



TOWN OF PALM BEACH

Minutes of the Town Council Development Review Meeting Held on July 9, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 AM in the Town Council Chambers.

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

Members Excused: Bobbie Lindsay

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Churney gave the invocation. Council President Pro Tem Crampton led the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Churney mentioned two minor changes to the agenda and noted that the changes had been published.

Mr. Bergman read the agenda items that would be deferred.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve the amended agenda. The motion was carried unanimously, 4-0.

ADMINISTRATION OF THE OATH

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

COMMENTS

1. MAYOR AND TOWN COUNCIL MEMBERS

Council Member Moran thanked Friederike Mittner for thoroughly preparing and reviewing the agenda in Mr. Bergman's absence.

2. PUBLIC - 3 MINUTE LIMIT

No one indicated a desire to speak.

GENERAL BUSINESS

3. Proposed Zoning Code Study Items

Director Wayne Bergman stated that the Town Council, local design professionals, and the Landmarks, Planning, Zoning, and Architectural Review Commissioners had mentioned the following proposed items over time.

Assistant Director James Murphy discussed the following issues regarding seven items in the Code: mechanical equipment (including screening walls, rooftop location and height, A/C equipment, generators, and pool equipment), non-conforming parcels, angle of vision, residential use in C-TS, C-WA, or C-OPI District defaulting to R-C, appeals, duration of land use approval/extension of time, floodplain notice.

Council Member Araskog thought screening walls for mechanical equipment had gotten too high. She thought they needed to increase the setbacks for taller screening walls and that they should be presented to the Town Council for public input.

Mayor Moore thought all the items should be sent to the Planning and Zoning Commission for review and feedback.

Council Member Moran asked how many of the mechanical equipment screening walls had been approved and how many had been denied. She thought a hybrid solution would be good, with a requirement for taller portions to be covered with greenery. She did not believe the setback needed to be increased for taller screening walls.

Council Member Cooney was happy to entertain solutions, but agreed with Council Member Moran. He agreed that the council typically approved these mechanical equipment screening walls.

Council Member Araskog asked the staff to return with drawings and photographs, so the council could see different scenarios. She agreed with Council Member Moran on adding greenery. She also agreed with the Mayor that the Planning and Zoning Commission should review these requests.

Mayor Moore expressed concern that these items had been in the queue for study since 2021. Mr. Bergman said this item was intended to solicit direction from the Town Council. He said these items would be quick and easy to fix.

Council Member Araskog asked that the Director of Planning, Zoning, and Building be authorized to require the Town Council to review rooftop equipment if necessary.

Council Member Cooney had an issue with too much subjectivity in the Code.

Council Member Moran thought that, if they were properly screened, the placement of generators on the roof would be appropriate.

Council Member Araskog agreed with the proposed pool equipment change.

Council Member Cooney agreed with the proposed pool equipment change and stated that the code was changed due to one incident.

Council Member Moran agreed with the proposed pool equipment change and thought the section should be removed from the code.

Council Member Cooney thought that during a new build, creating an equipment yard would be appropriate.

Council Member Moran agreed that spreading the equipment around looked less pleasant than making one yard.

Council Member Araskog asked if there was a wall without a cover and what the noise impact would be on neighbors. Mr. Murphy noted that this has been a common problem at inspections.

The consensus of the Town Council was to move forward with the angle of vision, eliminating the requirement for one-story homes, residential use in C-TS, C-WA, or C-OPI Districts, defaulting to R-C, appeals, and the floodplain notice. The only item that the Town Council wanted additional study on was the height and aesthetics of screening walls.

Council President Pro Tem Crampton called for public comment.

Attorney Maura Ziska thanked Mr. Murphy for his presentation and stated that she requests many of these variances. She asked for consideration to include variances that she has to request for demolishing over 50% of a structure for renovation on a nonconforming lot. Mayor Moore was not ready to consider anything in addition to what staff had presented. Council Member Araskog agreed, but she thought consideration could be given to the roof component for the required removal for renovations. She encouraged Ms. Ziska to bring her request to the staff by going through the appropriate process. Ms. Ziska also shared her thoughts about the other items presented.

Mr. Murphy stated that staff would look at notice requirements and start working on a draft ordinance.

**Note: A short break was taken at 10:43 a.m. and the meeting resumed at 10:50 a.m.*

4. Discussion Regarding Recommendation from the Planning and Zoning Commission Regarding the Zoning In Progress and Possible Extension of the Zoning in Progress.

Director Bergman discussed the extension of the Zoning in Progress (ZIP), which expired today. He said that the Planning and Zoning Commission (PZC) had been studying the item, and at their June meeting, the Corradino Group recommended prohibiting any new food and beverage establishments from opening before 5:00 p.m., basically lunchtime, Monday through Friday, of everything north of Everglades Island, based on their traffic study. At last month's meeting, the Corradino Group recommended prohibiting food and beverages before 5:00 p.m. Monday through

Friday on the Sea Streets based on a traffic study. The PZC recommendation was to take no action at this time, but to allow any changes to food and beverage operations to be handled as part of the full code reform. He mentioned options that were discussed by the Planning and Zoning Commission. The recommendation of the PZC was to take no action at this time.

Council President Pro Tem Crampton thought that the options presented by Mr. Bergman should be more fully expressed and reviewed in another setting.

Council Member Araskog thought that the ZIP should be extended by one month. She spoke about software that could track vehicles that come onto the island and where they go. She did not want to allow any additional new restaurants to open in locations where none existed. Council Member Araskog thought that no new clubs were to be allowed since the ZIP was for both clubs and restaurants. Ms. Hofmeister-Drew stated that it was a recommendation of the PZC one year ago not to see any more private clubs at that time. That may have changed, and staff would be taking that issue back to the Planning and Zoning Commission.

Mayor Moore confirmed with Town Attorney O'Connor the decision made yesterday with regard to the Paramount. Attorney O'Connor stated it was essentially grandfathered.

Council Member Araskog said she would like to have a discussion to support an 80% town serving requirement.

Council Member Moran stated that she had listened to the PZC meeting and did not feel that the data supported extending the ZIP or banning new restaurants. Therefore, she did not favor extending the ZIP. Council Member Cooney and Mayor Moore agreed with Council Member Moran's observation. Mayor Moore also mentioned that she had not supported the ZIP when it first came up, and she definitely felt the time had come for the ZIP to be a thing of the past.

Council Member Araskog thought the reason the PZC did not support extending the ZIP was that they questioned the data that they received. She stated that she would like to see this discussion deferred, or see it go forward with the exception that any restaurant that now exists may have a new restaurant. She expressed frustration to The Corradino Group representative, Mr. Czerniejewski, that cell phone data tracking did not occur as requested. She thought that could be why the Planning and Zoning Commission did not move forward, as she recalled them all talking about the study.

Eric Czerniejewski of the Corradino Group stated that they did track cell and streetlight data. He said the food and beverage locations were broken down into zones. He stated that from a data collection standpoint, it was a three-legged stool approach.

Council President Pro Tem Crampton called for public comment.

Attorney Maura Ziska did not believe that restaurants and clubs were the issue. She thought the problem was service providers, staff, and contractors. She thought there were other ways to address the issue without a blanket prohibition against town-serving clubs and restaurants.

Attorney Jamie Crowley agreed with Ms. Ziska's comments.

A motion was made by Council Member Araskog to extend the Zoning in Progress to the August

13, 2025, meeting. The motion died for lack of a second.

The consensus of the Town Council was not to make a motion and to allow the Zoning in Progress to expire.

UNFINISHED BUSINESS

5. ZON-24-0046 (ARC-24-0090) 2720 - 2730 S OCEAN BLVD—EDGEWATER/ AMBASSADOR SITE (COMBO) - SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCES The applicant, Palm Beach Edgewater Fee Borrower LLC and Palm Beach Ambassador Fee Borrower LLC, has filed an application requesting Town Council review and approval for two (2) Special Exceptions for 1) five-stories in the R-D(2) zoning district, and 2) the construction of a pedestrian tunnel under S Ocean Boulevard, and Site Plan Review for multifamily dwelling(s), for the construction of a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace an existing three-story building on the lakefront parcel (west site) and for the construction of a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace one existing five- and one existing eight-story buildings on the oceanfront parcel (east site). Additionally, the project includes the following twenty-one (21) variance requests: 10 for the west lakefront (Edgewater) parcel for 1) to exceed the maximum lot coverage, 2) to exceed the maximum building length, 3) to exceed the maximum amount of fill in a required yard, 4) and 5) to reduce the required minimum side (north and south) yard setbacks, 6) to exceed the maximum height for rooftop mechanical equipment, 7) to permit generators on roofs, 8) to exceed the maximum area for mechanical equipment located on a rooftop, 9) to exceed the maximum overall building height for mechanical screening and 10) to increase the maximum height of walls in required side and front yards; and 11 for the east oceanfront (Ambassador) parcel for 11) to exceed the maximum lot coverage, 12) to exceed the maximum building length, 13) to exceed the maximum amount of fill in a required yard, 14) and 15) to reduce the required minimum side (north and south) yard setbacks, 16) to exceed the maximum height for rooftop mechanical equipment, 17) to permit generators on roofs, 18) to exceed the maximum area for mechanical equipment located on a rooftop, 19) to exceed the maximum overall building height for mechanical screening, 20) to exceed the maximum building height for building 2 for the portion of the building located east of the CCCL, and 21) to increase the maximum height of walls in required side and front yards. The Architectural Commission (ARCOM) shall perform design review of the application. *[The Architectural Review Commission deferred this matter to the May 28, 2025, meeting with the condition to be reviewed by Town Council for zoning relief prior to design review.] [The Town Council deferred this project to the May 14, Town Council meeting to complete safety repairs prior to hearing the project.][The Town Council deferred this project to the July 9, 2025, Town Council meeting, pending Architectural Commission review.]*

Director Bergman stated that this item was deferred to a date certain, but the project had not moved through the Architectural Commission.

Keith Spina, Spina O'Rourke, provided a brief update on the Ambassador Edgewater Project.

Council Member Moran stated that, without agreeing with the increase in lot coverage, she appreciated the decrease in density. She thought the ARCOM needed to address the lot coverage. She also thanked the applicant for going through the Architectural Commission (ARCOM) prior to Town Council review.

Council Member Araskog agreed with Council Member Moran's comments. She asked about the height of the mechanical equipment room. Mr. Bergman respectfully cautioned the Town Council on having conversations since this item was only on the agenda because it was deferred to a date certain.

Council Member Cooney agreed with Council Member Moran's concerns about lot coverage. He acknowledged that the approval process is lengthy.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to defer item ZON-24-0046, indefinitely. The motion was carried unanimously, 4-0.

6. 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. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions at the April 23, 2025, meeting 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.][The applicant requested a deferral to the July 9, 2025, Town Council meeting. This request was approved at the June 11, 2025, Town Council meeting.]*

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

Assistant Director Murphy provided staff comments and answered questions from the Town Council members.

Attorney Jamie Crowley, representing the owner, provided an overview of the project and explained the hardships supporting the zoning requests. He noted that platted roadways on both sides of the property reduce the landscape open space calculations.

Jonathan Parks, of Solstice Planning and Architecture, presented the architectural plans for the new residence.

Mayor Moore stated that while it was not her favorite style of architecture, she thought it was appropriate for the neighborhood. She also hoped that all the neighbors would contribute to beautifying the alleyway.

Council Member Araskog asked if the driveway was artificial turf. Mr. Parks said they were real grass pavers.

Council President Pro Tem Crampton called for public comment.

John Eubanks, the attorney representing the adjacent neighbor, discussed the project and stated that the neighbors would communicate to resolve their issues.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-24-0093 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, 4-0.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Special Exception No. ZON-24-0093 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, 4-0.

NEW BUSINESS

7. ZON-25-0018 (ARC-25-0018) 164 SEMINOLE AVE (COMBO) – VARIANCES. The applicant, JPBK Properties #2, LLC (James G. Held, Manager), has filed an application requesting Town Council review and approval of two (2) variances related to the construction of a new residence and accessory structure, including (1) a variance to exceed maximum angle of vision and (2) a variance to exceed the maximum cubic content ratio permitted. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project shall be deferred to the August 13, 2025, Town Council meeting, pending Architectural review.]*

Please note: This item was deferred to August 13, 2025, at the approval of the agenda.

8. ZON-25-0022 (ARC-25-0020) 2875 S OCEAN BLVD (COMBO) –SITE PLAN REVIEW AND VARIANCE. The applicant, 2875 OCEAN LLC (Jim Randall, Manager), has filed an application requesting Town Council review and approval of site plan review related to addition of over 2000 square feet of new commercial area resulting from enclosure of the existing drive-thru at a commercial structure; with one (1) variance required to forgo providing the additional on-site vehicle parking spaces required. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project will be heard by ARCOM after the zoning requests are approved by Town Council.]*

Council Member Moran disclosed ex parte communications.

Assistant Director Murphy provided staff comments on the project and answered comments from the Town Council Members.

Attorney Maura Ziska, representing the owner, provided an overview of the project and explained the zoning requests. Keith Spina of Spina O'Rourke presented the architectural plans for the project. Mr. Spina spoke about the traffic analysis that was made on the proposed change.

Council Member Araskog asked if the code's parking space requirements were incorrect. Mr. Bergman said this would meet the definition of intensification of use because it increases parking

demand. Ms. Ziska stated that a parking study had been conducted, which indicated that parking was not a concern.

Mayor Moore recalled that during the ZIP, the town council approved the expansion of the Aqua Café. At that time, there was no feeling that the parking was inadequate for the building. She stated that the applicant should be held to the same standards as the Aqua Café.

Council President Pro Tem Crampton said he knew the building well and thought it was underutilized. He thought there was an opportunity to turn the building into something more productive. He also felt that the net effect of the existing parking mitigated the impact of the intensification of use. He thought the project should proceed to ARCOM.

Council Member Araskog thought that whatever action was taken should be conditioned on allowing ARCOM to continue to make its decisions.

Council Member Cooney had no issue with the request.

Council Member Moran struggled with the increase in GLA and adding parking. However, she agreed that the proposal would make the building better, architecturally. She also acknowledged that one size does not fit all throughout the town.

Council President Pro Tem Crampton 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-25-0022 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 3-1, with Council Member Araskog dissenting.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Site Plan Review No. ZON-25-0022 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provisions and arrangements have been made concerning Section 134-329, items 1 through 11. The motion was carried 3-1, with Council Member Araskog dissenting.

9. ZON-25-0021 1170 S OCEAN BLVD – BATH & TENNIS CLUB (COMBO) – SPECIAL EXCEPTION, SITE PLAN REVIEW, AND VARIANCES. The property owner, Bath & Tennis Club, Inc. (Armend Berisha, General Manager), has filed an application requesting Town Council review and approval for one (1) Special Exception with Site Plan Review for the construction of a temporary padel court for the Landmarked property, and five (5) variances to (1) reduce the off-street parking, (2) reduce the west front yard setback, (3) reduce the south side yard setback, (4) reduce the landscape open space, and (5) reduce the front yard landscape open space.

Council Member Araskog, Council President Pro Tem Crampton, and Mayor Moore disclosed ex parte communications.

Assistant Director Murphy provided staff comments on the project.

Attorney Maura Ziska, representing the owner, provided an overview of the project and explained the zoning requests. She noted this would be a temporary amenity.

Council Member Araskog asked about the Padel court and if it was only there until President Trump was no longer President. Mr. Spina explained that the Padel court was portable and could be moved or removed, as deemed necessary. Council Member Araskog asked if the landscape open space could be remediated. Mr. Spina stated that some of the Australian Pines would be removed. Council Member Araskog asked about the hardship. Ms. Ziska explained the hardship.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Moran and seconded by Council Member Cooney that Variance No. ZON-25-0021 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 3-1, with Council Member Araskog dissenting.

A motion was made by Council Member Moran and seconded by Council Member Cooney that Special Exception and Site Plan Review No. ZON-25-0021 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, 4-0.

10. ZON-25-0026 (COA-25-0009) 1200 S OCEAN BLVD (COMBO) – SPECIAL EXCEPTION. The applicant, Dustin Mizell with Environment Design Group, has filed an application requesting Town Council review and approval for a special exception to allow the construction of a new padel court. The scope of work includes exterior alterations, landscape, and hardscape modifications for the landmarked property. The Landmarks Preservation Commission shall perform design review of the application. *[This project shall be deferred to the August 13, 2025, Town Council meeting, pending Landmarks review.]*

Please note: This item was deferred to August 13, 2025, at the approval of the agenda.

11. ZON-25-0029 (ARC-25-0023) 224 BARTON AVE (COMBO) – VARIANCE(S). The applicant, 224 Barton Land Trust (MHK Architecture), has filed an application requesting Town Council review and approval of one (1) variance related to a one-story addition, exceeding allowable Cubic Content Ratio (CCR). The Architectural Commission (ARCOM) shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project. Carried 7-0.]*

Council Member Moran and Mayor Moore disclosed ex parte communications.

Assistant Director Murphy provided staff comments on the project.

Attorney M. Timothy Hanlon, representing the owner, provided an overview of the project and explained the zoning requests.

Council Member Araskog asked about the CCR calculations; she thought they were increasing. Mr. Bergman confirmed that they were increasing.

Caroline Forrest, of MHK Architecture, presented the architectural plans for the project.

Council Member Araskog asked about the hardship; Mr. Hanlon responded. She asked about the addition to the home, and Ms. Forrest said it would be a laundry room.

Council Member Moran supported the project.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Moran and seconded by Council Member Cooney that Variance No. ZON-25-0029 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, 4-0.

12. ZON-25-0030 (ARC-25-0024) 124 BRAZILIAN AVE (COMBO) – VARIANCES. The applicant, Gulf Stream Trust (Maura Ziska Representative, Kirchoff & Associates Architect), has filed an application requesting Town Council review and approval of four (4) variances to (1) reduce required number of garage spaces, (2&3) retain reduced west side yard setbacks at both first and second floors and (4) to reduce the required east side yard first floor setbacks for various additions and alterations. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project shall be deferred to the August 13, 2025, Town Council meeting, pending Architectural review.]*

Please note: This item was deferred to August 13, 2025, at the approval of the agenda.

13. ZON-25-0031 (ARC-25-0028) 266 SOUTHLAND RD (COMBO) – VARIANCE(S). The applicant, Mr. & Mrs. Roberts (Vintage Building and Design), has filed an application requesting Town Council review and approval of one (1) variance related to a one-story addition, not meeting the required side yard setback. The Architectural Commission (ARCOM) shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 6-1.]*

There were no disclosures of ex parte communications.

**Note: Council Member Cooney disclosed a conflict of interest for the project and left the dais during the discussion.*

Assistant Director Murphy provided staff comments on the project.

Attorney Maura Ziska, representing the owner, provided an overview of the project and explained the zoning requests.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0031 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 2-1, with Council Member Araskog dissenting.

14. ZON-25-0032 1247 S OCEAN BLVD – VARIANCE. The applicant, Providencia Partners, LLC (Gerard Beeson, Manager), has filed an application requesting Town Council review and approval for a variance to exceed the maximum fence height permitted within a side yard setback.

Council Member Cooney disclosed ex parte communications.

Assistant Director Murphy provided staff comments on the project and answered questions of the Town Council members, as necessary.

Attorney Maura Ziska, representing the owner, provided an overview of the project and explained the zoning requests.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

Council Member Araskog asked about the hardship; Ms. Ziska responded.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-25-0032 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, 4-0.

15. ZON-25-0033 (ARC-25-0031) 218 ROYAL PALM WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, 218 Holdings LLC (Susan Hudson, Manager), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review and including variances (1) to reduce side (east) setback for the new exterior egress stairs, (2) to reduce the required side setback for a 100kw generator, (3) to exceed the maximum height of a generator and screening wall in a required yard and (4) to reduce the required parking. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project will be heard by ARCOM after the zoning requests are approved at Town Council.]*

There were no disclosures of ex parte communications.

Assistant Director Murphy provided staff comments on the project and answered questions of the Town Council members, as necessary.

John Lindgren, Planner with Gunster and representing the owner, provided an overview of the project and explained the zoning requests. Jason Drobot of Brasseur and Drobot Architects presented the architectural plans for the project. Sean Twomey of Environment Design Group presented the landscape and hardscape plans for the site.

Council Member Araskog inquired about the hardship. Mr. Lindgren provided the hardship.

Council President Pro Tem Crampton 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-25-0033 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 3-1, with Council Member Araskog dissenting.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Special Exception and Site Plan Review No. ZON-25-0033 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 provisions and arrangements have been made concerning items (1) through (11) of section 134-329. The motion was carried 3-1, with Council Member Araskog dissenting.

**Note: A short break was taken at 1:19 p.m. and the meeting resumed at 1:24 p.m.*

ORDINANCES - SECOND READING

- 16 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 006-2025 by title only.

Council Member Cooney confirmed that any existing schools that needed to make a change would be grandfathered in, and this ordinance prohibited new uses. Town Attorney O'Connor provided confirmation.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Moran to adopt Ordinance 006-2025 on second reading. The motion was carried unanimously, 4-0.

- 17 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 007-2025 by title only.

Council Member Cooney stated he had received feedback and asked for confirmation that the landscapers could still provide maintenance during the holidays. Mr. Bergman confirmed this. Council Member Cooney asked the staff to clarify the hours to all users.

Council Member Araskog asked that all landscapers receive an email about summer hours and winter hours. Council Member Moran suggested that the hours be updated on the website.

Council President Pro Tem Crampton 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 to adopt Ordinance 007-2025 on second reading. The motion was carried unanimously, 4-0.

- 18 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 008-2025 by title only.

Council Member Cooney sought clarification on an adjudicated notice of violation.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Moran to adopt Ordinance 008-2025 on second reading. The motion was carried unanimously, 4-0.

ANY OTHER BUSINESS

- 19. Requesting a Waiver of Town Code Section 18-237, For a Building Permit Extension at 144 Chilean Avenue**

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

Chara, a project manager with Tim Givens Building, provided information on the extra time needed.

Council President Pro Tem Crampton 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 to grant the waiver of Town Code Section 18-237 as requested. The motion was carried unanimously, 4-0.

- 20. Requesting a Waiver of Town Code section 18-237, For a Building Permit Extension at 150 Seminole Avenue**

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

Roy Dunworth, of Dunworth Construction, provided information on the extra time needed.

Council President Pro Tem Crampton 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 to grant the waiver of Town Code Section 18-237 as requested. The motion was carried unanimously, 4-0.

- 21. Requesting a Waiver of Town Code Section 42-199, For Working Hours at 350 S County Rd.**

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the waiver for working hours and provided recommendations.

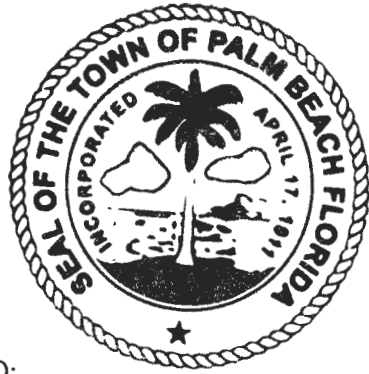
**Note: Council Member Cooney declared a conflict of interest for the item and left the dais during the discussion.*

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Moran and seconded by Council Member Araskog to grant the waiver of Town Code Section 42-199 as requested. The motion was carried unanimously, 3-0.

ADJOURNMENT

A motion was made by Council Member Araskog and seconded by Council Member Moran to adjourn the meeting at 1:43 PM. The motion was carried unanimously, 4-0.



APPROVED:

Kelly Churney
Kelly Churney, CMC, Town Clerk
Date: 8/12/25

APPROVED:

Lewis S.W. Crampton
Lewis S.W. Crampton, Council President
Pro Tem

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME CONNEY EDWARD "TED" AUSTIN		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Council	
MAILING ADDRESS 251 Royal Poinciana Way		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALE BEACH	COUNTY PALE BEACH	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: Town of PALE BEACH	
DATE ON WHICH VOTE OCCURRED 07/09/25		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Edward "TED" COONEY, hereby disclose that on July 9, 20 25:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of Bucan Palm Beach LLC, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I AM EMPLOYED BY AN AFFECTED TENANT OF THE REQUEST.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

07/09/25

Date Filed

Edward G Cooney
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME COONEY EDWARD "TED" AUSTIN		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN COUNCIL	
MAILING ADDRESS 251 ROYAL PORNICIANA WAY		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH	COUNTY PALM BEACH	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 07/09/2025		NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Edward "Ted" Cooney, hereby disclose that on July 9TH, 2025:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of Mr. & Mrs. T. William Roberts III, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The applicant (Mr. & Mrs. T. Williams Roberts III) for ZON-25-0031 is a client of mine. I was the co-listing agent in their sale of another property in Town this year.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

07/09/2025

Date Filed

Edward A Cooney

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.