

TOWN OF PALM BEACH

Minutes of the Town Council Meeting
Held on November 13, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:08 AM in the Town Council Chambers.

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

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Director of Planning, Zoning, and Building Wayne Bergman announced that Item 16, ZON-24-0046, would be heard at 2:00 PM. He reminded the Council that the five building permit extensions, items 23-27, were heard on the preceding day. Finally, he added a Right-of-Way Authorization for 283 Royal Poinciana Way under Any Other Business.

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

ADMINISTRATION OF THE OATH

Town Clerk Churney administered the oath to all those intending to speak and continued to do so throughout the meeting.

COMMENTS

1. MAYOR AND TOWN COUNCIL MEMBERS

There were no comments heard at this time.

2. PUBLIC - 3 MINUTE LIMIT

Anita Seltzer, 44 Cocoanut Row, requested improved visibility of the meeting timer, noting that the current single clock is blocked and cannot be seen by speakers at one of the podiums. She also expressed concern about the short timeframe for the public to review and comment on agenda materials—often hundreds of pages—when the agenda is posted on Wednesday, and comments are due by Friday. She asked the Council to reconsider this issue, noting the discussion was cut off for those viewing from home.

PUBLIC HEARING

GENERAL BUSINESS

3. Presentation: Brief Overview of Landmark GIS Map from PZB Staff

Planning, Zoning, and Building Planners Abraham Fogel and Emily Lyn introduced a new GIS map featuring landmarked and historically significant buildings, which is now available on the Town's website. They conducted a demonstration of how the map works within the Town's website.

Council Member Araskog thanked staff members for the Landmark GIS Map.

4. Discussion Regarding Construction Screening Fences 25ft or Higher

Planning, Zoning, and Building Civil Engineer Craig Hauschild requested feedback on five items related to construction screening for fences that are 25 feet or higher.

Council Member Cooney expressed concern that the measures being taken to protect neighbors from the construction impacts may be excessive. He said in some cases, the screening was drawing more attention to construction.

Council Member Moran thought the screening at 304 Maddock Way looked nice and neat. She suggested looking at that address as an example. She also cautioned against imposing so many restrictions on neighbors, and she did not like spray-painted house numbers on gates. She said there should be a standard, and the green leafy camouflage should not be allowed. She also cited The Breakers screening and noted that it was a good example for commercial projects. She preferred that the screening blend with the background.

Mr. Hauschild noted that the camouflage and the numbers were code violations and could be cited.

Council Member Araskog thought a taller fence was more important for the elements and for privacy. She felt that contractors should be informed as to what they are allowed to do for screening during the permitting process. She also liked the screening to blend into the background.

The following feedback was provided: Construction screening will be approved either by the Architectural Commission (ARCOM) or the Landmarks Preservation Commission (LPC); owners will work with neighbors regarding the height of the screening, and staff can request any site without screening to implement it in accordance with the Ordinance.

5. Zoning Code Items - Quick Fixes #1-7

5.1 Quick Fix #1B Mechanical Equipment - Screening Wall

Planning, Zoning, and Building Planner Bradley Falco introduced the screening wall for mechanical equipment. He stated that the fix would include incorporating vegetation between the equipment and the screening wall to screen the portion of the equipment that projects beyond the top of the wall, as constructed to the maximum wall height.

Council Member Moran asked how the plantings could grow in the shade. Mr. Falco stated that the landscape professional could use a shade-tolerant hedge material.

Mr. Murphy further explained the study performed by the staff and the proposed fix. He said the extra height for screening would have to be at the time of screening.

Council Member Araskog stated that her landscaping team suggested planting smaller and thinner trees in those areas.

Council Member Cooney said this was one of the quirks that was forcing variances. He was willing to support the suggested fix, although he wondered if landscaping would be a suitable screening, particularly from the noise generated by mechanical equipment.

Council Member Araskog agreed with Council Member Cooney and thought there should be a wall and attenuated noise. She stated she could not support the request.

Mr. Falco stated that the proposal was not to remove the wall, but rather to make up the difference between the wall and the equipment.

Council President Pro Tem Crampton thought the solution was a good compromise.

Council Member Moran agreed with Council President Pro Tem Crampton.

Mr. Falco pointed out that the noise ordinance would still be in effect.

There was a majority consensus to try the staff's recommendation of additional landscape above the screening wall to cover the height of the equipment.

A motion was made by Council Member Araskog and seconded by Council Member Moran to hear item 9, ZON-22-132 165 Bradley Place, at this point in the agenda. The motion was carried unanimously, 5-0.

6. Zoning Code Items — Quick Fix #15

6.1 2025 Comprehensive Plan EAR polices that require placement into Chapter 134, Zoning. (Per Florida Statute)

This item shall be deferred to the December 10, 2025, Town Council meeting, pending Planning and Zoning Commission review.

Note: This item was deferred to December 10, 2025, at the approval of the agenda.

7. **53-2025 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 480 S Ocean Blvd. Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. The property owner is neutral to this designation. The Landmarks Preservation Commission voted 7-0 for landmarking.**

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

Council President Lindsay asked for proof of publication, which Architectural Review & Historic Preservation Manager Friederike Mittner provided.

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

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

Attorney Paul Minoff, on behalf of the estate and PNC Bank, asked the Town Council to defer the item for one month. He discussed the reasons for the deferral.

Council Member Cooney said he was sympathetic to the situation and wondered if Attorney Ziska's clients were amenable to waiting. Ms. Ziska responded.

Council Member Moran did not believe the two items were related. Mr. Minoff responded.

Ms. Mittner stated that staff were committed to the same concepts, whether with this buyer or a different buyer, in terms of flexibility on this site.

Mayor Moore expressed concern about structural disrepair when she toured the home. Mr. Minoff discussed the items the bank had repaired in the interim.

Council Member Araskog supported the designation.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 053-2025, designating the property at 480 S. Ocean Blvd. as a landmark

of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.

8. **14-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, ratifying and confirming the determination of the Landmarks Preservation Commission that the property known as 163 Seminole Ave. meets the criteria set forth in Ordinance No. 2-84, also known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and designating said property as a Town of Palm Beach Landmark pursuant to Ordinance No. 2-84, also known as Chapter 54, article IV of the Code of Ordinances of the Town of Palm Beach. *The property owner is supportive of this designation. The Landmarks Preservation Commission voted 7-0 for landmarking.*

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

Council President Lindsay asked for proof of publication, which Director Wayne Bergman provided.

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

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

Attorney Maura Ziska thanked the Town Council for being patient with the owner and the sale of the additional property.

Aimee Sunny of The Preservation Foundation of Palm Beach thanked the owner for her stewardship. She said it is a wonderful house that should be designated as a landmark.

Council Member Cooney was grateful for the owner's stewardship and was thrilled about the home being landmarked.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 014-2025, designating the property at 163 Seminole Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.

UNFINISHED BUSINESS

9. ZON-22-132 (ARC-22-200) 165 BRADLEY PLACE - Alef School - Declaration of Use - Progress Update

Hindel Levitin of the Alef School introduced herself and noted that the school served 13 Town-resident students and 12 non-resident students during the 2024–2025 school year. She described the preschool's founding by her and Rabbi Levitin, the community's dedicated support, and the growing need for early childhood education on the island. She highlighted the preschool's mission of providing high-quality, values-based education to families of all backgrounds, the positive feedback received from parents, and upcoming community-building activities such as hosting the Palm Beach Police at a Thanksgiving celebration. She invited Council members to visit the school.

Council Member Araskog stated she had not realized this was an update. Council President Lindsay noted that the Town Council would receive annual updates.

**Note: A short break was taken at this time.*

10. ZON-25-0045 (ARC-25-0044) 766 HI MOUNT RD (COMBO). The applicant, Christina Baker, owner (Maura Ziska and SKA Architects, representatives), has filed an application requesting Town Council review and approval of one (1) variance for a reduced side yard setback to reconstruct a glass enclosure on the west side of the cabana. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 6-1.]*

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

Assistant Director Murphy provided staff comments.

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

Council Member Araskog asked about the hardship for the variance request. Attorney Maura Ziska explained the hardship.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-25-0045, 766 Hi Mount Road, 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 5-0.

11. ZON-24-0055 (COA-24-0022) 120-132 N County Road - Palm Beach Synagogue - Review of Draft Declaration of Use Agreement
This item shall be deferred to the December 10, 2025, Town Council meeting.

****Note: This item was deferred to the December 10, 2025, meeting at the approval of the agenda.***

12. ZON-25-0046 120-132 N COUNTY RD. - PALM BEACH SYNAGOGUE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting Town Council review and approval for a modification to the previously approved Special

Exception for an existing synagogue located at 120 N County Road into an abutting existing building previously occupied by the Chez Jean Pierre restaurant at 132 N County Road. The application also consists of a modification to the existing Declaration of Use Agreement dated May 12, 2008. *This item shall be deferred to the December 10, 2025, Town Council meeting.*

****Note: This item was deferred to the December 10, 2025, meeting at the approval of the agenda.***

13. 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 March 18, 2026, Town Council meeting, pending architectural review.*

****Note: This item was deferred to the March 18, 2026, meeting at the approval of the agenda.***

14. ZON-25-0054 (ARC-25-0058) 1960 S OCEAN BLVD. (COMBO) – SPECIAL EXCEPTION & VARIANCE(S) The application, Stephen A. Wynn Florida Revocable Trust (Stephen A. Wynn, Trustee), has filed an application requesting Town Council review and approval for a special exception and two (2) setback variances as they relate to the construction of a new beach cabana structure on the oceanside parcel of an existing residential estate. The Architectural Commission shall perform design review of the application. *This project shall be deferred to the December 10, 2025, Town Council meeting, pending architectural review.*

****Note: This item was deferred to the December 10, 2025, meeting at the approval of the agenda.***

NEW BUSINESS

15. ZON-25-0053 (ARC-25-0059) 124 SEABREEZE AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE(S) The applicants, Matthew & Kristin Lipton, have filed an application requesting Town Council review and approval for (1) special exception to revest an existing nonconforming “Sea Street” parcel in the R-B zoning district as well as six (6) variances related to renovations and additions to the existing nonconforming residence and accessory structure, including: (1) a variance for partial demolition and reconstruction of an existing nonconforming accessory structure that will be deficient in minimum required building separation; (2, 3, 4) variances for reduced west side yard setback, increased nonconforming lot coverage and increased nonconforming cubic content related to the addition of an unenclosed Porte cochere; and (5, 6) variances for reduced east side and south rear yard swimming pool setbacks. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project. Carried 7-0.]*

Council Member Cooney disclosed ex parte communications.

Assistant Director Murphy provided staff comments.

Patrick Segraves of SKA Architect + Planner presented the architectural plans and explained the project to the Town Council. He said this is a 1927 home, and the proposal adds a Porte cochere addition to the structure.

Council President Lindsay wondered if the owners would be interested in having the structure designated as a landmark. Mr. Segraves did not think they would be interested.

Council Member Moran asked about the scope of demolition. Mr. Segraves responded and provided a further explanation of the project, stating that the accessory structure would be demolished in its entirety due to its condition; however, it will be reconstructed.

Council Member Araskog asked if this request increased the non-conforming lot coverage. She also asked about the setbacks. Mr. Segraves responded and provided further explanation of the project. Attorney Maura Ziska further explained that there is an accessory structure within the setback area. Instead of shifting it, they are demolishing it and making it smaller to cut off the areas that were encroaching.

Council Member Cooney thought the change was preserving an older house, and he believed it was being restored appropriately.

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

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-25-0053, 124 Seabreeze Avenue, 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 Member Cooney and seconded by Council President Pro Tem Crampton that Special Exception No. ZON-25-0053, 124 Seabreeze Avenue, 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.

16. 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 one (1) Special Exceptions for 1) five-stories in the R-D(2) zoning district, 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 (20) variance requests: nine (9) 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) to reduce the required minimum side (north) yard setbacks, 5) to exceed the maximum height for rooftop mechanical equipment, 6) to permit generators on roofs that are not enclosed by a building, 7) to exceed the maximum area for mechanical equipment located on a rooftop, 8) to exceed the maximum overall building height for mechanical screening and 9) to increase the maximum height of walls in required side and front yards; and eleven (11) for the east oceanfront (Ambassador) parcel for 10) to exceed the maximum lot coverage, 11) to exceed the maximum building length, 12) to exceed the maximum amount of fill in a required yard, 13) and 14) to reduce the required minimum side (north and south) yard setbacks, 15) to exceed the maximum height for rooftop mechanical equipment, 16) to permit generators on roofs, 17) to exceed the maximum area for mechanical equipment located on a rooftop, 18) to exceed the maximum overall building height for mechanical screening, 19) to exceed the maximum building height for building 2 for the portion of the building located east of the CCCL, and 20) to increase the maximum height of walls in required side and front yards. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances #1, and #10 (lot coverage) for above-ground structures will negatively affect the architecture. Carried 5-2; The remaining variances, 2-9 & #11-#20, will not negatively affect the architecture. Carried 4-3. [The Architectural Commission approved demolition of the existing structures. Carried 7-0.] [The Architectural Commission approved the application with five items to return to for further refinement and detailing at the February 25, 2025, ARCOM meeting. Carried 5-2.]*

TIME CERTAIN: 2:00 PM

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

Assistant Director James Murphy provided staff comments. He reviewed the timeline related to the process followed to date. He reviewed ARCOM actions related to the variance requests and staff recommendations.

Council Member Araskog asked if a fifth story would need to be recessed further. Mr. Murphy responded that both stories would be the same, and he stated that the applicant would explain the reductions they made after their discussion with ARCOM.

Director Bergman stated that there were also special exceptions for each lot, as they are five stories high, and a site plan review request would be considered.

Council Member Araskog wondered if the applicant could add more mechanical equipment. Mr. Murphy responded that the overall materiality and finishes of the rooftop equipment have to go back to ARCOM to make sure it does not stand out and is architecturally harmonious.

Council Member Moran asked what the overage was on the underground portion of the ocean side. Mr. Murphy stated that the variance for the overage was exactly the same for the Edgewater

site, meaning it remains on the same 29.72-foot footprint. He noted the ambassador side is just under 44 percent.

Council President Pro Tem Crampton inquired about the elements included in lot coverage. Mr. Murphy responded that covered areas that are accessible are included in lot coverage. He said architectural projections that are not habitable were not counted as lot coverage.

Council Member Moran inquired about the canopies and their relationship to lot coverage. Mr. Murphy responded.

Mayor Moore asked if the underground parking counted as lot coverage. Mr. Murphy responded that it did count as lot coverage. Mayor Moore appreciated the fact that there was no unsightly parking lot. She supported the project and was glad that the parking was underground.

Council President Pro Tem Crampton thought that, after listening to the Architectural Meeting, he believed that some of the requested features related to more lot coverage. Mr. Murphy responded that, following a discussion with ARCOM, some features were added to soften the building's appearance and make it look more residential. He said some of those features contributed to increased lot coverage. Council President Pro Tem Crampton asked if a special code in the south end would be considered in the zoning code.

Attorney Harvey Oyer, representing the applicant, provided an overview of the project.

Yusef Dennis of OMA Architects presented the architectural plans for the proposed residential units.

Mr. Oyer explained the variances requested and lot coverage.

Mr. Murphy said the buildings are 10 feet higher because the earth that is required to be placed from the crown of the road is 10 feet, which does not penalize the applicant or begin the point of measurement. He thought that between the line of sight and the distance of the roadway, coupled with the applicant working with ARCOM for materiality, he felt it would be visually negligent in terms of impactful or making the appearance of another story. He noted the balconies are not free-standing, projecting balconies.

Council Member Moran asked how the size of the balconies compares to those in other municipalities. Mr. Murphy said he wouldn't call these balconies because of the structural slab and structural columns. He said typically these types of balconies are allowed to project up to 4-5 feet.

Mr. Oyer stated that the canopies simply provided shade and architectural dimension.

Council Member Araskog asked about lot coverage. Mr. Murphy said submerged lands do not count toward the lot area. He also said that oceanfront properties that extend to the mean high waterline for the ocean are also not included in lot coverage.

Mr. Oyer continued his presentation.

Council Member Araskog asked about the drainage and the percentage. Keith Spina of Spina O'Rourke stated he did not have the specific numbers but thought it was three to four times the required amount. Council Member Araskog asked about the staff recommendations and wondered if other recommendations should be considered. Mr. Oyer stated his client was not in favor of adding a lake trail. She wondered if they considered a living shoreline or sea wall. Mr. Murphy responded and stated that the applicant had not responded to their requests, and the staff had not seen the plans for the cisterns.

Council President Lindsay called for public comment.

Attorney Megan Wegerif, representing 2770 S. Ocean Blvd., read a letter from resident Clay Liflander, who supported the project.

Lesha Greengus, Vice President of the Regency Board of Directors at 2760 S. Ocean Blvd., provided comments and supported the project.

Attorney Maura Ziska, representing Beach Point, stated that the residents supported the project.

Ronald Matzner, 3120 S. Ocean Blvd., read a letter on behalf of Skip Aldridge. Mr. Matzner stated that he supported the project as well.

Rick Salvadore, 3300 S. Ocean Blvd., provided comments and supported the project.

Gardiner Hempel, 2155 Ibis Isle Road, provided comments and supported the project.

Alan Buckholz, 2760 S. Ocean Blvd., provided comments and supported the project.

Glori Carchi, on behalf of the residents at 2660 S Ocean Blvd., provided comments and supported the project.

Marvin Baum, 2760 S. Ocean Blvd., provided comments and supported the project.

Mr. Oyer re-emphasized the request for lot coverage.

Council Member Araskog asked about the hardship for the variances. Mr. Oyer explained the hardships that led to the variance requests.

Council Member Moran talked about the portions of the project that she supported.

Council Member Cooney thanked the developer and the neighbors for working so well together. He thought that cooperation spoke volumes about the project.

Council President Pro Tem Crampton thought this project would set the stage for future development in the south end of the island. He thought the code needed to be studied for future development and added that he spoke to staff about creating a new code for the south end.

Council President Lindsay thanked the developer for a product that the neighbors supported. She was happy that the parking would be underground. She supported the project.

Mayor Moore thought the building looked beautiful and would set a high bar for future development. She thought the traffic would decrease with the reduction of units.

Council Member Araskog thought the project should be returned to ARCOM for them to review the lot coverage, specifically items 1 and 10.

Mr. Bergman said the unity of title between the two properties should be mentioned as part of the approval. He said that staff spent a lot of time putting together ten items for consideration, and it seems that the applicant may immediately discard two of the ten items. He urged the Town Council to review pages 21 and 22 of the staff memorandums for items still open for staff approval. Mr. Bergman also stated that staff did not recommend a lot coverage of over 27% for the Edgewater. He said that it is a metric that is in the current code. He noted that if lot coverage is of concern, the vote on the variances could be bifurcated, and the variances could be voted on separately.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0046, 2720-2730 S. Ocean Blvd., 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 following conditions: a cistern must be installed, the drainage must be designed for a 10 year storm, some sort of unity of title must be arranged for the two properties, and the owners will explore a seawall and a living shoreline. The motion was carried 4-1, with Council Member Araskog dissenting.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Special Exception and Site Plan Review No. ZON-24-0046, 2720-2730 S. Ocean Blvd. meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. The motion was carried unanimously, 5-0.

17. ZON-23-020 (COA-23-003) 139 N COUNTY RD. - THE PARAMOUNT THEATER (COMBO) – SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW AND VARIANCES The applicant, WEG Paramount LLC, has revised its previously filed application requesting Town Council review and approval for a Special Exception with Site Plan Review for the renovation and adaptive re-use of an existing Landmarked theater structure, now including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for a café use in the C-TS district, (3) for Outdoor café seating use associated with a café and a private club in the C-TS district, (4) for on-site shared parking between a private social club use and church use in the C-TS district, and (5) for a modification/ratification to a previously approved Special Exception for Churches, synagogues, or houses of worship. The applicant is also seeking Site Plan Review for site plan changes on properties not zoned single-family residential. Additionally, the applicant is seeking the review and approval for Variances to: (1) allow a generator on a roof, and (2) exceed the maximum height of a screening wall for mechanical equipment on a roof. The application also consists of a proposed Declaration of Use Agreement. The Landmarks Preservation Commission will perform the design review. This matter is being heard in connection with related agenda items arising out of a

Special Magistrate Report and Recommendation entered pursuant to Florida's Land Use and Environmental Dispute Resolution Act (Fla. Stat. 70.51).

TIME CERTAIN: 11:00 AM

Attorney Seth Behn of Lewis, Longman, and Walker, serving the town as special counsel in the Paramount FLUEDRA, explained the process. Mr. Behn recapped the Paramount's application for a Special Exception to allow a private club in the CTS Zoning district, which was denied. Following that denial, the owners of the Paramount elected to invoke the statutory process outlined in the Florida Land Use and Environmental Dispute Resolution Act, as set forth in Florida Statute 7051. During the process, the Special Magistrate found the revised proposal to be a reasonable compromise but emphasized that the Town Council must ultimately determine, through a public hearing, whether it complies with the Code of Ordinances and the Comprehensive Plan. Under Florida Statutes, the Town Council has three options, and Mr. Behn explained those options.

It was clarified that residential units above the ground floor are a permitted use in the CTS district without size limitations, meaning that no special exception was required based on residential square footage. However, special exceptions are required for club use and outdoor seating, but such exceptions must be denied if the criteria are not met.

Mr. Behn said, finally, there is a settlement and development agreement before the Town Council. To conclude the active litigation, both the FLUEDRA matter and the Circuit Court challenge, the settlement and development agreement before the Town Council will memorialize the approval, should the Town Council choose to do so, and require the owner to file dismissals of all remaining legal challenges. Mr. Behn stated that today would be the first of two public hearings. The applicant will present their case, followed by questions from the Town Council and public comments. Afterward, the proposal will be reviewed by the Landmarks Preservation Commission for its review of the exterior architectural modifications proposed in relation to the proposed uses, before being returned to the Town Council for a final decision.

Council President Pro Tem Crampton restated his understanding of the process, and Mr. Behn further clarified.

Council Member Araskog noted the confusion on page 6 of the magistrate report. She also noted that there was confusion in the letters from those who supported the development and wanted to confirm that the special magistrate was not ruling on what currently exists at the Paramount. Mr. Behn said he believed that was correct. He noted that the magistrate's initial review would have been of the original project. He stated that he believed the magistrate was reviewing the compromise quote position that had been put forward, which was the same position she would have reviewed if it had gone to a hearing before her. Council Member Araskog further confirmed that the magistrate was not instructing the Town Council on what to do today, regarding her recommendation, even though she lamented that if it were consistent with the town's code and comprehensive plan, then the Town Council could vote. Mr. Behn stated that upon her review, she found what was being presented to be a prudent compromise. Still, the statute was clear that even if it had gone to a hearing in front of the magistrate, she would only be making a recommendation to the Town Council, and it would be up to the Town Council to make a final decision. Mr. Behn responded, noting that public comment did not have to occur at the exact same time that the actual ruling is made. He said there is nothing that would prevent the Town Council from reopening the floor for comment when the item is discussed at a subsequent meeting.

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

Attorney Jamie Crowley, from the Gunster Law Firm and on behalf of the applicant, stated that he was accompanied by Lester and Trent Warner on behalf of the owners, Rick Gonzalez from REG, an expert in Historic Preservation and Planning, Robert A.M. Stern, Architects, Cory Meyer with Nievera Williams, Keshavarz Architects, and Brian Williams from Simmons and White.

Mr. Crowley stated that the project had been verified and that what was being presented would be a reduction in traffic, as traffic is measured in the town's comprehensive plan. He explained the existing project, the proposed project, and the changes that had been made since the previous proposal. He reiterated that having a residence on the second floor is a permitted use under the town zoning code. He noted that GLA relates to commercial space, not residential space. He stated the developer has agreed to maintain all of the perimeter retail as requested by the Town Council. He said the café seating has been increased from 40 to 80 seats. He presented the details of the proposal, noting that the project is predominantly a commercial use, mixed-use project that is specifically allowed under policy 1.12.3 of the comprehensive plan. He discussed the specific requests associated with the project. He discussed the traffic data from the perspective of a worst-case scenario, and he stated that a Declaration of Use was being proposed, similar to the one approved for the Carriage House. He said there are mechanisms in that document for dealing with any issues that may arise from the use.

Council Member Araskog asked if there would be a Declaration of Use on the restaurant if approved. Mr. Crowley said yes, and he provided an explanation, stating that the club, the café, and the church usage would not happen at the same time. Council Member Araskog also wanted to make sure that the church would only be open and that the space would only be used for the church service. She clarified that details with regard to the church would be clearly written into the Declaration of Use.

Rick Gonzales of REG Architects presented the modifications to the landmarked, commercial building. He spoke about the changes that had been made to the site historically and stated that the proposal includes bringing back the good things about the project. He noted that the detail will replicate the original structure.

Attorney John Eubanks, representing the condominium consortium, presented arguments with regard to the need for a special exception. He talked about gross leasable area and said there was no language to exclude residences. He said that once a residential use is added, it is a mixed use, will always have to be on the top floor, and will always be commercial. In addition, the standards of the GLA include all areas of one building and all the areas that are owned, leased, or otherwise.

Council Member Araskog asked where in the comprehensive plan it is indicated that mixed-use is commercial. Mr. Eubanks said part 2.3.3, and mixed use is defined as non-residential.

Mayor Moore asked Attorney Behn about the special exception. Mr. Behn said his opinion was that residential above the ground floor does not require a special exception. He said part of the justification is the straightforward language of the code. Gross Leasable Area has a definition in the code, which is explicit that it is to be owned for commercial use and operated as such.

Otherwise, every home on the island has a gross leasable area, and that simply is not the case. He stated that the scale of the unit is not what drives residential intensity under the town code.

Mr. Behn also advised that at the end of the day, a club use is being approved, looking at its compatibility with surrounding uses. He also advised that the residence would easily meet the requirements of a special exception under the notion that a residential unit above the ground floor is a permitted use. The bottom line is that a single residential unit has zero gross leasable area under the town code definition.

Council Member Araskog had some confusion with regard to gross leasable area.

Mayor Moore stated she would like to hear from the traffic engineer from the other side, to be fair.

Attorney James Green, representing Tony Stepanski and Cindy Cilkin, introduced James Spinks of Volkert, 13450 West Sunrise Blvd, Sunrise, Florida. Mr. Spinks provided his professional biography and experience.

Mr. Spinks presented traffic with regard to the Paramount. He said the applicant has indicated that fewer trips would be generated. He discussed proposed trips during peak hours. He said that for the café land use, the applicant used square footage rather than the number of seats as the variable. He said if the number of seats are used, the trips generated during morning peak hours increases the 15 that they say are there to 36, making the total increase to 51, while during midday peak hours, Mr. Spinks agreed with the applicant's analysis. Mr. Spinks said that for the applicant to indicate a reduction in the number of trips is inaccurate; it is usually standard procedure to use a more conservative approach and not take the lesser of the numbers. In addition, there will still be some operational failures. He said within the report submitted by the applicant, there are several locations reported with 2025 traffic data that show a better level of service than what was reported in previous traffic reports and traffic studies. Mr. Spinks said the applicant has not demonstrated a sound parking plan, and the shared analysis has some flaws. He said the parking analysis demonstrates they would need 74 spaces during the weekdays and up to 121 on weekend days. He said additional key documents, such as the construction staging screen plan, truck logistics plan, circulation analysis, and auto turn analysis, were still missing from the plan. He said that as vehicles circulate through the site and exit onto Sunrise, there are site distance issues. He noted that landscape triangles were used rather than vehicular site triangles, and there are distinct differences between the two.

Mr. Green stated that Mr. Spinks submitted a report and testified to the executive summary. Mr. Green asked Mr. Spinks if he considered the traffic that would be associated with the Synagogue construction in the report. Mr. Spinks responded that the applicant did include the Synagogue traffic in their analysis. He said the construction impacts were not included. He recommended that the construction and staging previously submitted be reviewed, as they would like to close a lane on North County Road between sunset and sunrise for two years during construction.

Council President Pro Tem Crampton asked about parking; he was aware of the principal equivalency. He felt that a bifurcated parking situation would occur. He asked if there were any numbers that would show how much street-side parking would be available during rush hour and during the periods when retail and the café would be open for business. Mr. Spinks referred back

to the excerpt from the Town of Palm Beach Traffic Analysis and Commercial Areas Parking Study done in 2024, and during the weekday midday occupancy, there were approximately 30 parking spaces in the north commercial parking study district that were available. He questioned whether those same 30 spaces were still available.

Council Member Araskog asked Eric Czerniejewski, of the Corradino Group, if he agreed with Mr. Spinks and how some of the concerns could be mitigated.

Eric Czerniejewski of Corradino Group listed the outstanding items in the application, noting there had been a long history of review on this project dating back to the original application and fourteen resubmittals in addition to the new process. He said traffic counts had been reviewed from 2023 through 2025, and some of the data is dated. He referred to a lengthy list of comments generated from The Corradino Group working with Simmons and White, and many of the items are still outstanding. He said there were some questions regarding the variables for the vested use, as far as square footage, versus the traffic study that is being worked through. There were questions about off-site parking being based on occupancy or the maximum allowed number of club members. There were also questions regarding the number of on-street parking spaces used for the church during services versus on-site parking, similar to what was brought up about shared parking per ULI; the same comment was made as part of The Corradino memo. He then said sight triangles need to be reflective on pavement markings at the time of building permit. Auto turn and circulation for loading were still pending. The Construction Project Management Agreement is also still pending. Mr. Czerniejewski said they still had questions regarding special events, and the response from the applicant was that it would be managed through the Declaration of Use in coordination with the Town Council. He also noted concern about valet parking, ride sharing, and the use of North County Road versus on-site was also a question. One of the items discussed in detail was that Sunset Drive is currently one-way and will be converted to two-way. However, the data for that traffic situation is not current. Mr. Czerniejewski noted that the newest report had just been received by The Corradino Group and was still under review.

Council President Pro Tem Crampton wondered if Mr. Czerniejewski still disagreed with the applicant, that the level of service at the intersections would deteriorate as a result of the establishment of this project, even though there are outstanding items. Mr. Czerniejewski stated he had received a copy of the third-party review yesterday and had not yet read that information. He said there is still some resolution between the applicant's traffic study and The Corradino Group's review. Council President Pro Tem Crampton wanted to know which particular intersections would worsen or stay the same. Mr. Crowley said he could help explain.

Council Member Araskog thought that outdated data had been used. Mr. Spinks said they had new traffic counts for the updated study, and they used the level of service standards. However, when the level of service at the key intersections is compared, it is indicated that there are locations where, in 2022, Kimley Horn said it would be a "D" level of service in 2024, and then they reported it as a "C" or a "B", now in 2025. He said the models should have been calibrated to at least match what the town data already indicates.

Mr. Crowley provided a rebuttal statement to the commentary. He said the applicant tried to accommodate the requests of the Town Council, and now it is believed that the café is going to create too much traffic and additional parking issues. He said they are doing the best they can to reduce traffic, and some things cannot be reconciled. He stated that the café seating could revert back to 40 seats. Mr. Crowley noted that, for purposes of the comprehensive plan, it is legally

required that traffic be looked at in the afternoon during peak hours. He said the Town Council has to use what the comprehensive plan says. He also stated that the Paramount is vested with 133 parking spaces, an undisputed fact in the magistrate's report.

Brian Kelly, Simmons and White stated that there would be a reduction in traffic from what currently exists. He believed a lot of the facts were conservative and overstated, also noting that many of the café users will be pedestrians. He said the traffic counts that were used for the applicant's analysis were generated by The Corradino Group. He said small fluctuations in traffic are not uncommon. He said there were still outstanding issues that were being worked through. Mr. Crowley added that there would be no valet during the day since the club would not be open.

Council Member Moran asked if the reduction in traffic was compared to what exists today, or if they had used the building to the maximum use as of right. Mr. Kelly said that both the reduction relates to today's traffic impact.

Council Member Araskog thought Mr. Czerniejewski should have gone through both reports and provided his opinions. Mr. Czerniejewski reiterated that there were still pending reports and that he had not been given enough time to review the report. Council Member Araskog asked Mr. Kelly if, when he referred to deintensification of traffic, what his reference was, and Mr. Kelly said he was comparing it to existing traffic today, but he also referenced the previous proposal. Council Member Araskog asked if nighttime was studied, and Mr. Kelly said yes, but the standards are during the peak hours.

Cecelia Ward, Professional Planner, representing the opponents to the proposed development, presented additional planning reasons that she believes the application violates other provisions of the comprehensive plan. She stated that language is important, and she referred to the language presented and gave the reasons she disagreed with the information presented.

Attorney Behn responded to Ms. Ward, stating that the comprehensive plan has to be viewed from a broader context. He responded to specific points made by Ms. Ward. He stated that the gross leasable area in the town code is a commercial limitation defined to create a town-serving nature of the retail uses. He said that the metric is designed to create a town serving commercial uses, and the permitted residential use above the retail space is regulated by the code, as is every other residential use in the town.

Council Member Araskog asked Ms. Ward to respond. Ms. Ward said residence is only allowed over the retail use as a mixed-use. She thought the density provision was only there to prevent more than a certain number of units, rather than being subject to a 3,000 square foot limitation. She said the provision only applied to commercial land use.

Council Member Moran stated that she could cite some examples in town that are commercial town serving with residential on the second story. She stated she was inclined to follow the recommendation of town staff.

Mr. Crowley noted he would be willing to request a special exception as long as everyone understood that a special exception is not necessary. He asserted that there would be no impact on the neighborhood that would violate the comprehensive plan.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to defer the item to the December 10, 2025, meeting. The motion was carried unanimously, 5-0.

Mr. Crowley asked if he could attend Landmarks and ask for a deferral. Mark Grafton, Legal Counsel for Paramount, stated there was a specific roadmap laid out by the judge in terms of sequencing. He stated that if that process is going to be followed, it would be consistent with the FLUEGA process.

**Note: A short break was taken at 1:30 p.m., and the meeting resumed at 2:17 p.m.*

- 18. ZON-25-0061 (ARC-25-0067) 410 N LAKE WAY (COMBO) - VARIANCE** The applicant, North Lake Trust (Val Hawkins Architect, LLC), has filed an application requesting Town Council review and approval for a side yard setback variance for the installation of an exterior staircase and second-story deck. The Architectural Commission shall perform design review of the application. *This project shall be deferred to the December 10, 2025, Town Council meeting, pending architectural review.*

****Note: This item was deferred to December 10, 2025, at the approval of the agenda.***

- 19. ZON-25-0044 (ARC-25-0041) 337 BRAZILIAN AVE (COMBO) - VARIANCES** The applicant, FRIESE FAMILY TRUST (Paul Friese, Trustee), has filed an application requesting Town Council review and approval of three (3) variances related to redevelopment of an existing nonconforming residential parcel including (1) a variance for existing nonconforming lot width, (2) a variance for existing nonconforming lot area, and (3) a variance to exceed the maximum amount of grade fill permitted within setback areas. The Architectural Commission shall perform design review of the application. *This project shall be deferred to the December 10, 2025, Town Council meeting, pending architectural review.*

****Note: This item was deferred to December 10, 2025, at the approval of the agenda.***

- 20. ZON-25-0059 (ARC-25-0062) 222 CHERRY LN (COMBO) - SITE PLAN REVIEW** The applicant, Nancy Clifford, has filed an application requesting Town Council review and approval for Site Plan Review as it relates to the redevelopment of an existing nonconforming platted parcel of land which is deficient in lot depth. The Architectural Commission shall perform design review of the application. *This project shall be deferred to the December 10, 2025, Town Council meeting, pending architectural review.*

****Note: This item was deferred to December 10, 2025, at the approval of the agenda.***

ORDINANCES

21. FIRST READING

- 21.1 29-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Article I, In

General, At Section 54-2, Definitions, To Remove The Definition Of Minor Exterior Change And Add A Definition For The LPC Approval Guide; Article III, Certificate Of Appropriateness, Division 1, Generally, At Section 54-71, To Remove The Expenditure Limit For Exterior Changes And Refer To The LPC Approval Guide; Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect, At Section 54-93 To Reference The LPC Approval Guide; And Article III, Certificate Of Appropriateness, Division 3, Criteria For Issuance, At Section 54-121 To Reference The LPC Approval Guide; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Joanne O'Connor read Ordinance No. 029-2025 by title only.

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 Cooney to approve Ordinance No. 029-2025 on first reading. The motion was carried unanimously, 5-0.

21.2 30-2025 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article I, In General, At Section 134-2, Definitions And Rules Of Construction Related To Building Height Point Of Measurement For Additions To Landmarked Structures; Article II, Administration, Division 4, Special Exceptions, Variances, And Dimensional Waivers, Subdivision IV, Dimensional Waivers, By Renaming Section 134-234, Dimensional Waiver And Landmark Adjustment Described And Amending To Describe Adjustments Available For Landmarked Properties And Structures; By Renaming Section 134-235, General Conditions Applicable To All Dimensional Waivers And Landmark Adjustments And Amending The General Conditions; By Renaming Section 134-237, Dimensional Adjustments For Single-Family Landmarked Properties And Amending And Adding Relief For Landmarked Properties And Structures; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Wayne Bergman read Ordinance No. 030-2025 by title only. He noted that during the LPA meeting, Option C was chosen.

Council Member Araskog asked who decides how many exemptions may be applied. Mr. Murphy stated that the code outlines limitations for which adjustments may be sought. He said all of them will be reviewed critically with a compatibility standard taken from the Secretary of the Interior Standards, which the Landmarks Preservation Commissioners do not have when reviewing the COA, because it is not codified. Mr. Murphy noted that this would merely establish a method by which people could ask for these minor variances as adjustments under the Secretary of the Interior Standards, fully noticed to the neighbors, and fully granted by the Landmarks Preservation Commission.

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 to approve Ordinance No. 029-2025, with the language of Option C as shown, on first reading. The motion was carried 4-1, with Council Member Araskog dissenting.

21.3 31-2025 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning Article VIII.- Supplementary District Regulations, Division 2. - Lot, Yard And Area Requirements, Subdivision III. Lot Fill By Modifying The Equation Of How Fill Is Calculated And Specifying That The Maximum Amount Of Fill Pertains Only To The Required Yard Elevations; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Joanne O'Connor read Ordinance No. 031-2025 by title only.

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 approve Ordinance No. 031-2025 on first reading. The motion was carried unanimously, 5-0.

21.4 32-2025 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 – Building And Building Regulations, Article Iv - Florida Building Code, By Amending Section 18-237, Agreed Maximum Time Schedule For Completion Of Major Construction, Table 1, To Extend The Administrative Permit Extension Time To 90 Days; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Director Wayne Bergman read Ordinance No. 032-2025 by title only.

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 Ordinance No. 032-2025 on first reading. The motion was carried unanimously, 5-0.

22. SECOND READING

22.1 23-2025 An Ordinance of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134 Zoning, Article Vi.- District Regulations, Division 7. - R-D(2) High Density Residential District by Modifying Front Yard Setbacks in Sec. 134-1060(5); Providing for Severability; Providing for the Repeal Of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Town Attorney Joanne O'Connor read Ordinance No. 023-2025 by title only.

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 adopt Ordinance No. 023-2025 on second reading. The motion was carried unanimously, 5-0.

ANY OTHER BUSINESS

23. Right-of-Way Authorization for 283 Royal Poinciana Way

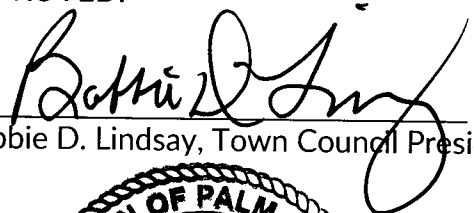
Town Engineer Craig Hauschild explained that the applicant is requesting an extension of a right-of-way permit for 283 Royal Poinciana Way, where the Whites Company is conducting renovations to the windows, doors, and façade. Although the work was originally scheduled to finish by November 21 under the previous seasonal rules, additional time is needed to complete work on the west and south sides. He noted that while the south-side scaffolding is on private property, the west side extends over the sidewalk in the right-of-way. The extension would allow the scaffolding to remain in place until December 19, enabling the project to be completed.

A motion was made by Council Member Cooney and seconded by Council Member Moran to grant the right-of-way authorization for 283 Royal Poinciana Way as requested. The motion was carried unanimously, 5-0.

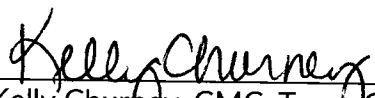
ADJOURNMENT

A motion was made by Council Member Araskog and seconded by Council Member Moran to adjourn the meeting at 6:15 p.m. The motion was carried unanimously, 5-0.

APPROVED:


Bobbie D. Lindsay, Town Council President

APPROVED:


Kelly Churney, CMC, Town Clerk
Date: 12/9/25

