



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on August 12, 2024

I. **CALL TO ORDER AND ROLL CALL (00:01)**

The Development Review Town Council Meeting was called to order on August 12, 2024, at 9:38 a.m. On roll call, all elected officials were found to be present.

II. **INVOCATION AND PLEDGE OF ALLEGIANCE (00:21)**

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

III. **COMMENTS OF MAYOR DANIELLE H. MOORE (00:59)**

Mayor Moore suggested that Code Enforcement staff drive around the Town to look at the residences and their conditions.

She announced that the student scholarship would be announced at the Tuesday meeting and thanked the donors for their generosity.

IV. **COMMENTS OF TOWN COUNCIL MEMBERS (02:52)**

Council President Pro Tem Crampton stated that the installation of parking signs had begun, and if someone did not have a pink sticker for parking, they would be required to pay. He indicated that a mini-campaign would begin soon, which would be informative to residents. Council Member Araskog wondered if there would be a grace period, to which Council President Pro Tem Crampton replied.

Council Member Araskog hoped that future landscaping in Palm Beach would include shade trees. She asked the Town Council to reconsider the operating hours of the church in the Paramount, as specific hours were provided but were not included in the motion. Attorney O'Connor said there was no requirement for hours to be included.

Jamie Crowley, the attorney for the Paramount's owners, asked if a Declaration of Use could define the hours. Attorney O'Connor stated that she and Mr. Crowley would work on a Declaration of Use.

V. **COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (10:31)**

No comments were heard at this time.

VI. **APPROVAL OF AGENDA (10:54)**

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

VII. **REGULAR BUSINESS (14:48)**

A. **Discussion Regarding the Draft Shortened Land Use Application Process Outlined in the Proposed Ordinances and Project Design Matrix (14:52)**

James Murphy, Assistant Director of Planning, Zoning and Building (PZB), provided staff comments and explained the draft ordinances. He noted that they had not been advertised and were only for discussion.

Two ordinances were proposed for discussion and consideration. Ordinance No. 028-2024 aimed to make minor changes to Chapter 18, Buildings and Building Regulations, relative to the Architectural Commission (ARCOM) applications. Ordinance No. 029-2024 proposed that all single-family landmarked and historically significant building applications follow a shortened, simplified process.

Wayne Bergman, Director of Planning, Zoning and Building (PZB), stated that staff had incorporated feedback from the development community and the Town Council, leading to changes that bifurcated the Landmarks and ARCOM processes for a shortened procedure. With the new FEMA flood maps taking effect on December 20, 2024, staff anticipated an increase in floodplain variance requests from landmarked and historically significant properties. The shorter notice period would be more favorable to property owners.

Council Member Araskog expressed that the 30-day notice allowed neighbors time to meet or hire attorneys, if necessary, particularly regarding issues like walls. Mr. Murphy clarified that there would be no shortened notice for variance relief, site plan approval, or special exception use. Council Member Araskog emphasized the need for adequate notice concerning walls, mechanical equipment, and privacy hedges. She suggested that anything affecting a privacy hedge should require a 30-day notice unless it were a like-for-like replacement at the same height. Mr. Murphy responded that hedges, walls, and mechanical equipment require neighbor consent forms, and neighbors would still receive a neighborhood notice and could see a paper advertisement.

Council President Pro Tem Crampton acknowledged that Council Member Araskog raised a valid concern and asked what could be done during the summer when a neighbor might not be available. He viewed the changes positively and suggested providing the Town Council with a matrix after six months to demonstrate the effectiveness of the policy.

Council Member Moran appreciated the effort to streamline the process and

supported the program, believing it would incentivize participation in the Landmarks program. She questioned whether allowing four modifications per year was too many. Mr. Murphy clarified that a modification to a permit differed from modifications made at ARCOM and confirmed that four modifications were allowed.

Council Member Cooney acknowledged the concerns raised by Council Member Araskog. He asked if it was possible to maintain a longer notice period for certain requests while having staff expedite the review and processing of applications. He expressed concern about the 15-day notice for all cases, as some situations might require neighbors to have more time. Mr. Murphy explained two ways in which a faster process could be achieved.

Council President Lindsay appreciated the efficiencies but also had some concerns. Although she thought the staff was on the right path, she suggested tweaking the document a little more.

Council Member Araskog emphasized the importance of mechanical equipment, walls, and landscaping and expressed concern about yard items like statues. While she supported the idea of incentivizing landmarks, she felt that a 15-day notice was too short. She appreciated the suggestion of allowing more time for notice while still expediting the process.

Mayor Moore recalled the previous decision to extend the notice period to 30 days, which had pleased residents. She expressed concern that reducing the notice to 15 days would make residents extremely unhappy if something occurred adjacent to their property.

Council Member Moran asked whether footers designed on a property border might infringe on a neighbor's property. Mr. Bergman explained that the footer for a wall would typically be entirely on the subject property but could still adversely affect plantings on the neighboring property. He added that the broader issue was whether site walls should be built on the property line or set back a few feet.

Council President Pro Tem Crampton expressed a preference for shorter staff review times.

Council Member Cooney remarked that the matrix clarified what was being reviewed, noting that more minor items had been shifted to a higher level of review, and more had been included overall. He suggested that it might be the best solution if staff could streamline their timelines and processes to fast-track applications internally without altering the notice period.

Council President Lindsay called for public comment.

Maura Ziska, an attorney in the Town, thanked the staff for being flexible and helpful in expediting projects. She also raised concerns about the neighbor consent form and explained why she believed it could lead to issues.

The Town Council agreed to ask staff to continue making improvements and return to them with a revised proposal.

This discussion lasted approximately 44 minutes. To listen, please click the link on the agenda topic above.

B. [Update and Review of Draft 2024 Comprehensive Plan, Including the Planning and Zoning Commission Recommendations \(2:25:36\)](#)

TIME CERTAIN: NOON

Jennifer Hofmeister-Drew, Planner III in the Planning and Zoning Department, presented the 2024 Town Comprehensive Plan Update. She began by defining a Comprehensive Plan and providing a history of comprehensive planning in the Town of Palm Beach.

Clerk's note: A break was taken at 12:19 p.m. to address town hall technical issues impacting the presentations. At 12:39 p.m., Council President Lindsay indicated that the Town Council would go to lunch while the technical issues were being addressed and that the meeting would resume at 1:30 p.m. The meeting resumed at 1:30 p.m.

Ms. Hofmeister-Drew continued her presentation, explaining that staff reviewed the goals, objectives and policies and the data analysis of the comprehensive plan and how they interrelated using current economic data from the United States Census. This data formed the basis for determining which goals, objectives, and policies should remain, be edited, or be removed. She emphasized that every goal focused on enhancing town residents' quality of life. Ms. Hofmeister-Drew noted that there were 12 elements, an introduction, and a separate GIS map series. She mentioned that all information would be available online and interactive.

Council President Pro Tem Crampton inquired about the rationale behind removing the ability for future Planned Unit Developments (PUDs). Ms. Hofmeister-Drew explained that this decision stemmed from discussions during the Wells Fargo project, where there was extensive debate about PUDs. The Planning and Zoning Commission recommended that the town Council consider prohibiting adding any PUDs in the future.

Council President Pro Tem Crampton also asked if level of service (LOS) standards were enforceable and whether land use decisions could be based on these standards. Ms. Hofmeister-Drew responded and noted that Eric Czerniejewski from the Corradino Group was also present to answer questions.

Council Member Araskog asked Attorney O'Connor about the state's requirement for parking mitigation and whether there was an exception for cities and towns experiencing gridlock. Attorney O'Connor explained that there were no exemptions under Florida State law on Concurrency. However, she mentioned that an argument could be made that certain measures could still be taken, and she acknowledged that Ms. Hofmeister-Drew was presenting creative ideas. Attorney O'Connor noted that there was not much case law on this issue but advised that the Town Council could not create its own exemption. Council Member

Araskog then asked if a letter could be sent to the Attorney General to inquire about possible actions for addressing traffic when there is no room for mitigation. She emphasized that the Comprehensive Plan was a regulatory document, asserting that nothing in the zoning code should contradict it. She also suggested that future updates to the plan should include definitions for terms like “intensification patterns,” “intensification of use,” and “intensity,” particularly in the context of not allowing greater intensity. Additionally, she thought including traffic statistics in the comprehensive plan would be beneficial.

Council Member Moran believed that the Planning and Zoning Commission’s (PZC) intent in discussing level of service standards was to provide an additional tool for managing development. She asked if it might be important to consider impact fees to help with traffic and parking mitigation. Ms. Hofmeister-Drew responded that an impact fee study would need to be conducted before such fees could be imposed. She mentioned that a policy had been added to re-evaluate the principle of equivalency regarding parking and agreed that a second element needed to be included.

Council President Lindsay pointed out that the criteria for granting variances or special exceptions state that “the use will comply with all elements of the comprehensive plan.” In that sense, the comprehensive plan functioned somewhat as a regulatory document.

Council Member Araskog asked if the policy only or the objective and policies must be followed. Attorney O’Conner advised that both objectives and policies must be followed.

Council Member Cooney, who had attended the PZC meeting, expressed surprise at the magnitude of the change regarding “town-serving.” He questioned whether the change was sending the right message to people who, although they might not live on the island, were still a part of the community. He also voiced additional concerns about making such a drastic change. Ms. Hofmeister-Drew noted that the suggestions were made because so many concerns were raised.

Mayor Moore noted that most small businesses lack the technology to verify that each of their patrons is a town resident. She inquired whether the Chamber had been invited to participate in discussions about the comprehensive plan. She emphasized that businesses contribute to the quality of life on the island, and she expressed concern about discouraging small businesses from settling in the town. Ms. Hofmeister-Drew responded, suggesting that the definition of town residents might need to be revised, the square footage of some establishments reduced, and the 50% requirement reconsidered. Mayor Moore questioned how many existing businesses still fall within the requirement for town-serving documentation.

Council President Pro Tem Crampton agreed with Council Member Cooney and Mayor Moore. He said visitors and employees serve the town economically and, in many cases, serve the town culturally. He did not agree with any further limitations. Ms. Hofmeister-Drew offered clarification on “town-serving” and “town persons.”

Council Member Moran expressed a preference for the term “town-serving.” However, she would not oppose moving forward with a requirement for clubs as they request more memberships. She noted that residents who visited the clubs on the island were not contributing to increased intensity. Ms. Hofmeister-Drew asked if the 50% requirement was necessary since it was not being enforced.

Council Member Cooney said the regional destination component was key to defining “town-persons.” He explained that his preference for a broader threshold was intended to discourage regional attractions, adding traffic that would otherwise not be in the town.

Council President Lindsay noted that historically, the “town-serving” designation was not enforceable. She mentioned that the primary complaint she heard was that town residents struggle to get into local restaurants. She suggested that a change in approach might be necessary and shared some examples. She emphasized the need for creative solutions to prioritize town residents and preserve their quality of life.

Council Member Araskog shared some examples of creative ways to preserve residents' quality of life and asked if the principle of equivalency could be eliminated from the code.

Ms. Hofmeister-Drew suggested keeping the “town-persons” and adding a “town-resident” definition.

Ms. Hofmeister-Drew continued her review by summarizing the changes and updates to the remaining elements. She explained the next steps in the process, with transmittal being anticipated for September 9, 2024.

Council President Lindsay called for public comment.

Anita Seltzer, 44 Cocanut Row, discussed her input on the document and expressed her satisfaction that her suggestions were accepted.

Attorney Jamie Crowley expressed his appreciation that the Chamber was included in the discussions for the plan.

Council Member Araskog thanked the residents for participating and contributing to the Comprehensive Plan.

Mayor Moore expressed concern about ensuring that a meeting involving several residents did not violate the Sunshine Law. Town Attorney O'Connor reassured her that she did not have any concerns about the meetings.

No action was taken on this issue.

This discussion lasted approximately 124 minutes. To listen, please click the link on the agenda topic above.

C. [100 Casa Bendita Verbal Update \(58:20\)](#)

Director Bergman provided an update on issues at 100 Casa Bendita. He said he would continue working with the contractor and provide monthly updates.

There was no action taken on this issue.

This discussion lasted approximately 1 minute. To listen, please click the link on the agenda topic above.

VIII. [RESOLUTIONS \(59:59\)](#)

a. [Proposed Resolution to add Two Padel Courts at The Breakers Tennis Centre \(1:00:04\)](#)

RESOLUTION NO. 073-2024: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 3-00, The Breakers Planned Unit Development (PUD-A), to Authorize the Modification to a Previously Approved Renovation, Expansion and Reconstruction of The Breakers Tennis Courts to Add Two Padel Courts. [Recommended to Town Council by the Planning & Zoning Commission at the August 6, 2024, meeting. Carried 7-0.]

Mayor Moore was surprised to see the white-shaded structures upon her return to Town and remarked that the requirement of the white color was a mistake.

Ex-parte communications were disclosed by Council Members Cooney, Moran, and Council President Lindsay.

Jamie Crowley, the attorney for the applicant, presented the architectural plans for the proposed Padel courts. He mentioned that the project had been reviewed by ARCOM and shared a rendering of what was presented regarding the shade structures. He explained that ARCOM requested the structures not be visible, so the hedge materials at the base would be replaced to achieve that. He also confirmed that the applicant would not request additional shade structures.

Council Member Cooney expressed no concern about the addition of Padel courts. He asked that any condition of approval be renewed to memorialize the condition of landscape screening around the tennis

center.

Council Member Moran inquired about the lighting that would be installed on the padel courts. Mr. Crowley said the applicant planned to follow the same approach used for the tennis courts.

Council President Lindsay appreciated the variety of landscape materials and hoped a hedge would not completely cover the area. Mr. Crowley responded by further explaining the landscape plan, including plants of varying heights and more greenery where the fencing was currently visible. He also mentioned that additional trees would be included.

Council Member Araskog explained why she initially voted no on the project. She thought the area was becoming an ultra-sport complex with a hotel. She took issue with the continued additions. She asked about the lighting. She was not supportive of the request.

Council President Lindsay asked about the hours of operation, lighting, and the town-serving nature of the operation. Mr. Crowley responded that the approved hours for tennis were 7:00 a.m. to 9:00 p.m. He said the lighting would be standard and confirmed that The Breakers would continue to be town-serving as it currently was.

Mayor Moore mentioned that she was a summer member of The Breakers. She discussed the member capacity and consistent waiting list, praising The Breakers as an exemplary town-serving business. She also believed that the Padel courts would not be visible to the public.

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 Moran to approve Resolution No. 073-2024. The motion was carried 4-1, with Council Member Araskog dissenting.

This discussion lasted approximately 17 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A short break was taken at 11:05 a.m. The meeting resumed at 11:10 a.m.

IX. DEVELOPMENT REVIEWS

a. [Variances, Special Exceptions, and Site Plan Reviews \(1:32:08\)](#)

1. [Old Business \(1:24:56\)](#)

a. [ZON-24-0012 240 PARK AVE - SITE PLAN REVIEW \(1:32:25\)](#) The

applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval of site-wide landscape and hardscape improvements to an existing park.

Ex-parte communications were disclosed by Council Members Cooney, Moran, and Mayor Moore.

Cory Meyer of Nievera Williams Design provided an overview of the project and showed the architectural plans.

Council President Pro Tem Crampton expressed concern about addressing the neighbors' concerns. He inquired if anyone had raised security issues at the location. Mr. Meyer responded that he had not heard any such concerns.

Council Member Moran thanked the donors for their generous donation. She praised the plan's beauty and supported the use of permeable pavers.

Council Member Araskog supported using permeable pavers but expressed concern about the benches not being visible on the pathways. She then asked Attorney Maura Ziska if she met with Dr. Nasser about the plan. Ms. Ziska responded.

Council Member Cooney thanked the donor for the generous donation and supported the plan.

Council President Lindsay mentioned hearing that some people did not want an entrance from the building side. She expressed her satisfaction with the variety of landscaping.

Council President Lindsay called for public comment.

Ann Heap, 234 Park Avenue, thanked the donor for their generous donation and stated she was enthusiastically looking forward to a much nicer park. She endorsed the project.

Council President Lindsay suggested putting a condition on the park to prohibit public events. Council Member Cooney agreed and thought it would be consistent with other public parks.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Site Plan No. ZON-24-0012 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 provision and arrangement have been made concerning Section 134-329, items 1 through 11, with the conditions that special events shall not be allowed in the park, and all pathway connections from the park to the south alleyway are eliminated. The motion was carried unanimously, 5-0.

There was a brief discussion about park hours.

Mr. Brazil stated that the staff would bring a recommendation for hours of operation back to the Town Council.

Council Member Cooney said one of the two parks was donated more recently and had a lapsed condition regarding its use as a park. He wanted to ensure staff investigated this. Attorney O'Connor explained what had transpired and stated the property was owned by the Town, but she would investigate the issue and report back to the Town Council.

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

- b. **ZON-24-0013 247 PARK AVE - SITE PLAN REVIEW**The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval of site-wide landscape and hardscape improvements to an existing park.*[This project has been withdrawn by the applicant.]*
Clerk's note: This item was withdrawn at the Approval of the Agenda, Item VI.

- c. **ZON-24-043 (ARC-24-035) 620 N LAKE WAY (COMBO) – VARIANCES (1:48:22)** The applicant Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker), has filed an application requesting Town Council review and approval for two (2) variances, (1) to exceed the maximum permitted building height and (2) to exceed maximum permitted cubic content ratio (CCR), as it relates to the construction of a new residence. The Architectural Commission shall perform a design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-0.] [The Architectural Review Commission approved the project with conditions. Carried 5-1.]*

Ex-parte communications were disclosed by Council Members Cooney and Moran.

Maura Ziska, an attorney for the applicant, provided an overview of the project, explained the zoning requests, and showed the architectural plans. Ms. Ziska discussed the hardship that prompted the request.

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

Council Member Cooney thought this condition was typical of the area in Town.

Council Member Araskog asked Director Bergman to explain the hardship. Mr. Bergman said the measuring point for this property was below grade. He said the hardship was due to the topography of the lot.

A motion was made by Council Member Moran and seconded by Council Member Araskog that Variance No. ZON-24-043 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 Cooney dissenting.

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

- d. **ZON-24-0005 (ARC-24-0004) 260 COLONIAL LN (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN, REVIEW AND VARIANCE**
The applicant, Maura Ziska (attorney) in conjunction with SKA Architect + Planner, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review approval to develop a nonconforming parcel in the R-B zoning district and once (1) variance to reduce the rear yard setback for a swimming pool in relationship with the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform a design review of the application. *[This project has been withdrawn by the applicant.]*
Clerk's note: This item was withdrawn at the Approval of the Agenda, Item VI.
- e. **ZON-24-0006 (ARC-24-0011) 1741 S OCEAN BLVD COMBO - VARIANCES**
The applicant, Maura Ziska (attorney), in conjunction with SKA Architect + Planner, has filed an application requesting Town Council review and approval for four (4) variances to (1) increase the maximum allowable lot coverage, (2) to allow existing non-conforming front yard setback to remain, (3) to allow existing side yard setback to remain, and (4) to allow landscape open space to increase from existing but still not meet minimum requirement as it relates to the existing structure and site improvements being modified. The Architectural Commission (ARCOM) shall perform a design review of the application. *[This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]*
Clerk's note: This item was deferred to the September 11, 2024, Town Council meeting at the Approval of the Agenda, Item VI.
- f. **ZON-24-0010 (ARC-24-0023) 515 NORTH LAKE WAY (COMBO) - SPECIAL EXCEPTION AND VARIANCE**
The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative) has filed an application requesting Town Council review and approval for a special exception review to develop the existing nonconforming lot and one variance 1) to exceed the

permitted angle of vision for the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform a design review of the application. [This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]

Clerk's note: This item was deferred to the September 11, 2024, Town Council meeting at the Approval of the Agenda, Item VI.

2. New Business

- a. **ZON-24-025 (ARC-24-015) 153 AUSTRALIAN AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE (1:46:40)** The applicant, Rabbi Zalman Levitin, has filed an application requesting Town Council review approval for a special exception to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to reduce the number of required enclosed garage parking spaces to one (1). This is an amended application. The Architectural Commission (ARCOM) shall perform a design review of the application. [Town Council remanded this project back to ARCOM at the May 15, 2024, Town Council meeting.] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact on the subject property. Motion Carried 6-0.] [The Architectural Review Commission approved the project with conditions. Carried 7-0.]

Council Member Moran disclosed ex-parte communications.

Jason Skinner of Dailey Janssen Architects provided an overview of the project and showed the architectural plans.

Council Member Cooney asked what lot size requirement would allow for a one-car garage. The staff responded.

Council Member Araskog expressed concern for the proposed chimney, which she thought was too tall. Mr. Skinner responded

Council Member Moran recalled that the Architectural Commission required the applicant to add a chimney. Council Member Araskog stated that her concern was the chimney's height.

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

Council Member Araskog asked Mr. Skinner about the hardship of the request. Mr. Skinner responded it was the lot width and extra space was necessary to accommodate the family.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney that Variance No. ZON-24-025 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.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog that Special Exception No. ZON-24-025 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 2 minutes. To listen, please click the link on the agenda topic above.

- b. **ZON-24-0014 (ARC-24-0022) 1246 N LAKE WAY (COMBO) – VARIANCES** The applicant, Myron, and Michelle Miller, have filed an application requesting Town Council review and approval of a variance for exceeding the allowable cubic content ratio (CCR). The Architectural Commission (ARCOM) shall perform the design review of the application. [This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]
Clerk’s note: This item was deferred to the September 11, 2024, Town Council meeting at the Approval of the Agenda, Item VI.
- c. **ZON-24-0022 (HSB-24-0003) 346 SEASPRAY AVE (COMBO) - VARIANCES (1:52:54)** The applicant, Rafael Portuondo with Portuondo-Perotti, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the side yard setback for mechanical equipment and 2) to increase a site wall height in the side yard. The Landmarks Preservation Commission shall perform a design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance number two (2) will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission only approved variance number two (2) listed above with the project to return on the remaining variance. Carried 7-0.]

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

Rafael Portuondo of Portuondo Perotti Architects provided an overview of the project and showed the architectural plans.

Council Member Cooney thought the equipment location made sense.

Council Member Araskog asked about the approval of one of the variances. She had an issue with the increased wall height and was displeased that the work was done before approval.

Mayor Moore thought the project was never-ending and asked about the timeline. Mr. Portuondo stated that the project was finished, and they were waiting for the permit for the equipment location.

Council Member Moran wondered why Code Enforcement did not see

this issue. She was also unhappy that the process failed.

Council Member Araskog asked about the hardship of the wall.

M. Timothy Hanlon, an attorney for the neighbors at 350 Seaspray Avenue, stated that his clients supported the wall because they did not want further construction. He wanted to ensure that the variance for the side yard had been withdrawn, and he agreed that this project had been ongoing for a very long time.

Council Member Cooney asked if the equipment relocation would necessitate a new variance. Mr. Murphy stated that the applicant had been told this was a possibility.

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-24-0022, to increase a site wall height in the side yard, 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.

Council Member Cooney asked for confirmation that the variance for the side yard setback for mechanical equipment was removed. Mr. Portuondo provided confirmation.

This discussion lasted approximately 28 minutes. To listen, please click the link on the agenda topic above.

- d. **ZON-24-0028 (ARC-24-0032) 272 VIA MARILA (COMBO) - VARIANCE** The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform a design review of the application. *[This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]*

Clerk's note: This item was deferred to the September 11, 2024, Town Council meeting at the Approval of the Agenda, Item VI.

- e. **ZON-24-0027 (ARC-24-0049) 2 S COUNTY RD (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) (1:17:25)** The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for Special Exceptions with Site Plan Review for (1) modifications to the Breakers Tennis Centre site plan, (2) the construction of two new padel sports courts, (3) the installation of related sport court lighting. Two (2) variances are required to (1) exceed the maximum permitted height of light poles and (2) install a

sports court enclosure lower than the minimum height required. The Architectural Commission shall perform a design review of the application. [After the Town Council zoning review, this project will travel to the Architectural Review Commission at the August 28, 2024, meeting.]

Ex-parte communications were disclosed by Council Members Cooney, Moran, and Council President Lindsay.

Jamie Crowley, the applicant's attorney, presented the architectural plans for the proposed Padel courts. He noted that this was an active construction project, and the area would be cleaned up and screened.

Council Member Cooney asked if Padel courts were custom-built.

John Lindgren, a planner for the applicant, said the Padel courts came as a kit, which includes the lighting and plexiglass walls.

Council Member Araskog asked about the lights and wondered if they would be visible from the road. Mr. Crowley said he would discuss the lighting details with the Architectural Commission.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney that Variance No. ZON-24-0027 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 the lighting shall not be visible from the public roadways.

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

The motion was carried 4-1, with Ms. Araskog dissenting.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney that Special Exception No. ZON-24-0027 and Site Plan Review No. ZON-24-0027, be approved, as said applications meet the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finding 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, with the condition that the lighting shall not be visible from the public roadways and that layered landscaping shall be installed to shield the view of the facility from public rights of way. The motion was carried 4-1, with Ms. Araskog dissenting.

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

Clerk's note: A short break was taken at 11:52 a.m. The meeting resumed at 11:59 a.m.

- f. **ZON-24-0029 (COA-24-0004) 134 SEABREEZE AVE (COMBO) – VARIANCES (2:21:20)** The applicant, Jaime Torres-Cruz with Fairfax & Sammons, has filed an application requesting Town Council review and approval of four (4) variances to 1) reduce the side yard setback, 2) increase lot coverage, 3) exceed the maximum allowable cubic content ratio (CCR), and 4) reduce the landscape open space for removal of existing loggia and construction of a new loggia. The Landmarks Preservation Commission shall perform a design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]*

Council Members Cooney and Moran disclosed ex-parte communications.

M. Timothy Hanlon, an attorney for the applicant, provided an overview of the project, explained the zoning requests, and showed the architectural plans.

Council Member Araskog asked about the hardship of the request. Mr. Hanlon discussed the hardship that prompted the request. Council Member Araskog requested confirmation that all the variances improved the existing conditions. Mr. Hanlon explained the improvements on 3 variances and the 1 variance for an existing condition.

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-24-0029 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, 5-0.

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

- g. **ZON-24-0031 (COA-24-0002) 195 VIA DEL MAR (COMBO) - VARIANCES** The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting Town Council review and approval of (1) variance to increase the maximum building height associated with a second-story addition. The Landmarks Preservation Commission shall perform a design review of the application. *[This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]*

Clerk's note: This item was deferred to the September 11, 2024,

Town Council meeting at the Approval of the Agenda, Item VI.

Clerk's note: A short break was taken at 3:12 p.m. The meeting resumed at 3:17 p.m.

- h. **ZON-24-0034 (ARC-24-0020) 336 W AUSTRALIAN AVE (COMBO) – VARIANCES (4:29:58)** The applicant, Sharon Handler Loeb, has filed an application requesting Town Council review and approval of three (3) variances to (1) not providing minimum required landscaped open space, (2) to allow pool equipment and generator to be installed without the minimum required setback and (3) pool equipment located further than the maximum of 25 feet from water's edge. The Architectural Commission (ARCOM) shall perform a design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact on the subject property. Motion Carried 6-0.] [The Architectural Review Commission approved the project as presented with the exception of the landscaping and wall improvements along the common shared line of both sides of the duplex residences, which shall be reviewed as an administrative application requiring neighbor consent or appear back to the Commission for review. Carried 6-0.]*

Ex-parte communications were disclosed by Council Members Araskog, Cooney, Moran, and Mayor Moore.

Mr. Timothy Hanlon, the applicant's attorney, provided an overview of the project, explained the zoning requests, and showed the landscape and hardscape plans for the site.

Council Member Araskog inquired about the new location for the mechanical equipment. Mr. Hanlon responded. Council Member Araskog then asked if any part of the site was permeable. Mr. Hanlon responded. Council Member Araskog asked about the hardship of the request. Mr. Hanlon discussed the hardship that prompted the request.

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 Variances No. ZON-24-0034 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 8 minutes. To listen, please click the link on the agenda topic above.

- i. **ZON-24-0036 0 ROYAL POINCIANA WAY - MEDIANS – SITE PLAN REVIEW** The applicant, the Town of Palm Beach, in conjunction with the Garden Club of Palm Beach, has filed a site plan review

application requesting Town Council review and approval for landscape and gravel path improvements to the medians for this historic vista. *[This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]*

Clerk's note: This item was deferred to the September 11, 2024, Town Council meeting at the Approval of the Agenda, Item VI.

b. **Time Extensions and Waivers (4:37:50)**

1. **Waiver Request of Resolution No. 069-2024: Zoning in Progress Moratorium for 261 Royal Poinciana Way regarding Restaurant Space (4:37:54)**

Jamie Crowley, the applicant's attorney, stated that his client had been working for months on the application and submitted it 12 days after the zoning in progress was enacted.

Nick Coniglio, owner of Cucina Restaurant and a 40-year resident of the town, provided comments in support of his request. He stated that his family had paid for development plans, unaware of the Zoning in Progress implementation. He requested permission to proceed with their plans.

Mr. Bergman provided staff comments.

Mr. Crowley stated that he believed his client had spent a lot of money and relied on the code as it existed before the zoning in progress was granted.

Mayor Moore questioned whether the owner would continue to invest money if the waiver was granted, knowing that the Town Council could still deny the project. Town Attorney O'Connor affirmed that the process was correct and that there was no way to warn applicants about the zoning in progress. Mayor Moore emphasized that the Town Council had implemented the zoning in progress for a reason.

Council Member Araskog questioned why Field of Greens vacated the space, noting that they had cited construction noise as the issue. However, she pointed out that Mr. Coniglio mentioned they had simply decided not to renew their lease. She also expressed concern about the request for 30 to 50 seats, compared to the 22 seats that Field of Greens had. Council Member Araskog stated that the Town Council should deny the application.

Council President Pro Tem Crampton pointed out that the facility had been in the location for years and filled a niche. He understood the importance of consistency but would be inclined to approve the application.

Council Member Moran expressed a preference to wait for the study's results to see if the area is saturated. She was also concerned about the applicant continuing to invest, with the possibility of the project being denied.

Council President Lindsay was surprised that the applicants, as seasoned operators, did not notify staff about the forthcoming

application. She stated she was uncomfortable allowing the application to move forward now.

Mr. Crowley stated he was out of town and was not notified of the item.

Council Member Cooney stated that he did not vote in favor of the zoning in progress and admitted that this request was difficult.

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 Moran to deny the zoning in progress waiver request of Resolution No. 069-2024 for 261 Royal Poinciana Way. The motion was carried 4-1, with Council President Pro Tem Crampton dissenting.

This discussion lasted approximately 18 minutes. To listen, please click the link on the agenda topic above.

2. [Waiver Request of Resolution No. 069-2024: Zoning in Progress Moratorium for 2875 S Ocean Blvd., Regarding Restaurant Space \(4:56:13\)](#)

Maura Ziska, the applicant's attorney, presented the request to add a takeout counter to an existing restaurant (Acqua Café).

Council Member Moran asked if this would increase the space. Ms. Ziska said the space existed but was currently being used for storage.

Mayor Moore believed that the area where the restaurant was located was not heavily populated and that there was ample parking to accommodate the request. She expressed support for the request.

Council Member Crampton thought the request made sense and stated they were using storage space for the facility.

Council Member Araskog thought the request should be allowed in 2-3 months when the neighbors return.

Council Member Cooney thought this request was different from the previous request and acknowledged that this was an existing use. He thought that it would add value to the neighborhood.

Council President Lindsay also believed this was different from the previous request. She supported the request.

Mr. Bergman noted that the approval of the waiver would allow the applicant to apply for a Special Exception for the expansion.

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 to grant the zoning in progress waiver request of Resolution No. 069-2024 for 2875 S. Ocean Blvd. The motion was carried unanimously, 5-0.

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

3. [Waiver of Town Code Section 18-237 For Building Permit Extension for 210 Palmo Way, Permit Extension - B-22-96215 \(5:18:02\)](#)

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

Dawn Aranda of AMC Custom Builders explained the issues and the reason for the need for the permit extension.

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 to approve the building permit extension request for 210 Palmo Way. The motion was carried unanimously, 5-0.

4. [Waiver of Town Code Section 18-237 For Building Permit Extension for 255 Wells Road - Permit Extension B-22-926215 \(5:20:28\)](#)

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

Tom Keller of Wildes Builders explained the issues and why a permit extension was necessary.

As she drove by the site, Mayor Moore wondered if the project had been started. She was concerned about the length of time extension being requested. She wondered if this should be considered a new permit.

Mr. Bergman explained why this would be an extension rather than a new permit.

Council Member Moran understood Mr. Bergman's statement but agreed with Mayor Moore. She thought this should be a new building permit.

Council Member Araskog agreed with the mayor and thought this should be a new building permit.

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 to approve the building permit extension request for 255 Wells Road. The motion was carried unanimously, 5-0.

5. [Waiver of Town Code Section 18-237 For Building Permit Extension for 500 Regents Park, Permit Extension - B-21-92420 \(5:27:36\)](#)

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

Kyle Papke of PBB Construction explained the issues and the need for the permit extension.

Council Member Cooney asked for clarification about whether this was new construction. Mr. Papke said it was a landmarked property where the

home was being lifted.

Council Member Araskog stated that she was in favor of the request. Council Member Moran agreed.

A motion was made by Council Member Moran and seconded by Council Member Cooney to approve the building permit extension request for 500 Regents Park. The motion was carried unanimously, 5-0.

6. [Waiver of Town Code Section 18-237 For Building Permit Extension for 224 Southland Rd., Permit Extension - B-22-97455 \(5:32:18\)](#)

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

Jason Chase of Newport Property Construction explained the issues and the need for the permit extension. The extension was requested through October 10, 2024.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the building permit extension request to October 10, 2024, for 224 Southland Road. The motion was carried unanimously, 5-0.

7. [Waiver of Town Code Section 18-237 For Building Permit Extension for 363 Cocoanut Row, Permit Extension - B-23-98323 \(5:07:12\)](#)

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

John Hart of Mouw Associates explained the issues and why he requested a permit extension.

Council Member Moran spoke about the unexpected items needed for the building. She stated she was comfortable with an extension and would be okay with a little longer than 6 months.

Council Member Araskog was concerned about the neighbors receiving notice, especially since many were out of town. Mr. Hart stated that many of the changes during the season would require interior work. Council Member Araskog inquired about the projected completion date for the exterior work, to which Mr. Hart responded he hoped it would be done by November.

A motion was made by Council Member Cooney and seconded by Council Member Moran to approve the building permit extension request for six (6) months for 363 Cocoanut Row. The motion was carried unanimously, 5-0.

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

8. [Waiver of Town Code Section 18-237 For Building Permit Extension for 870 S Ocean Blvd., Permit Extension - B-21-92487 \(5:35:03\)](#)

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

Jared Martin, the contractor, explained the issues and the reason for the need for the permit extension.

Council Member Cooney asked if Mr. Martin had been the contractor since the beginning of the project. Mr. Martin said no.

A motion was made by Council Member Cooney and seconded by Council Member Moran to approve the building permit extension request for 870 S. Ocean Blvd. The motion was carried unanimously, 5-0.

X. **ORDINANCES (11:44)**

A. **First Reading**

1. **ORDINANCE NO. 020-2024 (11:49):** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida; Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan Pursuant To Chapter 163, Florida Statutes; Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Designation For Parcels Of Land More Particularly Described In Exhibit C, From "Public", "Recreation" And "Single Family", Respectively To "Private Group Use"; Providing For Inclusion Into The Comprehensive Plan; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

[Recommended to Town Council by the Planning & Zoning Commission at the August 6, 2024, meeting. Carried 7-0.]

Director Bergman read Ordinance No. 020-2024 by title only.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve Ordinance No. 020-2024 on the first reading. The motion was carried unanimously, 5-0.

2. **ORDINANCE NO. 021-2024 (13:54):** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Amended Official Zoning Map Of The Town Of Palm Beach Updated July 26, 2022; Rezoning Parcels Of Land More Particularly Described In Exhibit B, From "R-B Low-Density Residential" District, To "CI Cultural Institution" District; Providing For Inclusion On The Zoning Map; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

[Recommended to Town Council by the Planning & Zoning Commission at the August 6, 2024, meeting. Carried 7-0.]

Director Bergman read Ordinance No. 021-2024 by title only.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve Ordinance No. 021-2024 on the first reading. The motion was carried unanimously, 5-0.

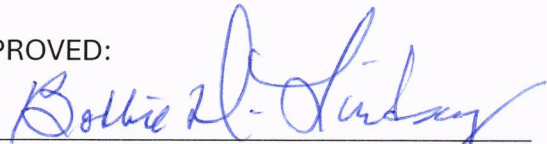
XI. ANY OTHER MATTERS (5:37:00)

Council Member Araskog asked staff to look at the consistency of the Corradino study information and the backup for the Resolution for the Mast Arm on the 8/13/24 agenda. Mr. Bergman stated he would mention it to Director Paul Brazil.

XII. ADJOURNMENT (5:38:31)

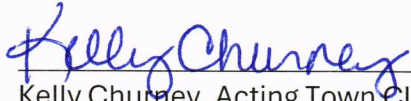
A motion was made by Council Member Araskog and seconded by Council Member Cooney to adjourn the meeting at 4:27 p.m. The motion was carried unanimously, 5-0.

APPROVED:



Bobbie D. Lindsay, Town Council President

ATTEST:



Kelly Churney, Acting Town Clerk

Date: 9/10/24



