Commission shall perform design review of the application.

Council Member Cooney, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project.

James Murphy, Assistant Director of Planning, Zoning and Building, provided staff comments.

Mayor Moore asked about the process of getting the mechanical equipment. Ms. Ziska responded.

Mr. Bergman was unsure of the elevation of the ground. FEMA requirements require the generator to be placed one foot above base flood elevation. Therefore, there may be a future request for a higher wall. However, it does not impact this request.

Council Member Cooney agreed that the elevation was very low in this location and thought a wall would be necessary. He also suggested that the owners reach out to The Villas, as a courtesy.

Council Member Moran wondered if the variance for the wall height could be approved. Mr. Bergman stated that the item had not been advertised.

Council Member Araskog wondered if the landscape could be higher if the wall is to be raised. Mr. Bergman responded.

Cory Nievera of Nievera Williams stated that the landscaping would be raised if the wall was raised.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0090 shall be granted and find, in support thereof, that all the criteria applicable

to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.

This discussion lasted approximately 9 minutes. To listen, please click the link on the agenda topic above.

- h. **ZON-24-0079 (ARC-24-0141) 1 S COUNTY RD—THE BREAKERS FAMILY ENTERTAINMENT CENTER (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for modifications to an existing special exception and permitted uses in an existing hotel Planned Unit Development (PUD) (The Breakers Palm Beach) as it relates to the construction of a new three-story structure with basement that will connect with an overhead enclosed pedestrian bridge to the existing two-story building (Beach Club) to replace an existing two-story building with related site improvements. The application requires the approval of a separate resolution to modify the PUD and the Architectural Commission shall review the application for design. *[The PUD Amendment was not transmitted by the Planning & Zoning Commission on Feb. 4, 2025, and will be considered at the March 6, 2025, Planning & Zoning Commission meeting.]*

3:30 PM TIME CERTAIN

Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- i. **ZON-24-0087 (COA-24-0032) 1 S COUNTY RD - THE BREAKERS (COMBO) - SITE PLAN REVIEW AND VARIANCE** The applicant, Breakers Palm Beach Inc., has filed an application requesting Town Council review and approval for Site Plan Review for the construction of a new parking structure consisting of one level of subterranean parking and one at-grade surface-level parking area to replace an existing surface parking lot, including one (1) variance to allow tandem parking spaces associated with a new parking structure facility and surface parking lot. Additional improvements include support buildings, realignments of North Breakers Row, golf course changes, as well as landscape and hardscape modifications. These improvements are generally located where there is an existing surface parking lot and a golf course within the designated Landmarked vista from the original hotel building to South County Road. The application requires the approval of a separate resolution to modify the PUD and the Landmarks Preservation Commission shall review the application for design. *[The PUD Amendment was not transmitted by the Planning & Zoning Commission on Feb. 4, 2025, and will be considered at the March 6, 2025, Planning & Zoning Commission meeting.]*

3:30 PM TIME CERTAIN

Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- j. **ZON-24-0089 (ARC-24-0116) 1 S COUNTY RD (BREAKERS BEACH CLUB) COMBO - SPECIAL EXCEPTION AND SITE PLAN REVIEW** The applicant, Breakers Palm Beach Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to an existing food and beverage operations (Beach Club restaurant). The Architectural Commission shall perform design review of the application. [The PUD Amendment was not transmitted by the Planning & Zoning Commission on Feb. 4, 2025, and will be considered at the March 6, 2025, Planning & Zoning Commission meeting.]
3:30 PM TIME CERTAIN

Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- k. **ZON-24-0066 (ARC-24-0108) 1519 N OCEAN WAY (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 1519 N Ocean Way #1 LLC & 1519 N Ocean Way #2 LLC (Maura Ziska, Attorney), has filed an application requesting Town Council review and approval for a special exception with site plan review for redevelopment of an existing parcel which is nonconforming to minimum lot width requirements in the R-A zoning district. Additionally, three variances are requested to (1) exceed maximum building height and (2) to exceed maximum overall building height for the portions of the structure located west of the CCCL and (3) to permit improvements (steps) within the 50' ocean bulkhead setback area. The Architectural Commission shall review the application as it pertains to zoning relief/approval. [This project shall be deferred to the March 5, 2025, Town Council meeting pending Architectural Commission design review.]

Clerk's note: This item was deferred to the March 5, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- l. **ZON-24-0092 (ARC-24-0114) 1010 N LAKE WAY (COMBO) - VARIANCES** The applicant, 1010 North Lake Trust LLC, has filed an application requesting Town Council review and approval for five (5) variances to exceed maximum lot coverage, encroach into side setbacks and construct a lower equipment screening wall that required, as part of an application for elevation, shifting and renovation of a two-story house, addition of a loggia, new pool, hardscape. The Architectural Commission shall perform design review of the application. [This project shall be deferred to the March 5, 2025, Town Council meeting pending Architectural Commission design review.]

Clerk's note: This item was deferred to the March 5, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- m. **ZON-24-0093 (ARC-24-0128) 203 VIA VIZCAYA (COMBO) - SPECIAL EXCEPTION & VARIANCE** The applicant, PAUL Z. OKEAN (Trustee, under Trust Agreement dated 5/21/91 as the Paul Z. Okean Revocable Living Trust), has filed an application requesting Town Council approval for a special exception for redevelopment of a nonconforming parcel and one (1) variance for deficient landscape open space as it relates to development of a new residence. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the March 5, 2025, Town Council meeting pending Architectural Commission design review.]*
Clerk's note: This item was deferred to the March 5, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

C. **Time Extensions and Waivers (5:47:00)**

- a. **Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 441 Seaview Ave. (5:47:01)** *[This matter was deferred from the January 15, 2025, Town Council meeting.]*

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request and provided recommendations.

Matt Holmes with Tim Givens Building explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

Mayor Moore noted that construction would be done until the job restarts in May.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to extend the building permit for 441 Seaview Avenue from May to August for driveway and drainage mitigation work only. The motion was carried unanimously, 5-0.

This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.

- b. **Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 363 Cocoanut Row. (5:51:01)**

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request and provided recommendations.

John Mouw of Mouw Associates explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

Aimee Sunny, Preservation Foundation of Palm Beach, stated that the Preservation Foundation has an easement on the property, and they felt it important to maintain every bit of historical detail possible. She thanked the team for agreeing on that priority and for hiring a top-notch restoration firm.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to extend the building permit for

363 Cocoanut Row as requested. The motion was carried unanimously, 5-0.

This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.

- c. [Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 1015 S. Ocean Blvd. \(5:56:34\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request and provided recommendations.

George Bariso of Mark Timothy, Inc. explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

Council Member Cooney confirmed that this was new construction, to which Mr. Bariso confirmed.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to extend the building permit for 1015 S. Ocean Blvd. as requested. The motion was carried unanimously, 5-0.

This discussion lasted approximately 3 minutes. To listen, please click the link on the agenda topic above.

- d. [Three Strike - Stop Work Order - 286 Orange Grove \(5:59:37\)](#)

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the strikes and asked Legacy Builders to outline the issues.

Scott Sullivan of Legacy Builders explained the strikes that they had received. He said the work has almost been completed; they just have a small punch list of items to complete.

Mayor Moore asked in more detail about the strikes.

Council President Pro Tem Crampton commented about the efficiency between departments that are expected to work together.

Council Member Araskog asked for confirmation that they had no workers on the site on June 16, 2024.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to waive the third, fourth, and fifth strikes for 286 Orange Grove, right-of-way permits may be issued again, work can resume, and applicable fines must be paid but no fines will be assessed for the fourth and fifth strikes. The motion was carried unanimously, 5-0.

This discussion lasted approximately 14 minutes. To listen, please click the link on the agenda topic above.

e. [Three Strike - Stop Work Order - 210 Eden Rd. \(6:13:13\)](#)

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the strikes and asked Four Points Construction to outline the issues.

Llwyd Ecclestone III of Four Points Construction, 1074 Way Riviera Beach, described the issues with the strikes that his company had received.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to waive the third strike for 210 Eden Road, right-of-way permits may be issued again, work can resume, and applicable fines must be paid. The motion was carried unanimously, 5-0.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to amend the previous motion to waive the second and third strike for 210 Eden Road, right-of-way permits may be issued again, work can resume, and applicable fines must be paid. The motion was carried unanimously, 5-0.

This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.

XIII. [ORDINANCES \(6:19:35\)](#)

A. **Second Reading**

1. [Proposed Ordinance to Adopt the Amended Town Comprehensive Plan \(6:19:37\)](#)

ORDINANCE NO. 015-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives, And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date. *[This matter was deferred from the January 15, 2025, Town Council meeting.]*

Jennifer Hofmeister-Drew provided an overview of the amended town comprehensive plan and explained the process by which various agencies review it for approval.

Mr. Bergman read Ordinance No. 015-2024 by title only.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to adopt Ordinance No. 015-2024 on second reading. The motion carried unanimously, 5-0.

This discussion lasted approximately 7 minutes. To listen, please click the link on the agenda topic above.

XIV. ANY OTHER MATTERS

There were no other matters discussed at this time.

XV. ADJOURNMENT (6:28:17)

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to adjourn the meeting at 5:03 p.m. The motion was carried unanimously, 5-0.



ATTEST:

APPROVED:

Bobbie D. Lindsay, Town Council President

Kelly Churney, Town Clerk

Date: 3/4/25