



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on March 13, 2024

I. [CALL TO ORDER AND ROLL CALL \(00:18\)](#)

The Development Review Town Council Meeting was called to order on March 13, 2024, at 12:52 p.m. On roll call, all elected officials were found to be present.

II. [INVOCATION AND PLEDGE OF ALLEGIANCE \(00:53\)](#)

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

III. [COMMENTS OF MAYOR DANIELLE H. MOORE](#)

There were no comments heard.

IV. [COMMENTS OF TOWN COUNCIL MEMBERS \(7:53:28\)](#)

At the end of the meeting, Council Member Cooney reminded everyone to be kind, civil, and respectful after witnessing personal attacks in a recent Planning and Zoning Commission Meeting.

V. [COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE](#)

There were no comments heard.

VI. [APPROVAL OF AGENDA \(2:01\)](#)

Council Member Araskog requested the addition of a discussion on 247-251 Worth Avenue under Any Other Matters, as she felt the site plan approved at Town Council had subsequent changes to the second story.

Wayne Bergman, Director of Planning, Zoning, and Building, offered the following amendments to the agenda: the withdrawal of Ordinances 001-2024, 002-2024, 003-2024, 004-2024, and the addition of the Verbal Update Regarding the Traffic Study Additional Tasks from March 12, 2024, Town Council Meeting.

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

Clerk's note: A lunch break was taken at 12:58 p.m. The meeting resumed at 1:41 p.m.

After the lunch break, the Town Council immediately heard the Verbal Update Regarding the Traffic Study Additional Tasks.

[Verbal Update Regarding the Traffic Study Additional Tasks \(09:32\)](#)

Eric Czerniejewski, from the Corradino Group, discussed the 19 items to be reviewed.

Council Member Araskog thought the Alef School should be configured in the future. She also thought the Royal Poinciana Playhouse and restaurant should be included in future estimates.

Council President Pro Tem Lindsay commented that the traffic signals at two separate entrances off County Road, leading into The Breakers, routinely stop traffic and cause backup to Royal Poinciana. She thought someone should investigate the traffic signal timing. The Police and Public Works Departments would be tasked with evaluating the traffic signals.

Council Member Cooney thought The Breakers should be included in future calculations, because of development opportunities, of right, included in their Planned Unit Development (PUD).

Mr. Czerniejewski confirmed that The Breakers would be included in the updated growth rate evaluation.

The time of day for study indicated 7:30 am – 9:30 am. After a discussion, there was a consensus of the Town Council to change the time of study to 2:30 pm to 5:30 pm.

The study of Mar-A-Lago was removed from the list with the direction that the Palm Beach Police Department would address Mar-A-Lago during events.

Review items 8 and 9 will be addressed by Kimley Horn.

Council Member Araskog noted that the Town Council had asked for a study to evaluate the difference between one-way and two-way traffic on Sunset.

Mr. Czerniejewski confirmed that numbers 4, 5, and 7 were being done by someone other than The Corradino Group. He stated that the Corradino Group would look at all fourteen road segments for a road segment link analysis. Council President Zeidman asked that the Town Council Members be provided a copy of the fourteen road segments.

Council President Zeidman asked Mr. Czerniejewski to explain the Roadway Link Analysis.

Council Member Araskog said the study should include North Lake Way from Wells through Royal Poinciana Way and Saint Edwards Church to Royal Poinciana Way.

Mayor Moore noted a bottleneck in the 300 block of Peruvian. The Town Council agreed that the Police Department should review this area of Peruvian.

Council President Zeidman asked what could be done at Sunset and Bradley. Public Works Director Paul Brazil stated that staff was working around Sunset and Bradley.

Deputy Town Manager Bob Miracle spoke about the financial implications. He said from the clarification, staff would be able to work with the professionals on the contract.

Council President Zeidman urged Mr. Czerniejewski to look at West Palm Beach and the number of condominiums and businesses being developed. Mr. Czerniejewski said the professionals would meet with the West Palm Beach Planning Department to review all active projects. Traffic studies would be included, and the growth rate would be re-evaluated in the future.

After the Town Council reviewed the 19 additional tasks for the traffic study, there was a consensus among the Town Council Members to proceed with the scope of work items provided by the Corradino Group, with the following modifications: In item 3, change the afternoon time from 2:30 p.m. to 5:30 p.m. and items 4, 5, 7, 8, 9, 11, 16, 17, and 18 would be removed from the list.

VII. RESOLUTIONS

A. [A resolution to landmark the property at 262 Sunset Ave. \(5:49:57\)](#)

RESOLUTION NO. 148-2023: 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 property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 to recommend the property for designation as a landmark.*

Council Members Cooney and Crampton disclosed ex parte communications.

Jamie Crowley, the attorney for the owner, stated he was requesting a deferral to the fall, at the request of his client. He stated that his client was opposed to the designation. However, Mr. Crowley stated he was hoping to have some time to work with his client to determine if they could make the property work if it were to be designated as a landmark. He indicated he would waive the public hearing requirement.

A motion was made by Council Member Cooney and seconded by Council Member Crampton to defer the resolution to the meeting on November 13, 2024, at the request of the applicant, with the applicant's agreement to waive the public hearing requirement within 90 days of the Landmarks Preservation Commission's decision. The motion was carried unanimously, 4-0. Clerk's note: Council Member Araskog was not in the room for this vote.

VIII. DEVELOPMENT REVIEWS

A. **Variances, Special Exceptions, and Site Plan Reviews**

1. **Old Business**

- a. [ZON-23-020 \(COA-23-003\) 139 N COUNTY RD - THE PARAMOUNT THEATER \(COMBO\) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES \(37:25\)](#) 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 greater than 3,000 SF in the C-TS district, (3) for Outdoor café seating use associated with a private club in the C-TS district, (5) for two stories in the C-TS district, (6) for shared parking in the C- TS district, and (7) for a modification to a previously approved Special Exception for Churches, synagogues or other houses of worship to allow for a flexible event space. The applicant is also seeking Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involves 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 setback, (2) front side street yard setback, (3) and to reduce the required 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) to reduce the front side street yard setback for the subterranean parking level, (14) to permit mechanical lift parking in the parking garage, (15) a variance to exceed the maximum height of a perimeter wall on a side or rear property line, (16) to permit residential uses on the first level in the C-TS zoning district in lieu of the above the first-floor requirement, (17) to allow generators on a roof(s), (18) to exceed the maximum height of a screening wall for mechanical equipment on a roof, (19) to exceed the maximum height of mechanical equipment on a roof, and (20) to exceed the maximum height of chimneys, in conjunction with the renovation and adaptive reuse of an existing Landmarked theater structure and the construction of four connected residences with ground floor retail components with two levels of subterranean parking. The Landmarks Preservation Commission will perform the design review.

TIME CERTAIN 2:00PM

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

Jamie Crowley, the attorney for the applicant, outlined the zoning requests and provided an overview of the project.

Dan Lobitz, from Robert A.M. Stern Architecture, presented the architectural plans for the project.

Cory Meyer from Nievera Williams Design presented landscape and hardscape plans for the site. He noted that the amount of green space was being increased.

Mr. Crowley spoke about the principle of equivalency, set forth in the Town Code, Section 134-2175(d). This section addresses the provision of parking for a project. He referred to additional language in 2175(e), which talks about commercially zoned landmarked buildings and provides a complete exemption for parking where interior renovations are done, where use is intensified, or where there is an increase in the internal square footage. He stated that code provision was not being relied on to produce vested parking. Specifically, and limited to the principle of equivalency, there was adequate parking. He said neither his team nor staff disputed the same.

Council President Zeidman stated there were 46 parking spaces, and the question was, if the Town Council was to grant anything being requested, how was it going to work on a roadway that was constantly congested in season and at certain times of the day? Mr. Crowley said there was a legal concern about parking and there was a practical concern about parking. He said operationally, the valet system had to work and that any valet plan would prohibit the stacking of vehicles. That requirement would be in the Declaration of Use. The applicant had the right to park up to 150 spaces on Royal Palm Way, which was not ideal, but it was not required. Mr. Crowley said there were peak hours for traffic in town, and this application did not impact traffic during peak hours.

Chris Heggen from Kimley-Horn and Associates discussed the traffic in relation to the Paramount building.

Mr. Crowley noted that the application was submitted in October 2022. Since that time, Sunset has changed from two-way to one-way. He did not believe his client should be penalized for traffic issues that resulted from the change. Council President Zeidman explained why Sunset was changed to a one-way street.

Council Member Crampton confirmed that employees would park off the island. He asked about construction vehicles. Mr. Crowley said employees would park off the island, and there was a staging plan for construction vehicles. He said the modifications being made to the building were comparatively minor. He would be willing to present a construction management plan when the timing was appropriate.

Council President Pro Tem Lindsay asked how many seats would be provided for diners. Mr. Crowley said the club would not be strictly food and dining. The applicant had agreed to limit occupancy during morning hours to 150, during lunch to 250, and reduce it back to 150 for evening hours. At night, full occupancy would be allowed before 12:00 a.m. There was additional discussion about the total number of people who would use the club. Council President Pro Tem Lindsay was concerned about an iconic building, such as the Paramount Theater, being taken away from general public access.

Jeff Brophy, a planning expert from WGI, weighed in on the special exception requirements.

Owner Tony Cummings discussed sanitation, utilities, and delivery issues. Mr. Cummings discussed his efforts to reach out to the neighbors.

Council Member Crampton had concerns about the capacity number proposed to ensure the correct details were added to the Declaration of Use and the valet operations.

Council President Zeidman discussed the number of variances that had been eliminated and acknowledged the applicant's intent to do the right thing for the neighborhood and the Town.

Council Member Cooney acknowledged the loss of the street front retail. He thought retail would enhance the area and create engagement with the street.

Owner Lester Woerner discussed the amount of money being spent on the restoration. He would be open to retail, but with the opposition next door, he did not want an addition that would delay the project.

Council Member Araskog asked if the staff requested the applicant to propose the two variances. Mr. Murphy explained the two variances that were requested and explained why they were reasonable. Council Member Araskog asked if the proposed use was an intensification of use, to which Mr. Bergman replied that it was an intensification of a zoning use and was not by right.

Council President Pro Tem Lindsay and Council Member Araskog disclosed additional ex parte communication.

Jamie Gavigan, an attorney representing neighbors at the Sun and Surf, asked if the public could be heard prior to the lawyers.

Council President Zeidman called for public comment.

The following individuals spoke in opposition or expressed concern for the project:

Jerry Zaro, 100 Sunrise Avenue and President of the Sun and Surf
KT Catlin, 265 Fairview Road
Beryl Simonsen, 130 Sunrise Avenue
Staci Barber, 100 Sunrise Avenue
President of Leverett House, 110 Sunset Avenue
Gary Lockman, 110 Sunset Avenue
Burt Manning, 100 Sunrise Avenue
Rick Smith, 130 Sunrise Avenue
Anne Pepper, 333 Seaspray Avenue
Jonathan Auerbach, 100 Sunrise Avenue
John Golden, 150 N. Ocean Blvd.
Elaine Bedell, 130 Sunrise Avenue
Dr. Jane Day, Boca Raton, and previous Landmark Consultant
Vincent Cloud, 146 Sunset Avenue
Denise Sandell, 100 Sunrise Avenue

The following individuals offered supportive comments about the project:

Richard Burnstein, 235 Sanford Avenue
Adam Platzner, S. Ocean Blvd.
Martin Klein, 1050 N. Ocean Blvd.
Angie McNamara, 127 Kings Road

Maura Landers, representing Scott Snyder at 343 Chilean Avenue
Kristin Lopopolo, 3560 S. Ocean Blvd.
Rick Gonzalez, 120 S. Olive Avenue, on behalf of the Babbitts
Aimee Sunny, Preservation Foundation of Palm Beach
Skip Aldridge, 2295 S. Ocean Blvd.

Clerk's note: A short break was taken at 4:09 p.m. The meeting resumed at 4:14 p.m.

Jamie Gavigan, an attorney representing the neighbors at the Sun and Surf, recognized the work that had been done on the subject project. He stated there are still concerns that need to be addressed and resolved. He said most of the issues were with parking and traffic. He introduced Shaun MacKenzie, a traffic engineer.

Shaun MacKenzie, an engineer with MacKenzie Engineering, discussed the traffic safety issues in and around the site. He said the driveway exit did not have adequate site distance to safely exit the project onto Sunrise Avenue. Council President Pro Tem Lindsay noted that vehicle users presently get to the parking lot by going through Sunset, onto Sunset Avenue, and then exiting onto Sunrise Avenue. Mr. MacKenzie said if someone was driving out of the driveway trying to look left toward North County Road, the building obscured the safe site distance based on FDOT standards. He spoke about the traffic analysis and the criteria used in collecting data. He then stated that his team conducted their own traffic analysis. They placed traffic cameras out for one entire day in December. He said the cameras were at the intersections of Sunset and North County, Sunrise and North County, and both sides of the Royal Poinciana and North County intersections. He noted the traffic was predominantly found on North County Road. They found the highest volumes on North County Road were at midday. He stated the transportation impacts of the project were not known. He opined that comparing cars on the road to a vehicular standard was counter-productive in determining the actual level of service.

Council President Zeidman asked if some other type of information should be obtained from some other type of traffic study.

Ms. Hoffmeister-Drew explained that the staff followed the requirements of the Town Code. She said there may be different questions that must be asked, which would be done through the Town's peer review traffic consultant. She said that Mr. Czerniejewski, from the Corradino Group, was still available to answer questions.

James Green, an attorney representing Lee and Pam Dunston, Tony Stepanski, Richard Hirsch, and Gene Bernstein, addressed traffic, parking, and defects in the traffic study. Mr. Green provided additional information about his clients and the relationship of those parties to the project. Mr. Green said three of them were abutters, and the remaining clients resided on Monterey Road and were not abutting property owners. He believed his clients who abut the property fell within the range of aggrieved parties identified in various standing decisions and the comprehensive plan. Mr. Crowley

rebutted, citing case law.

Attorney O'Connor advised that the decision to allow Mr. Green to cross-examine the applicant's traffic expert was with the Town Council.

Mr. Green asked Chris Heggen about the traffic counts in February 2024. He asked Mr. Heggen about the building directly across the street. Mr. Heggen responded it was a synagogue and a restaurant. He also thought there were a couple of boutiques. Mr. Green asked if Mr. Heggen had looked at the Lent, Easter, and Mass schedules for St. Edwards Catholic Church. Mr. Heggen said the mass schedules were not taken into consideration.

James E. Spinks, an engineer with Volkert, provided his findings on the traffic study that had been prepared by the applicant. Mr. Spinks gave a brief biography. He discussed the critical points of his review. He agreed with the last traffic expert that the project trip generation was underestimated in the study. He thought clarity was needed regarding occupancy versus memberships and guests. It should also be noted that they were using fine dining to generate trips and that posed a problem. Most fine dining establishments did not serve breakfast, and some did not serve lunch. He pointed out what he believed were discrepancies and inconsistencies in the report. There were several issues with the project trip distribution and assignment that the applicant had used in their study. It did not match with the site plan. He discussed changes made between submittals for the project. Mr. Spinks also talked about proportionate fair share. He questioned the improvements on which proportionate fair share would be paid. Mr. Spinks said a separate analysis for St. Edwards Catholic Church was not included.

John Eubanks, the attorney representing the residents at the Sun and Surf Condominium, encouraged the Town Council to look at what they believed to be a strict violation of the comprehensive plan under the transportation element and the land use element. He spoke about the traffic and parking issues. He quoted language in the comprehensive plan and expanded upon that language. He did not think the principle of equivalency met the requirements of the comprehensive plan. Mr. Eubanks reiterated the two different violations of the comprehensive plan. Once there are violations of the comprehensive plan, the standards for special exceptions are not met. He referred to Mr. Heggen's comment that traffic counts were taken on Saturday, December 24, 2023. Mr. Crowley said the study was conducted on December 27, 2023. He said his clients would like to see the application denied.

Mr. Crowley provided rebuttal comments.

Council Member Araskog asked Town Attorney O'Connor about competent substantial evidence being the information received on the comprehensive plan as to why it violated the plan. She said the Town Council had knowledge of the comprehensive plan. Ms. O'Connor said the competent substantial evidence was what the planner testified to and what the law was, and she thought the Town Council

members could use their understanding of the comprehensive plan, which was the town's constitution, and apply that in considering the testimony presented.

Chris Heggen, with Kimley-Horn and Associates, provided a rebuttal for the statements made by Messrs. MacKenzie and Spinks. He advised that the trip generation calculations were reviewed by The Corradino Group and Palm Beach County. Palm Beach County issued a Traffic Performance Standards Letter to confirm the findings of the Kimley-Horn study. The study was also confirmed by The Corradino Group. He discussed the reports.

Mr. Crowley stated he had spoken to both the Police and Fire Departments, who had no concerns with regard to the proposed plans.

Wayne Bergman, Director of the Planning, Zoning and Building Department, provided staff comments.

James Murphy, Assistant Director of the Planning, Zoning and Building Department, explained the principle of equivalency. He answered the questions from the members on this calculation.

Council Member Crampton thought the tangible benefits of this project were undeniable. He said the club traffic would take place during off times rather than during peak times. He suggested the Carriage House model be followed because it was a good framework for making decisions. He stated that with that project, the Town Council set the parameters through the Declaration of Use, which set some pretty strict standards for regulating and modifying the impacts of the facility on the neighborhood. He further discussed how the Carriage House was approved and had operated successfully. Council Member Crampton said the owner had demonstrated a willingness to work with the Town, and if he were willing to reduce the number of people by approximately 20%, he would be willing to approve the request.

Mayor Moore stated she was worried about the condition of the building; or what the building could be used for in the future if not with the current owner. She thought a 30% reduction in membership should be considered. She also expressed concerns about traffic and parking. She thought more study was needed.

Council President Pro Tem Lindsay discussed the traffic and congestion in the Town. She talked about her concerns with the lack of parking around the project. She thought a club membership of around 220 would be more appropriate, with the addition of a small restaurant for the public. She thought a construction management agreement and a declaration of use agreement would be required if this project were approved.

Council Member Cooney aligned his thoughts with Council President Pro Tem Lindsay. He asked about the location for overflow parking and if diagrams were available to demonstrate it. He also thought retail spaces needed to be added back into the plan.

Council Member Araskog agreed with Council President Pro Tem Lindsay and Council Member Cooney. She thought a club membership of around 220 would be more appropriate. She expressed concerns about parking around the site. She thought there was a compromise, but that compromise should include something other than the residents' quality of life.

Council President Zeidman discussed the traffic issues. She agreed with Mayor Moore about the condition of the building. She thought the applicant needed to find additional parking. She was in favor of returning retail spaces for the first floor. She provided thoughts on the starting number of seats and hours for restaurant use.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to defer the project to the meeting on April 10, 2024, with the direction for the applicant and the three opposing parties to hold discussions about the project. The motion was carried unanimously, 5-0.

Mr. Woerner expressed his frustrations and talked about occupancy and parking. He said the area was not congested after 5:30 p.m. He felt his rights as a property owner were being infringed upon.

Clerk's note: A short break was taken at 7:28 p.m. The meeting resumed at 7:31 p.m. to hear the requested deferral of Resolution No. 148-2023. After this item was heard, an additional break was taken at 7:34 p.m. The meeting resumed at 7:46 p.m. Council Member Araskog left the meeting at 7:28 p.m.

- b. [ZON-23-109 \(COA-23-040\) 134 EL VEDADO RD \(COMBO\) - VARIANCE \(5:53:40\)](#) The applicants, Elizabeth and Jeffrey Leeds, have filed an application requesting Town Council review and approval for (1) Variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject landmark property. Motion carried, 7-0.] [The Landmarks Commission approved the project. Motion carried, 7-0.]*

There were no ex parte communications declared at this time.

Mayor Moore asked about the variance because, in the past, a request for gates on El Vedado Road was denied because the house was too close to County Road and would have presented a queuing issue.

Cory Meyer with Nievera Williams Design stated that this home was in the middle of the block.

Mr. Bergman provided staff comments.

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

A motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Variance

No. ZON-23-109 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 through 7, have been met. The motion was carried 3-1, with Council Member Cooney dissenting.

- c. **ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO)— SPECIAL EXCEPTION AND VARIANCES** The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3-6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the application. *[This project has been deferred to the April 10, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

Please note: This item was deferred to April 10, 2024, meeting at the Approval of the Agenda, Item VI.

- d. **ZON-23-105 (ARC-23-123) 1186 N OCEAN WAY (COMBO) - VARIANCES** The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Architectural Commission review and approval for the design of a new two-story residence with sitewide landscape and hardscape improvements, requiring setback and separation distance variances for the location of the pool equipment and a variance to exceed allowable chimney height. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. *[The variances for this project are no longer needed; therefore, Town Council will not be hearing this project.]*

Please note: This item was withdrawn at the Approval of the Agenda, Item VI.

- e. **ZON-23-113 (ARC-23-145) 123 CHILEAN AVE (COMBO)— SPECIAL EXCEPTION AND VARIANCES (5:57:35)** The applicant, Robert & Perri Bishop, has filed an application requesting Town Council review and approval for Special Exception to develop a parcel comprised of portions of platted lots which is deficient in minimum required lot width and lot area in the R-B district, and (3) Variances including (1 and 2) to reduce the required east and west side-yard setbacks and (3) to exceed the maximum permitted cubic content ratio (CCR) permitted, in conjunction with a new two-story single-family residence and one-story accessory cabana structure. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion Carried 7-0.] [The Architectural Review Commission approved this project with conditions. Motion Carried, 5-2.]*

Council Member Cooney declared ex parte communication.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project. Ms. Ziska said the hardship was due to the nonconforming property.

Patrick Segraves with SKA Architect + Planner presented the architectural plans for the project.

Mr. Bergman provided staff comments.

Council President Zeidman asked if the project received any objections from the neighbors. Mr. Segraves responded.

A motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Special Exception and Site Plan Review No. ZON-23-113 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 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, 4-0.

A motion made by Council Member Cooney and seconded by Council Member Crampton that Variance No ZON-23-113 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 through 7, have been met. The motion was carried, 4-0.

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

- f. **ZON-23-092 (ARC-23-052) 300 COLONIAL LN (COMBO)—VARIANCE(S)** The applicants, Dragana & Richard Connaughton, have filed an application requesting Town Council review and approval for seven (7) variances including (1-2) to construct an accessory slat house structure in the south rear-yard and west street side-yard setback, (3) to exceed maximum angle of vision, (4) to exceed maximum lot coverage, (5-6) to construct a new- single family residence with reduced one-story and two-story east side-yard setbacks, and (7) to exceed the maximum number of pieces of air-conditioning equipment permitted in the east side- yard setback. The Architectural Commission shall perform design review of the application. *[The variances for this project are no longer needed; therefore, Town Council will not be hearing this project.]*

Please note: This item was withdrawn at the Approval of the Agenda, Item VI.

- g. **ZON-23-117 (COA-23-043) 235 BANYAN RD (COMBO) - VARIANCES** The applicant, Richard Kurtz, has filed an application requesting Town Council approval for three (3) variances in accordance with Section 134-201 for: 1. building height plane requirement found in Section 134-843(7) which would allow relief from a building height

plane requirement of two feet of front setback for each one foot of building height per the R-A Zoning District., 2. exemption of the building height of approximately 32.13' NAVD proposed vs. 25' NAVD permitted per Section 134-841(b)(1), and 3. exemption of the number of guest houses permitted per property Section 134-841 (5). The Landmarks Preservation Commission shall provide design review of the application. *[This project shall be deferred to the May 15, 2024, Town Council meeting, pending review by the Landmarks Preservation Commission.]*

Please note: This item was deferred to May 15, 2024, meeting at the Approval of the Agenda, Item VI.

Clerk's note: Council Member Araskog returned at 8:09 p.m.

2. New Business

- a. **ZON-23-095 (HSB-23-007) 124 PARC MONCEAU (COMBO) - SITE PLAN REVIEW AND VARIANCES (6:04:41)** The applicant, Parc Monceau Ltd (Peter Brooks, Representative), has filed an application requesting town council review and approval for site plan review to revest the development of an existing nonconforming parcel in the R-A zoning district, and (8) total variances: (variances 1 – 2) to revest nonconforming south side- yard and west rear-yard setbacks, (variance 3) to revest nonconforming lot coverage, (variances 4 – 5) to revest nonconforming overall and front yard landscape open space, (variance 6) to forgo the requirement of providing 2 garage parking spaces, and (variances 7– 8) for north and south site walls to exceed maximum heights permitted; due to the demolition of more than 50% of a façade of the existing structure. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion Carried 7-0.] [The Landmarks Preservation Commission approved this project with conditions. Motion Carried 7-0.]*

Council Member Cooney declared ex parte communication.

Maura Ziska, the applicant's attorney, outlined the zoning requests and provided an overview of the project.

Michael Perry with MP Design and Architecture presented the architectural plans for the project.

Council Member Araskog asked about the approval of the equipment. Mr. Perry responded.

Mr. Murphy provided staff comments.

Council Member Araskog asked about the hardship with the variances; Ms. Ziska responded.

Council President Zeidman called for public comment.

James Green, an attorney representing the owners at 1739 S. Ocean Blvd., stated that his clients' concerns were variances 1 and 2.

Wes Blackman, a certified urban planner on behalf of the owners at 1739 S. Ocean Blvd., outlined and explained the objections to

variances 1 and 2. Mr. Blackman submitted many items that were placed on the overhead projector.

Council Member Araskog asked Mr. Green about the hardships indicated by the applicant's attorney. Mr. Green stated that the pool did not need to be rebuilt.

Council Member Cooney confirmed that Mr. Green had no issues with variances 3-8, which Mr. Green affirmed.

Mr. Murphy provided further comments. He said the applicants were looking to reconstruct the façade and massing in a similar manner.

Council President Pro Tem Lindsay asked what would occur if variances 1 and 2 were denied. Mr. Perry said it would change the symmetry of the rear façade and compromise the location of the swimming pool. Ms. Ziska shared that the neighbors had lived with the nonconforming house for the past twenty years. She said her clients were trying to repair a structurally unsound house.

Mayor Moore thought the symmetry in the site plan was important. She thought if 7 feet were removed from the rear of the home, the same treatment should be done on the front side of the structure.

Council Member Araskog asked Mr. Green how the project impacted his client. She wondered if the real complaint from the neighbor was about the proposed improvements. Mr. Green stated that the neighbors could see the pool deck, which they thought looked like an additional story.

Council Member Cooney was familiar with the structural issues in the home. He did not think the demolition of the pool deck was a choice of the owner; he knew the extent of the lack of structural integrity of the pool deck. He thought the variances were appropriate and allowed for a re-vesting in the residence.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Site Plan Review No. ZON-23-095 be approved based upon the finding that the Site Plan will not adversely affect the public interest, and 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.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-23-095 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 through 7 have been met. The motion was carried unanimously, 5-0.

- b. [**ZON-24-002 219-221 WORTH AVE AND 220 PERUVIAN AVE TABOO—SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW \(6:54:32\)**](#) The applicant, 219 Worth Avenue Holdings LLC, has filed an application requesting Town Council review and approval for (1) a Special Exception request for a renovation of an existing restaurant

with new operator within the space of a former restaurant space (Taboo) on Worth Avenue and the interior renovation of same, expansion into adjacent ground floor retail space and renovation of existing second floor storage area, and renovation of detached annex building, and (2) for a Special Exception request to allow a use contain greater than 4,000 square feet GLA gross leasable area in the C-WA zoning district.

Council Member Cooney declared ex parte communication.

Maura Ziska, the applicant's attorney, outlined the zoning requests and provided an overview of the project.

Jennifer Oatman, East Coast Director of Operations, Thomas Keller Restaurant Group, discussed the restaurant concept.

Council Member Cooney asked if the concept was similar to The Surf Club concept; Ms. Oatman said yes, in terms of formality and style of service.

Mr. Bergman provided staff comments.

Council Member Araskog asked Mr. Murphy if parking could be required. Mr. Murphy stated that a parking plan would be included in the valet plan, which would be required in the declaration of use agreement.

Council Member Cooney expressed his pleasure that the name "Taboo" was kept and that a Thomas Keller restaurant was the replacement.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Special Exception and Site Plan Review No. ZON-24-002 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 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 conditioned upon the passage of a Declaration of Use (DOU) Agreement, which will include hours of operation and a valet plan. The motion was carried unanimously, 5-0.

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

- c. **ZON-24-047 (ARC-24-008) 264 DUNBAR RD (COMBO) – VARIANCE** The applicant, 264 Dunbar LLC (Lee Fensterstock, Manager), has filed an application requesting Town Council review and approval of (1) variance to exceed maximum equipment screening wall height in the south rear yard setback, as part of the construction of a new single-family residence. The Architectural Commission shall perform design review of the application. *[This project has been deferred to the April 10, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

Please note: This item was deferred to April 10, 2024, meeting at the Approval of the Agenda, Item VI.

- d. **ZON-24-025 (ARC-24-015) 153 AUSTRALIAN AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE** The applicant, Rabbi Zalman Levitin, has filed an application requesting Town Council review and approval for a special exception to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to forgo required garage parking. The Architectural Commission shall perform design review of the application. *[This project has been deferred to the April 10, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

Please note: This item was deferred to April 10, 2024, meeting at the Approval of the Agenda, Item VI.

- e. **ZON-24-028 (COA-24-007) 124 VIA BETHESDA (COMBO) - VARIANCES (7:11:31)** The applicant, Smith Architectural Group, Inc. design professional and represented by Maura Ziska, Esq., has filed an application requesting Town Council approval for one (1) variance to reduce the required vehicular backup driveway space to install sliding driveway gates at the two (2) north entryways with an approximately 10'-3.5" setback from the edge of pavement in lieu of the 18'-0" minimum required on the western north gate and an approximately 9'-5" setback from the edge of pavement in lieu of the 18'-0" minimum required on the eastern north gate. The Landmarks Preservation Commission shall provide a design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject landmark property. Motion carried, 7-0.] [The Landmarks Commission approved the project. Motion carried 7-0.]*

Council Member Cooney and Mayor Moore declared ex parte communication.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project.

Sophia Bacon with Smith Architectural Group presented the architectural plans for the project.

Council President Zeidman 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 Lindsay that Variance No. ZON-24-028 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 through 7 have been met. The motion was carried unanimously, 5-0.

- f. **ZON-24-033 (ARC-24-021) 224 SANDPIPER DR. (COMBO) – VARIANCES (7:15:45)** The applicant, 224 Sandpiper LLC, has filed an application requesting Town Council review and approval for construction of an outdoor terrace and installation of a retractable awning with variances. (1) for reduced open space requirements and (2) for reduced side yard setback. The Architectural Commission shall perform the design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion Carried, 5-0.]*

[The Architectural Review Commission approved this project with conditions. Motion Carried, 5-0.]

Council Members Cooney and Araskog declared ex parte communication.

Jaime Torres-Cruz, with Fairfax and Sammons, presented the architectural plans for the project.

Mr. Bergman provided staff comments.

Council Member Araskog did not understand the open space. Mr. Torres-Cruz said the landscape open space area was already nonconforming.

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

A motion was made by Council Member Cooney and seconded by Council Member Crampton that Variance No. ZON-24-033 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 through 7 have been met. The motion was carried 4-1, with Council Member Araskog dissenting.

- g. **ZON-24-034 (ARC-24-022) 726 HI MOUNT ROAD (COMBO) – VARIANCE (7:21:23)** The applicant, Jaime Torres-Cruz with Fairfax and Sammons on behalf of owner Irimar Ocean Properties LLC, has filed an application requesting Town Council approval for one (1) variance to reduce the required south side yard setback for a one- story (approximately 400SF) roofed porch added onto an existing terrace. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion Carried, 4-2.] [The Architectural Review Commission approved this project with conditions. Motion Carried, 4-2.]*

Council Members Cooney and Araskog declared ex parte communication.

Jaime Torres-Cruz, with Fairfax and Sammons, presented the architectural plans for the project.

Council Member Araskog was bothered by the request for variance. Many of the other members did not see the need for the request.

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

A motion was made by Council Member Araskog and seconded by Council Member Cooney that Variance No. ZON-24-034 shall be denied for the reason that the request does not meet the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7, and the hardship has been created by the owner due to unreasonable use of the property. The motion was carried unanimously, 5-0.

- h. **ZON-24-041 241 SANFORD AVE - VARIANCE (34:37)** The applicant, 241 Sanford Avenue Realty Trust has filed an application requesting

Town Council review and approval of a variance to reduce the required side (east) setback for the installation of a new elevator.

Council Member Cooney, Council President Pro Tem Lindsay, and Mayor Moore declared ex parte communication.

Jeff Smith with Smith Architectural Group presented the architectural plans for the project.

Council Member Araskog asked about the hardship for the variance request. Mr. Smith responded with the hardship.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. 24-041 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 through 7 have been met. The motion was carried unanimously, 5-0.

B. Time Extensions and Waivers

1. [Waiver of Town Code Section 18-237, For Building Permit Extension for 249 Royal Palm Way \(7:29:58\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Jamie Gavigan, the attorney for the homeowner, provided the reasons for the extension request.

A motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the extension, as requested, until September 30, 2024. The motion was carried unanimously, 5-0.

2. [Waiver of Town Code Section 18-237, For Building Permit Extension for 991 N Lake Way \(7:32:01\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Lauren with Sciamme Homes provided the reasons for the delays.

A motion was made by Council Member Cooney and seconded by Council Member President Pro Tem Lindsay to approve the extension as requested. The motion was carried unanimously, 5-0.

3. [Waiver of Town Code Section 18-237, For Building Permit Extension for 200 Ocean Terrace. \(7:27:57\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Aubrey Ballard, with Thomas Melhorn, provided the reasons for the delays.

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

4. [Waiver of Town Code Section 18-237, For Building Permit Extension for 223 Monterey Rd. \(7:35:27\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Joshua McAlees with Seagate Capital Construction provided the reasons for the delays.

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

IX. ORDINANCES

A. **First Reading**

1. Amending the Future Land Use Map of the Comprehensive Plan by changing the Future Land Use Designations for parcels of land more particularly described in Exhibit A, from “Commercial” and “Single Family” to “Approved PUD” (*Commonly Referred to as the Wells Fargo Site*)

ORDINANCE NO. 001-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida; Amending The Adopted 2017 Town Of Palm Beach’s Comprehensive Plan Pursuant To Chapter 163, Florida Statutes; Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Designations For Parcels Of Land More Particularly Described In Exhibit A, From “Commercial” And “Single Family” To “Approved PUD”; Providing For Inclusion Into The Comprehensive Plan; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

Please note: This item was withdrawn at the Approval of the Agenda, Item VI.

2. Rezoning Parcels of Land More Particularly Described in Exhibit A, from “R-B Low-Density Residential” District, “C-TS Town-Serving Commercial” District, and “C-B Commercial” District to “PUD-D” (*Commonly Referred to as Wells Fargo Site*)

ORDINANCE NO. 002-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Amended Official Zoning Map Of The Town Of Palm Beach Updated July 26, 2022; Rezoning Parcels Of Land More Particularly Described In Exhibit A, From “R-B Low-Density Residential” District, “C-TS Town- Serving Commercial” District, And “C-B Commercial” District To “PUD-D”; Providing For Inclusion On The Zoning Map; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

Please note: This item was withdrawn at the Approval of the Agenda, Item VI.

3. Amending the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.2.1 & Policy 2.2.3 to allow for mixed use PUDs. Creating a new Policy 11.1.5 to allow for mixed use PUDs located within the Single Family and Commercial Land Use Categories. (*Commonly known as the Wells Fargo Site*)

ORDINANCE NO. 003-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan, Pursuant To Chapter 163, Florida Statutes; Amending The Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.2.1 To Incorporate Mixed-Use PUDs As Set Forth In Policy 11.1.5 As An Appropriate Use In The Single Family Future Land Use Designation; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.3 A. To Incorporate Mixed-Use PUDs As Set Forth In Policy 11.1.5 As An Appropriate Use In The Commercial Future Land Use Designation; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element To Create A New Policy 11.1.5 To Establish A Type Of Planned Unit Development In The Town Of Palm Beach For Mixed-Use Development Within The Single Family And Commercial Land Use Categories Allowing For A Mix Of Residential Uses Not Exceeding The Maximum Allowable Density Within The Land Use Categories; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

Please note: This item was withdrawn at the Approval of the Agenda, Item VI.

4. Amending specific sections within the Chapter 134, Zoning Code, to create a new PUD-D Zoning District and provide the associated maximum density, permitted uses, and land development requirements for the proposed new PUD-D Zoning District.

ORDINANCE NO. 004-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, Division 4. R-B Low-Density Residential District; Division 8. C-TS Town-Serving Commercial District; Division 12. C-B Commercial District; Amending Section 134- 616, Districts Where Permitted, To Create A "PUD-D" District As A District Where Planned Unit Developments Are Permitted; Amending Section 134-617, Compliance, To Create A PUD-D District As A District That When Developed As A Permitted Use Must Conform To The Regulations In This Subdivision; Amending Section 134-618, Minimum Area, To Create A PUD-D District As A District Whose Minimum Area Requirement Shall Be At Least Six (6) Contiguous Acres; Amending Section 134-620, Residential Density, To Create A PUD-D District That When Developed As A Permitted Use Must Conform To A Density Of Four Units Per Acres For The Portion Of The Property With A Single Family Future Land Use Designation And Six Units Per Acre For The Portion Of The Property With A Commercial Future Land Use Designation;

Creating Section 134-625, Permitted Land Uses In The PUD-D District; Amending Reserved Sections 134-626 – 134-650; Amending Section 134-651, Establishment Of Special Exception Planned Unit Developments, To Create A Pud-5 Mixed Use Development Special Exception Planned Unit Development District; Amending Section 134-652, Districts Where Permitted, To Create A PUD-5 Mixed Use Development Planned Unit Development District That May Be Permitted By Special Exception Only In The Parcel Of Land More Particularly Described In Exhibit A; Amending Section 134-653, Minimum Area, To Create A PUD-5 Mixed Use District As A District Whose Minimum Area Requirement Shall Be At Least Six (6) Contiguous Acres; Amend Section 134-654, Residential Density, To Create A PUD-5 Mixed Use District That When Developed As A Permitted Use Must Conform To The Residential Densities Of Four Units Per Acre For The Portion Of The Property Zoned R-B And Six Units Per Acre For The Portion Of The Property Zoned C-TS And C-B; Amending Section 134-656, Permitted Land Use, To Create A PUD-5 District And Outlines The Permitted Uses In The PUD-5 District; Amending Article VI, Divisions 4, Section 134-890, Special Exception Uses To Establish PUD-D As A Special Exception Use In The R-B Low-Density Residential Zoning District; Amending Article VI, Divisions 8, Section 134-1109, Special Exception Uses To Establish PUD-D As A Special Exception Use In The C-TS Town Serving Commercial Zoning District; Amending Article VI, Divisions 12, Section 134-1304, Special Exception Uses To Establish PUD-5 As A Special Exception Use In The C-B Commercial Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

Please note: This item was withdrawn at the Approval of the Agenda, Item VI.

5. [Amending the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.6 related to the Private Group Use Future Land Use Designation. \(7:37:50\)](#)

ORDINANCE NO. 005-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan, Pursuant To Chapter 163, Florida Statutes; Amending The Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.6 Related To The Private Group Use Future Land Use Designation; Amending Policy 2.3.6 To Remove The Maximum Lot Coverage And To Allow, In Limited Circumstances, The Maximum Building Height To Be Three Stories With Town Council Approval; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

Mr. Bergman read Ordinance No. 005-2024 by title only.

Harvey Oyer, Attorney, was available to answer any questions on

Ordinances 005-2024 and 006-2024.

A motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the first reading of Ordinance No. 005-2024. The motion was carried unanimously, 5-0.

6. [Text Amendment amending Chapter 134, Zoning, to create a new Division 16. CI Cultural Institutional District. \(7:40:33\)](#)

ORDINANCE NO. 006-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, District Regulations; Amending Sections 134-1482-134-1500. – Reserved, To Create A New Division 16. CI Cultural Institutional District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

Mr. Bergman read Ordinance No. 006-2024 by title only.

A motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the first reading of Ordinance No. 006-2024, as amended in the Local Planning Agency Meeting. The motion was carried unanimously, 5-0.

7. [Amending Town Code related to Docks and Marine Structures \(7:42:00\)](#)

ORDINANCE NO. 009-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 62, Marine Structures; Amending Article III, Bulkheads And Pierheads On Lake Worth, Section 62-74, Bulkheads, Landing Docks And Piers To Accord With Plat; Waivers And Variances, To Describe The Term Marginal Dock And Provide Specifications For A Marginal Dock, To Eliminate Reference To Town Of Palm Beach Bulkhead Line And Replace With Mean High Water Line, To Prescribe Maximum Gangway Width, To Prescribe Maximum Terminal Platform Width, To Include Specifications For Dock Lighting, And To Provide Specifications For Docks On Certain Areas Of Everglades Island And Ibis Isle; And At Section 62-75, Construction Specifications, To Describe The Term Marginal Dock And Provide Specifications For A Marginal Dock, To Eliminate Reference To Town Of Palm Beach Bulkhead Line And Replace With Mean High Water Line, To Prescribe Maximum Gangway Width, To Prescribe Maximum Terminal Platform Width, To Include Specifications For Dock Lighting, And To Provide Specifications For Docks On Certain Areas Of Everglades Island And Ibis Isle; Providing for Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Mr. Bergman read Ordinance No. 009-2024 by title only.

A motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve the first reading of Ordinance No. 005-2024. The motion was carried unanimously, 5-0.

X. [ANY OTHER MATTERS \(7:44:05\)](#)

Council Member Araskog raised the issue of the site plan for 247-251 Worth Avenue. She said since the second and third stories were being amended, there were conflicts between the site plan approved by the Town Council and the one approved by the Architectural Review Commission (ARCOM).

Council President Zeidman said the Town Council sent the site plan to ARCOM for their advice. It was then presented to the Town Council and was approved by a vote of 3-2. It went back to ARCOM for additional changes. Mr. Bergman said the site plan was approved by the Town Council and was amended by ARCOM.

Mayor Moore preferred not to have the entire presentation returned to the Town Council. Council Member Araskog said she just wanted to clear up the confusion of having two different site plans.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to reconsider the motion made for the project at 247-251 Worth Avenue. The motion was carried unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council Member Crampton to allow the Director of Planning, Zoning and Building to administratively review and approve the amended site plan for the project. The motion was carried unanimously, 5-0.

XI. [ADJOURNMENT \(7:55:54\)](#)

A motion was made by Council Member Cooney and seconded by Council Member Araskog to adjourn the meeting at 9:58 p.m. The meeting adjourned on the consent of the Town Council.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney, Acting Town Clerk
Date: _____