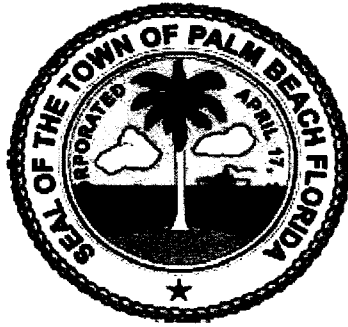




TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on April 9, 2025

I. CALL TO ORDER AND ROLL CALL (02:47)

Council President Lindsay called the Town Council meeting to order at 9:32 a.m. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (03:08)

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE (03:54)

Mayor Moore mentioned the event at Bethesda-by-the-Sea at 7 p.m. the previous evening, and she noticed that there was no parking problem. She also pointed out the quietness of the island in the morning.

IV. COMMENTS OF TOWN COUNCIL MEMBERS (06:06)

The Town Council Members wished everyone a Happy Passover and Happy Easter.

Council Member Cooney urged the Town Council to be more mindful in doing their job as efficiently and effectively as possible.

Council President Lindsay wished everyone a Happy Easter and mentioned that a time-certain agenda item was scheduled from 12:00 noon to 1:00 p.m.

V. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT PLEASE (10:17)

Clay Lifflander, President of the Board of Directors of 2770 S Ocean Blvd., stated that as the most impacted neighbor of the Oko-Ambassador development, he had been working diligently with the developer and now supported the proposed project.

VI. APPROVAL OF AGENDA (11:44)

Mr. Bergman announced the following changes to the agenda:

- A 10:00 a.m. time certain was added for Resolution No. 005-2025
- The appeal of the ARCOM Decision for ARC-24-0142, 280 El Pueblo Way, was added from the April 8, 2025, meeting.
- Resolution 006-2025 was recommended to be moved and heard adjacent to the development review projects before X.A.1.d.

Mr. Bergman stated that Attorney Maura Ziska was present to request a deferral of Resolution No. 014-2025, 163 Seminole Avenue, and ZON-24-0067 175 Bradley Place.

Attorney Maura Ziska requested both deferrals, outlined by Mr. Bergman, and explained the reason for the deferrals.

Mr. Bergman stated that Resolution No. 041-2025 had been added to IX.E.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to defer Resolution No. 014-2025 to the November 13, 2025, meeting with the acknowledgment that the attorney representing the owner waived the right to the hearing requirement in section 54-164 of the town's code. The motion was carried unanimously, 5-0.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to defer ZON-24-0067, 175 Bradley Place, to the May 14, 2025, meeting. The motion was 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 was carried unanimously, 5-0.

VII. CONSENT AGENDA (21:19)

- A. ZON-24-0094 (ARC-24-0145) 10 SLOANS CURVE DR (COMBO)— SITE PLAN REVIEW** The applicant, Sean Hannity, has filed an application requesting Town Council review and approval for site plan review for modifications to one townhouse unit of the approved Sloan's Curve Planned Unit Development (PUD). The Architectural Commission shall perform design review of the application. *[The Architectural Commission approved the project design. Carried 7-0.]*
- B. ZON-25-0003 (ARC-25-0006) 400 HIBISCUS AVE (COMBO) – SPECIAL EXCEPTION** The applicant Sferra Fine Linens, LLC d/b/a Pratesi (Robert Tomlinson Jr.), has filed an application requesting Town Council review and approval of a special exception for a retail tenant (Pratesi) with greater than three-thousand (3000) square feet of Gross Leasable Area (GLA) in the Commercial – Town Serving (C-TS) zoning district, by combining an existing retail tenant space with a neighboring unit. The Architectural Commission shall perform design review of the

application.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the consent agenda as presented, and that the projects contained within the consent agenda meet the requirements and criteria of Chapter 134, specifically Sections 134-326 through 134-330 for Site Plan Review, Section 134-229 for Special Exceptions, and Section 134-2010 for Variances. The motion was carried unanimously, 5-0.

VIII. ITEMS PULLED FROM THE CONSENT AGENDA IF NEEDED

IX. RESOLUTIONS (22:03)

- A. Planning and Zoning Commission (PZC) Recommendation on the Application for an Amendment to the Breakers Planned Unit Development (PUD) Amendment**

RESOLUTION NO. 006-2025 (3:01:39): A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 6-71, The Breakers Planned Unit Development (PUD-A), As Previously Amended, To Authorize The Demolition Of The Existing Two-Story Family Entertainment Center And The Italian Restaurant And Their Replacement With A New, Three Story Structure With Basement Connected By An Overhead Enclosed Pedestrian Bridge To The Existing Two-Story Beach Club Building, With Related Site Improvements; And To Allow The Construction Of A New Parking Structure Consisting Of One Level Of Subterranean Parking And One At-Grade Surface-Level Parking Area To Replace An Existing Surface Parking Lot.

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.

Town Attorney O'Connor pointed out the approval conditions that were recommended by staff and that should be included in any approvals. She discussed the conditions of approval that she, the staff, and Mr. Crowley had worked through. She said they included the items that Mr. Crowley mentioned in terms of the town recognizing the vested membership program, limited to 1500 and town-serving, and that the 289 parking spaces in the garage were not to be used to increase the development intensity. She said if, in the future, additional membership was desired, The Breakers understood that they would have to return to the town council. Attorney O'Connor said that if, at any time in the future, the Breakers sought to add a private club, they would need to apply for a special exception. The Breakers has agreed to complete a new master plan and a replat.

Council Member Moran questioned the statement regarding The Breakers agreeing that the membership program would be town-serving

as defined in the town code presently, and as may be amended from time to time. She wondered if that required The Breakers' consent to any amendments. Mr. Crowley stated his interpretation was that they would proactively meet the requirement for new members in the future. Council President Lindsay noted that compliance is achieved through attrition. Attorney O'Connor advised that a more detailed agreement would be drafted before final approval. Mr. Crowley said there are 550 garage parking spaces. The original garage proposed 710 spaces, and the new one had 849. He said that Paul Leone, CEO of The Breakers, agreed at the Planning and Zoning Commission meeting that additional parking would be for use by employees only, above and beyond what is required by the PUD.

Council President Lindsay asked how many employees there were at The Breakers. Paul Leone, CEO of The Breakers, said there were 1700 full-time and over 2300 in total, including part-time and seasonal employees, and all employees were parked on their property.

Council Member Cooney wondered if approval of the family entertainment center should be considered and possibly approved, since it only spoke of the footprint and the use. Town Attorney O'Connor stated that approval could be granted, granted with conditions, or the project could be denied.

Council Member Araskog acknowledged that The Breakers was not a private club, and she thought that should be common knowledge.

Mayor Moore supported the parking garage and was happy to see the proposal. She was excited to see what was created in the new green space. Attorney Crowley and Mr. Leone discussed future plans for the green space to be created once the parking garage is removed.

Council Member Moran supported the application. She noted that seventeen residential units were being eliminated, which would reduce intensity.

Council Member Cooney asked to see the truck route pattern and wondered about the number of vehicular trips. Mr. Leone discussed the plan for truck routes. Council Member Cooney asked Mr. Leone to consider landmarking the three cottages on The Breakers property.

Council President Pro Tem Crampton was supportive of the garage and the new family center. He knew that The Breakers had paid attention to the details. He was concerned about the construction vehicles and off-site impacts. He noted the idea of placing a temporary cement plant on the property. He said the residents deserved maximum protection from the impacts of the construction. He thought the construction management agreement would be important to handle all the details of the job, including but not limited to sights, smells, and lighting that may affect the residents.

Council President Lindsay thought logistics would be important to manage, particularly how workers would enter and exit the property to park in the garage. She thanked Mr. Leone for limiting the club membership.

Council Member Araskog wondered about any extra square footage if the Architectural Commission requested changes to reduce the size of the building. Attorney Crowley responded that it would go back into the PUD. Council Member Araskog asked about using the dirt road, Pine Walk West. Mr. Leone responded. Council Member Araskog asked if the construction would be completed during the summer.

Council Member Cooney asked the team to contact an arborist to protect the Australian Pines when moving trucks onto and off the site. He said he had heard from young families that they would miss the family entertainment center; he asked Mr. Leone to consider allowing town residents to use the center. Council Member Cooney asked where the cars would be parked when the underground parking center was being constructed. Mr. Leone responded. Council President Lindsay agreed with Council Member Cooney's request that town residents continue to be allowed to use the Family Entertainment Center, as it has always been a popular outing for Palm Beach residents and their children.

A motion was made by Council Member Moran and seconded by Council Member Cooney to approve Resolution No. 006-2025 with the following conditions: the family entertainment center receives approval from the Architectural Commission, and with the six proposed conditions of approval outlined in the staff memorandum dated March 27, 2025. The motion carried unanimously, 5-0.

This discussion lasted approximately 60 minutes. To listen, please click the link on the agenda topic above.

- B. RESOLUTION NO. 005-2025 (41:50):** 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 **1250 North Ocean Boulevard** 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.][This matter was deferred from the January 15, 2025, Town Council meeting, and then twice more at the applicant's request to the April 9, 2025, Town Council meeting.]*

Council Members Cooney, Moran, Council President Pro Tem Crampton, and Council President Lindsay 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 her professional background and experience. She then 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. She noted that the Landmark Preservation Commission unanimously recommended the home for designation.

Council Member Cooney expressed concern about the large amount of material provided to the council at such a late hour. He stated he would be unable to digest the material in the time given.

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

Council Member Araskog also expressed frustration with the late receipt of information.

Council President Lindsay called for public comment.

Attorney James Green, representing the owner, Mrs. Marsha Beeson, introduced his team and stated that Ms. Beeson was present to provide testimony.

Marsha Beeson stated that she owned the home and discussed why she was opposed to the designation.

Attorney James Green introduced Wes Blackman, a certified urban planner, as an expert witness.

When asked by Attorney Green, Mr. Blackman provided his qualifications as an expert witness.

Friederike Mittner, Design and Preservation Manager, provided her qualifications as a preservation planner. She agreed with Mr. Blackman that consistency in decision-making was important. However, that applied to certificates of appropriateness. She said landmarking, by its nature, was an individual endeavor, where each property is looked at specifically, and what the criteria were for that property. She disagreed that this should be compared to any other landmarking decision. She did not believe that maintenance should warrant not landmarking the home. She concurred with the information provided by Murphy Stillings.

Council President Lindsay called for public comment.

Aimee Sunny, of The Preservation Foundation of Palm Beach, provided her qualifications in historic preservation. She agreed that the residence met criteria 1, 3, and 4 as stated by Ms. Murphy. She thought the structure had the historical quality and craftsmanship that would be sought in a landmarked property.

Mr. Blackman stated that 1510 N. Ocean Blvd. was more architecturally

interesting and worthy of landmarking than the subject structure because of its gable roofs, which were visible from the street, and its romantic feel. He noted that the subject structure had a hip roof and a plain front, which were only visible from the west.

Council Member Cooney asked Town Attorney O'Connor to speak about this hearing, as his understanding was that the Town Council would consider each application based on its own merits. He thought there had been a notion that a previous action by the town council had established a precedent. Attorney O'Connor agreed and stated that in the code, with respect to variances, it is expressly spelled out that the town council may not consider the fact that a variance has been granted to another property owner. She also reminded the town council that in the code, section 54.161, the criteria for landmarking state that if a decision is going to be made for landmarking, it only has to meet one of the criteria provided. Council Member Cooney asked Ms. Mittner about the additions and modifications. Ms. Mittner reviewed the changes, believed the home retained its integrity, and thought it had successfully evolved. Mr. Cooney questioned the Hardie board siding that was used. Ms. Mittner responded. Mr. Cooney asked if Ms. Mittner was aware that the National Parks Service, which maintains many of the federally owned incredibly historical structures, has authorized the use of Hardie board in some of its historical resources. Ms. Mittner said she was aware. She also said Aztec flooring materials had been used in some areas. Council Member Cooney asked if the use of Hardie board rendered the structure no longer historically significant, to which Ms. Mittner stated absolutely not. Lastly, Mr. Cooney said that Mr. Blackman's closing comments made a comparison between the Gavigan property and this one, describing one as more interesting than the other, architecturally. He asked if hip roofs were a common feature of Mediterranean Revival architecture, and Ms. Mittner said yes.

Council Member Moran asked about the qualifications of Architect Eugene Bartholomew. Ms. Murphy stated that Mr. Bartholomew was a master builder who worked with Mizner and was prominent in Palm Beach. Council Member Moran asked if someone could speak to the criteria about the condition of the property. Ms. Mittner said the condition of a property should never be taken into consideration. Ms. Murphy added that there was a section in her report about Eugene Bartholomew.

Council Member Cooney stated that Mr. Blackman provided testimony on a statement made by Council President Lindsay, if she had any professional or educational experience in historical preservation. Council President Lindsay said no.

Council Member Araskog pointed out that Council Member Moran was not a member of the Council when Attorney Green raised the decision for 1510 N. Ocean Blvd. Council Member Araskog asked if a structurally compromised home could be repaired. Ms. Mittner said she would assess the general condition of a property if asked. She further stated that there were many structural interventions that could be done to bring a home back to a structurally safe condition.

Council Member Cooney asked if the structure's visibility was a criterion

for landmarking. Ms. Mittner said it was not, and she thought it would still serve the future community as well as future stewards of the property if it were landmarked.

Council President Pro Tem Crampton followed up on Council Member Cooney's statement. He stated that he considered the owner's wishes when making his decision. Council President Pro Tem Crampton stated he would not support the designation.

Mayor Moore lamented that the home could not be seen from the street and thought it was spectacular. She stated she would support the designation if she were a voting member.

Council Member Araskog asked Town Attorney O'Connor if the Town Council needed to follow the law when considering the property for landmarking. Town Attorney O'Connor stated that when they made the decision, they needed to make sure that the property met the outlined criteria.

Council President Lindsay thought the home was different than the home it was compared to at 1510 N. Ocean Blvd.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 005-2025, designating the property at 1250 North Ocean Boulevard 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 4-1, with Council President Pro Tem Crampton dissenting.

This discussion lasted approximately 62 minutes. To listen, please click the link on the agenda topic above.

- C. RESOLUTION NO. 014-2025:** A Resolution of the Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **163 Seminole Ave.** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2- 84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. (PALM BEACH COUNTY LISTS THE PROPERTY AS 165 SEMINOLE AVENUE) Owner: Dale Coudert, 2012 Steven H. Rose Trust. *[The property owner is supportive of 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.

- D. RESOLUTION NO. 039-2025 (22:37):** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And

Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **262 Sunset Ave.** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *[The Landmarks Preservation Commission recommended the property for designation as a landmark. Carried 7-0.] [The property owner is supportive of the designation.]*

Council Members Cooney and Council President Pro Tem Crampton disclosed ex parte communications. *Please note: Council Member Moran declared a conflict of interest and left the dais during the discussion.*

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

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

A motion was made by Council Member Cooney and seconded by Council Member Araskog to make the designation report part of the record. The motion was carried unanimously, 4-0.

Council President Lindsay called for public comment.

Attorney Jamie Crowley, representing the owner, stated that in this situation, a long deferral paid off. He said he had been working with staff, the Town Council, and his staff and was appreciative of everyone's cooperation. He said that while they are not opposing the designation, it would create a hardship because no parking could be provided on site, and would therefore require a variance. He wanted to note that some relief would be necessary to make this project work.

Aimee Sunny, of The Preservation Foundation of Palm Beach, thanked the owner and attorney for devising an adaptive reuse plan for the property. She believed the property met criteria 1 and 3 in Section 54-161 and further explained why.

Council Member Cooney thanked Attorney Crowley for his management and leadership in exploring creative solutions. He also thanked the owners for working with the town to keep the cottage.

Council President Pro Tem Crampton thanked the attorney and the owners for the flexibility. He asked about any further plans for the building. Mr. Crowley stated that they would present the changes in a later application and discussed the use in coordination with the adjacent hotel.

Council Member Araskog wished the town could make an exception by allowing the building to be converted into a residence.

Council President Lindsay thanked Mr. Crowley for what he had done in support of this project. She felt it would work out to be what would be best

for the town.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 039-2025, designating the property at 262 Sunset 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, with the acknowledgment that the rear accessory structure is deemed non-contributing to the landmark. The motion was carried unanimously, 4-0. (Council Member Moran was recused)

This discussion lasted approximately 12 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A short break was taken at 11:12 a.m. and resumed at 11:25 a.m.

- E. RESOLUTION NO. 041-2025 (1:42:29):** A Resolution Of The Town Council Of The Town Of Palm Beach, Florida, Amending Resolution No. 069-2024, As Amended By Resolution No. 150-2024 Which Declared Zoning In Progress In Regard To The Regulation Of The Location And Limitation Of The Number Of Restaurants, Bars, Night Clubs, Lounges And For-Profit Private Clubs In All Commercial Zoning Districts Of The Town In Which Said Uses Are Special Exception Uses To Extend The Zoning In Progress To July 9, 2025; And Providing An Effective Date.

Director Wayne Bergman explained that the Planning and Zoning Commission requested extending the Zoning In Progress (ZIP) related to Restaurants, Bars, Night Clubs, and Lounges. He stated that Eric Czerniejewski of the Corradino Group had made a presentation to the Planning and Zoning Commission at their most recent meeting.

Eric Czerniejewski of the Corradino Group stated that the December 2024 data was available and he was comfortable with the analysis of that data. However, during discussion with the Planning and Zoning Commission, he felt that December, January, and February would be slightly different given the Presidential events that were occurring during that time. He anticipated that the January data would be available by May 1, 2025. The Corradino Group would take thirty days to review the additional data. He said they would be ready for the July Town Council meeting.

Attorney O'Connor advised the council to keep in mind that there needed to be enough time for the Planning and Zoning Commission to receive and consider the data, and for the staff to receive and consider the data before making any legislative proposal to the council.

Council Member Araskog expressed concern with extending the time for the Zoning in Progress and asked for assurance that the data would be received in time for review. Ms. Hofmeister-Drew stated that the Corradino Group had a

subscription for the data and would continue to collect data even after it was submitted.

Council Member Araskog wondered if the Town Council could legally extend the ZIP. Town Attorney O'Connor stated that they could extend the ZIP while staff continued to gather data. Council Member Araskog supported the extension but asked if the ZIP extension was necessary.

Council President Lindsay understood the delay in collecting the data. She asked if staff could explain the importance of the data to support the delay. Mr. Czerniejewski provided further explanation of the data and how the delay was supported.

Council Member Cooney did not support the ZIP initially and said he would not support the extension. However, he understood the data and agreed it would be essential to allow time for the data to be properly reviewed.

Council President Pro Tem Crampton asked if there was some consistency in the areas considered districts. Ms. Hoffmeister-Drew stated that staff had relied heavily on the information and indicated that there was consistency.

Council President Lindsay called for public comment. There was no one who indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve Resolution No. 041-2025. The motion carried 4-1, with Council Member Cooney dissenting.

This discussion lasted approximately 25 minutes. To listen, please click the link on the agenda topic above.

X. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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.]*
Clerk's note: This item was deferred to the May 14, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- b. **ZON-24-0091 (COA-24-0033) RIGHT-OF-WAY IMPROVEMENTS – WELLS RD/CRESCENT DR/N COUNTY RD (COMBO) – SPECIAL EXCEPTION AND SITE PLAN REVIEW (1:58:19)** The applicant, Town of Palm Beach, has filed an application requesting Town Council review and approval for Special Exception and Site Plan Review right-of-way and park improvements consisting of hardscape and landscape changes along the intersection of Wells Road, Crescent Drive, and North County Road within the Wells Road Scenic Vista. The Landmarks Preservation Commission shall perform design review of the application. *[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. Carried 7-0.]*

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

Dustin Mizell of Environment Design Group presented the landscape and hardscape plans for the proposed changes in the right-of-way at the intersections of Wells Road, Crescent Drive, and N. County Road. He stated that someone had already provided funding for the proposed stone bench.

Council President Pro Tem Crampton thought the improvements were wonderful and supported the project.

Council Member Cooney agreed there was too much asphalt in this area. He expressed appreciation for the donor. He wondered if the curvature of the proposed area would allow vehicles to proceed too fast and if a more squared-off entry would slow vehicular movement around the corner.

Council Member Araskog thanked the donor. She asked if the sight triangles could be considered and wondered if the work could be completed during the summer. Mr. Mizell said they hoped to complete the project before next season.

Mayor Moore pointed out that during the undergrounding on the west side of the park, the town reclaimed a significant amount of grass that

could be added to the park. She thanked Mr. Mizell for the gift of his design, which he gave to the town. She thought the improvements would result in calmer traffic.

Council Member Moran thanked the donor and Mr. Mizell for the design and improvements. She was excited to see the outcome.

Council President Lindsay sought clarification on the plan and the plantings proposed.

Council Member Cooney thanked Mr. Mizell for the added fountains.

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

Council Member Araskog asked if a bench that would prevent sleeping could be chosen. Mr. Cooney recommended placing a condition in the approval that outlines the park's hours.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney that Special Exception No. ZON-24-0091 and Site Plan Review No. ZON-24-0091 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 19 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A lunch break was taken at 11:59 a.m. and resumed at 1:02 p.m.

The following item was added to the agenda during the approval of the agenda, item VI.

APPEAL OF ARCOM DECISION FOR ARC-24-0142, 280 EL PUEBLO WAY (2:17:39)

Dustin Mizell of Environment Design Group explained the issue with his client's shade area in the rear yard. He explained that the owner would use the artificial turf as a putting green for the family.

Council President Lindsay thought the ordinance counted artificial turf as hardscape. Mr. Bergman stated that the Code treated artificial turf as an impervious surface.

Council Member Cooney stated that this had been discussed at ORS. He remembered that artificial turf still needed approval of either the Architectural Review Commission or the Landmarks Preservation

Commission. He thought Mr. Mizell made a compelling case.

Council Member Moran stated that the commission allowed artificial turf but only in certain areas. She pointed out that the site was over in their landscape calculations and supported the request.

Council Member Araskog was not supportive of the artificial turf. She thought the proposed area was too large for artificial turf.

Council President Pro Tem Crampton recounted his time at the Environmental Protection Agency and spoke about the impacts of the large amounts of artificial turf. He thought the area in question was much smaller and understood the environmental impacts of taking care of natural grass under a shaded area.

Mayor Moore supported the artificial turf proposal. However, she thought that consistency with respect to using artificial turf needed to be addressed for the entire town.

Council President Lindsay asked if the owner had requested a permit before installing the artificial turf, to which Mr. Mizell said no. She acknowledged that the situation was not handled properly. She thought it was a fair compromise to allow some artificial turf, but it needed to be calculated as hardscape in their landscape calculations. She believed she would support the request in this instance.

Council Member Moran thought the code should be amended if the Town Council did not allow the material. She thought the process was followed when a citation was given, and added that she would support the request.

Council Member Araskog asked staff if the aesthetics were considered before they discussed the environmental concerns. Mr. Murphy stated that the areas of the yard were discussed, especially by the landscape architect, about what areas could be substituted due to not being able to grow grass. He said the discussion about aesthetics was robust, and there was a more dominant discussion about the overall disdain for the material.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to grant the appeal as requested. The motion was carried 4-1, with Council Member Araskog dissenting.

This discussion lasted approximately 33 minutes. To listen, please click the link on the agenda topic above.

- c. **ZON-24-0092 (ARC-24-0114) 1010 N LAKE WAY (COMBO) - VARIANCES (2:50:23)** The applicant, 1010 North Lake Trust LLC, has filed an application requesting Town Council review and approval for

five (5) variances to exceed maximum lot coverage, encroach into side setbacks, and construct a lower equipment screening wall that required, as part of an application for elevation, shifting and renovation of a two-story house, addition of a loggia, new pool, hardscape. The Architectural Commission shall perform design review of the application. *[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 7-0.]*

Council Member Cooney disclosed ex parte communications.

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

Council Member Cooney inquired about the hardship for the variance. Ms. Ziska responded. Council Member Cooney knew the property well and remembered that it took the home a long time to sell because the lot was tight. He thought it was a good solution and thanked the owners for not adding any more air-conditioned space.

Council Member Araskog asked about the need for a lower equipment screening wall. Mr. Papadopoulos explained why the wall needed to be lower than what was typically required.

A motion was made by Council Member Araskog and seconded by Council Member Cooney that Variance No. ZON-24-0092 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.

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

The motion carried unanimously, 5-0.

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

Clerk's note: A lunch break was taken at 2:46 p.m. and resumed at 2:54 p.m.

- d. **ZON-The Breakers (COA-24-0032) 1 S COUNTY RD – THE BREAKERS (COMBO) — SITE PLAN REVIEW AND VARIANCE (4:01:44)** The applicant, Breakers Palm Beach Inc., has filed an application requesting Town Council review and approval for Site Plan Review for the construction of a new parking structure consisting

of one level of subterranean parking and one at-grade surface-level parking area to replace an existing surface parking lot, including one (1) variance to allow tandem parking spaces associated with a new parking structure facility and surface parking lot. Additional improvements include support buildings, realignments of North Breakers Row, golf course changes, as well as landscape and hardscape modifications. These improvements are generally located where there is an existing surface parking lot and a golf course within the designated Landmarked vista from the original hotel building to South County Road. The application requires the approval of a separate resolution to modify the PUD, and the Landmarks Preservation Commission shall review the application for design. *[The PUD Amendment was not transmitted by the Planning & Zoning Commission on Feb. 4, 2025, and will be considered at the March 6, 2025, Planning & Zoning Commission meeting.][The Town Council deferred this project to the April 9, 2025, Town Council meeting, pending review by the Planning & Zoning Commission and Landmark Preservation Commission.][The Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property.] [The Landmark Preservation Commission approved the project. Carried 7-0.]*

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

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.

Council President Pro Tem Crampton wondered how much fill would be required. Mr. Crowley stated that they would not need much fill for the project. David Rao of Hart Howerton discussed the balance of the fill when creating the garage. Council President Pro Tem Crampton suggested an alternate road when constructing the garage, as well as a temporary concrete plant. He asked that both be considered. He stated that if he were to approve the request, he would request a construction management agreement.

Council Member Cooney asked to see the above-ground components of the proposal. Mr. Rao reviewed and further explained the plan. He confirmed that the utility plant would be shielded with landscaping. Council Member Cooney asked about the open lawn space and its use. Mr. Leone responded that it would be open lawn space. Council Member Cooney asked about the depth of soil above the subterranean garage. Mr. Rao said it would be three to four feet of soil, deep enough to grow palm trees. Mr. Leone spoke about on-site parking.

Council Member Araskog asked about parking and wondered what would keep more people from coming since there were plenty of parking spaces. Mr. Leone and Mr. Crowley responded that the parking would be for employees only. Council Member Araskog asked to see a

rendering of the final project and the buildings. The renderings were shown and further explained.

Council Member Moran understood the project and supported it.

Council President Lindsay asked how the employees would enter the property to park in the garage. Mr. Leone responded.

Council Member Araskog asked about the hardship for the variance. Mr. Crowley described the hardship.

Council President Lindsay called for public comment.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton that Site Plan Review No. ZON-24-0087, as said application, 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 a construction management agreement is submitted and approved by the Town Council. The motion was carried unanimously, 5-0.

A motion was made by Council Member Moran and seconded by Council Member Cooney that Variance No. ZON-24-0087 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.

This discussion lasted approximately 40 minutes. To listen, please click the link on the agenda topic above.

- e. **ZON-24-0079 (ARC-24-0141) 1 S COUNTY RD—THE BREAKERS FAMILY ENTERTAINMENT CENTER (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** 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.][This project shall be deferred to the May 14, 2025, Town Council meeting, pending the approval of the PUD Resolution No. 006-2025 and Architectural Commission review.]

Clerk's note: This item was deferred to the May 14, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- f. **ZON-24-0089 (ARC-24-0116) 1 S COUNTY RD (BREAKERS BEACH CLUB) COMBO — SPECIAL EXCEPTION AND SITE PLAN REVIEW** 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.] [This project shall be deferred to the May 14, 2025, Town Council meeting, pending the approval of the PUD Resolution No. 006-2025 at the April 9, 2025, Town Council meeting.]
Clerk's note: This item was deferred to the May 14, 2025, Town Council meeting at the Approval of the Agenda, Item VI.
- g. **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 shall be deferred to the May 14, 2025 Town Council meeting, pending Landmark Commission design review.]
Clerk's note: This item was deferred to the May 14, 2025, Town Council meeting at the Approval of the Agenda, Item VI.
- h. **ZON-24-0066 (ARC-24-0108) 1519 N OCEAN WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 1519 N Ocean Way #1 LLC & 1519 N Ocean Way #2 LLC (Maura Ziska, Attorney), has filed an application requesting Town Council review and approval for a special exception with site plan review for redevelopment of an existing parcel which is nonconforming to minimum lot width requirements in the R-A zoning district. Additionally, three variances are requested to (1) exceed maximum building height and (2) to exceed maximum overall building height for the portions of the structure located west of the CCCL and (3) to permit improvements (steps) within the 50' ocean bulkhead setback area. The Architectural Commission shall review the application as it pertains to zoning relief/approval. [This project was withdrawn by the applicant.]
Clerk's note: This item was withdrawn at the Approval of the Agenda, Item VI.

- i. **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. *[This project shall be deferred to the May 14, 2025 Town Council meeting, pending Architectural Commission design review.]*
Clerk's note: This item was deferred to the May 14, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

2. **New Business**

- a. **ZON-25-0004 (HSB-24-0009) 335 COCOANUT ROW (COMBO) - VARIANCE (5:12:29)** The applicant, 335 Cocoanut Row Trust, has filed an application requesting Town Council review and approval for one (1) variance to allow landscape open space to increase from existing but still not meet the minimum requirement for the property containing two (2) Historically Significant Buildings. The overall scope of work includes window and door replacement, roof replacement, and landscaping and hardscape modifications with a new pool. The Landmarks Preservation Commission shall perform design review of the application. *[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 and to return to a future meeting for additional review of the windows. Carried 7-0.]*

Mayor Moore disclosed ex parte communications.

Michael Perry of MP Design and Architecture presented the architectural plans for the proposed project and provided an overview of the project and the zoning requests.

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

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-25-0004 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 4-0. (Council Member Araskog was not in the room during the vote)

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

- b. **ZON-25-0005 264-270 S COUNTY RD AND 230/240 ROYAL PALM**

WAY—SPECIAL EXCEPTION (4:41:07) The applicant, CARRIAGE HOUSE PROPERTIES PARTNERS 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. This is seeking another 75 membership increase to 382. This application does not seek to increase the seating or occupancy limitations previously approved by the Town Council.

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

Attorney Jamie Crowley, representing the applicant, provided an overview of the request to increase the membership by 75 members.

Mario Pederzoli, of the Carriage House, discussed the history of the Carriage House's membership and the review of the business that has occurred. He pointed out that the business is town-serving.

Council President Pro Tem Crampton thought the Carriage House represented how a strong declaration of use and good management work well. He thought private clubs had a bad reputation, and he was glad that the Carriage House had a positive outcome. He stated he was prepared to support the request.

Council Member Moran asked about the capacity. Mr. Pederzoli responded that the potential capacity was not increased because they took a conservative approach.

Council Member Cooney thought the club had been very successful and an outstanding neighbor. He thought the management team should be commended. However, he wondered if the Town Council would be required to support the next step of membership should the Town Council feel that this approval brought unintended consequences.

Council Member Araskog asked if the next 75 members would hold at least 80% town-serving positions. Due to the waiting list, Mr. Pederzoli stated it would be at that level. Council Member Araskog agreed with Council President Pro Tem Crampton that the club had great membership.

Council President Lindsay called for public comment.

Edith Eglin, 201 Phipps Plaza, supported the project.

Nadine Travers, whose daughter is a member, supported the project.

A motion was made by Council Member Araskog and seconded by Council Member Cooney that Variance No. ZON-25-0005 to modify a previously approved special exception of a private club to allow an increase in membership of an additional 75 members for a total of 382. The motion was carried unanimously, 5-0.

This discussion lasted approximately 31 minutes. To listen, please click the link on the agenda topic above.

- C. **ZON-25-0006 (COA-25-0006) 262 SUNSET AVE (COMBO) - SPECIAL EXCEPTION, SITE PLAN REVIEW AND VARIANCE (5:17:56)** The applicant, James M. Crowley, Esq., has filed an application requesting Town Council review and approval for a special exception with site plan review for commercial uses greater than 3,000 SF in the C-TS zoning district and one (1) Variance to reduce the minimum off-street parking requirement associated with a change of use for the property under consideration to be landmarked. The scope of work includes a new front porch, new front door, roof replacement, exterior color changes, as well as landscape and hardscape modifications, including a new pool. The Landmarks Preservation Commission shall perform design review of the application.

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

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 plans for the proposed project. Mr. Crowley indicated that the special exception was no longer needed.

Council President Lindsay asked for confirmation from staff that the special exception would not be required. Mr. Bergman said there was no use over 3000 square feet. Therefore, no special exception would be required. Mr. Crowley said the building is not being expanded.

Council Member Cooney asked about the use of the driveway on the side of the building. Mr. Crowley responded that it had been used for parking. Council Member Cooney asked about the garbage, and Mr. Crowley stated he had met with Paul Brazil to come up with some solutions. He noted they would be back with an application once the issue was resolved. Council Member Cooney appreciated the owner and the attorney for finding a solution for the building.

Council President Pro Tem Crampton was pleased that a solution had been found for this jewel of a building.

Council President Lindsay called for public comment. No one indicated

a desire to speak.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0006 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 4-0. (Council Member Araskog was not in the room during the vote)

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Site Plan Review No. ZON-25-0006 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. The motion was carried unanimously, 4-0. (Council Member Araskog was not in the room during the vote)

This discussion lasted approximately 12 minutes. To listen, please click the link on the agenda topic above.

e. **ZON-24-0046 (ARC-24-0090) 2720-2730 S OCEAN BLVD-EDGEWATER/AMBASSADOR SITE (COMBO) - SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCES (5:33:26)**

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 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.

Martin Deloach, Fire Marshal, spoke about the building report, which outlined dangerous conditions.

Council President Lindsay asked for an opinion from Mr. Deloach about how to proceed. She wondered if the code violations should be remediated before they hear any projects. Mr. Deloach stated that the town had deferred situations like this in the past.

Council Member Cooney asked if the building was safe to be occupied at this time. Mr. Deloach stated it was hard to see what could not be seen. He acknowledged that he was not a structural engineer, but he had seen the steel support in the building. He was concerned about the balcony falling off and the damage it could cause. Council Member Cooney asked Mr. Bergman if he had reviewed the building. Mr. Bergman had seen the reports and had sent the building inspectors out with code enforcement. Dangerous conditions were observed, and a structural evaluation was required. He said there was substantial structural deterioration to the building.

Mayor Moore expressed serious concerns about the building not being evacuated.

Council Member Araskog thought the building should be evacuated and stated she did not want to hear the proposed project until the safety concerns had been addressed.

Council Member Moran agreed with her fellow colleagues. She stated that she would not want to go into the building and did not want the town staff to go into it due to the risk of safety.

Council President Pro Tem Crampton thought the Town Council lacked enough necessary information to take any action. He thought the same precedent should be followed as with the Palm Beach Hotel, and he did not believe the project should be heard until all safety concerns had been addressed.

Attorney Harvey Oyer, representing the applicant, asked Jason Kaye with OKO Group to speak about the project.

Mr. Kaye, 4100 NE 2nd Ave., asserted that the safety of the occupants was his highest priority.

Mayor Moore asked about the permits that Mr. Kaye had requested. Mr. Bergman outlined the requests for permits.

Council President Lindsay hesitated to move forward with any project until the safety issues were addressed.

Council Member Araskog asked when the safety concerns were brought to his attention. Mr. Kaye stated he had requested an independent report in October 2024. Mr. Bergman stated that the inspections started in October 2024, and the report was provided around mid-December. He indicated that as soon as he saw the report, he sent the building inspectors, the Fire Marshal, and Code Enforcement officials out to the property.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to defer the project to the meeting on May 14, 2025. The motion carried unanimously, 5-0.

This discussion lasted approximately 36 minutes. To listen, please click the link on the agenda topic above.

- f. **ZON-24-0065 (COA-24-0025) 70 MIDDLE RD (COMBO) - VARIANCES** 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. *[This project shall be deferred to the May 14, 2025, Town Council meeting, pending Landmark Commission design review.]*

Clerk's note: This item was deferred to the May 14, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

g. **ZON-25-0002 (ARC-24-0040) 1285 N OCEAN BLVD (COMBO) -**

VARIANCE The applicant, M2B Properties LLC, has filed an application requesting Town Council approval for one (1) fill variance as it relates to development of a new residence. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the May 14, 2025, Town Council meeting, pending Architectural Commission design review.]*

Clerk's note: This item was deferred to the May 14, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

B. Time Extensions and Waivers

1. **Requesting a Waiver of Town Code Section 18-237 For Building Permit Extension at 265 La Puerta Way (5:29:35)**

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

Lynn Rogers of TRI General Contractors 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 265 La Puerta Way as requested. The motion was carried unanimously, 4-0. (Council Member Araskog was not in the room during the vote)

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

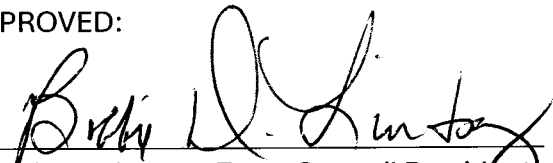
XI. ANY OTHER MATTERS (6:09:32)

There were no other matters discussed at this time.

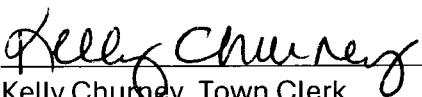
XII. ADJOURNMENT (6:09:44)

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to adjourn the meeting at 5:14 p.m. The motion was carried unanimously, 5-0.

APPROVED:


Bobbie D. Lindsay, Town Council President

ATTEST:


Kelly Churney, Town Clerk
Date: May 13, 2025



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Moran Bridget		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Council	
MAILING ADDRESS 257 Dunbar Road		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Beach	COUNTY Palm Beach	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED April 9, 2025		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Bridget Moran, hereby disclose that on April 9, 20 25 :

(a) A measure came or will come before my agency which (check one or more) ** See below*

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____ , by
whom I am retained; or
- ☐ inured to the special gain or loss of _____ , which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Resolution No. 039-2025

Landmark Designation for 262 Sunset Avenue

*** (This vote does not relate to a special gain or loss. I voted on this application when I was on the Landmarks Preservation Commission when the property was initially put forward.)

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

4/9/25

Signature

Bridget G. Moran

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.