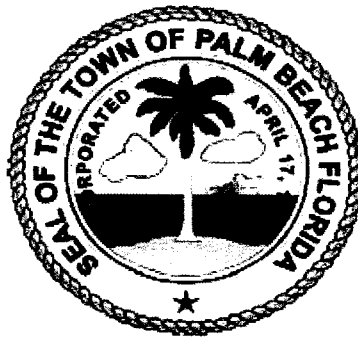




TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on November 13, 2024

I. CALL TO ORDER AND ROLL CALL (00:58)

The Town Council Development Review meeting was called to order on November 13, 2024, at 10:01 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (01:43)

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE (02:26)

Mayor Moore discussed a past article from the Shiny Sheet titled “Town Leaders Show Hatred and Bigotry Won’t be Tolerated on the Island.” She reminded everyone to be kind and respectful to everyone.

IV. COMMENTS OF TOWN COUNCIL MEMBERS (04:44)

Council Member Araskog thanked all the veterans in the Town for their service.

Council President Pro Tem Crampton discussed the town's traffic problems and the need for central ideas to help reach solutions. He asked the Town Manager to set up a traffic mitigation task force so that all ideas could be brought in and presented to the Town Council.

Council Member Araskog said she received calls about the new change of landscape hours. She thought one solution was to continue working toward opening Southern Boulevard.

Council President Lindsay anticipated a long day and asked everyone to be mindful of their comments.

Mayor Moore spoke about the morning closure of County Road. She called and found out it was unauthorized. She thought it was important to report these issues so staff can ensure that such closures are authorized.

V. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (10:06)

No comments were heard at this time.

VI. APPROVAL OF AGENDA (10:54)

Council President Lindsay reviewed a modification to the agenda regarding motion picture-making in the town.

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

Director Bergman asked about the new landscaping hours and wondered how the changes would be applied during the week of Thanksgiving. He reviewed the pertinent sections in the code.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to clarify the motion from the meeting on November 12, 2024, regarding the trial hours for the landscapers to begin at 7:30 a.m. and to end by 3:30 p.m., with quiet hours from 1:00 p.m. to 3:30 p.m. on the day before and after the Thanksgiving holiday. The motion carried 4-1, with Council Member Araskog dissenting.

VII. CONSENT AGENDA (14:53)

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve the amended consent agenda, with both resolutions removed from the agenda. The motion carried unanimously, 5-0.

The Town Council immediately considered both resolutions.

- A. RESOLUTION NO. 132-2024 (24:27) 236 Phipps Plaza** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Herein After Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

Council Member Cooney asked about the Secretary of Interior Standards and review of the contributing interior elements. He asked about the second floor of both units, where some historical elements were not shown in the photographs. He noted that if those elements did not remain, he would be unable to support the tax abatement.

Emily Stillings, a historical consultant who works for the Town, did not believe those elements were still in the building. She added that the Landmarks Preservation Commission's (LPC)

review did not indicate that those interior features had to remain to be approved.

Council Member Moran asked about the Secretary of Interior Standards; she did not believe that kitchens were meant to be viewed by the public. Council Member Cooney agreed and stated that this was in a double-height living room and was a central feature of the most public room in the space.

Ms. Stillings said that the Town had typically considered those spaces public rooms and emphasized retaining their character-defining features.

Ms. Frederick Mittner noted that it was not part of the LPC review and that the project was consistent with past practices. However, she said this could be further explored in the future.

Mayor Moore also referred to another residence that received a tax abatement, which was granted, but a subsequent owner removed it to make additional changes. Council Member Cooney responded.

A motion was made by Council Member Moran and seconded by Council President Lindsay to approve Resolution No. 132-2024. The motion was carried 3-2, with Council Members Araskog and Cooney dissenting.

- B. RESOLUTION NO. 141-2024 (36:45) 238 Phipps Plaza** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Herein After Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to approve Resolution No. 141-2024. The motion was carried unanimously, 5-0.

VIII. REGULAR BUSINESS (36:48)

A. Verbal Update Regarding 100 Casa Bendita (36:50)

Mr. Bergman provided an update on the property. He and Council President Pro Tem Crampton toured the property and received updates twice a month. He said the entire interior of the building had been demolished and was ready for construction. Although neighboring property owners had expressed many concerns, the complaints had been limited. He added that the permit was being issued in 6-month increments.

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

Clerk's note: No action was taken on this matter.

B. 2024 Comprehensive Plan & EAR Ordinance No. 015-2024 Approval & Transmittal to State (38:52)

Clerk's note: The Town Council decided to discuss this issue under the First Reading of Ordinance No. 015-2024.

C. Update on the Zoning In Progress (ZIP) and Consider an Extension of the ZIP (39:07)

Mr. Bergman provided a history of the Zoning in Progress that was scheduled to expire on December 10, 2024. He stated that Section 3 of Resolution No. 069-2024 allows the Town Council to provide an extension of the ZIP.

Mr. Bregman stated that the staff recommendation was to extend the ZIP for at least another 4 months, to end in April 2024 or later. Resolution No. 150-2024 has been prepared for Town Council consideration today.

Council Member Cooney was still opposed to the zoning in progress. He thought while it was well intended, the decision was based on fear and not fact. He did not believe the data received warranted the change. He thought the town had the tools to manage the situation; however, he did not favor the proliferation of restaurants. He was not in favor of the proposal.

Council Member Araskog thought the zoning in progress should be considered for 6 months until the town had received the data.

Council Member Moran was willing to extend the ZIP for 4 months. She did not know if an additional two months would be necessary.

Council President Pro Tem Crampton agreed with Council Member Cooney's assessment of the data. He was against including private clubs in the zoning in progress.

Attorney O'Connor advised that private clubs had been in the ZIP from the beginning, and the only recommended change from Planning and Zoning was clarification that it included both for-profit and not-for-profit private clubs.

Council President Lindsay stated she would support a 4-month extension.

Council Member Araskog suggested 5 months.

Council President Lindsay called for public comment.

Attorney Jamie Crowley stated that he agreed last year to wait a year to return on behalf of the Carriage House. He thought that the application should be recognized with the proposal. He also stated that current restaurants wanted to make changes, which would need to be brought to the Town Council as "new" restaurants even though they existed.

Director Bergman stated that Mr. Crowley was correct. Any changes to the restaurant or application to the Town would require a waiver from the Town Council.

Mayor Moore expressed concerns with the issue of changes to existing restaurants. Director Bergman responded it would be a waiver granted by the Town Council.

Council Member Moran asked if Mr. Crowley would be required to apply for a waiver for the increase in seats for the Carriage House as requested last year. Council President Lindsay said no, and stated the application was in the queue.

Council Member Araskog wondered why a notification would be sent if there was an intensification of use. She thought that a waiver application should be submitted for any change. She supported the process remaining in place.

Council President Lindsay called for further public comment.

Clerk's note: The Town Council acted on this matter under Resolution No. 150-2024.

IX. RESOLUTIONS

- A. A Resolution To Extend the Zoning In Progress Related to Restaurants, Bars, Night Clubs, and Lounges**

RESOLUTION NO. 150-2024 A Resolution Of The Town Council Of The Town Of Palm Beach, Florida, Amending Resolution 069-2024 Which Declared Zoning In Progress In Regard To The Regulation Of The Location And Limitation Of The Number Of Restaurants, Bars, Night Clubs, Lounges And For-Profit Private Clubs In All Commercial Zoning Districts Of The Town In Which Said Uses Are Special Exception Uses To Extend The Zoning In Progress To April 8, 2025 And To Expand The Zoning In Progress To Encompass All Zoning Districts Of The Town And To Include All Private Clubs, Whether For-Profit Or Not-For-Profit; And Providing An Effective Date.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 150-2024, with the correction that the zoning in progress is extended to May 8, 2025. The motion was carried 4-1, with Council Member Cooney dissenting.

- B. RESOLUTION NO. 038-2023:** A Resolution of the Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **163 Seminole Ave.** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2- 84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. (PALM BEACH COUNTY LISTS THE PROPERTY AS 165 SEMINOLE AVENUE) Owner: Dale Coudert, 2012 Steven H. Rose Trust [The Town's consultants believe that the owner supports the designation.][*The owner of this*

property has requested a deferral to the January 15, 2024, Town Council meeting.]

Clerk's note: This item was deferred to the January 15, 2024, Town Council meeting at the Approval of the Agenda, Item VI.

- C. **RESOLUTION NO. 148-2023:** 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 **262 Sunset 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 Landmarks Preservation Commission voted 7-0 to recommend the property for designation as a landmark.] [The current property owner is opposed to this designation.] [The owner of this property has requested a deferral to the December 11, 2024, Town Council meeting.]*
Clerk's note: This item was deferred to the December 11, 2024, Town Council meeting at the Approval of the Agenda, Item VI.

X. DEVELOPMENT REVIEWS (1:01:48)

A. Declaration of Use Agreements (4:03:07)

1. ZON-22-132 (ARC-22-200) 165 BRADLEY PL - ALEF SCHOOL (4:03:09)

Declaration of Use Agreement Progress Update

TIME CERTAIN: 3:00 PM

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

Council Member Araskog thought the item would be reviewed after one year of full enrollment.

Rabbi Levitin stated that there were 25 students enrolled. He spoke about 11 who were not town-serving and 14 who were town-serving. He said the goal is to always have a majority that is town-serving. He also spoke about parking and the staff security guard who ensures no one is using Park Avenue for parking. He assured the Town Council that the ALEF School was not creating a parking issue.

Council Member Moran asked about the pickup times and wondered how the early and late pick-ups worked. Rabbi Levitin responded.

Hindel Levitin stated that because of the reserved parking spots and the staggered pick-up times, there was always an Alef parking spot for parents to use.

Council Member Cooney thought that Publix was suffering from unauthorized parking and that the Police Department was helping. He

thought the same situation could also be occurring in this parking lot.

Council President Lindsay called for public comment.

John Eubanks, representing the Biltmore Condominium, asked about the 25 students and how many families were represented. Mr. Levitin responded. Mr. Eubanks asked when the school would reach full capacity, and Rabbi Levitin responded that it would take approximately two years. Mr. Eubanks asked that the residents in Biltmore Condominiums be notified when large events are scheduled at the school.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to amend the Declaration of Use Agreement for the Alef School dated August 7, 2023, to indicate that the owner will return on November 12, 2025, to provide an update to the Town Council, with the option for the Town Council to extend the update each year until the school reaches full capacity. The motion was carried unanimously, 5-0.

Clerk's note: A short break was taken at 11:01 a.m. and resumed at 11:09 a.m.

B. Appeals (1:01:50)

1. Appeal of the Architectural Review Commission's Decision to Partial Deny Application ARC-24-0068, 2291 Ibis Isle, at their September 25, 2024, Meeting. (1:04:12)

Council Members Araskog, Moran, and Council President Lindsay disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the appeal and argued that the Architectural Commission did not have competent substantial evidence to rule against the gate. She showed the Town Council the plans for the gate.

Dustin Mizell, Environment Design Group, discussed his client's need for a gate.

Council Member Cooney asked what Ms. Ziska's request was, and she stated that she wanted the Town Council to grant the appeal and allow the gate.

Council Member Moran thought the proposal should be returned to the Commission and reviewed for architectural design.

Mayor Moore thought the proposed gate was harmonious with the home. Although she was not a fan of modern architecture, if it met the code, she thought this one did match the architecture.

Council Member Araskog did not find the gate harmonious with the neighborhood. She thought the appeal should be denied or returned to the Architectural Review Commission.

Council President Lindsay agreed with Mayor Moore. She thought that Mr. Kaplan's assessment, who was the adjacent neighbor, was important. She thought it was upsetting that the commission did not review it for harmony.

Council Member Cooney wondered if they cited any sections in the code when they denied gate approval. Ms. Ziska stated that they did not include the gate in the approval, but there was no outright denial of the gate. Council Member Cooney supported Ms. Ziska's position.

Council President Pro Tem Crampton supported Mayor Moore and Council President Lindsay's position. He felt that it would not be out of phase with the neighborhood.

Council Member Araskog stated that the Town Council could approve the appeal but still allow the Architectural Commission to weigh in on the architecture.

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

Council Member Cooney asked Ms. Ziska if the gate was remanded to the Architectural Commission and if she thought she would receive a fair hearing.

Council Member Araskog suggested that the project be remanded back to the Architectural Commission with the gate approval; however, the commission would weigh in on the architecture. Ms. Ziska was fine with this suggestion.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to remand the project back to the Architectural Commission with the understanding that the Town Council approved a gate, directing the commission to weigh in on the gate design. The motion carried unanimously, 5-0.

2. Appeal of the Architectural Review Commission's Decision to Deny ARC-24-0032 (ZON-24-0028), 272 Via Marila, at their September 25, 2024, Meeting. (1:23:43)

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

Attorney M. Timothy Hanlon provided an overview of the appeal and argued that the Architectural Commission did not have competent substantial evidence to rule against the gate.

Dustin Mizell, Environment Design Group, discussed his client's need for a gate.

Melissa Wight, homeowner, discussed a stalker who had been in her life for many years. She discussed her fears and the many steps she has taken to

protect her safety.

Mr. Hanlon stated that there was a clear and legally recognized hardship because of the family's clear and present danger. He said it would be impossible to adhere to the permissible setback due to the home's proximity to the street.

Council Member Araskog thought there was evidence at the commission level to deny the gate and discussed the comments that provided such evidence. She thought the commission had followed the ordinance.

Mr. Hanlon thought the commissioners had stated their opinions but did not provide substantial evidence to reject the gate. Attorney O'Connor advised that the commissioners knew the neighborhood and the architecture could be used as competent substantial evidence.

Council Member Araskog argued that the commissioners were on the board because they knew the architecture and the neighborhood.

Mayor Moore asked about the gate and where it was in relation to the street. Mr. Mizell responded less than thirty feet. Mayor Moore thought there was a hardship because the front door was close to the street. She thought the last gate proposed was more appropriate.

Council Member Moran thought the commission had competent substantial evidence. They were commissioned to exercise their opinions. She had heard the commission repeatedly indicate that the north end was inappropriate for gates.

Council President Lindsay understood the hardship for the gate and acknowledged it was a split vote. She thought the circumstances were unusual. She thought it should be sent back to the commission with a deed restriction placed on the gate to indicate that it would be removed upon a change of ownership.

Council Member Araskog thought any approval would set a precedent. She also thought the commission had competent, substantial evidence to rule against the gate.

Council Member Cooney asked if there were any other gates on the street, to which Mr. Hanlon stated that there were not.

Mr. Hanlon disagreed that the commission could make a decision without competent substantial evidence other than their own dicta. He said the bottom line is that there was no code restriction on gates in the north end.

Attorney O'Connor responded to Mr. Hanlon's comments. She said the experts who serve on the commission were tasked with reviewing evidence and determining whether the request meets the criteria. They can also use their knowledge of design criteria and the neighborhood.

Council Member Cooney thought that the cited code supported the

commission's decision.

Council Member Moran was not inclined to approve the gate or the variance. She questioned whether the gate could provide better security than the police department.

Mayor Moore liked Council President Lindsay's solution, which would provide the necessary security for this person and her family, but it would be removed if the property changed ownership.

Council President Lindsay felt that this situation was unusual, and she felt that the Town Council may appropriately go out of the way to make residents comfortable.

Council Member Araskog thought that an approval was a decision against the Architectural 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 remand the project back to the Architectural Commission with the request of the Town Council to consider a deed restriction for a gate, which would be removed if the owner sold the home. The motion carried 3-2, with Council Members Araskog and Moran dissenting.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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 design review of the application. *[Architectural Review Commission denied this project. Carried 4-3.] [This project is part of the Appeal that will be heard earlier in the agenda.]*
Clerk's note: This variance application was not heard as the Town Council remanded the project back to the Architectural Commission under the hearing of the appeal of the same project.
- b. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO) - VARIANCE** The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on-site modifications. *[This project shall be deferred to the December 11, 2024, Town Council meeting pending*

Landmark Preservation Review.]

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

- c. **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 design review of the application. *[This project shall be deferred to the December 11, 2024, Town Council meeting pending Architectural Review.]*

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

- d. **ZON-24-0034 (ARC-24-0027) 203 S LAKE TRL (COMBO) - SPECIAL EXCEPTION(S)** The applicants, Darlene & Gerald Jordan, have filed an application requesting Town Council review and approval for (2) Special exceptions as they pertain to the construction of a new residence including (1) special exception for the construction of a padel court and (1) special exception to provide reduced vehicle queueing space at the vehicular driveway gate on a cul-de-sac. The Architectural Commission (ARCOM) shall perform design review of the application. *[Withdrawn. The applicant is no longer seeking Town Council review of the Special Exception requests.]*

Clerk's note: This item was withdrawn at the Approval of the Agenda, Item VI.

2. New Business

- a. **ZON-24-0043 (COA-24-0018) 100, 101, 102, AND 103 FOUR ARTS PLZ—THE SOCIETY OF THE FOUR ARTS (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE (2:34:41)** The applicant, Society of the Four Arts Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a Special Exception with Site Plan Review, and one (1) variance for the reduction of on-site parking requirement for the substantial improvements to the Four Arts campus site including 1) demolition exceeding 50%, and the construction of a new one-and two-story additions and renovations to the existing two-story theater building (O'Keefe), 2) demolition exceeding 50%, and the construction of a new three-story addition, and renovations to the existing three-story administrative building (Rovensky), 3) demolition of the existing shade structure and construction of a new pavilion, 4) a Master Signage Plan, and 5) landscape and hardscape modifications. The application proposes the abandonment and realignment of a portion of the existing Lake Trail. The Landmarks Preservation

Commission will perform the design review.

TIME CERTAIN: 1:30 PM

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

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

Nate Rogers of Beyer, Blinder, and Belle presented the architectural plans for the proposed project.

Mayor Moore thought the large architectural changes were too much without the Landmarks Preservation Commission considering the plans first.

Council Member Cooney shared the mayor's comments. He thought the Landmarks Preservation Commission should consider the plans first.

Council Member Araskog agreed with Mayor Moore's and Council Member Cooney's recommendation. Council President Lindsay and Council Member Moran agreed.

Council President Pro Tem Crampton thought that the improvements addressed specific needs. However, he admitted he was not an expert and thought the experts needed to consider the plans.

Council Member Araskog asked about a deferral to the Landmarks Preservation Commission. Mr. Oyer stated that the project was on the agenda for the Landmarks agenda next week.

Mr. Oyer reviewed the options for revising Lake Trail. He also reviewed the requested variance for parking spaces.

Council Member Araskog did not believe the parking variance should be determined before the Landmarks Commission ruling on the architecture.

Council Member Cooney asked about the 23 parking space deficiencies based on the code. Mr. Oyer responded.

Council Member Moran asked about the parking reduction and whether residential structures were on site. Mr. Oyer responded.

Council President Lindsay called for public comment.

Mike Davidson, son of Gordon Davidson, 413 Seaview, and 424 Seaspray, supported the Four Arts but expressed concern about the traffic patterns and parking. He noted that Seaview was frequently congested, and he could rarely park in front of the properties owned by

his family.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to defer the item to the December 11, 2024, meeting to allow the project to be reviewed by the Landmarks Preservation Commission at their November meeting. The motion was carried unanimously, 7-0.

- b. **ZON-24-0045 (ARC-24-0082) 740 HI MOUNT ROAD (COMBO) - VARIANCE (2:06:16)** The applicant, H.C. Jones Living Trust (Fernando Wong Outdoor Living Design), has filed an application requesting Town Council review and approval for one (1) variance for a rear setback along the Lake Trail to substantially renovate an entry structure. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 7-0.]*

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

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the variance request. She presented the architectural plans for the proposed project.

Assistant Director James Murphy provided staff comments.

Council Member Cooney asked about the original architect. He thought the proposed changes were acceptable and that the house was handsome.

Council Member Araskog wondered if the element would be more enclosed. Ms. Ziska stated it would be more open. Mr. Murphy provided more explanation on the design; he said that the proposed modifications exceeded fifty percent of that one façade, which prompted the variance.

Mayor Moore asked to see the inside of the element.

Kevin Buccellato of Schafer Buccellato described the element and how it would be used.

Council Member Moran supported the proposal.

Council President Lindsay found the request acceptable. She thanked the owner for removing the Ficus hedge and replacing it with a Florida-friendly hedge.

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

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

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0045 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.

- c. **ZON-24-0050 (ARC-24-0036) 333 SUNSET AVE (COMBO) - VARIANCE (2:18:05)** The applicant, Royal Poinciana South, has filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review and one (1) variance to exceed the allowable height in the R-D(2) district but not exceed the existing building height to allow the installation of eleven (11) new aluminum shade structures on the 7th-floor apartment balconies. The Architectural Commission (ARCOM) shall perform design review of the application.

There were no disclosures of ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the variance request.

Council Member Cooney thought he would like the Architectural Review's recommendation before the Town Council review. Ms. Ziska stated that the variance was for height and stated the existing awnings were at the same height. It was a material change.

Council Member Moran wondered if lighting would be installed in the structure. Ms. Ziska stated there would be no lighting.

Council Member Araskog thought a condition indicating that no added illumination should be included in the motion. She asked about the hardship. Ms. Ziska responded. Council Member Araskog thought it should still be reviewed at the Architectural Commission.

Council Member Cooney understood the need for a material change.

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

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0050 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 project is approved by the Architectural Commission and that the awning is not illuminated. The motion was carried unanimously, 5-0.

- d. **ZON-24-0051 (ARC-24-0083) 239 TANGIER AVE (COMBO) - VARIANCE (3:46:14)** The applicant, Patricia Dean, has filed an application requesting Town Council review and approval of one Variance to (1) exceed maximum lot coverage permitted for a two-story structure; as it pertains to the improvement and enclosing of attic space to achieve a second story habitable area to existing single story residence. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.]* *[The Architectural Commission approved the project with conditions. Carried 7-0.]*

Council President Pro Tem Lindsay disclosed ex-parte communications.

Patrick Segraves, SKA Architect + Planner, presented the architectural plans for the proposed project and discussed the need for the variance.

Mayor Moore thought the proposed change was an opportunity to keep a modest one-story home. She thought this was a goal to prevent the demolition of a home with the replacement of a larger home.

Mr. Bergman provided staff comments.

Council Member Cooney agreed with Mayor Moore. He thought the proposal was an elegant solution.

Council Member Araskog liked the home but was not a fan of the dormers. She asked about the hardship. Assistant Director Murphy and Director Bergman discussed the hardship of the variance request.

Council President Pro Tem Crampton liked the design solution and supported the request.

Council Member Moran supported the request and suggested adding something to the code to promote this type of building in the town.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog that Variance No. ZON-24-0051 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.

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

- e. **ZON-24-0052 346 SEASPRAY AVE - VARIANCE (3:59:25)** The applicant, Rafael Portuondo, has filed an application requesting

Town Council review and approval of one (1) Variance to reduce the rear yard setback for relocated air-conditioning compressor units for the Historically Significant Building (HSB).

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

Rafael Portuondo of Portuondo Perotti Architects presented the architectural plans for the proposed project. He stated that he had worked with the neighbor and the Landmarks Commission to relocate the mechanical equipment to the rear of the structure.

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

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0052 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.

Clerk's note: A short break was taken at 3:22 p.m. and resumed at 3:31 p.m.

- f. **ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD— PALM BEACH SYNAGOGUE (COMBO)—SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW AND VARIANCES (4:23:10)** The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting Town Council review and approval for three (3) Special Exceptions for 1) Churches, synagogues, or other houses of worship, 2) two stories in the C-TS zoning district and 3) square footage greater than 3,000 SF in the C-TS district with Site Plan Review requiring nine (9) variances due to demolition exceeding 50%, renovations, and building additions, for 1) reduction in the minimum required front yard setback and pedestrian walkway, 2) reduction in the minimum required overall landscape open space, 3) reduction in the minimum front yard landscape open space, 4) increase in the maximum permitted building length, 5) reduction to the on-site parking requirement, 6) elimination of the minimum required number of berths (off-street loading spaces), 7) increase of the maximum permitted gross building area, 8) reduction in the minimum required side yard setback, and 9) reduction in the minimum required rear yard setback for the landmarked property, for the construction of new one- and two-story additions to the two-story landmarked structure. The Landmarks Preservation Commission will perform the design review.

TIME CERTAIN: 3:30 PM

Council Member Araskog, Cooney, Moran, Council President Pro Tem Crampton, Council President Lindsay, and Mayor Moore disclosed ex-

parte communications.

Town Attorney O'Connor advised on a letter received that claimed a conflict of interest and added that she did not think this was something for the Town Council to address.

Attorney Harvey Oyer, representing the applicant, provided an overview of the project and asked Rabbi Scheiner to discuss the new requests for the synagogue.

Rabbi Scheiner discussed the history of the synagogue and his involvement and advocated for the proposal.

Mr. Oyer discussed the zoning requests for the proposal and reviewed the need for the expansion of existing space.

Kyle Fant of Bartholemew + Partners presented the architectural plans for the proposed project.

Mr. Oyer discussed the reasons for the classrooms and offices in the proposal and further explained each variance requested.

Mr. Murphy stated that the parking had not been vetted by staff.

Council President Pro Tem Crampton asked if the synagogue would be willing to operate under a declaration of use agreement, to which Mr. Oyer confirmed. Council President Pro Tem Crampton asked if the maximum capacity of students would be set at 150, to which Mr. Oyer confirmed. Council President Pro Tem Crampton asked if the capacity of seats would be set at 230; he wondered what the impact would be on the level of service at the intersection. Mr. Oyer stated that the extra 70 seats were for people who were already attending the service. Mr. Oyer stated he would be willing to add the seating capacity to the declaration of use agreement. Council President Pro Tem Crampton asked how construction traffic would be managed if the project were approved. Mr. Oyer said there was already a construction management plan and that everything could be staged on-site and never on any public rights-of-way, on County Road, or on any of the travel lanes on Sunset. He noted the commitment to stage most of the major construction work on-site.

Council Member Moran asked again for confirmation that the seating capacity would be 230 seats, and Mr. Oyer confirmed.

Council President Pro Tem Crampton asked for specific details on the construction management. Mr. Oyer stated that they created a construction management agreement with all items staged on-site.

Council Member Araskog asked about the number of special events on-site each year. Rabbi Scheiner stated an average of about one per month, with no plans to increase the number. He said he could provide a calendar to the Town. He stated that the synagogue was not a venue,

and it was not rented out for large events.

Mr. Oyer stated that the declaration of use addressed a construction management agreement and special events at the synagogue.

Mayor Moore thought the building on Sunset appeared very large, so she wanted the Landmarks Preservation Commission to review it.

Council President Lindsay said this structure was not comparable to St. Edwards or the other synagogue on Seminole. North County Road's character was C-TS, and she was concerned about the neighborhood changing to something more formal, which would not be a typical C-TS use.

Mr. Oyer reiterated that St. Edwards and Temple Emmanuel were also in a C-TS zoning district. He said the project's goal was to remove the ancillary buildings and construct a house of worship.

Council Member Moran thought the change was significant for the C-TS district.

Council Member Cooney was pleased to see that the design had been somewhat scaled back from the initial design. He questioned the tight parking spots on the side of Sunset Avenue and wondered if the courtyard would have enough room for a successful flow of traffic. Mr. Oyer stated they could present the auto-turnaround analysis. Council Member Cooney said it would be important to utilize on-site parking spaces, which would minimize impacts.

John Eubanks, an attorney representing a series of condominium associations in the area, stated this was a massive increase in size and intensification of use. He pointed out this was in the C-TS zoning district and stated that the existing churches had been there and were not demolishing structures and seeking to expand. Mr. Eubanks reviewed the issues of the request, on behalf of his clients.

Cecelia Ward, President of JC Consulting and professional urban planner, reviewed her credentials and stated that the proposal was inconsistent with the Town's comprehensive plan, concurrency requirements, and zoning code. She provided some details to support her opinion of the proposed project, which she thought intensified use in the town.

Director Bergman provided staff comments. He acknowledged the beautiful design of the project. However, he reviewed the purpose of the C-TS zoning district. He said this project was absolutely an intensification of use because of the increase in square footage and increased seating. There were nine variances being requested and he discussed them. He said of the total variances being requested, two were very large requests. He suggested to the Town Council, if they send this to the Landmarks Preservation Commission, that they include a request for a reduction or elimination in variances.

Clerk's note: A short break was taken at 5:43 p.m. and resumed at 5:51 p.m.

6:34 Council President Lindsay called for public comment.

The following people spoke in favor of the project

Richard Bernstein, 235 Sanford Avenue

Martin Klein, 1060 N. Ocean Blvd.

Harris Fried, 235 Seminole Avenue

Richard Miller, 100 Sunrise Avenue

KC Klein, 2295 S. Ocean Blvd.

Abe Haruvi, 980 N. Lake Way

Harry Lis, 695 S. County Road

Jack Kempin, 311 Pendleton Road

Max Shapiro, 44 Coconut Row

Bernard Schwartz, 2860 S. Ocean Blvd.

Ben Stern, 3100 S. Ocean Blvd.

Lisa Kaye, 302 Eden Road

The following people spoke in opposition to the project

Denise Budnitz, 44 Coconut Row

Anne Pepper, 333 Seaspray Avenue

Mr. Oyer thought the opposition was filled with misinformation. He stated that he had asked those in opposition to view the plans on four separate occasions, but they had declined. He stated that no new uses were being proposed, they only wished to provide additional space for the use.

Council Member Araskog asked Mr. Eubanks if they declined to meet with Mr. Oyer's team. Mr. Eubanks stated that they would have liked to have met but informed Mr. Oyer that many of the residents were not in Town. Mr. Eubanks did not believe that they would be in Town until after Thanksgiving. Council Member Araskog wondered if the project could be deferred so that both parties could meet and discuss the project.

Mr. Oyer stated that his client had requested to meet with the Sun and Surf residents four times. He stated that he had met with all the other neighbors, and they had not hired traffic consultants or professional planners.

Jerry Zaro, President of the 100-building Sun and Surf, stated he did not want to meet until many of the residents were in Town. He stated he could meet in mid-December with many of the residents in the seven condominiums. He stated he asked for the project to be deferred to January. He also stated he was not opposed to the expansion of space, as he understood the need.

Council Member Araskog suggested deferring the project for two months so that the groups could meet.

Mayor Moore thought that the Landmarks Commission should review

the architecture to allow them to reduce the program if necessary. Council Member Moran agreed that it should go to LPC with a directive from the Town Council to reduce the size of the building.

Council Member Cooney thought the mayor's recommendation was the right directive. Council President Pro Tem Crampton agreed.

Council Member Araskog thought the project should be deferred to the Town Council level until January.

Council President Lindsay asked if the applicant could wait to return to the Town Council in January.

Mr. Zaro committed to meet in a large group, with the other condominiums before December 13, 2024.

Council Member Moran asked the architect if he could show the Landmarks Preservation Commission a smaller building. Mr. Fant stated it would take some time, but he could have some revised diagrams for the Landmarks Preservation Commission.

A motion was made by Council Member Moran and seconded by Council Member Cooney to defer the project to the November 20, 2024, Landmarks Preservation Commission meeting with the directive to reduce the scale and variances, and to defer the project to the December 11, 2024, Town Council Meeting. The motion was carried unanimously, 5-0.

- g. **ZON-24-0058 174 VIA DEL LAGO—VARIANCE (7:51:44)** The applicant, 174 VDL Investment LLC (Maura Ziska, Registered Agent), has filed an application requesting Town Council review and approval for a variance to exceed the maximum width permitted of a marine dock projection.

There were no disclosures of ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the variance request.

Director Bergman provided staff comments.

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

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0058 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.

- h. **ZON-24-0059 755 N COUNTY RD—SPECIAL EXCEPTION WITH SITE**

PLAN REVIEW AND VARIANCE (2:28:59) The applicant, BEACH CLUB INC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the installation of new tennis court light poles and a Variance to exceed the maximum allowable height for tennis pole lighting to match existing tennis court lighting.

Council Member Moran disclosed ex-parte communications.

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

Council Member Cooney said there were some very close residential uses. He wanted to know the proximity of the subject tennis courts to residential structures. Ms. Ziska responded.

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

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

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0059 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 Member Araskog that Special Exception No. ZON-24-0059 and Site Plan Review No. ZON-24-0059, 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. The motion was carried unanimously, 5-0.

D. Time Extensions and Waivers

- 1. Request at 70 Middle Rd. - Waiver of Town Code Section 18-237, For Building Permit Extension and Review of a Construction Management Agreement (CMA). [Request was heard at the October Town Council meeting and returning with a CMA.] (7:54:27)**

Council Member Cooney provided an overview of the meeting that was held to discuss a Construction Management Agreement. He stated that he was pleased to note that the homeowner had signed the agreement.

Council Member Araskog hoped that the neighborhood could work together in harmony.

Director Bergman stated that there was a time extension for this property as well.

Council Member Cooney also stated that a construction schedule, one of the attachments to the Construction Management Agreement, would allow staff to monitor the project.

Council President Pro Tem Crampton wondered if the neighbors would be copied on the updates. Mr. Bergman stated he would be happy to share those as a public record.

Attorney Genny Contreras, on behalf of the homeowner, asked Mr. Bergman to take the lead on communicating the biweekly updates to the Town Council and neighbors.

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 approve the Construction Management Agreement, as signed in the backup, with the construction schedule attached. The motion was carried unanimously, 5-0.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to grant approval to extend the building permit to May 5, 2027, in accordance with the Construction Management Agreement. The motion was carried unanimously, 5-0.

2. **Request at 224 S. Ocean Blvd. - Waiver of Town Code Section 18- 237, for Building Permit Extension [Received a one-month extension at the October Town Council meeting. Returning to provide further information and approval of request.] (8:01:08)**

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

Shwan Aziz of EcoBuilding Solutions stated that everything was done except for the approval from the Architectural Commission.

A motion was made by Council Member Araskog and seconded by Council Member Moran to grant approval to extend the building permit to January 15, 2025. The motion was carried unanimously, 5-0.

3. **Request at 234 List Rd. - Waiver of Town Code Section 18-237, for Building Permit Extension (8:06:23)**

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

Russell Palmieri of PalmCorp Construction Services Inc. explained the reason for requesting an extension.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to grant the building permit extension

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

4. **Request at 422 Australian Ave. - Waiver of Town Code Section 18-237, for Building Permit Extension (8:07:38)**

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

Roy Dunworth of Dunworth Construction & Development Inc. explained the reason he was requesting a permit extension.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to grant the building permit extension until December 28, 2024, with the condition that all code restrictions regarding holiday hours be followed. The motion was carried unanimously, 5-0.

5. **Request at 334 Chilean Ave. - Waiver of Town Code Section 18-237, for Building Permit Extension (8:09:42)**

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

Michael Perry, MP Design & Architecture, explained the reason he was requesting a permit extension.

A motion was made by Council Member Cooney and seconded by Council Member Moran to grant the building permit extension until May 1, 2025. The motion was carried unanimously, 5-0.

6. **Request at 1025 N. Lake Way – Waiver of Town Code Section 18-237, for Building Permit Extension (8:13:39)**

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

Michael Eison of Eisen Construction Company, Inc., explained the reason he was requesting a permit extension.

A motion was made by Council Member Araskog and seconded by Council Member Moran to grant the building permit extension until March 14, 2025. The motion was carried unanimously, 5-0.

XI. ORDINANCES

A. Second Reading (4:16:30)

1. **Proposed Ordinance Amending Chapter 50 of the Town Code of Ordinances, Changes Relating to Floodplain Management (4:16:32)**

ORDINANCE NO.030-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances To Update The Date Of The Flood Insurance Study And Flood Insurance Rate Maps; To Add A Definition Of Historic Structure; To Reformat A Previously Adopted Amendment To The Florida Building Code; 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. 030-2024 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 adopt Ordinance No. 030-2024 on the second reading. The motion was carried unanimously, 5-0.

A. First Reading (4:17:34)

1. Proposed ordinance to amend the Town's Comprehensive Plan (4:17:36)

ORDINANCE NO. 015-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives, And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Town Attorney Joanne O'Connor read Ordinance No. 015-2024 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. 015-2024 on the first reading. The motion was carried unanimously, 5-0.

2. Proposed ordinance amending code sections related to medical marijuana and related treatment centers and dispensaries. (4:19:07)

ORDINANCE NO. 034-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article I, In General By Amending Section 134-2, Definitions And Rules Of Construction, To Add A Definition Of "Marijuana"; At Article VI, District Regulations, By Repealing Subsection 134-1109(A)(20) To Remove The Reference To Medical Marijuana Treatment Centers And

Dispensaries As Special Exception Uses In The C-TS Town Serving Commercial District If Not Prohibited; At Article VIII, Supplementary District Regulations, At Division 17. Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries To Amend The Title Of Division 17 To Reference Marijuana Generally And Outdoor Events; To Amend Section 134-2113, Prohibition To Detail The Uses Prohibited; And To Repeal Section 134-2114, Development Standards; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Joanne O'Connor Ordinance No. 034-2024 by title only.

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 approve Ordinance No. 034-2024 on the first reading. The motion was carried unanimously, 5-0.

3. Discussion on Commercial Motion Picture Making Ordinance (4:21:32)

ORDINANCE NO. 036-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 22 - Businesses, By Repealing Article IV – Commercial Motion Picture Making And Simultaneously Adopting A New Article IV – Filming Operations To Regulate The Issuance Of Permits For Filming Or Photography On Or Affecting Town Property And Filming Or Photography That Impacts Or Requires Town Services; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Joanne O'Connor, Town Attorney

Mayor Moore Ordinance No. 036-2024 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 Araskog to approve Ordinance No. 036-2024 on the first reading. The motion was carried unanimously, 5-0.

XII. ANY OTHER MATTERS (8:17:54)

There were no other matters discussed at this time.

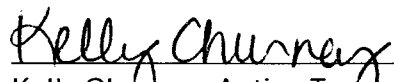
XIII. ADJOURNMENT (8:18:27)

A motion was made by Council Member Araskog and seconded by Council Member Cooney to adjourn the meeting at 7:35 p.m. The motion was carried unanimously, 5-0.

APPROVED:


Bobbie D. Lindsay, Town Council President

ATTEST:


Kelly Churney, Acting Town Clerk
Date: 12/10/24

