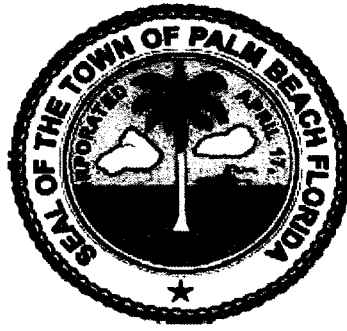




TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on May 14, 2025

I. CALL TO ORDER AND ROLL CALL (00:32)

Council President Lindsay called the Town Council meeting to order at 9:30 a.m. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (00:45)

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE (07:37)

Mayor Moore read a proclamation for Historic Preservation Month and presented it to Friederike Mittner and Abraham Fogel in the Planning and Zoning Department.

Council Member Araskog thanked Town Consultants Emily Stillings and Janet Murphy for their efforts to preserve the Town. Mayor Moore concurred.

IV. COMMENTS OF TOWN COUNCIL MEMBERS (01:35)

There were no comments heard.

V. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT PLEASE (01:53)

No one indicated a desire to speak.

VI. APPROVAL OF AGENDA (02:17)

Mr. Bergman announced the following changes to the agenda:

Discussion Items (added before VIII. Resolutions) would be added. This item would contain item A. Consider the Requested Actions from the Planning and Zoning Commission, to include Perimeter Landscape Removal & Replacement and Commercial Uses.

A request to defer Resolution No. 053-2025 to the meeting on November 13, 2025, and a request to defer the review of the draft Declaration of Use Agreement for the Palm Beach Synagogue to the August 13, 2025, meeting.

Council Member Moran thought the Declaration of Use Agreement should be deferred to a month in season. Council Member Araskog agreed. A discussion ensued. Town Attorney O'Connor stated that she had reached out to Attorney John Eubanks, who represented some of the nearby condominiums, and he indicated that they did not express concern about the deferral. Council Member Araskog stated that Mr. Eubanks did not represent all of the condominium owners, and she preferred to defer to November.

A motion was made by Council Member Araskog and seconded by Council Member Moran to defer the review of the draft Declaration of Use Agreement for the Palm Beach Synagogue to the meeting on November 13, 2025. The motion carried unanimously, 5-0.

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

Mr. Bergman suggested a change in meeting procedure to better align with Robert's Rules of Order. He proposed that staff introduce the project and answer any questions when an application is announced. Next, the applicant presents, answers any questions, and returns to their seats. Then, the Council President opens the public comment portion. Once the public comment portion closes, the town council deliberates and makes a decision. He noted that following this process would make the meetings more efficient.

The consensus of the Town Council was to try the procedure during the meeting.

VII. DISCUSSION ITEMS

A. Consider the Requested Actions from the Planning and Zoning Commission (14:23)

1. Perimeter Landscape Removal & Replacement
2. Commercial Uses

Jennifer Hofmeister-Drew, Planner III, spoke about Planning & Zoning Commission recommendations.

Council Member Araskog thought the proposal was premature since the Zoning in Progress (ZIP) on private clubs and restaurants was in process. She thought the study should be completed before any decisions were made. Ms. Hofmeister-Drew noted that this was the beginning of the discussion that would be revisited after the study. She said right now, staff was looking at the C-TS district in three regions, which follow the same regions under examination by the

Corradino Group for traffic and parking. Council Member Araskog said she would lean toward eliminating some uses.

Council Member Moran thought schools should be removed, but was hesitant to remove restaurants and clubs. She recommended waiting until the Corradino Group finished their study. Ms. Hofmeister-Drew explained why restaurants and clubs were being included in the discussion.

Council President Pro Tem Crampton stated he agreed with Council Member Moran and believed that private clubs should not be limited because they provide quality of life by allowing residents a place to go. He said most private club uses did not occur during peak traffic periods. He did not agree with Planning and Zoning's recommendation to include clubs and restaurants. He also did not think there was a viable way to enforce town-serving on restaurants. He suggested separating restaurants and clubs.

Mayor Moore agreed with Council Member Moran and thought the town had enough schools.

Council Member Cooney agreed with his fellow council members. He thought the town was well served by the existing schools and suggested a slower approach to allowing additional private clubs.

Council President Lindsay also agreed that the existing schools and places of worship served the town well. She mentioned that only 25% of the students attending the two schools on the island reside in Palm Beach, and that mostly off-island students would likely populate any new school.

Council Member Araskog thought the Town Council should wait on clubs until the ZIP was completed. She also thought restaurants and clubs should not be separated. She agreed to eliminate the possibility of any new schools or houses of worship.

Council Member Moran agreed that the town was served well by the existing places of worship.

Council President Pro Tem Crampton discussed the main traffic generators in town, which did not include clubs and places of worship. Ms. Hofmeister-Drew thought many factors, such as schools and places of worship, contributed to traffic.

Mayor Moore asked Town Attorney O'Connor if the town could ban new places of worship. She also noted that some of the drivers of traffic would eventually no longer be factors, such as the barge project, which would end. Town Attorney O'Connor stated that houses of worship were not proposed to be completely banned in all locations, only the C-TS district, and she stated she would need to study the proposal further.

Council President Lindsay stated that the traffic data from Kimley Horn presented to the Town Council meeting on Tuesday did not include traffic counts for when the President was on the island. She also reminded her fellow council members that declaration of use agreements for special exceptions could be used to ensure a project is consistent with all criteria outlined in the comprehensive plan.

Mr. Hofmeister-Drew stated that the zoning in progress report, which would be released within a week, was based on private clubs, restaurants, and food and beverages.

Council President Lindsay called for public comment.

Attorney Jamie Crowley stated that schools, particularly in the C-PC district, where a theater was being constructed, should not be prohibited.

Director Bergman introduced the recommendation on perimeter landscaping from the Planning and Zoning Commission: to take the item back to the Ordinance, Rules & Standards (ORS) for discussion. This could allow owners to remove hedges along their property lines.

Council Member Moran thought this would be a good conversation. She thought that property owners should be allowed to remove landscaping.

Assistant Director James Murphy agreed with Council Member Moran. He stated that he had observed some private property matters that were required to be reviewed by the Architectural Commission (ARCOM). A new category of neighbor consent forms was introduced in 2022. He said the form allows a streamlined approach for a property owner to bypass ARCOM. Council President Lindsay stated she was comfortable sending this to ORS for discussion.

Council Member Cooney thought the neighbor consent form was problematic.

Council Member Araskog recounted how the process was streamlined and discussed the three reasons on which the process was based. She did not believe it should be sent to the ORS for discussion; she thought the current process should remain in place.

Council President Lindsay called for public comment.

Architectural Professional Caroline Forrest encouraged the Town Council to send this issue to ORS and asked that professionals be notified when the item goes to ORS so they can provide feedback.

There was a consensus of the Town Council for staff to return with an ordinance restricting any new public and private academic schools and places of worship in the commercial and residential districts,

with the exception of the south end of the town. The discussion of the perimeter landscape removal and replacement will be sent to the Ordinance, Rules & Standards Committee for further discussion and study.

This discussion lasted approximately 67 minutes. To listen, please click the link on the agenda topic above.

VIII. RESOLUTIONS

- A. RESOLUTION NO. 053-2025:** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **480 S Ocean Blvd.** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *[The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*
Clerk's note: This item was deferred to the November 13, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- B. RESOLUTION NO. 054-2025 (1:21:59):** 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 **401 Peruvian Ave.** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *[The property owners are supportive of the designation. The Landmarks Preservation Commission voted 6-1 for Landmarking.]*

Council Members Cooney and Moran disclosed ex parte communications.

Council President Lindsay asked for proof of publication, which Friederike Mittner, Design and Preservation Manager, provided.

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

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

Ms. Murphy stated that the owner supported the designation.

Council President Lindsay called for public comment.

Aimee Sunny of The Preservation Foundation of Palm Beach agreed that the building met the criteria outlined by the town's consultant. She thanked the stewards of this historical building for bringing it forward for landmark designation.

Council Member Moran asked how many Mid-Century Modern buildings had been designated, to which Ms. Murphy answered about ten.

Council Member Cooney agreed with Council Member Moran that early attempts to preserve mid-century modern architecture were unsuccessful. He was pleased to see this property recommended for landmark designation.

Mayor Moore asked about the building's windows and wondered if they could be replaced. Ms. Murphy responded, and Friederike Mittner, Design and Preservation Manager, discussed the potential replacement material.

A motion was made by Council Member Cooney seconded by Council Member Moran to approve Resolution No. 054-2025, designating the property at 401 Peruvian 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.

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

Clerk's Note: A short break was taken at 11:04 a.m., and the meeting resumed at 11:13 a.m.

IX. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. Review of Draft Declaration of Use Agreement for the Palm Beach Synagogue (ZON-24-0055 (COA-24-0022) 120-132 N County Road)
Clerk's note: This item was deferred to the November 13, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **ZON-24-0065 (COA-24-0025) 70 MIDDLE RD (COMBO)**
– VARIANCES (1:35:05) The applicant, Jennifer Naegele, has filed an application requesting Town Council review and approval for a total of six (6) variances for the Landmarked property, three (3) variances previously considered by the Landmarks Preservation Commission to 1) increase the lot coverage for the laundry room addition, 2) increase the cubic content ratio ("CCR") for the laundry room and covered terrace

additions, 3) reduce the side (north) yard setback for the laundry room and the covered terrace additions, and three (3) new variances, 1) increase the building height and the overall building height for the covered terrace addition and the rooftop steps, 2) reduce the street (south) side yard setback for pool and fountain equipment and increase the distance between the new fountain water's edge and the fountain equipment, and 3) increase the height of site walls associated with a mechanical equipment enclosure in the street (south) side yard setback for the Landmarked property. The overall scope of work includes the addition of a covered terrace, a laundry room addition, relocation and installation of new mechanical equipment, new rooftop steps, new site walls, landscape, and hardscape modifications. The Landmarks Preservation Commission will perform the design review. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances #1, #2, #3, #5, and #6 will not cause negative architectural impacts to the subject property. Variance #4 related to the rooftop stairs was not supported. Carried 7-0.] [The Landmark Preservation Commission approved the project with conditions. Carried 7-0.]*

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

Assistant Director Murphy provided staff comments and noted the rooftop stairs had been removed from the application.

Jacqueline Albarran of SKA Architect + Planner presented the architectural plans for the proposed changes.

Council President Pro Tem Crampton thought the home was worth preserving, and the project seemed to be moving forward.

Council Member Cooney thought the project was moving in the right direction, and the Construction Management Agreement was effective. He supported the requests and thought they were reasonable.

Council Member Araskog asked about the hardships of the requests and questions about the equipment's location. Ms. Albarran responded and explained the proposed location of the equipment.

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

Council Member Moran was inclined to approve the project. She thought the architecture had enhanced the project.

Council Member Cooney spoke about the hardship and stated that the home pre-dated the zoning code.

Council Member Araskog agreed with Council Member Cooney. She thanked the construction team for following the Construction Management Agreement.

Council President Lindsay was pleased to see the progress and supported the project.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-24-0065 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 acknowledgement that variance 4, related to the rooftop stairs, was withdrawn by the applicant. The motion carried unanimously, 5-0.

This discussion lasted approximately 20 minutes. To listen, please click the link on the agenda topic above.

- b. **ZON-24-0079 (ARC-24-0141) 1 S COUNTY RD – THE BREAKERS FAMILY ENTERTAINMENT CENTER (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW (1:55:34)** The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for modifications to an existing special exception and permitted uses in an existing hotel Planned Unit Development (PUD) (The Breakers Palm Beach) as it relates to the construction of a new three-story structure with basement that will connect with an overhead enclosed pedestrian bridge to the existing two-story building (Beach Club) to replace an existing two-story building with related site improvements. The application requires the approval of a separate resolution to modify the PUD, and the Architectural Commission shall review the application for design. *[The PUD Amendment was considered and recommended to the Town Council at the March 6, 2025, Planning & Zoning Commission meeting.] [The Architectural Review Commission deferred the project to the April 23, 2025, meeting. Carried 7-0.] [The Architectural Review Commission approved the design with conditions. Carried 5-2.]*

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

Jennifer Hofmeister-Drew, Planner III, provided staff comments.

Attorney Jamie Crowley, representing the applicant, provided an overview of the project and the zoning requests, discussed the proposed hardships associated with the project, and presented the architectural and landscape plans for the proposed project.

Mr. Bergman thought the approach was good. He thought the Construction Management Agreement (CMA) could be started at

the staff level.

Council Member Moran thought the project should be returned to the Architectural Commission for details on the ornamentation. Mr. Crowley stated that the details would be returned for another presentation, and sample materials would eventually be presented.

Council President Pro Tem Crampton thought it was good and that the quality would be good. He asked for further details about replacing mechanical equipment. Mr. Crowley responded and discussed the details. Council President Pro Tem Crampton wondered which portions of the project would require a construction management agreement and a traffic management plan. Mr. Bergman did not think this project warranted a traffic management plan; he felt a CMA could be developed at the staff level. This was further discussed with Mr. Crowley.

Paul Leone, CEO of The Breakers, discussed the simplicity of the mechanical building.

Council President Lindsay noted that this was a large undertaking. She asked when the utilities process would begin, and Mr. Leone said as soon as possible. She asked about the duration, and Mr. Crowley said once the permitting and traffic were sorted out, the utility work would begin and would be anticipated to be complete by the end of summer.

Mayor Moore asked how long it would take to construct the mechanical building. Mr. Leone responded.

Council Member Cooney asked Mr. Leone about allowing town residents to attend the Family Entertainment Center. Mr. Leone stated he was open to the idea but would wait to see how the operation works for one season. However, that was his goal.

Council Member Araskog did not favor the family entertainment center being open to the public. Mr. Leone explained how it currently functions. Council Member Araskog asked that the neighbors be included in at least one meeting when the CMAs are negotiated. Council Member Araskog suggested nighttime concrete pours.

Council President Lindsay called for public comment.

Anita Seltzer, 44 Cocoanut Row, thanked Mr. Leone for providing a better construction schedule. She shared some concerns about the traffic impacts associated with the project.

Council Member Araskog noted an email from someone at The Towers. She asked that such communications be submitted earlier and that residents along Cocoanut Row be included in

conversations while the CMA is negotiated.

Council Member Moran was comfortable approving the proposed portion today.

Council Member Cooney was glad the Architectural Commission moved this project to the Town Council. He stated he was comfortable with the application and was grateful that Mr. Leone was open to allowing families to use the facility in the future.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Special Exception No. ZON-24-0079 and Site Plan Review No. ZON-24-0079 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, and with the condition that the applicant return with a Construction Management Agreement (CMA) that includes a Traffic Management Plan, final approval is granted by the Architectural Commission, the applicant consider hosting a meeting with neighbors and staff to discuss the CMA and Traffic Plan, and that the applicant be encouraged to consider continuation of the current practice which allows residents to utilize the Family Entertainment Center in the future, and conditional upon ARCOM approval of the architectural details. The motion was carried 4-1, with Council Member Araskog dissenting.

This discussion lasted approximately 55 minutes. To listen, please click the link on the agenda topic above.

- c. **ZON-24-0089 (ARC-24-0116) 1 S COUNTY RD (BREAKERS BEACH CLUB) COMBO - SPECIAL EXCEPTION AND SITE PLAN REVIEW (2:49:18)** The applicant, Breakers Palm Beach Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to an existing food and beverage operations (Beach Club restaurant). The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission approved the project with conditions. Carried 4-3.][The PUD Amendment was considered and recommended to the Town Council at the March 6, 2025, Planning & Zoning Commission meeting.]*

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

Assistant Director James Murphy provided staff comments.

Attorney Jamie Crowley, representing the applicant, provided an overview of the project and the zoning requests. He discussed the proposed hardships associated with the project and presented the architectural and landscape plans for the proposed project.

Mr. Bergman stated that the project is a renovation of an existing operation. He said this would not typically trigger a CMA. However, what is put into place for the family entertainment center and the physical mechanical equipment plant could be conditioned on this; everything could be covered with a single construction management agreement.

Council Member Araskog asked if the project, except for the windows, had already been approved. Mr. Leone responded that this was a separate project.

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

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Special Exception No. ZON-24-0089 and Site Plan Review No. ZON-24-0089 meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. The motion was carried unanimously, 5-0.

This discussion lasted approximately 8 minutes. To listen, please click the link on the agenda topic above.

- d. **ZON-24-0093 (ARC-24-0128) 203 VIA VIZCAYA (COMBO) – SPECIAL EXCEPTION & VARIANCE** The applicant, PAUL Z. OKEAN (Trustee, under Trust Agreement dated 5/21/91 as the Paul Z. Okean Revocable Living Trust), has filed an application requesting Town Council approval for a special exception for redevelopment of a nonconforming parcel and one (1) variance for deficient landscape open space as it relates to development of a new residence. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.][The Architectural Commission approved this project with conditions. Carried 6-1.] This project shall be deferred to the June 11, 2025, Town Council meeting.*
Clerk's note: This item was deferred to the June 11, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

returned at 1:57 p.m.

- e. **ZON-25-0002 (ARC-24-0040) 1285 N OCEAN BLVD (COMBO) – VARIANCE (2:57:52)** The applicant, M2B Properties LLC, has filed an application requesting Town Council approval for one (1) fill variance as it relates to the development of a new residence. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variance will not cause a negative impact to the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 7-0.]*

Council Member Moran disclosed ex parte communications.

Mr. Bergman provided staff comments and answered questions about the request from the Town Council Members.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests, discussed the proposed hardships associated with the project, and presented the architectural and landscape plans for the proposed project.

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

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-25-0002 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 carried unanimously, 5-0.

This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.

- f. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO) – VARIANCE** The applicant, Dustin Mizell with Environmental Design Group on behalf of owner 854 So County Rd., LLC, 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 received partial approval at the August 21, 2024, Landmarks Preservation Commission meeting. The applicant has withdrawn the remainder of the scope of work related to the guest house and gazebo.]*
Clerk's note: This item was withdrawn at the Approval of the Agenda, Item VI.

- g. **ZON-24-0067 (ARC-24-0111) 175 BRADLEY PL (COMBO)**

SPECIAL EXCEPTIONS AND SITE PLAN REVIEW AND VARIANCES

The applicant, DOCPALMBEACH PPLC, has filed an application requesting Town Council review and approval for a Special Exception for a second floor in the C-TS zoning district and four (4) variances including (1) to not provide the required parking for a new residential unit, (2) to reduce the required open space for two-story buildings, (3) to reduce the required front (west) setback, and (4) to reduce the required rear (east) setback, for the construction of a new second floor addition for a residential unit to the existing one-story commercial building with existing nonconforming setbacks and landscape open space. The Architectural Commission shall perform design review of the application. *[The project was deferred at the March 5, 2025, Town Council meeting pending further review by the Architectural Review Commission. Carried 4-0.][Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.][The Architectural Commission approved the project design with conditions. Carried 6-1.] This project shall be deferred to the June 11, 2025, Town Council meeting.*

Clerk's note: This item was deferred to the June 11, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

2. New Business

- a. **ZON-25-0015 401 WORTH AVE – VARIANCE (3:03:52)** The applicant, 401 Worth Avenue Building Inc. Condominium Association, has filed an application requesting Town Council review and approval for one (1) variance to exceed the maximum wall height in order to install a generator screening wall higher than permitted.

Council Members Cooney and Moran disclosed ex parte communications.

Mr. Murphy provided staff comments and answered questions about the request from the Town Council Members.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and presented the architectural and landscape plans for the proposed project.

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

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

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-25-0015 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 carried unanimously, 5-0.

This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.

- b. **ZON-25-0007 (ARC-25-0009) 218 TANGIER AVE (COMBO) – VARIANCE (3:09:04)** The applicants, William A. Miller 2005 Trust (William A. Miller, Trustee) & Elaine G. Miller 2005 Trust (Elaine G. Miller, Trustee), have filed an application requesting Town Council review and approval of a (1) variance to exceed the permitted angle of vision requirement, as part of a one-story addition to an existing one-story residence. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variance will not cause a negative impact to the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 7-0.]*

Council Member Moran disclosed ex parte communications.

Mr. Murphy provided staff comments and answered questions about the request from the Town Council Members.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and presented the architectural and landscape plans for the proposed project.

Council Member Moran asked about the angle of vision measurement. Mr. Murphy responded and explained.

Council Member Araskog clarified the angle of vision. She asked about the hardship of the request. Mr. Bergman responded that the requirement was unfair for a one-story home.

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

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-25-0007 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 carried unanimously, 5-0.

This discussion lasted approximately 8 minutes. To listen, please click the link on the agenda topic above.

- c. **ZON-25-0008 (HSB-25-0003) 177 QUEENS LN (COMBO) – VARIANCE (3:17:26)** The applicant, Dustin Mizell with

Environmental Design Group, has filed an application requesting review and approval for one (1) variance to increase the site wall height for mechanical equipment screening within the street-side yard (west) setback. The scope of work also includes landscape modifications. The Landmarks Preservation Commission will perform the design review for the proposed structure on site modifications. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Landmark Preservation Commission approved the project with conditions. Carried 7-0.]*

Council Member Cooney and Council President Pro Tem Crampton disclosed ex parte communications.

Mr. Murphy provided staff comments and answered questions about the request from the Town Council Members.

Dustin Mizell of Environment Design Group, representing the applicant, provided an overview of the project and the zoning requests and presented the architectural and landscape plans for the proposed project.

Council Member Araskog clarified the scope of work. Mr. Mizell 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 Araskog that Variance No. ZON-25-0008 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 carried unanimously, 5-0.

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

- d. **ZON-25-0011 (ARC-25-0011) 261 MIRAFLORES DR (COMBO) – VARIANCE(S) (3:21:37)** The applicant, Fernanda Niven (Maura Ziska, Representative), has filed an application requesting Town Council review and approval of two (2) variances related to a one-story garage addition to an existing single-story residence, including; (1) a variance to exceed the maximum angle of vision and (2) a variance to encroach within the required front yard setback. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 7-0.]*

Council Member Cooney and Council President Pro Tem Crampton disclosed ex parte communications.

Mr. Murphy provided staff comments.

Caroline Forrest of MHK Architecture provided an overview of the project and the zoning requests and presented the architectural details for the proposed project.

Council Member Araskog asked about the hardship of the request. Ms. Forrest explained the hardship.

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

Council Member Cooney noted that the proposed lot coverage of 26% was well below the permitted 40%. He also mentioned that lush landscaping screened the home well from the street.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0011 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 carried unanimously, 5-0.

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

- e. **ZON-25-0013 (ARC-25-0008) 401 BRAZILIAN AVE (COMBO) – VARIANCE(S) (3:28:40)** The applicant, Marlene Perlmutter (Nievera Williams Design), has filed an application requesting Town Council review and approval of three (3) variances related to sitewide landscape and hardscape improvements, including (1) a variance to reduce the street side setback for a generator and (2) a variance to reduce the street side setback for pool equipment and (3) a variance to reduce the overall landscape open space. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 7-0.]*

Council Pro Tem Crampton disclosed ex parte communications.

Mr. Murphy provided staff comments and answered questions about the request from the Town Council Members.

Keaton Cox of Nievera Williams provided an overview of the project and the zoning requests and presented the architectural plans for

the proposed project.

Council Member Araskog asked about the location of the mechanical equipment and wondered if there was a better location that would not require a variance. Mr. Cox explained the hardship and said there was no other place on the property to place it.

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

Council Member Cooney understood the constraints for the generator's location. He asked about the time extension granted for the address and wondered if there would be ongoing construction on the property. Mr. Cox responded that the intent was to do work during the summer.

Council Member Araskog asked about the pool equipment. Mr. Cox said the pool equipment was in the equipment area, but it could not remain there because of the addition of a generator.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-25-0013 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, and with the condition that the project complies with the conditions outlined by the Architectural Commission. The motion carried unanimously, 5-0.

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

- f. **ZON-24-0046 (ARC-24-0090) 2720 – 2730 S OCEAN BLVD – EDGEWATER/ AMBASSADOR SITE (COMBO) - SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCES (3:45:11)** The applicant, Palm Beach Edgewater Fee Borrower LLC and Palm Beach Ambassador Fee Borrower LLC, has filed an application requesting Town Council review and approval for two (2) Special Exceptions for 1) five-stories in the R-D(2) zoning district, and 2) the construction of a pedestrian tunnel under S Ocean Boulevard, and Site Plan Review for multifamily dwelling(s), for the construction of a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace an existing three-story building on the lakefront parcel (west site) and for the construction of a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace one existing five- and one existing eight-story buildings on the oceanfront parcel (east site). Additionally, the project includes the following twenty-one (21) variance requests: 10 for the west lakefront (Edgewater) parcel for

1) to exceed the maximum lot coverage, 2) to exceed the maximum building length, 3) to exceed the maximum amount of fill in a required yard, 4) and 5) to reduce the required minimum side (north and south) yard setbacks, 6) to exceed the maximum height for rooftop mechanical equipment, 7) to permit generators on roofs, 8) to exceed the maximum area for mechanical equipment located on a rooftop, 9) to exceed the maximum overall building height for mechanical screening and 10) to increase the maximum height of walls in required side and front yards; and 11 for the east oceanfront (Ambassador) parcel for 11) to exceed the maximum lot coverage, 12) to exceed the maximum building length, 13) to exceed the maximum amount of fill in a required yard, 14) and 15) to reduce the required minimum side (north and south) yard setbacks, 16) to exceed the maximum height for rooftop mechanical equipment, 17) to permit generators on roofs, 18) to exceed the maximum area for mechanical equipment located on a rooftop, 19) to exceed the maximum overall building height for mechanical screening, 20) to exceed the maximum building height for building 2 for the portion of the building located east of the CCCL, and 21) to increase the maximum height of walls in required side and front yards. The Architectural Commission (ARCOM) shall perform design review of the application. *[The Architectural Review Commission deferred this matter to the May 28, 2025, meeting with the condition to be reviewed by the Town Council for zoning relief prior to design review.]*

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

Messrs. Bergman and Murphy provided background information and staff comments. They answered questions from the Town Council Members.

Attorney Harvey Oyer, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project. Jason Long of OMA presented the architectural plans for the proposed project. Nelo Freijomel of Spina O'Rourke + Partners explained the variance requests.

Mr. Murphy stated that the RB-2 district allows five stories in height through the special exception process. He said there was one design guideline for granting the five stories, that is, 22% lot coverage. He stated these structures were over the 22% lot coverage and even if the garage is disregarded, the structures still exceed the 22% lot coverage requirement. He stated that the subterranean parking level is greater than that, but the above-ground towers do not comply with the requirement. He said the primary reduction of the setback has to do with the underground garage. Mr. Murphy noted that the quartet of variances for rooftop equipment is on the list of outdated mechanics that do not reflect

today's equipment standards and the associated screening. He said the building length could be debated, and that number is being triggered by the continuous underground garage, which is not visible to the public. The towers comply with the building length if viewed as two individual towers. He also spoke about the fill and noted that by fundamental science, the finished floor will be nearly seven feet higher than the crown of the road for the westside parcel. He raised the question of what should be done with the envelope. He discussed what would constitute an additional story, which would not comply with the comprehensive plan. Mr. Murphy said that without granting the fill variance, the project would have to go back through the process.

Council Member Moran asked about the fill requirement. Mr. Bergman explained the fill in relation to the lowest habitable floor level. He said even without anything under the building, the lowest level of a five-story building would be at the FEMA line. Mr. Murphy pointed out what should be under that FEMA line. Mr. Bergman said the building would always be at the FEMA line or higher for habitable floors. Mr. Murphy said that to the question of whether they could go down further, he said a purely residential tower would have a different subterranean parking level elevation than if the building were to be considered mixed-use, which is important to note. Council Member Moran asked if the project met all other requirements of a basement. Mr. Murphy said that elevation would be allowed at grade. He said right now, the proposal meets the definition of a basement. However, if this project were presented for a permit, the permit would be denied, and the applicant has submitted a hold harmless. Mr. Murphy explained why a permit would be denied at this time.

Council President Pro Tem Crampton stated that if parking is underground, there are benefits to the lush landscaping that will be visible. He said the one consideration he had was the fill and the impact of water rolling off that fill onto adjacent properties, particularly the Regency. He did not object to the other variances. Mr. Freijomel noted that as part of the application, Public Works must review a full stormwater and drainage plan. He also noted that the project exceeds the Town's two-inch stormwater retention requirement by meeting the ten-year stormwater requirement. Mr. Oyer further explained that no more studies would be done. He reiterated that by law, no water could leave the subject property.

Council President Lindsay asked about the amount of fill; she liked the underground parking. Messrs. Freijomel and Bergman responded.

Council Member Araskog asked what the drainage retention would be, and Mr. Freijomel responded. Mr. Bergman estimated that the drainage retention would start around seven or more inches. She also asked about the mechanical equipment. She felt the mechanical area felt like an additional story. Mr. Freijomel

mentioned there was another mechanical penthouse immediately to the south that was about the same height and not offensively visible. He said the footprint of the equipment would not fit in any other location on the property.

Council President Lindsay asked about the square footage of the residential units. Mr. Freijomel said the typical unit was around 3,500 square feet, and the penthouse areas were closer to 5,000 – 6,000 square feet. He said the penthouse areas were primarily the top floor of each unit.

Mayor Moore thought the project was good, but the buildings were still too large and should be reduced. She applauded the underground parking.

Mr. Oyer responded to Council Member Moran's request for the proposed lot coverage. She thought the coverage was too much. She asked about the building's height in relation to the surrounding structures. Mr. Oyer said no, and he provided the heights of the buildings to the south of the project and Beach Point.

Council Member Araskog asked about the length of the building. Mr. Oyer stated that the length was dictated by the underground parking on the east. Mr. Murphy noted that the building on the lakefront exceeded the building length.

Council President Lindsay called for public comment.

Attorney Tara Duhy, of Lewis Longman and Walker, and representing the Regency at 2760 S. Ocean Blvd., and southern neighbor to the project, thanked the developer and representatives for working with her and her clients over the course of the development of this project. She said, notwithstanding both efforts to reach an agreement that would allow her clients to show up and support the project fully, there were still a couple of issues related to the maximum fill before the Town Council, which were of concern. She said they supported the underground parking garage but remained concerned about the drainage. She stated they would continue to work with the developers, and because they have not reached an agreement, asked the Town Council to consider not making a decision on any variances related to the Edgewater side of the property at this time, allowing time for the issue to be addressed fully.

Attorney Maura Ziska, representing Beach Point, directly north of the project, stated that the development team and representatives from Beach Point have worked well to alleviate any concerns, and at this point, Beach Point is in full support of the project as it is being presented.

Attorney Megan Wegerif, representing 2770 S. Ocean Blvd, supported the project. She said the development team had worked

well with them to alleviate concerns.

Council President Lindsay asked if the balconies were counted in the lot coverage calculations.

Council Member Araskog thought the fill issue should be held for one month so that the attorney representing 2760 S. Ocean Blvd could have time to work with the development team.

Council Member Moran supported the fill as long as it could be engineered so as not to impact the neighbors with runoff. She was okay with the five-story special exception, but not with lot coverage above ground. She was okay with the underground lot coverage. She was okay with the screening on top of the buildings, and she had not considered the length of the building on the lakeside.

Council President Pro Tem Crampton was okay with the fill, the height, and the proportion of the buildings within the community of buildings where it exists. He was also okay with the above-ground area as it promoted green space and landscaping by having an underground garage. He was pleased with the overall quality of the project.

Council Member Cooney commended the development team for their extensive outreach with the neighboring property owners. He was not bothered by the underground component. He thought the project should be closer to the 22% lot coverage. He noted the commensurate reduction in density that this project proposes, and the reduction in vehicle trips and intensity had him open-minded. He was not concerned about the length, particularly on the ambassador site. He said the fill was not a problem, subject to the regency engineers and board development levels of comfort concerning any appropriately engineered flood mitigation. Council Member Cooney was not bothered by the setbacks on the Edgewater site, and he felt the shifting of the site would greatly benefit the Regency. He was okay with the mechanical site and the height of the building. He thought the building was beautifully done.

Council Member Araskog also thought the building was beautiful. She thanked the development team for working with the neighbors. She stated that she agreed with Council Member Moran's thoughts. She was not sure that she could approve the fill at this time; she felt that the issues should be worked out. She also thought the length could be reduced. Council Member Araskog noted that she was now okay with the mechanical equipment on the roof.

Council President Lindsay thought she heard a consensus among her colleagues that lot coverage needed to be reduced.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to defer the project to July 9, 2025. The motion carried unanimously, 5-0.

This discussion lasted approximately 122 minutes. To listen, please click the link on the agenda topic above.

- g. **ZON-25-0009 (COA-25-0003) 303 PENDLETON LN COMBO – VARIANCE** The applicant, M. Timothy Hanlon, has filed an application requesting Town Council review and approval of one (1) variance to reduce the side yard (west) setback for a new carport addition for the property under consideration to be Landmarked. The Landmarks Preservation Commission shall perform design review of the application impacting the property under consideration to be Landmarked. *This project shall be deferred to the December 10, 2025, Town Council meeting, pending Landmarks Preservation Commission design review.*
Clerk's note: This item was deferred to the December 10, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

C. Time Extensions and Waivers

1. **Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 3360 S Ocean Blvd. (5:48:08)**

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

Alessandra Bianchini, of Carousel Development & Restoration, explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

Council President Lindsay asked about the length of the extension and wondered if they needed an entire year. Ms. Bianchini provided further explanation.

Council Member Moran asked about the reason for the extension. Ms. Bianchini provided further explanation, stating that it was due to the increased scope of work. Council Member Moran supported the extra time.

Mr. Bergman asked Ms. Bianchini if she had seen complaints from the neighbor, to which she said she had. She said the porta-potties were emptied weekly and addressed the dumpster's covering.

Council Member Araskog thought the porta-potty should be relocated further from the neighbor.

Council Member Moran agreed that the porta-potties should be relocated further from the neighbor.

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 grant the waiver of Town Code Section 18-237 at 3360 S Ocean Blvd. until February 28, 2026, with the condition that the site is cleaned up for the neighbor by September 30, 2025, and the porta-potties

are relocated if possible. The motion was carried unanimously, 5-0.

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

2. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 218 Phipps Plaza (5:59:31)

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

Attorney Maura Ziska explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

Council Member Araskog asked about the extended scope of work. Mr. Bergman relayed some of the structural issues.

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

A motion was made by Council Member Araskog and seconded by Council Member Moran to grant the waiver of Town Code Section 18-237 at 218 Phipps Plaza until December 24, 2025. The motion was carried unanimously, 5-0.

This discussion lasted approximately 3 minutes. To listen, please click the link on the agenda topic above.

3. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 334 Chilean Ave. (6:02:25)

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

Paul Courchene of Courchene Development explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to grant the waiver of Town Code Section 18-237 at 334 Chilean Ave as requested. The motion was carried unanimously, 5-0.

This discussion lasted approximately 3 minutes. To listen, please click the link on the agenda topic above.

4. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 256 Ridgeview Dr. (6:04:44)

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the waiver for construction work hours and provided

recommendations.

Heather Nesbit of Wildes Builders explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

Council Member Cooney asked about the notice to the neighbors and suggested adding the new completion date to the notice.

Council Member Moran asked about the delay with the front doors. Ms. Nesbit responded.

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

A motion was made by Council Member Araskog and seconded by Council Member Moran to grant the waiver of Town Code Section 18-237 at 256 Ridgeview Dr. until November 21, 2025. The motion was carried unanimously, 5-0.

This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.

5. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 1095 N Ocean Blvd. (6:10:20)

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

Jake Furlott of Davis General Contractors explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

Council President Lindsay asked about the length of the construction. Mr. Furlott stated it had been close to four years.

Council Member Araskog commended Mr. Furlott for taking care of the residents and neighbors when they work in Palm Beach.

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 President Pro Tem Crampton to grant the waiver of Town Code Section 18-237 at 1095 N Ocean Blvd. until September 30, 2025. The motion was carried unanimously, 5-0.

This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.

6. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 441 Australian Ave. (3:40:33)

Tim Benitz of Benitz Building LLC explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

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

desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to grant the waiver of Town Code Section 18-237 at 441 Australian Ave. until July 31, 2025. The motion was carried unanimously, 5-0.

This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.

7. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at 281 List Rd. (6:15:42)

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

Joe Volkman, 5052 Arbor Glen Circle, Lake Worth FL, field superintendent on the project, and Brooke McKernan, owner, explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

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

A motion was made by Council Member Cooney and seconded by Council Member Moran to grant the waiver of Town Code Section 18-237 at 281 List Rd. until September 20, 2025. The motion was carried unanimously, 5-0.

This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.

X. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Review Chapter 18 of the Town Code Regarding Construction that Deviates from Approved Permit Plans (6:20:10)

ORDINANCE NO. 005-2025: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18 - Building And Building Regulations, Article VII.- Construction Site Management By Adding Section 18-354 To Address Construction That Deviates From The Approved Set Of Plans; Amending Section 2-439 of the Town Code Relating to Citation Fine Schedule; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Mr. Bergman read Ordinance No. 005-2025 by title only. Mr. Bergman stated there were a few minor changes made by Town Attorney O'Connor at their direction.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to adopt Ordinance No. 005-2025 on second reading. The motion carried unanimously, 5-0.

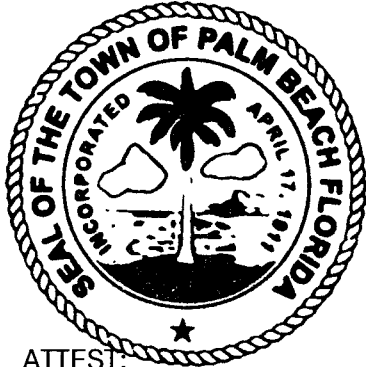
This discussion lasted approximately 1 minute. To listen, please click the link on the agenda topic above.

XI. ANY OTHER MATTERS

There were no other matters discussed at this time.

XII. ADJOURNMENT (6:21:26)

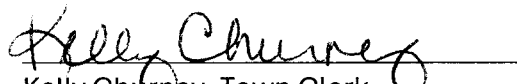
A motion was made by Council Member Araskog and seconded by Council Member Cooney to adjourn the meeting at 4:51 p.m. The motion was carried unanimously, 5-0.



ATTEST:

APPROVED:


Bobbie D. Lindsay, Town Council President


Kelly Churney, Town Clerk
Date: 6/10/25