

TOWN OF PALM BEACH

Minutes of the Town Council Meeting
Held on June 11, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:18 AM in the Town Council Chambers.

Members Present: Bridget Moran, Ted Cooney, Lewis Crampton, Bobbie Lindsay, Julie Araskog, and Danielle Moore

Staff Present: Town Attorney Joanne O'Connor, Wayne Bergman, James Murphy, Kelly Churney

INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Churney read the invocation, and Town Council President Lindsay led the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA

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

1. ZON-25-0019 333 PERUVIAN AVE-VARIANCE. The applicant, Nigel Burgess Inc. dba Burgess, has filed an application requesting Town Council review and approval for one (1) variance to allow an approximately 1,250 SF office for a yacht brokerage use on the first floor of an existing building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor.

APPROVAL OF AGENDA

Mr. Bergman announced a deferral request for ZON-25-0019, 203 Via Vizcaya, to the July 9, 2025, meeting.

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

ADMINISTRATION OF THE OATH

Ms. Churney swore in all those intending to speak and continued to do so throughout the meeting, as necessary.

COMMENTS

2. MAYOR AND TOWN COUNCIL MEMBERS

Council Member Cooney requested that the new requirement for tall construction screening, specifically regarding cost, safety, and aesthetics, be added to the July agenda for discussion.

3. PUBLIC - 3 MINUTE LIMIT

No one indicated a desire to speak.

UNFINISHED BUSINESS

4. 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 a design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions to return for further approvals. Carried 6-1.] [The Architectural Commission heard and approved the remainder of the application at the May 28, 2025, meeting. Carried 7-0.]*

***Note: This item was deferred to the meeting on July 9, 2025, with the approval of the agenda.**

NEW BUSINESS

5. ZON-24-0067 (ARC-24-0111) 175 BRADLEY PL (COMBO)—SPECIAL EXCEPTIONS AND SITE PLAN REVIEW AND VARIANCES. The applicant, DOCPALMBEACH PPLC, has filed an application requesting Town Council review and approval for a Special Exception for a second floor in the C-TS zoning district and five (5) variances including (1) to not provide the required parking for a new residential unit, (2) to reduce the required open space for two-story buildings, (3) to reduce the required front (west) setback, and (4) to reduce the required rear (east) setback, and (5) to reduce the required side street (south) setback, for the construction of a new second floor addition for a residential unit to the existing one-story commercial building with existing nonconforming setbacks and landscape open space. *[This item has been re-noticed and was previously noticed for the March Town Council meeting.] [This project was deferred at the May 14th Town Council Meeting, at the request of the applicant.]*

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

Mr. Murphy provided staff comments.

Council Member Moran asked for a detailed explanation of the special exception, site plan review, and variances requested, which Mr. Murphy provided.

Council Member Araskog asked about the second-floor mass. Mr. Murphy responded that within every commercial district, there were regulations governing how the second-floor mass should be presented to the street. Council Member Araskog confirmed that a second-floor story was being added to an existing one-story building. Mr. Murphy confirmed.

Council Member Cooney noted that the text indicated that the marble was not added until 2000. He thought it had been a mausoleum, originally. Mayor Moore said that the building used to be a cement building, and she likened it to a bunker. Council Member Cooney asked for an explanation of what happened during the ARCOM hearing. Mr. Murphy provided an explanation.

Council Member Moran noticed that the generator had been removed from the application and wondered if the Town Council could deny it. Mr. Murphy said the generator was removed from the proposed scheme because of its proximity to the affected property. He said there were other alternatives for placing the generator.

Jaime Torres of Fairfax and Sammons presented the architectural plans for the proposed project.

Attorney Maura Ziska, on behalf of the applicant, stated that they were leaving the decision about the on-site parking space up to the Town Council. Mr. Murphy stated that the variance request would be less if the parking space were required. Ms. Ziska stated that if an on-site parking space were added, the applicant would reduce the request to one vehicle. She said if a second-floor office were added, it would meet code. Mr. Murphy said commercial use on the second floor would require a much greater parking variance request. Ms. Ziska said that is why the applicant requested a residential use on the second floor. She said the hardship was that the building was nonconforming and three of the variances were due to existing conditions, already encroaching on the setbacks.

Dr. Norman Rowe, the owner, discussed his intent to make changes to the building.

Council Member Moran asked about the scuppers and the run-off, and where the water would go. Mr. Torres responded, stating that they would be running north with nothing running onto the neighbor's property. Council Member Moran asked if the upper story would be used as a recovery for patients and asked for confirmation that patients would not be staying there for several weeks. Dr. Rowe said no.

Council Member Cooney asked for confirmation that there was only one unit. Mr. Torres showed and explained the floor plan for the second floor. Council Member Cooney asked about the scuppers on the west elevation side of the building and where they would run off. Mr. Torres said the water would drain into a planter. Council Member Cooney asked about the proposed signage. Mr. Torres responded.

Council Member Araskog took issue with the parking study being presented to the Architectural Commission when they are only supposed to look at architecture. She wanted to hear from Paul Brazil about the parking. She asked the owner if he would provide a deed restriction to limit any patients staying on the second floor, to which the owner agreed. Council Member Araskog asked if the applicant had read the engineering study, and if they agreed with its content regarding Park Avenue.

Craig Hauschild, Public Works Engineer, stated that a curb cut would not be allowed on Bradley Place, but a resident directly to the east of the location could use a shared driveway. Mr. Hauschild said no designated parking spaces would be eliminated on the north side.

Council President Lindsay called for public comment.

Attorney John Eubanks, on behalf of the owner of 269 Park Avenue, stated he had submitted a letter. He did not think the actual code was taken into consideration when the improvements were designed. He stated that the applicable code was the R-C zoning, which was used when residential use was over commercial use. He noted that some of the variances being requested were not small. His client was concerned about losing their view. Mr. Eubanks did not believe that the requests met the code for R-C zoning.

Council Member Cooney asked about a previous approval that had been granted for 269 Park Avenue, which included a flood plain variance and an addition to the existing structure.

Ms. Ziska discussed the hardship and stated it would be nearly impossible to design a second floor on this building without variances.

Council Member Araskog asked Town Attorney O'Connor if the council should consider the variances granted to the home next door. Attorney O'Connor advised that there was no prohibition to considering facts and circumstances relating to neighboring properties during the decision-making process.

Mayor Moore thought the building was much improved, and any improvement would benefit the neighborhood. Mayor Moore would also have liked to see the garage.

Council Member Moran agreed with the Mayor and thought the garage should remain. She stated she listened to the ARCOM meeting, and they did not seem to dislike the garage. They did not think the architecture was impacted by whether the garage was there. She felt the neighbor was making huge concessions for the neighbor to the east, and overall, she felt this application would add to the community.

Council Member Araskog agreed with Council Member Moran on the garage and noted that a parking space would not be lost. She asked that a deed restriction be added in the motion for approval, which would limit patients recovering on the second floor. She asked Mr. Murphy if the windows could be changed into doors.

Council President Lindsay agreed with Council Member Moran and Mayor Moore. She thought the building had long been an eyesore in the town and that the owner was making a big concession

with the patio for the benefit of the neighbors.

Council President Pro Tem Crampton thought that Council Member Cooney raised good points for the neighbor's requests. He agreed that the building was an eyesore and supported the request.

Council Member Moran stated she would hate to place a condition restricting the patio because the future is unknown.

Council Member Araskog expressed her concern about renting the second floor to a patient.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0067 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, with the condition that a one-car garage is incorporated along the south elevation, the second-floor addition shall be for residential use only and not for medical care/aftercare, the windows along the rear (east) elevation at the second level shall remain as windows and not be converted to operable doors to allow access to the terrace without the review and approval of the Architectural Commission and Town Council. The motion was carried 4-1, with Council Member Araskog dissenting.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Special Exception No. ZON-24-0067 and Site Plan Review No. ZON-24-0067 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.

6. ZON-25-0014 (COA-25-0008) 1047 S OCEAN BLVD (COMBO)-VARIANCES. The applicant, Maura Ziska, Trustee of 1047 South Ocean Boulevard Trust, has filed an application requesting Town Council review and approval for three (3) variances to (1) reduce the north side yard setback, (2) reduce the south side yard setback, and (3) increase lot coverage associated with two (2) second-floor additions, staircase reconstruction, and a second-floor balcony for the Landmarked property. The Landmarks Preservation Commission shall perform a design review of the application. *[The Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 6-1.] [The Landmark Preservation Commission approved this project with conditions. Carried 6-1.]*

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

Mr. Murphy provided staff comments.

Attorney Maura Ziska, on behalf of the applicant, provided an overview of the request and explained the project and the request for variances.

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

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

Council Member Cooney stated that the bulk of the request was that the home had lost its architectural integrity on the rear elevation, and this proposed design would bring that back. He supported the request.

Council Member Moran thought the request was small and in the rear of the home, so she supported the project.

Council Member Araskog asked about the staircase addition. Mr. Murphy said it was an existing staircase that was being demolished and reconstructed. Roger Janssen of Dailey Janssen Architects discussed that the same stairs were being constructed, but the direction was being reversed.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-25-0014 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.

**Note: A short break was taken at 11:48 a.m. and the meeting resumed at 11:53 a.m.*

7. ZON-25-0020 304 MADDOCK WAY-VARIANCE. The applicant, 304 Maddock Way LLC (Maura Ziska, Representative), has filed an application requesting the town council review and approval of one (1) variance for increased marine dock gangway width, as it relates to the construction of a new marine dock and related appurtenances.

No one disclosed ex parte communications.

Mr. Bergman provided staff comments.

Maura Ziska, the applicant's attorney, provided an overview of the project, showed the plans for the proposed dock, and discussed the variance request.

Council Member Araskog asked about the proposed width of the new dock. Ms. Ziska responded 17 feet.

Council Member Moran acknowledged that the request was smaller than what was outlined.

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-25-0020 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.

8. ZON-25-0023 854 S COUNTY RD-VARIANCES. The applicant, Dustin Mizell with Environment Design Group, has filed an application requesting Town Council review and approval for three (3) variances to (1) decrease the east front yard setback for pool equipment, (2) increase the distance between the pool water's edge and the pool equipment, and (3) decrease the east front yard setback for air conditioning equipment for the property containing a Historically Significant Building.

Council Member Cooney disclosed ex parte communications.

Mr. Murphy provided staff comments.

Maura Ziska, the applicant's attorney, provided an overview of the project. Dustin Mizell of Environment Design Group discussed the pre- and post-construction conditions.

Council Member Cooney thought the location was logical for the mechanical equipment.

Council Member Moran confirmed that the neighbors did not have an issue with the proposed project. Ms. Ziska stated that they had not heard from the neighbors.

Council Member Araskog asked about the equipment's distance from the neighbor. Mr. Mizell responded that it was fifteen feet south of the neighbor's property line.

Council President Lindsay asked how tall the wall needed to be to screen the equipment, and Mr. Mizell stated it would be six feet.

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

Council Member Moran supported the project.

Council Member Cooney agreed and thought the proposed location was the best for the neighbor.

Council Member Araskog expressed concern that the neighbors were not contacted. She asked Ms. Ziska about the hardship for the variance, to which Ms. Ziska replied.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-25-0023 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 4-1, with Council Member Araskog dissenting.

ORDINANCES

9. First Reading

1. **6-2025 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AT ARTICLE VI, DISTRICT REGULATIONS, AT DIVISION 4, TO AMEND SECTION 134-890 TO REMOVE**

PUBLIC AND PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE R-B LOW DENSITY RESIDENTIAL DISTRICT; AT DIVISION 5, TO AMEND SECTION 134-945, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE R-C MEDIUM DENSITY RESIDENTIAL DISTRICT; AT DIVISION 6, TO AMEND SECTION 134-1000, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE R-D(1) MODERATE DENSITY RESIDENTIAL DISTRICT; AT DIVISION 7, TO AMEND SECTION 134-1055, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT; AT DIVISION 8, TO AMEND SECTION 134-1109, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS SPECIAL EXCEPTIONS IN THE C-TS TOWN-SERVING COMMERCIAL DISTRICT; AT DISTRICT 12, TO AMEND SECTION 134-1304, TO REMOVE PUBLIC OR PRIVATE ACADEMIC SCHOOLS AS A SPECIAL EXCEPTION IN THE C-B COMMERCIAL DISTRICT; PROVIDING FOR EXHIBIT A, MAP OF AFFECTED AREA; PROVIDING FOR EXHIBIT B, MAP OF UNAFFECTED AREA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Town Attorney Joanne O'Connor read Ordinance 6-2025 by title only.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Ordinance 6-2025 on first reading. The motion was carried unanimously, 5-0.

2. **7-2025** AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42 - ENVIRONMENT, ARTICLE V - NOISE, BY AMENDING SECTION 42-199(b) TO PROHIBIT CONSTRUCTION WORK FROM DECEMBER 24 THROUGH JANUARY 1; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Town Attorney Joanne O'Connor read Ordinance 7-2025 by title only.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve Ordinance 7-2025 on first reading. The motion was carried unanimously, 5-0.

3. **8-2025** AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII. - CONSTRUCTION SITE MANAGEMENT, BY ADDING SECTION 18-355 TO MANDATE THE USE OF A CONSTRUCTION MANAGEMENT AGREEMENT ON ALL CONSTRUCTION PROJECTS THAT RECEIVE ONE "STRIKE" UNDER THE "3-STRIKE RULE," A CODE ENFORCEMENT NOTICE OF VIOLATION, OR A STOP WORK ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Town Attorney Joanne O'Connor read Ordinance 8-2025 by title only. She explained the details of the ordinance with regard to the three strikes.

Council Member Moran liked the ordinance, but she thought the trigger would be the third strike. She thought that acting on the first strike was a little heavy-handed.

Attorney O'Connor pointed out that under Section B of the proposed ordinance, the Director of Planning, Building, and Zoning would have the authority to grant a waiver under specific circumstances of the construction, including the nature of the violation that triggered an application. She noted that by the time a third strike was issued, the project was nearly complete.

Council Member Cooney wondered about the three-strike process. Mr. Bergman noted that it was very bureaucratically heavy, and he did not have a chance to approve or deny an appeal of the first, second, or third strike because it was all done by the fire marshal, code enforcement, or the police. He said the staff would like the first strike to be completely adjudicated. Council Member Cooney also felt that the trigger points were a low bar.

Mr. Bergman said that if this ordinance were adopted and the appeal was lost after the first strike, the Planning, Building, and Zoning Department would initiate a construction management agreement.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve Ordinance 8-2025 on first reading. The motion was carried 4-1, with Council Member Cooney dissenting.

ANY OTHER BUSINESS

- 10. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 1015 S. Ocean Blvd.**

George A. Bariso of Mark Timothy Homes discussed the initial extension he received for the project and the issues he has encountered, especially with the home's proximity to Mar-a-Lago. He requested another 90-day extension.

Council Member Araskog thought that any property near Mar-a-Lago under construction should receive special consideration.

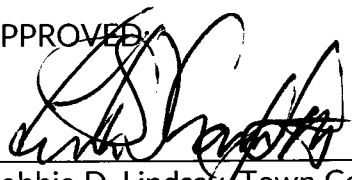
Mr. Bergman stated that the project was almost complete and that this request was more of a technicality.

A motion was made by Council Member Cooney and seconded by Council Member Moran to grant the 90-day permit extension as requested. The motion was carried unanimously, 5-0.

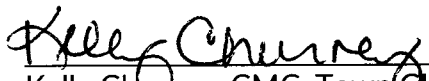
ADJOURNMENT

A motion was made by Council Member Moran and seconded by Council Member Cooney to adjourn the meeting at 12:37 PM. The motion was carried unanimously, 5-0.

APPROVED:


Bobbie D. Lindsay, Town Council President

APPROVED:


Kelly Churney, CMC, Town Clerk
Date: 7-8-25

