



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MAY 14, 2025

9:30 AM

Welcome

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Danielle H. Moore, Mayor
Bobbie D. Lindsay, President
Lew Crampton, President Pro Tem
Julie Araskog
Ted Cooney
Bridget Moran

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR DANIELLE H. MOORE

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. 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.]*
- B. RESOLUTION NO. 054-2025: 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 **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.]*

VIII. 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)

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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. *[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.]*

- b. **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.] [The Architectural Review Commission approved the design with conditions. Carried 5-2.]*
- c. **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.]

- 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 negative impact to 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.***
- e. **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. *[The Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative impact to the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 7-0.]*
- 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.]***
- 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.***

2. New Business

- a. **ZON-25-0015 401 WORTH AVE – VARIANCE** 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.
- b. **ZON-25-0007 (ARC-25-0009) 218 TANGIER AVE (COMBO) – VARIANCE** 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 negative impact to the subject property. Carried 7-0.]* *[The Architectural Commission approved this project with conditions. Carried 7-0.]*
- c. **ZON-25-0008 (HSB-25-0003) 177 QUEENS LN (COMBO) – VARIANCE** 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.]*

- d. **ZON-25-0011 (ARC-25-0011) 261 MIRAFLORES DR (COMBO) – VARIANCE(S)** 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 negative impact to the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 7-0.]*
- e. **ZON-25-0013 (ARC-25-0008) 401 BRAZILIAN AVE (COMBO) – VARIANCE(S)** 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 negative impact to the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 7-0.]*
- f. **ZON-24-0046 (ARC-24-0090) 2720 – 2730 S OCEAN BLVD – EDGEWATER/ AMBASSADOR SITE (COMBO) - SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCES** The applicant, Palm Beach Edgewater Fee Borrower LLC and Palm Beach Ambassador Fee Borrower LLC, has filed an application requesting Town Council review and approval for 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.]*

- 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.***

C. Time Extensions and Waivers

1. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at **3360 S Ocean Blvd.**
2. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at **218 Phipps Plaza.**
3. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at **334 Chilean Ave.**
4. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at **256 Ridgeview Dr.**
5. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at **1095 N Ocean Blvd.**

6. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at **441 Australian Ave.**
7. Requesting a Waiver of Town Code Section 18-237, For Building Permit Extension at **281 List Rd.**

IX. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Review Chapter 18 of the Town Code Regarding Construction that Deviates from Approved Permit Plans

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.

X. ANY OTHER MATTERS

XI. ADJOURNMENT

Procedures for Public Participation:

Note 1: **Live Stream audio:** To watch/listen live, visit the 'Public Meetings' webpage on the Town's website at www.townofpalmbeach.com and select the "View Event" or "Click Here to Listen" button.

Note 2: Any citizen is entitled to be heard concerning any matter under the sections entitled 'Communications from Citizens' and 'Public Hearings', subject to the three-minute limitation. The public also can speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you. In-person or virtual Public Comment is limited to three minutes and must be preceded by your name and address for the record. As a public business meeting, the Town Council President retains the right to limit discussion on any issue.

Alternative public comment is also welcome for Town Council Meetings via four methods:

1. To make a virtual public comment, please register for the Microsoft Teams meeting. This link will be available prior to the meeting on the Public Meeting page or on the Town's calendar of events, which both can be

found at townofpalmbeach.com.

2. Written public comment submittals should be sent to publiccomment@townofpalmbeach.com.
3. Direct written entry into the public meeting record through the eComment portal on the Public Meetings webpage.
4. Mail or in-person submittal of written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.

Note 3: **Appeals:** If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons needing accommodations to participate in this meeting are requested to call the Clerk's Office at (561) 838-5416 at least one day prior to the meeting.