



# TOWN OF PALM BEACH

Minutes of the Development Review  
Town Council Meeting  
Held on June 14, 2023

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on June 14, 2023, at 9:33 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore stated she did not have any comments.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

No one indicated a desire to speak.

V. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

No one indicated a desire to speak.

VI. APPROVAL OF AGENDA

Wayne Bergman, Director of Planning, Zoning and Building, stated that in addition to the items listed for deferral on the printed agenda, the following items were being modified:

*Deferral of Item VIII. B. to the July 12, 2023, Meeting*  
*Addition of Ordinance No. 014-2023 to Item VIII. F.*  
*Deferral of Item X.C.1.c. to the July 12, 2023, Meeting*  
*Deferral of Item X.C.1.d. to the July 12, 2023, Meeting*

**Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve the agenda as amended. Motion carried unanimously, 5-0.**

**VII. APPROVAL OF THE CONSENT AGENDA**

- A. ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds. [The Landmarks Preservation Commission approved the paint color "Fresco Crème" for this project at the May 17, 2023, meeting. Carried 7-0.]

**Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve the consent agenda as presented and that the projects contained within the Consent Agenda meet the requirements of Chapter 134, Section 134.229 items 1-14 for the Special Exception and Chapter 134, Section 134-326 for the Site Plan Review. Motion carried 4-1, with Council Member Cooney dissenting.**

A discussion ensued about what item to take next on the agenda before the 10:00 a.m. time certain. The Town Council decided to hear Item X.C.2.c. at this time.

**VIII. CODE REVIEW & CODE REVIEW DISCUSSION ITEMS  
10:00 AM TIME CERTAIN**

**A. Code Review**

- 1. Code Review Update from PZ Commission Meeting Regarding North End Zones & Standards**

Sean Suder, ZoneCo., stated that much information had been gathered through the activities that had taken place as part of the zoning review project. There were four modules of the project, and it was time to move forward to the codification module. The goal was to craft clear, consistent, user-friendly, resilient, and defensible zoning regulations, customized to the Town of Palm Beach, that reflected the vision of the community today and tomorrow; and to update the current zoning regulations that currently reflected and originated from the 1970's with piecemeal updates since that time.

Mr. Suder stated that he had learned over time, that the best practice should start with the consultants and professional planning staff prior to any proposals or ideas being presented to the Planning and Zoning Commission, Town Council, or the public. He felt a step needed to be taken back in the direction that would allow ZoneCo to work with the professional town staff. Once that opportunity had been provided, he and staff would have a chance to iterate and produce some information for a productive public reaction and

discussion.

ZoneCo would like to modify the work schedule and approach as follows: The consultant team and professional planning staff would hold regular sessions during the summer to work through the pressing issues before presenting proposals to the Town Council. Mr. Suder stated that draft sections of the new code would be delivered to the planning staff with an allowance of time for them to review it. The planning staff would then provide written comments to ZoneCo. Subsequently, ZoneCo would work toward a full administrative draft code that would be reviewed by planning staff and result in a review draft for the public. Along the way, the Planning and Zoning Commission and Town Council would be engaged in discussions at their regular meetings. Mr. Suder said that sometimes there would be special meetings about specific issues, all conducted in preparation for a public review draft document. He stated that zoning engagement was different from comprehensive plan engagement. Mr. Suder believed the described process, which was ZoneCo's typical process, would yield more productive conversations and result in a better code product.

Council Member Cooney presented his thoughts regarding the memo and the flurry of public communications. He asked if it would be productive to discuss legal issues regarding the Town's timeline and approach to code reform, both from a Bert Harris perspective and from a Senate perspective.

Council President Zeidman explained the process in terms of taking a pause to reset the process. She discussed how residents were upset after the last Planning and Zoning Commission meeting because they did not feel the focus was on what they thought it should be.

Council Member Cooney thought some of the proposals from Mr. Suder made sense, but he had some hesitation regarding concerns from the Planning and Zoning Commission meeting. He viewed this as a process and thought it was very important to view the entire project as such. His hesitation about the current proposal was whether the process would become less transparent. He felt that public communication, participation, and transparency were fundamental when the council embarked on the proposal.

Council Member Crampton recognized that a process pivot was necessary. He said public participants had made some interesting comments. He asked if the schedule set forth was adequate for staff and the public review. Mr. Bergman said he believed the schedule was workable. He also pointed out that there would be an additional 6 months for review because of Senate Bill 250. Council Member Crampton thought that a full code to review, in context, would make sense. He thought at this point, the process was more important than the product.

Council Member Araskog said the public had not seen the information being discussed and she believed the public should have a right to contribute to the discussion. She had not seen the results from the charettes, and she had questions about where ideas had derived. Mr. Suder responded.

Council President Pro Tem Lindsay thought it would be a great idea to slow the process. She said ensuring staff would have adequate time to digest the information before presenting to the next level was very important. She was not surprised by the reaction from the residents of thinking the R-B district was a one size fits all. She specifically thought the R-B district needed to be addressed.

Mayor Moore also thought slowing the process was a good decision. She said some people like box-styled houses, but one of the things she thought may have been forgotten was that houses being constructed today went through the Architectural Review Commission (ARCOM) process a year ago. Now that ARCOM has a new vision for being stricter and in alignment with the ARCOM ordinance, the fruits of their labor will not be seen until a year from now.

Council President Zeidman thanked Mr. Suder for his expertise and his ability to remain calm throughout the process. She said the Town Council developed a process along with staff and the consultants as to how to best proceed with Code Review. Typically, according to the consultants, a steering committee would be selected to vet recommendations from the consultants. Since we have a Planning and Zoning Commission it was decided by Council to use our Commission which is advisory to Council for this purpose. She also believed that the Architectural Review Commission (ARCOM) had done an exemplary job in listening to the residents' concerns in their reviews.

Council President Zeidman did not believe the diversity of opinion was the problem, though she acknowledged that passionate differences of opinion in two camps would make moving forward on some issues difficult. She felt that the staff and consultants, who were the experts, needed more time to engage. She urged the Council to rely on the professionals that had been engaged to administer the process which would then be vetted by the Commission, Council and residents.

Council President Zeidman shared Council Member Cooney's concern about overreaction. She noted there was another group of residents who wanted something entirely different, and that was where balance would be necessary. She thought the plan presented by Mr. Suder was adequate, but also acknowledged transparency to the public would be important. Council President Zeidman requested the proposed plan be reworked to allow for more public engagement and inclusion of certain groups. She iterated that FEMA was here to stay and would need to be followed with new

construction. She urged all involved not to allow SB 250 to cause the Town to make wrong decisions because of its restrictive language.

There were additional comments by the council members in reaction to the discussion. Mr. Suder suggested the slower approach may be the best way to move forward, but he did not want to get too far into the process, to only learn there needed to be additional pivots.

Mr. Suder did not think the change in process would change the cost but would spread it out. He said the main driver of the cost had been meetings but the cost of drafting the code with graphics could be easily projected. The variable was the time. Mr. Suder said the project would not necessarily dictate the cost. What was proposed in the latest purchase order was probably more than necessary, but the goal was to ensure there would be enough. That purchase order would be a guaranteed maximum price, not a fixed price.

Council President Pro Tem Lindsay noted that when staff and the consultants got to the point of sharing the final draft product, there would need to be contextual graphics to assist the Town Council in visualizing the concepts.

Council Member Cooney also thought it might be helpful to invite local professionals to review and provide feedback. He urged the consultants to provide a “check in” process along the way so that recommendations would not wind up out of alignment with the town vision. Mayor Moore added that the professionals were members of the community and should put some effort into participating in the process rather than waiting to be invited.

Council President Zeidman said it was important to communicate with all the various groups and it was also important not to overlook the real estate community.

Council Member Cooney said the breakdown of lot sizes provided by the staff was helpful. He asked for it to be further broken down into 5,000 increments.

#### Public Comment

Leigh Dunston, 282 Monterey Road, thanked the Town Council for volunteering their time. He stated that many homes in the north end were too large. He addressed property rights and bulk standards versus CCR. He thought a constraining, measurable feature needed to be instituted in the new proposal.

Anne Pepper, 333 Seaspray Avenue, questioned why FAR would not work and why limiting the size of a home on a lot would not work. She thought that the study should not be restrained by SB

250.

Martin Klein, 1060 N. Ocean Blvd., requested time to digest the information before anything was adopted. He requested that the public have the opportunity to be engaged.

Katherine “KT” Catlin, 265 Fairview Road, thought breaking down the lots by size was a good idea. She was in favor of the check-ins suggested by Council Member Cooney. She thought the traffic and logistics needed to be addressed sooner and could ease some pain points for the residents.

Jeffrey Smith, 241 Sanford Avenue, was glad to see the process slow down. He discussed the issues he noticed in the proposal. He stated a preference for CCR over FAR. He provided suggestions on the items in the proposal.

Council President Zeidman asked about the CCR calculation and why Mr. Smith preferred CCR. Mr. Bergman stated that staff had a difficult time verifying CCR calculations.

Mr. Suder stated that CCR was used to calculate volume. He discussed the origins of FAR and how it would be used in residential construction. He discussed the possible use of lot coverage.

Mr. Dunston had problems with the exclusions from lot coverage.

Mr. Klein thought the debate regarding CCR and FAR was important.

Anita Seltzer, 44 Cocoanut Row, thought that many of the variances being approved were creating hardships.

Bill Metzger, 277 Esplanade Way, expressed his gratitude for the Town Council.

Council President Zeidman asked for an updated schedule and cost from ZoneCo.

*Please note: A short break was taken at 12:40 p.m. The meeting resumed at 12:47 p.m.*

## 2. Code Review Discussion & Direction Regarding North End Zones & Standards

- Defining the North End zones (R-B and R-L)
- Review of Charrette Findings in the
- North End Defining New R-B and R-L Standards

*Sean S. Suder, ZoneCo., Planning Consultant*

*Joe Nickol, Yard & Company, Planning Consultant*

***This item was not discussed and removed from the agenda.***

- B. Update from PZ Commission Meeting Regarding Rooftop Commercial Mechanical Equipment

*Wayne Bergman, Director of Planning, Zoning and Building*

***Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.***

- C. Discussion/Clarification Regarding SB 250 - Definition of "Restrictive"

*John Randolph, Jones Foster, Town Attorney*

Mr. Randolph offered his opinion on the meaning of “restrictive” in SB 250. He thought the word restrictive was quite clear. To him, he said more restrictive meant that if anything in the code that people could do prior to SB 250 was changed, making that thing more difficult, that would be “restrictive.” He advised the Town Council to take a more conservative approach.

Mr. Randolph said the question was raised about the meaning of the word “proposed” in the act. Mr. Randolph described how he believed a proposal from the Planning and Zoning Commission could be problematic as someone who was affected by the change could claim that the ordinance was void at issue. He noted that this would not prohibit the continuation of studies that are in progress.

Council Member Araskog asked Mr. Randolph to address how the Bert Harris Act would affect any new homeowner before and after the Code change. Mr. Randolph responded.

John Tatooles, 122 Ocean View Road, asked how the Planning and Zoning Commission items would send their recommendations to the Town Council. Mr. Randolph responded.

- D. Discussion and Consideration Regarding Future Community Engagement and Communication Plan

*Maggie Zeidman, Town Council President*

***This item was deferred to a future agenda and not discussed.***

- E. Discussion and Consideration Regarding Selecting a New Date for the July Code Review Special Town Council Meeting

*Maggie Zeidman, Town Council President*

***This item was removed from the agenda and not discussed.***

- F. Ordinance No. 014-2023 An Ordinance of the Town Council of the

Town of Palm Beach, Palm Beach County, Florida, providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2022, and Providing for an Effective Date.  
*Bob Miracle, Deputy Town Manager – Finance and Administration*

Council Member Cooney read the Ordinance by title only.

**Motion made by Council Member Crampton and seconded by Council Member Cooney to approve Ordinance No. 014-2023 on first reading. On roll call vote, the motion passed 4-1, Council Member Araskog dissenting.**

*Please note: A lunch break was taken at 1:03 p.m. The meeting resumed at 1:51 p.m. Council Member Araskog returned at 2:00 p.m.*

#### IX. REGULAR BUSINESS

- A. Matters Pulled from the Consent Agenda
- B. Status Update on Project ZON-22-132 165 Bradley Place Regarding Declaration of Use and Development Order Condition  
*Wayne Bergman, Director of Planning, Zoning and Building*

Council Member Crampton and Mayor Moore declared ex-parte communications.

Director Wayne Bergman described a change in the Declaration of Use Agreement that indicated the applicant would return to the Town Council in six months after the opening of the school, rather than the first six months.

Council President Pro Tem Lindsay thought the six months of operation should be during the height of the season.

Council Member Cooney was in agreement with Council President Pro Tem Lindsay.

Mayor Moore requested them to return to the May or June 2024 meeting so that the Town Council could observe a full season of the operation.

Andrew Speranzini, attorney representing the residents at the Parc Regents Condominiums, restated the residents' opposition to the project.

John Eubanks, attorney representing the Biltmore Condominiums, restated the residents' opposition to the project.

Jamie Gavigan, attorney representing the applicant, stated that the applicant would be happy to return at the Town Council's request.



Council Member Araskog asked about the update on the construction. Mr. Gavigan responded.

**Motion made by Council Member Cooney and seconded by Council Member Crampton to amend the Declaration of Use Agreement to include the requirement that the applicant shall return to the Town Council for a review after completing a full school year, which will be on May 15, 2024. Motion carried unanimously, 4-0.**

*Please note: Council Member Araskog did not vote as she was not present for the full conversation.*

*Please note: A short break was taken at 4:05 p.m. The meeting resumed at 4:13 p.m.*

**C. Public Notices (Continued) - Property Postings**

*Wayne Bergman, Director of Planning, Zoning, and Building*

Mr. Bergman discussed the public notice and postings. He showed the Town Council several examples of public notices. He also discussed the certificate of mailings that have been completed. He asked the Town Council what they would like to have noticed and provided some sample public notices. The Certificate of Mailing was shown, and staff indicated this had been implemented for eight projects. He further discussed the need for a GIS planner to create an interactive map for all projects in the Town. A budget request has been submitted to the Town Manager for a GIS specialist to work in the IT Department, but to be dedicated to the Planning Building and Zoning Department.

Council President Zeidman asked about an increase of radius for mailing. Mr. Bergman responded and discussed how much the radius would have to increase to reach every home on every street affected by the demolition and subsequent reconstruction. Mr. Bergman thought the posted notice would be a great help in informing neighbors on a specific street who are not within the 300-foot radius of notice. The GIS component would be helpful for everyone.

Council President Pro Tem Lindsay liked the idea of the posted notice but was not in favor of leaving the sign up for 30 days.

Council Member Araskog was in favor of the signs and preferred the white signs.

Mr. Murphy stated that as long as the Town Official had evidence that the sign was placed, the requirement should be satisfied.

**Consensus of the Town Council was to proceed with the 11 x 17 white notice, for commercial, multi-family, demolition and new residential construction projects. The notice would be placed 30 days prior to the project being heard.**

Public Comment

Anita Seltzer, 44 Cocoanut Row, thought it would be easier to see signs on a yellow background. She also warned against using certain fonts.

Peter Broberg, 220 Monterey Road, wondered why the entire street could not be included in the mailed notice. He also expressed concern for the lack of mailed notice for deferrals.

Council Member Araskog asked the staff to research an extension of the mailing radius and return to the next meeting with a recommendation. Mr. Bergman agreed to research the expanded mailing notice and provide a recommendation at the next meeting.

**D. Waiver Request to the Restaurant Zoning In Progress for Lugano Diamonds**

*Maura Ziska, Kochman & Ziska, Legal Representative for Lugano Diamonds*

***Please note: This item was removed from the agenda at the Approval of the Agenda, Item V.***

**X. DEVELOPMENT REVIEWS**

**A. Declaration of Use Agreements**

1. **ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** - Declaration of Use Agreement & Seating Chart Review  
**2:00 PM TIME CERTAIN**

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

M. Timothy Hanlon, attorney for the applicant, discussed the possible changes to the proposed declaration of use agreement. The declaration of use was reviewed by the Town Council. There were discussions during the review of the document, and the Council made suggestions for changes to make the Declaration of Use Agreement clear and understandable.

Duarte Bon de Sousa, Oetker Collection, commented about the courtyard

seating being moved inside and outside due to inclement weather conditions or to accommodate reservations.

Council Member Cooney said the restaurant needs flexibility to accommodate reservations. Furthermore, he supported the way the agreement was written because it was consistent with the way other businesses have been treated in the town.

Council Member Araskog asked about the standing room in the bar. Mr. Bon de Sousa responded and indicated he could not assess the number of guests in this location.

#### Public Comment

Charles Frankel, 330 Cocoanut Row, objected to the trucks traversing Cocoanut Row.

John David Corey, 426 Australian Avenue, expressed his objections for the proposed seating, as he believed there were too many exceptions with the seating.

Discussion ensued about a hard stop on service in the restaurant and bar locations. Council Member Araskog felt that a hard stop at midnight should be required. She also thought this had already been agreed upon.

**Consensus of the Town Council was for the Declaration of Use Agreement to be modified/revised as per discussion, and the Applicant shall return to the July 12, 2023, meeting with the revised Declaration of Use Agreement for Final Approval.**

#### **B. Appeals**

1. Appeal of April 26, 2023, ARCOM Decision RE: ARC-23-047, 269 Jamaica Ln

James McCartney Wearn, 260 Jamaica Lane, outlined his arguments for the appeal of the Architectural Review Commission (ARCOM) decision for ARC-23-047, 269 Jamaica Lane.

Maura Ziska, attorney for the owners at 269 Jamaica Lane, provided rebuttal arguments against the statements made by Mr. Wearn.

Mr. Wearn felt that the statements made by Ms. Ziska were not official. Mr. Randolph intervened with an explanation.

Council Member Cooney asked about the application and if it was a complete submittal. Mr. Murphy confirmed that it was complete. Council Member Cooney acknowledged that the conflict of Richard Sammons was not listed on the agenda. Council Member Cooney thought the fact that ARCOM bifurcated their approval was a method that they generally take during review of a project. Council Member Cooney asked

about the itemization of findings during the approval. Mr. Randolph explained why the findings did not need to be stated during the approval.

Council Member Araskog asked about the lack of the listing of Mr. Sammons conflict on the agenda. Mr. Randolph responded. Council Member Araskog asked Mr. Randolph about the bifurcation of a motion. Mr. Randolph responded.

Council President Zeidman asked about the lack of listing of the conflicts on the agenda.

**Motion was made by Council Member Crampton and seconded by Council Member Cooney to deny the appeal. Motion carried unanimously, 5-0.**

## **C. Variances, Special Exceptions, and Site Plan Reviews**

### **1. Old Business**

- a. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform a design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Architectural Review Commission.

*Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.*

- b. **ZON-22-032 (HSB-23-003) 594 N COUNTY RD (COMBO)— VARIANCES** The applicant, George Marucci, has filed an application requesting Town Council review and approval for variances (1 and 2) to reduce both side yard setback requirements for two, one-story additions to a historically significant one-story building. The Landmarks Preservation Commission will perform the design review. [The Landmarks Preservation Commission deferred this project to the April 19, 2023, meeting.] This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

*Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.*

- c. **ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO) – VARIANCES** The applicant, Gregory James Pamel, has filed an application requesting Townyard in review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard

setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project with conditions at the May 17, 2023, meeting. Carried 7-0.]

*Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.*

- d. **ZON-23-014 (ARC-22-243) 302 SEABREEZE AVE (COMBO) – SITE PLAN REVIEW AND VARIANCE** The applicant, Sean Rooney, has filed an application requesting town council review and approval for development of a new two-story single-family structure on a parcel, comprised of platted lots, which is deficient in lot width and lot area in the R-B zoning district requiring Site Plan Review, and a variance to provide one garage parking spot in lieu of the two required. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] This project shall be deferred to the July 17, 2023, Town Council meeting pending review by the Architectural Review Commission.

*Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.*

- e. **ZON-23-034 (ARC-23-026) 171 EL PUEBLO WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicants, Kevin Ryan and Carolyn Pressly- Ryan, has filed an application requesting Town Council review and approval for special exception with site plan review for development of a single-family dwelling on a lot in R-B zoning district which is deficient in lot width and area, and (3) variances for (1) a reduced swimming pool setback, (2) a variance to exceed maximum allowed equipment screening wall height, and (3) a variance to allow a supported second floor balcony to encroach into the required front yard. The Architectural Commission shall perform design review of the application. This project was withdrawn by the applicant.

*Please note: This item was withdrawn at the Approval of the Agenda,*

*Item V.*

- f. **ZON-23-041 (ARC-23-032) 176 SEMINOLE AVE (COMBO) - VARIANCES** The applicant, William Paca Beatson, Jr. Trustee of the William Paca Beatson Revocable Trust dated January 8, 2021, has filed an application requesting Town Council review and approval for four (4) Variances required to convert an existing two-car garage into interior storage space and to construct a second- story addition over the rear garage with site and landscape alterations, including (1) to eliminate required garage parking spaces, (2) to construct a second floor addition with reduced rear setbacks, (3) to exceed the maximum allowable Cubic Content Ratio (CCR), and (4) to reduce the overall Landscape Open Space below the required minimum. The Architectural Commission will perform the design review component of the application. This project shall be deferred to the July 12, 2023, Town Council meeting pending review by the Architectural Review Commission.

*Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.*

- g. **ZON-22-121 (HSB-22-012) 428 CHILEAN AVE (COMBO) - VARIANCE** The applicant, David Mooney, has filed an application requesting Town Council review and approval for a variance to exceed maximum equipment screening wall height, to screen equipment in the west side yard. The Landmarks Preservation Commission shall perform design and flood plain variance review of the application. This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

*Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.*

- h. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO) — VARIANCES.** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval of variances (1) to exceed the maximum amount of lot coverage, (2) to exceed the maximum amount of Cubic Content Ratio (CCR), (3) to exceed the maximum allowable building height, and (4) to exceed the maximum allowable overall building height, in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new clerestory. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred this project for restudy to the May 24, 2023, meeting. Carried 7- 0.] This project shall be deferred to the July 12, 2023, Town Council meeting pending review by the Architectural Review Commission.

*Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.*

- i. **ZON-23-020 (COA-23-003) 139 N. COUNTY ROAD – THE PARAMOUNT THEATER (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, WEG Paramount LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for square footage > 3,000 SF in the C-TS district, (3) for Restaurant use in the C-TS district, (4) for Outdoor seating use (100 seats) associated with a restaurant or private club in the C-TS district, (5) for a maximum of two stories in the C-TS district and (6) for shared parking in the C-TS district. The applicant is also seeking Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involve more than 2000 square feet of building floor area in the C-TS zoning district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required front yard for new construction, (2) front side street yard for new construction, (3) and rear yard setback requirements for new construction, (4) to allow three stories in lieu of two stories in CTS district, (5) to exceed the maximum height, (6) to exceed the maximum overall building height, (7) to exceed the maximum allowable lot coverage limitation, (8) to exceed the maximum building length permitted, (9) to exceed the maximum building size (floor area) permitted, (10) to reduce the require overall landscape open space, (11) to reduce the required front yard landscape open space, (12) to reduce the required front yard setback for the subterranean parking level, (13) front side street yard setback for the subterranean parking level, (14) and rear yard setback requirements for the subterranean parking level, (15) a variance to permit tandem and triple stacking for parking in the garage structure, (16) a variance to eliminate the required onsite loading space, (17) a variance to reduce the required drive aisle width, (18) a variance to exceed the maximum drive aisle slope in a garage, (19) a variance to exceed the maximum height of a perimeter wall on a side or rear property line, and (20) a variance to allow a generator (between 64kW-100kW) within a required side or rear setback, in conjunction with the renovation of an existing Landmarked theater structure and the construction of a new three- story mixed use (retail and four residential units) development with two subterranean parking levels (127 parked spaces). The Landmarks Preservation Commission will perform the design review. This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

*Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.*

- j. **ZON-23-044 (COA-23-017) 360 SEASPRAY AVE (COMBO)— VARIANCES** The applicants, Justin and Meira Besikof, have filed an application requesting Town Council review and approval of (3) Variances to (1) to reduce the required street side yard (west) setback, (2) to provide no garage parking, and (3) to not provide code compliant screening for a swimming pool, in conjunction with proposed exterior alterations, additions, and site modifications to a Landmarked single-family residence. The Landmarks Preservation Commission will perform design review of the application. . [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]

Council President Pro Tem Lindsay and Mayor Moore declared ex-parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Daniel Clavijo, SKA Architect + Planner, gave a presentation on the project. His presentation included a variance diagram which he discussed in detail.

Mr. Bergman said the variance request would remove the six-foot pool screening wall. He asked if a required pool barrier would be provided; to which Mr. Clavijo responded in the affirmative.

Mayor Moore thought the existing home was awkward; She indicated the proposed open loggia was once a bedroom. She also expressed concern about the lack of a garage.

Director Wayne Bergman stated that the staff had no issues with the application.

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

*The meeting experienced a short power outage at this time. The meeting resumed shortly after.*

Council President Pro Tem Lindsay asked about the width of the lot. Ms. Ziska responded. Council President Pro Tem Lindsay asked about the applicant's concern for storage and the lack of garage. Mr. Clavijo responded.



A short discussion ensued about the fence required for the pool.

Council Member Cooney shared Mayor Moore's concern about eliminating a garage.

Council Member Araskog was also concerned about the garage being eliminated.

*The meeting experienced a short power outage at this time. The meeting resumed shortly after.*

Council Member Araskog asked further questions about their current driveway.

Council President Zeidman inquired about the square footage of the home. Mr. Clavijo responded. Council President Zeidman understood the problem of a car reversing onto Cocoanut Row. She asked why the front driveway would remain since the garage was being removed. Mr. Clavijo responded.

Council Member Cooney stated he would support removal of the garage, but he asked staff to investigate the narrowing of the curb cut. He was concerned about safety.

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

**Motion made by Council Member Cooney that variance ZON 23-044 shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in 134.201(a) items 1-7 have been met. Motion carried unanimously, 5-0.**

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

**Council Member Cooney amended the motion to include the following language: And providing that the property owner voluntarily commits that prior to issuance of a permit to provide or record an easement agreement, or easement agreement satisfactory to the town that ensures a recorded easement would be granted, if necessary, for underground utilities in the area.**

**Council President Pro Tem Lindsay seconded the motion. Motion carried unanimously, 5-0.**

- k. **ZON-23-050 (ARC-23-036) 243 SEASPRAY AVE (COMBO) – VARIANCES** The applicant, 243 Seaspray LLC (Larry Meyer, Manager), has filed an application requesting Town Council review and approval for (2) variances for (1) a reduced west side yard setback and (2) a reduced north rear yard setback, as it pertains to construction of a new two-story single family residence. The Architectural Commission shall perform design review of the application. [This project shall be deferred to the August 9, 2023, Town Council meeting, pending review by the Architectural Review Commission.

*Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.*

1. **ZON-23-046 329 WORTH AVE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, 329 Worth Avenue LLC (Matthew & Adrienne Raptis), have filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow a 12-seat lounge/bar with the service of beer, wine, and liquor at the existing Churchill Cigar Co. retail space in the C-WA Worth Avenue zoning district.

Council President Zeidman asked if the Zoning in Progress (ZIP) that was currently in effect would impact this request. Mr. Bergman said no because the application was submitted prior to the ZIP resolution.

Council Members Araskog, Cooney, Crampton, Council President Pro Tem Lindsay, and Council President Zeidman declared ex-parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Director Wayne Bergman provided staff comments.

Council President Pro Tem Lindsay asked if the owners would be agreeable to a declaration of use. Mr. Raptis responded in the affirmative.

Adrienne Raptis, owner, discussed the addition of alcohol to her existing cigar establishment.

Council Member Cooney supported a declaration of use agreement.

Council Member Crampton stated he was willing to support the application. He was impressed with the store and thought it served Palm Beach well. He supported the declaration of use agreement.

Council Member Araskog agreed with the declaration of use agreement. She expressed concern that the other Council Members' visits were not when the store was active. Council Member Araskog asked about the number of people that would fit into the establishment. Ms. Raptis stated that many of the clients previously smoked cigars on Worth Avenue.

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

**Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve ZON 23-046,**

**Special Exception with Site Plan Review, with the condition that a Declaration of Use shall be drafted and will return to the Town Council on July 12, 2023, for approval. Motion carried 4-1, with Council Member Araskog dissenting.**

**2. New Business**

- a. **ZON-22-115 (COA-22-040) 801 S COUNTY ROAD (COMBO) - VARIANCES** The applicant, Palmeiral Revocable Trust/Frances I. Kettenbach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a beach house structure and three (3) variances (1) to vest an existing non-conforming west setback due to the demolition of more than 50% of the structure, (2) to place an air conditioning condensing unit within the front setback, and (3) to reduce the Ocean Bulkhead setback, in conjunction with proposed exterior alterations and additions to an existing beach cabana. The Landmarks Preservation Commission will perform the design review component of the application. [This project shall be deferred to the July 12, 2023, Town Council meeting, pending review by the Landmarks Preservation Commission.]

*Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.*

- b. **ZON-23-049 (ARC-23-057) 2 S COUNTY RD (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to the tennis center at the Breakers hotel including replacement of and addition of courts, shade structures, walkway and stretching area, and (2) variances to (1) provide court fencing that is deficient in height and (2) to provide tennis court lighting that exceeds maximum heights allowed. The Architectural Commission shall perform design review of the application. This project shall be deferred to the October 11, 2023, Town Council meeting pending review by the Architectural Review Commission and at the request of the applicant.

*Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.*

- c. **ZON-23-053 1768 S OCEAN BLVD—VARIANCES** The applicant, Four Winds Estates LLC (Stephen and Christine Schwarzman), has filed an application requesting Town Council review and approval for a variance to install a boat lift onto an existing dock which will have a 17 ft south setback in lieu of the 25 ft setback required.

There were no ex-parte communications declared at this time.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Director Wayne Bergman stated that the staff had no issues with the application.

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

**Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Variance No. 23-053 be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134-201 (a) items 1-7 have been met. Motion carried unanimously, 5-0.**

- d. **ZON-23-055 (HSB-23-005) 261 ROYAL POINCIANA WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, Poinciana Capital Corporation (Gail Coniglio, VP), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to add a second story to an existing one-story commercial structure in the C-TS zoning district which requires (7) variances for (1-4) encroachments of front, side, and rear setbacks of a two-story building, (5) exceedance of lot coverage, (6) deficiency of landscape open space, and (7) exemption from the requirement of providing adequate additional parking. The Landmarks Preservation Commission shall perform design review of the application. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]

Council Member Cooney, Council President Zeidman, and Mayor Moore declared ex-parte communications.

M. Timothy Hanlon, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Daniel Clavijo, SKA Architect + Planner, reviewed the architectural plans proposed for the addition to the existing commercial structure.

Director Wayne Bergman provided staff comments.

Council President Pro Tem Lindsay had concerns about parking but was glad to hear that the applicant had obtained two parking permits.

Mayor Moore thought the project was tasteful and she supported the project.

Council Member Cooney asked if the structure would support a second story. Mr. Clavijo responded. Council Member Cooney asked about the tenant and if they could stay during the construction.

Ms. Coniglio discussed the limited use of the property. She agreed to purchase one parking placard.

Council Member Cooney asked how to manage construction parking. Mr. Bergman responded.

Council Member Araskog asked for clarification about the statement made by Mr. Hanlon. Mr. Randolph provided further explanation. Council Member Araskog asked about the color of the proposed building. Mr. Clavijo responded.

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

**Motion made by Council Member Cooney and seconded by Council Member Crampton to approve ZON 23-055 Variance shall be granted and, adding the condition that the owner would maintain one parking placard for the residential unit. Motion carried 4-1, with Council Member Araskog dissenting.**

**Motion made by Council Member Cooney and seconded by Council Member Crampton to approve Special Exception ZON 23-055 and site plan review of the same as said applications meet the criteria set forth in Sections 134-229 and 134-329, respectively of the town code and finding that approval of the site plan would not adversely affect the public interest, and that all zoning requirements governing the use have been met and that satisfactory provisions and arrangement has been made concerning items 1-11 of Section 134-329. Motion carried unanimously, 5-0.**

- e. **ZON-23-056 (COA-23-019) 1170 N OCEAN BLVD (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES** The applicant, Bath & Tennis Club, Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the installation of twelve (12) tennis court light poles requiring two (2) variances to (1) exceed maximum pole height and (2) forgo tennis court screening requirements. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances would not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]

Council Member Cooney declared ex-parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Director Wayne Bergman stated that the staff had no issues with the application.

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

**Motion made by Council Member Crampton and seconded by that Variance ZON 23-056 shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in 134-201(a) items 1-7 have been met.**

Council Member Araskog asked about the hardship for the variance. Ms. Ziska responded with information about the hardship which pertained to taller light poles for the tennis courts.

Keith Spina, Spina O'Rourke + Partners, provided further information about the hardship.

**Motion was seconded by Council Member Cooney. Motion carried 4-1, with Council Member Araskog dissenting.**

**Motion made by Council Member Crampton and seconded by Council Member Araskog to approve Special Exception ZON 23-056 and Site Plan Review be approved as said application meets the applicable criteria set forth in sections 134-229 and 134-329 respectively of the town code and finding that approval of the site plan will not adversely affect the public interest, that all zoning requirements governing these have been met and that satisfactory provision and arrangement have been made concerning (1)-(11) of Section 134-329 have been met. Motion carried unanimously, 5-0.**

- f. **ZON-23-057 (ARC-23-069) 231 BRADLEY PL (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Bradley Palm, LLC, has filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review for modifications to the second floor of a commercial building in the C-TS zoning district, in conjunction with rooftop modifications and increased roof height and site alterations. The Architectural Commission shall perform design review of the application. This application was withdrawn by the applicant.

*Please note: This item was withdrawn at the Approval of the*

*Agenda, Item V.*

- g. **ZON-23-062 (ARC-23-061) 301 PLANTATION RD (COMBO) - VARIANCES** The applicant, Berne Helen H Trust, Owner / Roberto and Joanne DeGuardiola, Contract Purchaser, have filed an application requesting Town Council review and approval of (4) variances to exceed (1) maximum building height, (2) maximum overall building height, (3) maximum chimney height, and (4) to forgo swimming pool screening requirements in a street side setback, as part of the development of a new single-family residence. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission Recommendation: Implementation of the proposed variances 1, 2, and 3 will not cause negative impact to the subject property. The site wall variance 4 will return the Commission with the landscape plans. Carried 7-0.][The Architectural Review Commission approved this project at the May 24, 2023, meeting with conditions. Carried 7-0.]

Council Member Cooney declared ex-parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project. She stated this was a new house on a corner lot on Plantation and North Lake Way and explained the variances requested.

Scott Collison, Fairfax & Sammons, presented the architectural plans proposed for the new residence.

Director Wayne Bergman provided staff comments.

Council Member Cooney thought the hardship ran with the land.

Council President Pro Tem Lindsay thought the site was difficult.

Council Member Araskog thought the chimney towered over the home. She wondered if it was too high. Council Member Araskog asked about the hardship for the variance. Ms. Ziska responded.

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

**Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that ZON 23-062 variance shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in section 134-201(a) items 1-7 have been met and that the property owner voluntarily commits that prior to issuance of a permit to provide or record an easement agreement, or easement agreement satisfactory to the**

town that ensures a recorded easement would be granted, if necessary, for underground utilities in the area. Motion carried unanimously, 5-0.

- h. **ZON-23-063 (ARC-23-039) 599 S COUNTY RD (COMBO) – VARIANCES** The applicant SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Town Council review and approval for a variance to exceed the maximum overall building height, as part of the construction of a new two-story single family dwelling. The Architectural Commission shall perform design review of the application. [This project shall be deferred to the July 12, 2023, Town Council meeting, pending review by the Architectural Review Commission.

*Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.*

**D. Time Extensions, Waivers, & Three Strike Matters**

1. 125 El Bravo Way - Time Extension  
*Wayne Bergman, Director of Planning, Zoning and Building*

Mr. Bergman introduced the time extension and discussed the request from the owner.

Michael Perry, the architect for the project, outlined the issues with the delay and provided a handout showing the timeline for the project.

Council Member Araskog stated that if the extension was granted, they would need to stop during the week of Thanksgiving and Christmas.

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

**Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the time extension as requested. Motion carried unanimously, 5-0.**

2. 247 Miraflores - Time Extension  
*Wayne Bergman, Director of Planning, Zoning and Building*

Mr. Bergman introduced the time extension and discussed the request from the owner.

Amadou Dial and Doug Vine, Woolems, outlined the issues with



the delay and provided a handout showing the timeline for the project.

Mr. Bergman asked Mr. Dial when he would be finished. Mr. Dial thought the project would be completed in three weeks.

Mayor Moore wondered if the project could be granted an extension due to COVID. Mr. Bergman stated that the COVID extensions had expired.

**Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve a one-month time extension. Motion carried unanimously, 5-0.**

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

3. 991 N Lake Way - Time Extension

*Wayne Bergman, Director of Planning, Zoning and Building*

Mr. Bergman introduced the time extension and discussed the request from the owner.

Ross Schnitzer, Sciame Homes, outlined the issues with the delay and provided a handout showing the timeline for the project.

Council Member Araskog asked about the work done during the past year. Mr. Schnitzer responded that his crew had been working on the project every day. Council Member Araskog asked about the extension to March 2024. Mr. Schnitzer responded that there had been significant changes and some supply chain issues.

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

**Motion made by Council Member Cooney and seconded by Council Member Araskog to approve the time extension as requested. Motion carried unanimously, 5-0.**

4. 234 List Road - Three Strikes

*Wayne Bergman, Director of Planning, Zoning and Building*

Mr. Bergman discussed the three strikes for the construction site related violations. A stop work order was issued on June 8,

2023. He indicated that this was the first time that PalmCrop Construction Services had been before the Town Council.

Russell Palmieri, PalmCorp Construction Services, discussed the three strikes the construction site had received and the circumstances for the strikes.

**Motion made by Council Member Cooney and seconded by Council Member Araskog to remove the second and third strike, to refund \$600, and to allow staff to grant right-of-way permits in the future. Motion carried unanimously, 5-0.**

## XI. ORDINANCES

Director Wayne Bergman outlined a notice issue with all three ordinances. Due to the issue, the Town Council decided to defer all three ordinances to the July meeting.

**Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to defer Ordinances Nos. 009-2023, 010-2023, and 011-2023 to the July 12, 2023, meeting. Motion carried unanimously, 5-0.**

### A. **First Reading**

1. Amendment to the Special Exception Clause in the Commercial Districts Related to Business Tax Receipts (BTRs) and Non-Conforming Permitted Uses

**Ordinance No. 009-2023:** An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, so as to Amend the Fees Delineated for each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

2. Amendment to the Requirements for Special Exception on Non-Conforming Lots within the Single-Family Districts

**Ordinance No. 010-2023:** An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article IV, Nonconformities, Division 4. - Land; Section 134-446. Development and Redevelopment of Nonconforming Residential Lots; Article VI, District Regulations, Division 2. - RAA Large Estate Residential District, Section 134-793. Lot, Yard, and Area Requirements; Division 3. -R-A Estate Residential District, Section 134-843. Lot, Yard, and Area Requirements; and Division 4. - R-B Low-Density Residential District, Section 134-893. Lot, Yard, and Area Requirements

Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

3. Amendment to the Definition of Building Height, Point of Measurement

**Ordinance No. 011-2023:** An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article I, in General; Section 134-2, Definitions and Rules of Construction, Related to Building Height Point of Measurement; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

XII. ANY OTHER MATTERS

There were no matters raised at this time.

XIII. ADJOURNMENT

**Motion made by Council Member Cooney and seconded by Council Member Araskog to adjourn the meeting at 7:33 p.m. Motion carried unanimously, 5-0 without the benefit of a roll call.**

APPROVED:

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

ATTEST:

\_\_\_\_\_  
Kelly Churney, Acting Town Clerk

Date: \_\_\_\_\_