



TOWN OF PALM BEACH

Minutes of the Town Council Meeting
Held on April 15, 2026

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 11:03 AM in the Town Council Chambers.

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

Staff Present: Wayne Bergman, James Murphy, Jennifer Hofmeister, Friederike Mittner, Kelly Churney, and Assistant Town Attorney Tom Baird

INVOCATION AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF CONSENT AGENDA

Council Member Araskog requested that both items be moved for discussion. Council President Cooney indicated that these items will be heard under item 17, Matters Pulled From Consent Agenda.

APPROVAL OF AGENDA

Mr. Bergman stated he had an additional item to raise regarding the Zoning Quick Fixes. Council President Cooney agreed to place the additional item as item 13.3.

Council President Cooney asked to move item 25, ZON-25-0083, 207 Royal Poinciana Way and 208-10 Sunset Avenue, to be heard after the designation hearings, before number 13.

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

ADMINISTRATION OF THE OATH

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

COMMENTS

3. MAYOR AND TOWN COUNCIL MEMBERS

Mayor Moore reported attending the United Way de Tocqueville Society dinner, noting that the organization raised over \$6 million to support Palm Beach County agencies assisting those in need. She recognized the community's generosity and thanked volunteers and organizers, including the Goodwins and Kalismans, for their contributions and efforts in supporting the community.

Council Member Moran congratulated and welcomed Nicki McDonald. She expressed concern about the deferral of the Palm Beach Synagogue and did not want to review the declaration of use agreement in the off-season. Council President Cooney agreed and thought the item should be heard in season.

Council President Pro Tem Crampton reminded everyone that the Citizens' Association Richard M. Kleid Citizen of the Year Award Ceremony would take place at Glazer Hall at 5 p.m.

Council Member Araskog congratulated newly elected and returning Council Members. She raised concerns regarding the increasing presence of electric bikes, scooters, and bicycles on sidewalks, noting safety risks and encouraging enforcement and community awareness. She also expressed concern about the negative tone of the recent election, particularly the involvement of political action committees, and urged residents to maintain a respectful, neighborly approach in future elections.

Council Member McDonald expressed appreciation for the welcome and stated she is honored to serve, looks forward to working with the Mayor, Council, and staff, and thanked the residents for their support.

Council President Cooney reported attending the Preservation Foundation's inaugural Bob Grace Award ceremony honoring former Council President Bobby Lindsay, recognizing Mr. Grace's contributions to the Town's land-use policies, and then transitioned to the land-use meeting.

4. PUBLIC - 3 MINUTE LIMIT

Council President Cooney called for public comment.

Rick Smith, 135 Sunrise Avenue, agreed with Council Member Araskog about the negative tone of the recent election and suggested considering standards of conduct. He welcomed Council Member McDonald. He cited concerns as an adjacent property owner regarding the proposed conversion of the Paramount Building into a private club and its potential impacts on neighboring properties.

Attorney Jame Crowley objected to Mr. Smith addressing an item not yet before the Town Council, stating the comments were out of order and provided an unfair extension of speaking time.

Council President Cooney acknowledged the importance of public comment but noted that, based on legal counsel's advice, the Council should refrain from discussing matters currently under appeal before the court. Assistant Town Attorney Tom Baird agreed.

PUBLIC HEARINGS

GENERAL BUSINESS

5. Recognition of Alexander Hufty Griswold for his Service on the Landmarks Preservation Commission from March 2023 to March 2026

**Note: This item was removed from the agenda and heard during the Local Planning Agency meeting.*

6. **42-2026** 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 1127 N Lake Way 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.

Mayor Moore disclosed ex parte communications.

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

Council President Cooney asked for proof of publication, which Friederike Mittner provided.

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

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

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve Resolution No. 42-2026, designating the property at 1127 N. Lake Way 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.

7. **43-2026** 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 113 Clarke 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.

There was no disclosure of ex parte communications.

Emily Stillings of MurphyStillings presented background information on the project and provided some historical details about the property. She outlined how the property met the criteria for Landmark Designation, specifically Criteria 1 and 3.

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

Council President Cooney asked for proof of publication, which Friederike Mittner provided.

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

Council Member Araskog asked for Council President Cooney's opinion on the proposed home. Council President Cooney stated that the design reflects pre-1920s architecture and is representative of that period.

Council Member McDonald wondered if it should be noted that the town did not receive a response from the owner. Ms. Mittner stated that the owner did speak with staff and expressed no objection to the designation.

A motion was made by Council Member Moran and seconded by Council Member Araskog to approve Resolution No. 43-2026, designating the property at 113 Clarke Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1 and 3 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. **44-2026** 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 250 Pendleton 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.

Mayor Moore disclosed ex parte communications.

Janet Murphy of MurphyStillings presented background information on the project and provided some 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 President Pro Tem Crampton and seconded by Council Member Moran to make the designation report part of the record. The motion was carried unanimously, 5-0.

Council President Cooney asked for proof of publication, which Friederike Mittner provided.

Council President Cooney called for public comment.

Aimee Sunny of the Preservation Foundation of Palm Beach provided her professional analysis of the property, stating it met designation criteria 1, 3, and 4, and noting it as a strong example of Georgia Revival architecture with characteristic features such as symmetry, a front portico, cornice detailing, and shuttered sash windows. Ms. Sunny added that the home reflects the post-Depression era's more restrained architectural style and concluded that it met the required criteria.

Council President Pro Tem Crampton wondered if the owners had been reached. Ms. Mittner stated that the notice had been properly delivered and that there had been no contact from the owner.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve Resolution No. 44-2026, designating the property at 250 Pendleton 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.

9. **46-2026** 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 321 Barton 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.

There was no disclosure of ex parte communications.

Emily Stillings of MurphyStillings presented background information on the project and provided some historical details about the property. She outlined how the property met the criteria for Landmark Designation, specifically Criteria 1, 3, and 4. She thanked the home's owner who attended the Landmarks Preservation Commission and expressed her support for the designation.

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

Council President Cooney asked for proof of publication, which Friederike Mittner provided.

Council Member Cooney commented on the home and design. He stated he was grateful for

property owner support.

Mayor Moore noted two other homes similar to this one that should be looked at for landmark designation.

Council President Cooney 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 Resolution No. 46-2026, designating the property at 321 Barton 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.

10. **47-2026** 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 409 Seabreeze 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.

There was no disclosure of ex parte communications.

Janet Murphy of MurphyStillings presented background information on the project and provided some 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 Moran and seconded by Council President Pro Tem Crampton to make the designation report part of the record. The motion was carried unanimously, 5-0.

Council President Cooney asked for proof of publication, which Friederike Mittner provided.

Council President Cooney called for public comment.

Attorney M. Timothy Hanlon, representing the owner of 409 Seabreeze Avenue, asked for his letter to be entered into the record. He also stated that his client objects to the designation in accordance with House Bill 423 and Florida Statute Section 553.79 subsection 25.

Earl Betts, 409 Seabreeze Avenue, opposed the landmark designation, citing the home's low elevation and concerns about resilience during a catastrophic event, and requested that the designation not be approved.

Amy Sunny, Director of Preservation Planning with the Preservation Foundation of Palm Beach, thanked the property owner for engaging with the Foundation and addressing concerns. She stated that, based on her professional analysis and the designation report, the structure is an excellent example of Mediterranean Revival architecture, citing features such as asymmetrical massing, stucco façade, red tile roof, varied window types, and decorative elements. While

acknowledging concerns regarding flood elevation, she concluded the property meets the criteria for landmark designation.

Council Member Moran thanked Mr. Betts and Mr. Hanlon for their thoughtful opinion. However, she stated that the Town Council considered the house a notable Mediterranean Revival, and, for clarification, the elements don't necessarily need to be original to the structure for the structure to be landmarked.

Council Member Araskog asked if part of the criteria was related to homeowner opinion. Ms. Mittner responded. Council Member Araskog did agree with the designation.

Council President Pro Tem Crampton asked for clarification regarding the property owner's right to demolish when the structure is below the property line and how that is affected by the landmarking statute. Mr. Bergman responded that this property is located in a special flood hazard area, likely in an AE zone. As a result of that, under House Bill 423, the owner, by objecting today, preserves his proper right to demolish the building in the future.

Council Member McDonald added that, under House Bill 423, the owner has the right to demolish the structure at some point, but must comply with the landmarked rules and regulations until the structure is demolished.

Council Member Moran reassured Mr. Betts that Landmarks is a good place to be for the purpose of planning renovations or modifications to the home.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 47-2026, designating the property at 409 Seabreeze 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.

11. **45-2026** 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 209 Banyan Rd 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. *This item shall be deferred to the December 9, 2026, Town Council meeting at the request of the owner's attorney.*

****Note: This item was deferred to December 9, 2026, upon the approval of the agenda.***

12. **48-2026** 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 750 S County Rd 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. *This item shall be deferred to the December 9, 2026, Town Council meeting at the request of the owner's attorney.*

****Note: This item was deferred to December 9, 2026, upon the approval of the agenda.***

22. ZON-25-0083 (COA-25-0034) 207 ROYAL POINCIANA WAY AND 208-10 SUNSET AVE - Parking Review of the Draft Declaration of Use Agreement for the Restaurant 'Elephante'

Council Member Araskog expressed her concerns about parking for the restaurant.

Council President Cooney and Council President Pro Tem Crampton pointed out two errors in the document that needed correction.

Attorney Jamie Crowley, on behalf of the applicant, explained that the restaurant is a landmarked building and is grandfathered under the equivalency principle based on its prior approved use, allowing 284 seats without additional parking. He stated he had been corresponding with Police Chief Caristo about parking. Mr. Crowley suggested valet parking, which would be managed through the Police Department permitting process, where the applicant would be required to demonstrate adequate off-site parking, and permits could be revoked if issues arose. Mr. Crowley suggested making valet optional rather than required, noting it would allow for better coordination of parking locations, and he added a request to permit limited, non-amplified live music (e.g., violin or saxophone) to enhance the dining experience without disruption.

Nick Mathews of Wish You Were Here Group discussed the request to have musicians playing from time to time.

Council Member Moran asked Mr. Murphy to address the fact that they are entitled to the 284 seats under the principle of equivalency. Mr. Murphy affirmed that everything said thus far was correct and that the previous restaurant had 284 seats, which, per the license, allowed this one to be 284 seats. Since the restaurant did not increase seating capacity, there was no need for a parking variance.

Council Member Araskog clarified whether the Town could force them to find parking and have a valet. Mr. Murphy said his opinion would be that they could not be forced to find parking.

Mr. Crowley stated that his client intends to find parking, but they just have not made that a solution. He said they did not want to take the Breakers' required parking away from them to accommodate this use.

Council Member Araskog felt that valet parking should be required. She also commented on the allowance of live music. She did not think that should be allowed at this time. Mr. Crowley said there has always been live music in this location.

Council President Pro Tem Crampton did not like the parking situation; he felt some organization was needed to address the overall situation. He favored the valet and thought the Town Council needed to be more directive.

Council Member Moran did not want the building to be empty. She is fine with the live music.

Council President Cooney expressed support for the project but shared concerns about parking, noting that the use is grandfathered and that the goal is not to have vacancies in the building. He suggested that, given the ownership's control of nearby properties, a good-faith effort should be made to identify or commit to some off-site parking solutions to help mitigate impacts, even if not fully resolving the issue.

Mayor Moore noted the restaurant was approved as a grandfathered use. He expressed concern that requiring mandatory valet parking would be difficult to enforce, as patrons may arrive by various means. She supported allowing the restaurant to operate without a valet requirement, noting that when she visits Henry's, she does not valet park. She encouraged reasonable noise limits and suggested monitoring operations and revisiting the issue if problems arise after opening. She reiterated the opportunity to re-evaluate the use and make changes if necessary.

Council Member McDonald expressed concern about lunchtime when there may be more vehicles in the area. She said it makes sense to let people park. Regarding the music, she had no objection.

Mr. Crowley stated that, to alleviate concerns, he would be willing to return in three months for an evaluation of the requests for the business, parking, and music.

Council Member Araskog thought three months was a good idea. Her concern was for residents to have available parking. She wanted to require valet services. She also agreed with Council Member McDonald about lunchtime traffic. She further discussed her concerns about the music, suggesting a required end time.

Mr. Crowley stated he would work with Town Attorney O'Connor to make the requested revisions to the Declaration of Use Agreement.

Council President Pro Tem Crampton said he would like to see valet as a service. He noted that the previous restaurant had one, and the situation between this year and next will be different because this restaurant was not operating at the same time. He felt the process needed additional organization and was supportive of valet service. He supported live music.

Council Member McDonald felt that the music should be allowed until the kitchen closes.

Council President Cooney called for public comment.

Anita Seltzer, 44 Cocoanut Row, noted that the discussion could impact other nearby landmarked properties seeking parking access and questioned the valet provisions in the declaration of use. Specifically, the member referenced language prohibiting valet parking on certain streets and requiring adherence to an attached valet plan, and asked whether the exhibit had been reviewed and if similar requirements are consistently included in other declarations.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve the declaration of use agreement with the following conditions: a valet shall be required in the evening from 5 pm to closing, parking shall be prohibited on Sunrise Avenue and Sunset Avenue, live music will be permitted with up to three instruments, no live music shall be permitted outside, return to the Town Council after 3 months operating in season, the valet shall be permitted according to the approved parking plan and traffic study submitted to the Police Department, and amended the two Scriveners errors in the document. The motion was carried unanimously, 5-0.

13. Zoning Code Items - Quick Fixes #16-24

13.1 Quick Fix #22: Guest Houses on Estate Properties

Mr. Bergman stated that this item was discussed at the Local Planning Agency meeting earlier, and there was a 4-1 vote to recommend this to the Town Council.

13.2 Quick Fix # 23: Tandem Parking Variance (Ordinance No. 008-2026)

Mr. Bergman reported that this item was discussed at the Local Planning Agency meeting, with direction to revise Item No. 8, Loss of Valet Service, addressed in the draft ordinance, and to address surface parking lots at a future Planning and Zoning Commission meeting.

13.3 Fill

Mr. Bergman raised for discussion the Planning and Zoning Commission's repeated recommendation to revisit prior fill practices, noting the Council had previously declined to reconsider the issue, and asked whether the Council wished to take it up again.

Council Member Araskog did not want to restudy.

Mayor Moore felt that the fill issue was important. She mentioned that the Town Council had heard from Jorge Sanchez that, in earlier days, some of the architecture was more interesting, particularly the front façade.

Council President Cooney supported a restudy. Mr. Murphy added that the issue with a specific application that was recently before the Town Council was of grave concern because of its low-lying nature. He emphasized that the town is not initiating any road raising like other coastal municipalities. In addition, the town regulations are measured from the crown of the road and from the grade of neighboring properties, which may be a landmarked property constructed at grade. FEMA maps as of December last year raised elevations by at least 1 foot, and some by 2. Staff have seen and are concerned about a property up for new construction in a zone that requires a design floor elevation of 10, while the road is at 4. In addition, Mr. Murphy said that, at the direction of the Town Council, an equation was developed to limit fill to protect adjacent properties by restricting elevation increases relative to distance from property lines. This approach was intended to prevent significant grade differences and requires variances to be reviewed on a case-by-case basis. Staff recommended maintaining the current standard, noting it provides a balanced, context-sensitive solution, particularly where nearby properties vary in elevation, including low-lying landmarked homes.

Jorge Sanchez of SMI Landscape Architecture, 140 Royal Palm Way, stated the full commission brought the item forward. He expressed support for maintaining the 50% fill limit at the front of properties but raised concerns about restrictions at the rear and sides. He further explained that current limits can create significant elevation differences, resulting in impractical and unusable yard areas. He argued that allowing greater fill in rear yards could improve usability and drainage without impacting streetscape concerns.

Council Member Moran said she would be in favor of sending it back with a keen eye to the neighbors' perspective.

Council Member Araskog asked whether a variance could be granted for this type of fill, and Mr. Murphy confirmed it could. He added that the example presented was inaccurate, noting that the Town allows elevation within the building envelope to be raised to the design floor, with the limitation applying only to rear yards (up to 15 feet) and side yards (up to 10 feet). Council Member Araskog thought the variance process should remain.

Mr. Murphy explained that the building envelope allows development within that area consistent with zoning regulations. The current fill standards, as clarified in the recent ordinance update, apply to areas outside the envelope (highlighted), where a graduated transition to adjacent properties is required. This approach was based on prior engineering analysis and consultation with Woods Hole to ensure compatibility between neighboring properties and prevent unregulated fill from extending to property lines at elevated grades. He said staff would be happy to revisit it and perhaps carve out properties abutting commercial properties or new construction that exceeds the fill. However, he did not think it wise, given the adjacency to historic properties, which are sprinkled throughout the town.

A motion was made by Council President Pro Tem Crampton and seconded by Council President Cooney to send the discussion related to the amount of allowable fill to the Planning and Zoning Commission for further study. The motion was carried 3-2, with Council Members Araskog and Moran dissenting.

**Note: The meeting was recessed for lunch at 12:59 p.m. and resumed at 1:46 p.m.*

14. Zoning Code Update – Core Components

Architectural Review & Historic Preservation Manager Friederike Mittner provided an update on the zoning code revision's core components, noting that while staff have been addressing short-term fixes, work continues on larger initiatives, including commercial districts, the South End, process improvements, and the North End. She outlined upcoming presentations and ongoing coordination efforts, potential updates to development regulations and review processes, and a general timeline for future Council consideration.

Council President Pro Tem Crampton noted that things were going exceedingly well with the committee and that he was pleased with the direction.

15. Amendments to the adopted 2024 Town of Palm Beach Comprehensive Plan:

- a. Amendments to the Data & Analysis and Goals, Objectives and Policies
 - Future Land Use Element
 - Historic Preservation Element
 - Infrastructure Element (Updated 2026 Water Supply Facilities Work Plan)
- b. Map Series
 - Future Land Use Map
 - Zoning Map
 - Archaeological Sites Map

Ms. Hofmeister reported that, following the LPA meeting and additional discussion with the Preservation Foundation, staff will not proceed with the proposed future land use and zoning map amendments at this time, noting the properties are privately owned and may be reconsidered in the future. She added that revisions are being finalized for transmittal to the state.

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

16. Appeal of the Landmarks Preservation Commission Decision of COA-23-003, 139 N. County Road

Council President Cooney asked Assistant Town Attorney Tom Baird to introduce the appeal and provide the process to the Town Council.

Assistant Town Attorney Tom Baird explained that the appeal process is limited to the record established at the original Landmarks hearing, noting that no new issues or evidence may be introduced, and that Council review is confined to matters previously raised.

Rick Smith, 135 Sunrise Avenue, presented his comments. He argued that the Commission failed to identify competent, substantial evidence in the record to support the required criteria or Comprehensive Plan consistency. As a result, the Commission could not lawfully approve the generator or the 10-foot wall. Mr. Smith requested that the matter be remanded for proper findings supported by evidence, stating that without such evidence in the record, the approval cannot be legally sustained.

Attorney Baird provided the items that the Town Council needed to weigh when making their decision.

Council Member Araskog asked whether the Landmarks Preservation Commission considers impacts on other properties. It was noted that they are mindful of but specifically focus on the property. In this case, they certainly did that for the mechanical equipment.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to affirm the Landmarks Preservation Commission's decision and to deny the appeal. The motion was carried unanimously, 5-0.

UNFINISHED BUSINESS

17. MATTERS PULLED FROM CONSENT AGENDA

1. ZON-23-020 (COA-23-003) 139 N COUNTY RD. - THE PARAMOUNT THEATER -
Finalize the Draft Declaration of Use Agreement Changes

Council Member Araskog disclosed ex parte communications.

Council Member Araskog outlined her issue with the DOU. She wanted one addition that would allow the Town Council to revise or revoke the use.

Attorney Jamie Crowley, on behalf of the owner at 139 N. County Road, outlined the changes that he had proposed to the DOU. Mr. Crowley mentioned some issues that had been raised by Attorney John Eubanks, and he thought those concerns had been addressed. He discussed changes that had been made.

Attorney John Eubanks, on behalf of the many adjacent condominium owners, expressed concerns. Clarified concerns regarding access and valet operations, emphasizing that interior access should not allow for large gatherings moving directly through the club. He also said that restrictions should be in place for valet activity, not just the valet stand. This would prevent off-site valet operations. Additional concerns cited were about early morning noise from smaller service vehicles and the need to clearly incorporate and attach the approved valet plan as an exhibit for transparency and enforcement prior to final approval.

Rick Smith, 135 Sunrise Avenue, did not think the Declaration of Use should be heard as the special exception application had not been completed with specificity. Council President Cooney reminded Mr. Smith of what was open for discussion.

Council Member Araskog expressed concern that valet overflow could extend onto nearby streets and recommended adding a condition prohibiting valet vehicles from queuing or parking on Sunrise Avenue. She further stated that if the 6:00 a.m. to 9:00 a.m. time was really bothering neighbors, then it should be revisited.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve the declaration of use agreement for 139 N. County Road with the following conditions: number 23 shall be modified to include a statement that indicates the Town Council can make changes to the conditions, the 5th sentence on number 13 shall be changed to read "Sunset or Sunrise", the approved valet plan shall be attached to the approved document. The motion was carried unanimously, 5-0.

2. ZON-26-0012 977 S OCEAN BLVD. –VARIANCE The applicant, 977 S OCEAN LLC, has filed an application requesting Town Council review and approval for a variance to construct a new seawall, 4'-0" east of the Town of Palm Beach bulkhead line, in lieu of the seawall being placed directly on or within 12" to the bulkhead line.

Mr. Murphy introduced the project and explained the variance request for the construction of a new seawall.

Council Member Araskog and Council President Cooney disclosed ex parte communication.

Council Member Araskog asked for clarification of the request.

Attorney Maura Ziska, representing the owner, explained the variance request. She noted that the existing seawall is already east of the bulkhead line and has already created non-conformance for the building of a new seawall. She said the new seawall would connect to the neighboring seawall to the north and to the south.

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

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton that Variance No. ZON-26-0012, 977 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. The motion was carried 5-0.

18. ZON-25-0066 (ARC-25-0076) 3031 S OCEAN BLVD (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, PB3031 LLC, has filed an application requesting town council approval of sixteen (16) variances including 1) For reduced lot width on a nonconforming parcel of land, 2) to exceed the maximum lot coverage for a five-story building, 3-6) to reduce the required front, both sides and rear setback, 7-8) to exceed the maximum height and overall height for a five-story building, 9) to reduce the amount of landscape open space, 10) to reduce the required setbacks for swimming pools, 11) to exceed the amount of mechanical equipment permitted within required yards, 12) to exceed the maximum building length, 13) to reduce the amount of common recreational open space, 14) to reduce the required bulkhead setback, 15) to exceed the maximum amount of fill, and 16) to reduce the required drive aisle width. And a Special Exception request for the construction of a five-story residential redevelopment of an existing nonconforming parcel of land to replace an existing two-story building in the R-D-(1) zoning district. Town Council shall review the application as it pertains to zoning relief/approval. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 6-1.] [The Architectural Review Commission approved this project. Carried 6-1.]*

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

Assistant Director James Murphy provided staff comments on the project.

Council Member Araskog asked whether the report's comments on massing and scale indicated that staff were requesting further reductions to the building's height and overall volume. Mr. Murphy said that the excerpt from the staff report was directed to the Architectural Review Commission and their specific motion. They felt that the applicant's latest version did reflect that because of the turnaround that memo carries through.

Council President Pro Tem Crampton asked if the project would end if not approved. Mr. Murphy

said it would mean a redesign. Council President Pro Tem Crampton asked about boat docks, and Mr. Murphy responded that a boat dock was shown in one of the renderings, but the actual site plan did not include a projecting boat dock at the tip of the Peninsula.

Attorney Maura Ziska, on behalf of the applicant, presented an overview of the project and discussed the zoning requests. She presented a video of what the site would look and feel like upon completion.

Mayor Moore asked about the safety issue and whether a fire truck could turn around in the piazza. Ms. Ziska confirmed it could. She favored the decrease in intensity.

Council President Pro Tem Crampton said he expressed support for the reduction in intensity. He noted the construction project and the barges. He asked for details about the barges and wondered if they would be disruptive during the season. He wanted to ensure that the use of barges was addressed in the construction management agreement and that much of the movement would be handled during the off-season. Ms. Ziska assured the Town Council that language would be included in the construction management agreement and that the Town would know when they would be coming. She thought the workers would be coming over the Lake Worth Bridge. The barges will not be the main way of bringing materials to the construction site.

Council Member Moran asked if easements had been obtained to plant the mangroves on neighboring properties. Ms. Ziska said the new seawall would be within the property line, and the mangroves would be on the outside. Council Member Moran asked whether staff had calculated lot coverage if the building were considered three stories, noting that the small tower appeared de minimis but triggered classification as an additional floor. Ms. Ziska responded that if the tower were eliminated, it would be down to 28 percent.

Mr. Murphy noted that if they wanted to construct a three-story building, the lot coverage allowance would be 35%.

Council Member Araskog noted that tower elements had previously been discussed for further study and suggested that smaller, narrow towers should not necessarily count as an additional floor. While acknowledging the aesthetic value of such features, the member expressed uncertainty about requiring reductions limited only to the tower. It was also noted that one dissenting vote cited the project's overall mass as too large, despite finding the design attractive. She asked Ms. Ziska to state the hardships.

Council Member McDonald asked about the Lake Worth Casino parking. She stated she thought their parking spots for the units were underground. Ms. Ziska said the parking at the Lake Worth Casino is for construction work. She noted there is an abundance of parking in the first level, and each apartment has 3 plus parking spaces. She noted there were also eight additional parking spaces on top for access by companies such as FedEx. Council Member McDonald confirmed whether there was enough parking for service providers. Ms. Ziska confirmed there were, and she restated the parking spots available.

Council President Pro Tem Crampton asked whether the aesthetic elements shown in the presentation, such as landscaping and decorative features, were included as part of the project and whether the applicant was committed to incorporating those enhancements, as they

significantly improved the overall appearance. Ms. Ziska said yes, that was part of the Architectural Commission approval.

Mayor Moore asked about the DEP permit and wondered what the chances were for getting approval. Nick Spanelli of Copperline Partners responded.

Council Member Moran asked about the Ambassador project and additional lot coverage. Mr. Murphy stated that he reviewed the Ambassador project development order, noting it involved two sites with different approvals. The five-story building had a required lot coverage of 22%, but a variance allowed 30% on the lakefront site (an 8% increase), and 43% on the oceanfront site, exceeding the standard requirement.

Council President Cooney called for public comment.

Rocco Tellurico, 3475 S Ocean Blvd, stated his support for the project.

Allison Brown, 3000 S Ocean Blvd, stated her opposition to the project, noting she is a year-round resident in the condominium unit and her residence is situated directly across the street and within 750 feet of the proposed development. She also felt the proposed structure was too large for the site. In addition, she noted there were three letters of opposition from residents of Ballarat and a letter from an attorney representing the unit owners at the Palm Beach. She urged the Town Council to deny the requests.

Council Member Araskog asked about the hardship of the request. Ms. Ziska provided the hardships for the request.

Ms. Ziska discussed the property's hardships and special conditions requiring the request.

Council Member McDonald stated that, although initially opposed to this project due to the number of variances, she had come to support the project after further review. She acknowledged that many of the variances stem from outdated zoning and are not impactful due to the lack of adjacent neighbors, while the project reduces intensity and promotes a residential character. The design was praised for drawing from the Town's architectural history and offering a more interesting alternative to larger, monolithic buildings, leading the member to support the project moving forward.

Mayor Moore stated the project set a high standard for future development in the South End, highlighting the bridge as a positive feature that would improve water flow and support an environmentally sensitive, living shoreline concept. She also thought the tower was too short and had been more interesting before.

Council President Pro Tem Crampton, as a resident of the South End, stated that key benefits of the project included reduced density from 24 to 12 units, decreased transient activity and traffic, and a high-quality architectural design. He also noted the project reflects a positive shift in the South End away from older, monolithic development, building on momentum from prior projects like the Ambassador. While supportive, Council Pro Tem Crampton emphasized the importance of a strong construction management plan and securing necessary permits, particularly from the Florida Department of Environmental Protection.

Council Member Araskog wondered if the project could be sent back to ARCOM to relook at the towers to make them taller. She was a little worried about the massing. She was supportive of the project.

There was a brief discussion about allowing the towers to be higher. Ms. Ziska said it would require her client to ask for height variances. It would not have to come back since it has already been advertised.

Mr. Nick Spinelli said the reason the tower was reduced was to gain cooperation from the neighbors. He expressed concern about changing the plan.

Council President Cooney thought this was a model for redevelopment and future development.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton that Special Exception and Site Plan Review No. ZON-25-0066, 3031 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, with the condition of an agreeable construction management agreement (CMA). The motion was carried 5-0.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0066, 3031 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 condition that the tower elements can be raised to a height presented in a prior version and can be approved at the staff level. The motion was carried 5-0.

19. ZON-25-0076 1768 S OCEAN BLVD – SITE PLAN REVIEW AND VARIANCES The property owners, Four Winds Estates LLC (Maura Ziska, Representative), have filed an application requesting Town Council review and approval to replace an existing 125 KW generator with a new 125 KW generator requiring Site Plan Review and three (3) Variances to 1) reduce the minimum side (north) yard setback, 2) allow the generator not to be housed in an enclosed building, and 3) allow the generator to not be fully screened from the neighboring property by a concrete block wall for the landmarked property.

Council Members McDonald and Moran disclosed ex parte communications.

Assistant Director James Murphy provided staff comments on the project.

Council Member McDonald asked whether there would be any difference in noise between the old and new generators. She also asked about the request not to replace the enclosure. Mr. Murphy explained.

Council Member Araskog did not understand why the generator could not be moved over to meet code. She noted that the lot is large, and there is still encroachment into the setback.

Mr. Murphy noted the property is landmarked.

Attorney Maura Ziska, on behalf of the applicant, presented an overview of the project and discussed the zoning requests. She stated the hardship of the variance.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0076, 1768 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. The motion was carried 4-1, Council Member Araskog dissenting.

20. ZON-25-0087 (ARC-25-0095) 333 SUNSET AVE. (COMBO) - VARIANCES The applicant, Royal Poinciana South (Maura Ziska), has filed an application requesting Town Council review and approval of two variances 1) to exceed maximum sign area 2) installation of a sign within a setback. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Review Commission approved this project. Carried 6-1.]*

Council President Cooney disclosed ex parte communications.

Assistant Director James Murphy provided staff comments on the project.

Council Member Moran asked how long the signage had been in place. Mr. Murphy responded.

Attorney Maura Ziska, on behalf of the applicant, presented an overview of the project and discussed the zoning requests.

Council Member Araskog asked about the vote at the Architectural Commission. Mr. Murphy stated that the vote on the variances was unanimous, 7-0. Council Member Araskog asked about the need for monument signs at the entrance and exit, and why they have to be so large. Mr. Murphy responded.

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

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

A motion was made by Council Member Moran and seconded by Council Member McDonald that Variance No. ZON-25-0087, 333 Sunset 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 5-0.

21. ZON-24-0055 (COA-24-0022) 120-132 N County Road - Palm Beach Synagogue - Review of Draft Declaration of Use Agreement
This discussion shall be deferred to the May 13, 2026, Town Council Meeting.

****Note: This item was deferred to May 13, 2026, upon the approval of the agenda.***

23. 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 May 13, 2026, Town Council meeting, pending architectural design review.*

****Note: This item was deferred to May 13, 2026, upon the approval of the agenda.***

24. ZON-26-0001 (ARC-25-0098) 1519 N OCEAN WAY (COMBO) – VARIANCE The applicant, The Duane and Kelly Roberts Community Property Trust U/A/D May 11, 2012 (Kelly Roberts, Trustee), has filed an application requesting town council review and approval of a variance to permit four pieces of A/C equipment in a side-yard setback where a maximum of two pieces of equipment are permitted, as part of renovation and additions including hardscape and landscape changes at an existing residence. The Architectural Commission shall perform design review of the application. *This project shall be deferred to the May 13, 2026, Town Council meeting, pending architectural design review.*

****Note: This item was deferred to May 13, 2026, upon the approval of the agenda.***

25. ZON-26-0005 (ARC-25-0094) 1300 N OCEAN BLVD. (COMBO) – VARIANCE The applicants, Laurence & Molly Austin, have filed an application requesting Town Council review and approval for a variance to revest the existing landscape open space deficit on a parcel over 20K square feet in the R-B zoning district. The Architectural Commission shall perform design review of the application. *This item shall be deferred to the May 13, 2026, Town Council meeting, pending architectural design review.*

****Note: This item was deferred to May 13, 2026, upon the approval of the agenda.***

26. ZON-25-0091 (ARC-25-0102) 151 WORTH AVE - Review of Draft Declaration of Use Agreement
This discussion shall be deferred to the May 13, 2026, Town Council meeting, at the request of the applicant.

****Note: This item was deferred to May 13, 2026, upon the approval of the agenda.***

NEW BUSINESS

27. ZON-25-0085 (ARC-25-0100) 2800 S OCEAN BLVD (COMBO) – SPECIAL EXCEPTION. The applicant, J V Associates PB LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval for an after-the-fact special exception for conversion of sport courts from previously

existing tennis courts to pickleball and bocce ball game courts at the Four Seasons Resort. The Architectural Commission shall perform design review of the application.

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

Planner Bradley Falco provided staff comments on the project.

Attorney Maura Ziska, on behalf of the applicant, presented an overview of the project and discussed the zoning requests. Director of Engineering for the Four Seasons Palm Beach Gunjan Luitel discussed the new courts and apologized for not applying for a permit. Richard Cunio of the Sports Club of South Florida discussed the sound from the courts. He talked about the noise from pickleball.

Mayor Moore stated that she was not in favor of approving the request. She believed the pickleball courts should be removed.

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

Council Member Araskog asked if the project was also approved for artificial turf. She stated they would have to go before ARCOM for the artificial turf, which is illegal in the town.

Council President Pro Tem Crampton expressed no desire to approve the project. He objected to the courts' location, which was closer to the neighbors.

Council Member Moran stated she would not encourage the applicant to return with the project. She would not be inclined to approve the project.

Council President Cooney also noted that the project fails the special exception criteria. He was not in favor of the project.

Council Member McDonald stated that the neighbors were affected by the noise. She did not agree with the way the applicant handled this process.

A motion was made by Council Member Araskog and seconded by Council Member Moran that Special Exception No. ZON-25-0085 be denied for the reason that the granting of the Special Exception will adversely affect the public interest and that the specific requirements of Section 134-229, specifically numbers 2 and 7, have not been met. The motion carried unanimously, 5-0.

**Note: A short break was taken at 4:43 p.m., and the meeting resumed at 4:52 p.m.*

28. ZON-26-0009 264-270 S COUNTY RD AND 230/240 ROYAL PALM WAY-SPECIAL EXCEPTION. The applicant, CARRIAGE HOUSE PROPERTIES PRTNRS LLC, has filed an application requesting Town Council review and approval for a Special Exception request to modify a previously approved Special Exception with site plan review for a private club to allow for another increased membership. The April 10, 2024, Town Council approval brought membership from

232 members to 307 members, pursuant to ZON-24-052. The April 09, 2025, Town Council approval brought membership from 307 members to 382 members, pursuant to ZON-25-0005. This is the third installment of three for another 75 membership increase to 457. This application does not seek to increase the seating or occupancy limitations previously approved by the Town Council.

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

Assistant Director James Murphy provided staff comments on the project.

Council Member Araskog asked if the number included how many people can be in the bar area, both inside and out. Mr. Murphy said the number of seats was the subject. He said he was not referring to occupancy.

Attorney Jamie Crowley, on behalf of the applicant, presented an overview of the project and discussed the zoning requests.

Mario Pederzoli, Chief Executive Officer of the Carriage House, requested approval of the final 75 memberships as part of the previously approved phased plan. The applicant stated that the establishment has operated without complaints, maintained strong relationships with neighboring properties, and demonstrated sufficient capacity, noting peak season utilization remained below full capacity. Mr. Pederzoli further noted that parking and valet operations function effectively with no adverse traffic impacts, supported by independent studies, and that the establishment continues to exceed requirements as a town-serving use, with a significant majority of members being Palm Beach residents. He concluded by affirming continued compliance with all conditions and commitment to the community.

Council Member McDonald commended Mr. Pederzoli on being a gold standard in the town.

Council President Pro Tem Crampton wondered if the Carriage House would commit to the 80-85% membership of local residents. Mr. Pederzoli stated that it had been working for him so far and that he had no intention of changing the formula.

Council Member Araskog thought it was remarkable that Mr. Schaefer wrote a letter stating that it has been working great.

Council President Cooney commended Mr. Pederzoli and his entire team on the way they run their business.

Mayor Moore stated that the Carriage House is a first-class operation in the Town of Palm Beach. As a whole, the Town Council felt that The Carriage House set the best example for other establishments in Town.

Council President Cooney 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 that Special Exception No. ZON-26-0009, 264-270 S. County Road and 230/240 Royal Palm Way 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 5-0.

29. ZON-26-0010 331 S COUNTY RD CAFE L'EUROPE –SPECIAL EXCEPTION. The applicant, CAFE L'EUROPE, has filed an application requesting Town Council review and approval for a modification to an existing special exception use (restaurant) to expand hours of service to offer breakfast and lunch service, seven days a week.

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

Assistant Director James Murphy provided staff comments on the project.

Council Member McDonald asked about the parking available. She noted that 23 spaces were highlighted in the plan, but they are shared.

Mr. Murphy stated that a restaurant this size would require 65 parking spaces.

Council Member Araskog confirmed that they are required to have no parking right now.

Attorney Maura Ziska, on behalf of the applicant, stated that they would withdraw the request for breakfast service; Their main focus would be lunch. Ms. Ziska explained the shared parking arrangement and stated measures could be taken to prevent misuse of valet spaces and improve availability, including bussing in employees. She also noted the business has long operated without issues, serves the local community, and primarily attracts pedestrian traffic. Ms. Ziska emphasized the need to remain competitive with nearby restaurants and stated that the request meets the special exception criteria and has manageable parking impacts.

Brian Kelly, a traffic engineer with Simmons and White, presented findings from a detailed traffic and parking study, noting overall parking availability in the South commercial area, including significant vacancy during weekday midday periods. He addressed concerns about limited on-site parking, emphasizing additional public and reserved spaces, as well as the role of pedestrian traffic in reducing demand. He also noted that the restaurant would initially operate with a limited number of seats and stated that parking impacts are expected to be manageable.

Council Member Moran wondered whether the parking study accounted for residential permit parking (RPP) spaces when reporting vacancy rates. The response indicated the study likely excluded RPP and focused on publicly available parking, though it was noted that RPP conditions may have changed over time and could affect current availability.

Council Member Araskog asked if a declaration of use agreement was necessary for transporting employees. Mr. Bergman said granting of a special exception allows the Town Council to demand or request a declaration of use agreement.

Ms. Ziska reiterated that this use was grandfathered and not required to provide parking.

Council President Pro Tem Crampton asked why they were not required to have parking, and Ms. Ziska said that it was grandfathered. He thought the number of seats would impact traffic and

parking. Mr. Murphy further explained the requirements and calculations for parking.

Jennifer Marcello of L'Europe talked about the intent to open the bistro section at this time.

Mr. Czerniejewski noted that traffic analysis indicated a key roadway segment from Royal Palm to Brazilian was operating near capacity (approximately 98%), identifying it as a constrained area. Citing prior studies, staff emphasized that this corridor had already been flagged as a deficiency and should continue to be monitored, particularly given the concentration of restaurants in that district.

Mr. Kelly stated that there is no degradation in service level caused by the subject use.

Mayor Moore asked if they regularly close a portion of the restaurant during the summer season. Ms. Marcello said that when they are not busy, they do close down one side of the restaurant.

Council Member Moran wondered why a special exception would not require a parking requirement. She also asked how this request is not an increase in intensity. Mr. Murphy explained. Mr. Czerniejewski added an explanation of how a traffic analysis is conducted and how future growth is incorporated into it.

**Note: Mayor Moore left the meeting at 5:51 p.m.*

Council Member Araskog asked about the peak times; Mr. Czerniejewski said between 3:00 and 3:30 p.m.

Attorney John Eubanks, on behalf of Thomas McCarthy of 140 Brazilian Avenue, noted differing interpretations regarding Comprehensive Plan requirements for additional use, but deferred detailed discussion to expert testimony, beginning with James Binks.

John Spinks of Volkert stated the application had a parking shortfall, noting the proposed 175 seats required additional spaces beyond what is available in the shared 23-space lot. Field observations showed that the lot and nearby street parking were fully occupied, with instances of double parking and illegal parking. Mr. Spinks also indicated the parking analysis was incomplete, lacking a proper shared parking study during operating hours, and concluded the application could not be supported as submitted.

Ceceila Ward, President, JC Consulting, stated that she had provided an expert planning report on this matter and that Mr. Eubanks had submitted it into the record. She provided a summary of her review of the application, stating that she believed it should be denied.

Mr. Eubanks provided additional commentary about the project, stating problems with the valet operation.

Ms. Ziska stated the C-TS district has existed for 46 years and clarified the use is grandfathered, not a special exception; however, expanded hours require special exception approval under Town policy for restaurant and club operations. She further states that this is allowed to be a restaurant. The portion of the restaurant they would be using would be less than 2,000 square feet. She stated it does meet special exception criteria and it is town serving. The business will not be a

nuisance to the neighborhood. There have been solutions offered to address parking congestion, and the applicant has agreed to bus employees in, as well as making other provisions for customer parking.

Council Member Araskog suggested approval and directed the applicant to come back to the town council in three months.

Council President Pro Tem Crampton expressed concern about parking and intensification of use, but stated he would be willing to give it a try.

Council Member Moran felt it had been demonstrated that this would be an intensification of use, and if that was the case, she did not see how the Town Council could approve the request.

Council Member McDonald agreed with Council Member Moran and stated that she felt there was too much traffic in the area.

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

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton that Special Exception No. ZON-26-0010, 331 S. County Road shall be granted based upon the finding that such a 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, with the condition that the hours expand only to lunch, and that a mutually agreed-upon declaration of use agreement is approved. The motion was carried 3-2, with Council Members McDonald and Moran dissenting.

30. ZON-26-0007 (ARC-26-0002) 3456-3460 S OCEAN BLVD. (COMBO) – VARIANCES The applicant, Claridges I & II Condominiums (Maria Widmaier, President & Jamie Gavigan, Representative), has filed an application requesting Town Council retrospective review and approval for four (4) after-the-fact variances to (1-2) exceed the maximum vertical projection permitted of installed rooftop cooling towers and (3-4) forgo required rooftop equipment screening at Claridges I (3456 S Ocean Blvd) & Claridges II (3460 S Ocean Blvd) condominium buildings. The Architectural Commission shall perform design review of the application.

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

Planner Bradley Falco provided staff comments on the project.

Attorney Jamie Gavigan, on behalf of the applicant, provided an overview and explained the zoning requests.

Council Member Araskog asked about the hardship. Mr. Gavigan responded. David Miller, Architect, explained that mechanical equipment has increased in size and must be carefully located with dedicated structural support to prevent vibration. The equipment must also be elevated to provide adequate clearance for reroofing, consistent with updated code requirements.

Council President Pro Tem Crampton asked about the cost of the screening. Mr. Gavigan stated

that his client represented that the initial bid was around \$350,000.

Council President Cooney 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-26-0007, 3456-3460 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 condition that the equipment is not required to be screened. The motion was carried 4-1, with Council Member Araskog dissenting.

31. ZON-26-0011 361 S COUNTY RD—VARIANCE. The applicant, 361 S COUNTY RD LLC and Provident Realty of South Florida Inc, has filed an application requesting Town Council review and approval for variance to allow an approximately 1,100 square foot office for a real estate office on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. *This project has been withdrawn by the applicant.*

****Note: This item was withdrawn upon the approval of the agenda.***

ORDINANCES

32. FIRST READING

- 32.16-2026 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article XI, Signs, Division 1, Generally, At Section 134-2373, General Regulations And Definitions Applicable To Permitted Signs, Related To The Prohibition Of Signage On Awnings To Allow Signage On The Valance Of Awnings Subject To Certain Conditions; Division 3, Commercial Districts, Adding Section 134-2451, Signs On The Valance Of An Awning, Creating Standards For Signage On Awnings; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Assistant Town Attorney Tom Baird read Ordinance 006-2026 by title only.

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

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve Ordinance 006-2026, with the addition of language addressing color and font style. The motion was carried unanimously, 5-0.

- 32.28-2026 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, By Amending Article IX, -- Off-Street Parking And Loading, Division 2, -- Off-Street Parking, By Creating A New Section To Provide Regulations For Tandem (Stacked) Parking In A Valet Operated And Maintained Parking Lot Or Parking Garage; Providing For

Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Wayne Bergman read Ordinance 008-2026 by title only.

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

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve Ordinance 008-2026, as amended by the Local Planning Agency. The motion was carried unanimously, 5-0.

32.312-2026 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2024 Town Of Palm Beach Comprehensive Plan, Pursuant To Chapter 163, Florida Statutes; Amending The Data & Analysis And The Goals, Objectives And Policies Of The Future Land Use Element To Create A New Policy 1.1 To Acknowledge The Comprehensive Plan As The Blueprint To Guide Growth, Development, Resource Protection And Public Services And Facilities; To Create Policies 1.3 And 1.4 To Replace Policy 1.12 With A New Definition Of Town Resident; To Delete Policies 1.7 And 1.8 As They Are Duplicates Of Policies 2.1 And 2.2; To Amend Policy 1.13 To Change The Designation Names For Residential Categories And To Adjust The Density To Whole Numbers Based Upon An Acre; To Amend Policy 1.14 To Incorporate The Definitions Of Town Serving Commercial Establishments, To Adjust The Density To Whole Numbers Based Upon An Acre, To Update The Uses Permitted In Non-residential Uses, And To Create A New Beach Area Future Land Use Category; To Amend Policy 1.15 To Establish Floor Area Ratio (Far) As The Intensity Standard For Non-residential Uses; To Delete Policy 6.4, 6.5 And 6.6 As The Policies Are Directives That Have Now Been Addressed With The Proposed Amendment; To Amend Policy 8.1 To Replace Standards For New Planned Unit Developments (PUDs) With A List Of The Three Approved Puds; To Amend Policy 2.3 To Change The Language To Read From Zoning Ordinances To Zoning Code; Amending The Data & Analysis And The Goals, Objectives And Policies Of The Historic Preservation Element To Amend Policy 1.4 To Reflect The Continuous Monitoring Of Archaeologically Sensitive Sites And Zones In Coordination With Appropriate State And County Agencies Needed In Their Protection; Amending The Data & Analysis And The Goals, Objectives And Policies Of The Infrastructure Element To Amend Policy 3.1 To Update The Potable Water Level Of Service Standard In Accordance With The City Of West Palm Beach As The Town's Potable Water Provider; To Amend Policy 5.2 To Address The Updated 20-year Water Supply Facilities Work Plan That Is Adopted By Reference; To Amend The Adopted 2024 Comprehensive Plan Map Series To Replace The Future Land Use Map To Identify The Beach Area, To Include The Lake Worth Lagoon In The Conservation Future Land Use Designation, To Amend The Designations Of Public Buildings To Have A Public Future Land Use Designation, To Amend The Future Land Use Designations Of Park Sites Owned By Local Governmental Agencies And The Preservation Foundation Of Palm Beach To The Recreation Future Land Use Designation, To Amend The Future Land Use Of The Former U.S. Post Office Located At 95 North County Road That Is Now Privately Owned To The Commercial Future Land Use

Designation, And To Establish Associated Acronyms For Each Future Land Use Designation And To Update The Archaeological Sites Map; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Here Within; Providing For Codification; Providing An Effective Date.

Assistant Town Attorney Tom Baird read Ordinance 012-2026 by title only.

Council President Cooney called for public comment.

Attorney Jamie Gavigan, representing the Preservation Foundation of Palm Beach, said that the conversation earlier in the day indicated that the two properties owned by his client would be removed from the future land use map.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve Ordinance 012-2026, as amended by the Local Planning Agency, and with the removal of the two Preservation Foundation of Palm Beach properties from the future land use map. The motion was carried unanimously, 5-0.

32.4 13-2026 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Official Zoning Map By Replacing The Existing 1974 Official Zoning Map Of The Town Of Palm Beach Last Updated September 2024 With A New 2026 Official Zoning Map; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Here Within; Providing For Codification; Providing An Effective Date.

Director Wayne Bergman read Ordinance 013-2026 by title only.

Council President Cooney 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 to approve Ordinance 013-2026, as amended by the Local Planning Agency, and with the removal of the two Preservation Foundation of Palm Beach properties from the future land use map. The motion was carried unanimously, 5-0.

32.5 14-2026 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 2, R-Aa Large Estate Residential District, At Section 134-791, Accessory Structures, To Allow An Additional Accessory Structure Containing Bedrooms With Bath Facilities, Division 3, R-A Estate Residential District, At Section 134-841, Accessory Structures, To Allow An Additional Accessory Structure Containing Bedrooms With Bath Facilities, Division 4, R-B Low Density Residential District, At Section 134-891, Accessory Structures, To Allow An Additional Accessory Structure Containing Bedrooms With Bath Facilities; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Wayne Bergman read Ordinance 014-2026 by title only.

Council President Cooney 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 to approve Ordinance 014-2026. The motion was carried unanimously, 4-1, with Council Member Araskog dissenting.

32.6 15-2026 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Article II, Administration Of Planning, Zoning & Building, Division 5, Demolition, To Amend Section 18-112, Prohibition On Demolition By Changing The Start And Stop Dates Of The Demolition Season; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Council President Cooney read Ordinance 015-2026 by title only.

Council President Cooney 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 015-2026. The motion was carried unanimously, 5-0.

33. SECOND READING

33.1 7-2026 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning At Article IX, Off-Street Parking And Loading, Division 2. Off-Street Parking, By Amending Section 134-2175 To Remove The Exemption Of Landmarked Commercially Zoned Buildings From Providing Additional Required Off-Street Parking If Increased Occupancy Or Use Is Created By Interior Building Improvements Which Create More Gross Leasable Area By Deleting In Its Entirety 134-2175(E); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Wayne Bergman read Ordinance 007-2026 by title only.

Council President Cooney 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 007-2026. The motion was carried unanimously, 5-0.

33.2 9-2026 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, By Amending Article VIII, -- Supplementary District Regulations, Division 6, -- Structures, Subdivision I, -- In General At Section 134-1703, --Reserved, To Provide Regulations For Pedestrian Access Stairs And Ramps To The Oceanfront Beach; Providing For The Repeal Of

Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Assistant Town Attorney Tom Baird read Ordinance 009-2026 by title only.

Council President Cooney 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 009-2026. The motion was carried unanimously, 5-0.

33.3 10-2026 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 62, - Marine Structures, Article II, - Bulkheads, Seawalls And Groins On Atlantic Ocean At Section 62-37, - Bulkheads Groins To Accord With Plat; Variances., And Amending Chapter 134, Zoning, By Amending Article VIII, - Supplementary District Regulations, Division 6, - Structures, Subdivision I, - In General At Section 134-1701, - Structures East Of Ocean Bulkhead Line To Update The Permitted Location Of New And Reconstructed Ocean Seawalls; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Council President Cooney read Ordinance 010-2026 by title only.

Council President Cooney 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 010-2026. The motion was carried unanimously, 5-0.

ANY OTHER BUSINESS

34. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 2278 Ibis Isle.

Director Wayne Bergman described the 273-day extension.

John Banting of Anderson Carr Construction explained the purpose of his waiver request.

A motion was made by Council President Pro Tem Crampton and seconded by Council President Cooney to grant the waiver of Town Code Section 18-237 for the building permit extension at 2278 Ibis Isle as requested. The motion was carried unanimously, 4-0. *Note: Council Member Araskog was not in the room for this item.

35. Request for Waiver of Town Code Section 18-237, For Building Permit Extension at 248 Colonial Lane

Director Wayne Bergman described the 217-day extension. Mr. Bergman stated that a letter of objection from David Kelso had been received.

Robin Turner of Creative Construction & Management LLC explained the purpose of their waiver

request.

Council Member McDonald discussed the neighbor's objection.

George Meireles of Creative Construction & Management LLC provided pictures of the construction site for display on the overhead projector.

Council Member Araskog asked about the holes seen in the construction screening. Mr. Bergman stated that the construction screening was high, and the holes were for the wind.

Council Member McDonald noted some correspondence from neighbors.

Council Member Araskog suggested that the neighbors have their phone numbers so they can be alerted to issues.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to grant the waiver of Town Code Section 18-237 for the building permit extension at 248 Colonial Lane as requested, with the condition that the construction company's contact information is provided to all the neighbors. The motion was carried unanimously, 5-0.

**Note: Council Member Moran left the meeting at 7:15 p.m.*

36. Waiver of Town Code Section 42-199, For Waiver of Town Working Hours at 241 Seaview Ave.

Director Wayne Bergman described the request to alter the working hours of two shifts to complete the second-story west wing renovations at the Palm Beach Day Academy.

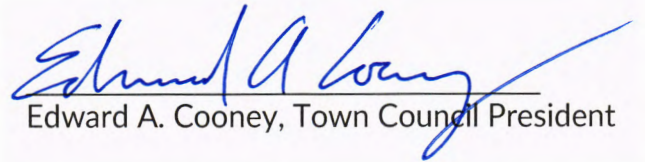
Jason Dubatkin of Palm Beach Day Academy explained the request for altered working hours.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to grant the waiver of Town Code Section 42-199 for the town working hours at 241 Seaview Avenue, with the condition that the Director of Planning, Zoning, and Building will receive and address any complaints. The motion was carried unanimously, 4-0.

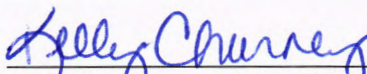
ADJOURNMENT

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to adjourn the meeting at 07:18 PM. The motion was carried unanimously, 4-0.

APPROVED:


Edward A. Cooney, Town Council President

APPROVED:


Kelly Churney, CMC, Town Clerk
Date: 5/12/26

