



TOWN OF PALM BEACH

Minutes of the Development Review
Town Council Meeting
Held on April 10, 2024

I. [CALL TO ORDER AND ROLL CALL \(00:02\)](#)

The Development Review Town Council Meeting was called to order on April 10, 2024, at 9:30 a.m. On roll call, all elected officials were found to be present.

II. [INVOCATION AND PLEDGE OF ALLEGIANCE \(00:27\)](#)

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

III. [COMMENTS OF MAYOR DANIELLE H. MOORE \(01:15\)](#)

Mayor Moore congratulated President Lindsay on her successful first meeting.

IV. [COMMENTS OF TOWN COUNCIL MEMBERS \(01:44\)](#)

Council Member Araskog congratulated Council Member Moran on her first meeting.

V. [COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE \(03:26\)](#)

There were no comments heard.

VI. [APPROVAL OF AGENDA \(03:55\)](#)

Council Member Araskog asked to place a discussion regarding code reform at the end of the agenda for discussion. Council President Lindsay stated she would add it to fall immediately before Item XII, Adjournment.

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

VII. [CONSENT AGENDA \(05:23\)](#)

- A. **ZON-24-049 216-218 WORTH AVE - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Brunello Cucinelli Boutique, has filed an application requesting Town Council review and approval for a Special Exception with a Site Plan Review for a permitted use greater than 4,000 SF in the C-WA zoning district for the expansion of the existing Brunello Cucinelli Boutique to be located at 216 and 218 Worth Avenue.

Please note: This item was pulled from the consent agenda and heard under Item IX.

VIII. [RESOLUTIONS \(05:59\)](#)

- A. **RESOLUTION NO. 038-2023:** 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 **163 Seminole Ave.** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2- 84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. (PALM BEACH COUNTY LISTS THE PROPERTY AS 165 SEMINOLE AVENUE) Owner: Dale Coudert, 2012 Steven H. Rose Trust *The consultants believe that the owner supports the designation.*

Please note: This item was deferred to November 13, 2024, meeting at the Approval of the Agenda, Item VI.

- B. **RESOLUTION NO. 048-2024 (06:09):** 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 **246 Atlantic Avenue** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach.

(PALM BEACH COUNTY LISTS THE PROPERTY AS 246 ATLANTIC AVENUE)

Owner: Teddy's Land Joint Venture, LLC

The owner opposes the designation.

Ex-parte communications were disclosed by Council Members Cooney and Crampton. Council Member Moran disclosed a conflict of interest and left the dais during the discussion.

Council President Lindsay requested confirmation of proof of publication. Friederike Mittner, Design and Preservation Manager, provided confirmation.

Members of the public and presenters were sworn in so they could address the Town Council.

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

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

Council President Pro Tem Crampton asked about the building's aging and continuous maintenance on behalf of the owner. Ms. Stillings stated that while she could not speak about the owner's commitment to the building's maintenance, she spoke about the building's roof, which had been designed for the Florida climate.

Mayor Moore asked about the neighbors' opposition to the designation. Ms. Mittner's impression from the neighbors who spoke at the Landmarks Preservation Commission was that they did not care for the building.

Council Member Araskog asked about the requirement to maintain a landmarked building. Mr. Bergman addressed the requirement in the code that regulates the maintenance of all buildings in the Town.

Council President Lindsay called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, thought the building was worthy of a landmark designation and met the criteria stated. She spoke about the building and how it represented a period in the Town. She spoke about routine maintenance for the building. She thought it was indicative of the Art Moderne style. Finally, she spoke about the architect's reputation.

Council Member Cooney supported the designation. He thought it was consistent with the area's historic development pattern of streets.

Council Member Araskog asked about the neighbors' thoughts that it was not an attractive building. Ms. Sunny spoke about the different styles that had evolved on the street and added that she disagreed with their assessments. She agreed with Council Member Cooney and thought it was important to preserve a building that represented a different time period in the Town.

Council President Pro Tem Crampton asked about the reasons for the opposition expressed by the owner. Ms. Mittner explained that, in her view, the owner's reservations were due to the building style and the flooding issues.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to adopt Resolution 048-2024, designating the property at 246 Atlantic Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 4-0.

IX. [MATTERS PULLED FROM CONSENT AGENDA: If Needed \(26:14\)](#)

- A. [ZON-24-049 216-218 WORTH AVE - SPECIAL EXCEPTION WITH SITE PLAN REVIEW \(26:26\)](#) The applicant, Brunello Cucinelli Boutique, has filed an application requesting Town Council review and approval for a Special Exception with a Site Plan Review for a permitted use greater than 4,000 SF in the C-WA zoning district for the expansion of the existing Brunello Cucinelli Boutique to be located at 216 and 218 Worth Avenue.

There were no ex-parte communications disclosed.

Roger Ramdeen from Shutts and Bowen presented an overview and plan for the commercial space.

Mr. Bergman provided staff comments.

Council President Pro Tem Crampton confirmed it was an expansion of back-of-house space. Council Member Cooney agreed and thanked the applicant for filing the proper application for the expansion.

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

A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Special Exception and Site Plan No. ZON-24-048, 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 unanimously, 5-0.

X. [DEVELOPMENT REVIEWS \(31:15\)](#)

A. **Declaration of Use Agreements**

1. [ZON-24-002 219-221 WORTH AVE AND 220 PERUVIAN AVE - TABOO - Declaration of Use Agreement \(31:22\)](#)

There were no ex-parte communications disclosed.

Maura Ziska, the attorney for the applicant, provided an overview of the Declaration of Use Agreement for Taboo.

Council Member Cooney asked about valet operations. Ms. Ziska said there would be a valet stand on Worth Avenue. Council Member Cooney asked if questions from the from Corradino Group had been addressed by Kimley Horn. Mr. Murphy said it was his understanding that the correspondence had been addressed between the two groups. He said the proper valet plan would be updated to correct any oversights. Council Member Cooney wanted the staff and the Town Council to be mindful of the overuse of the Apollo Lot.

Council President Pro Tem Crampton asked if the closing times corresponded with the former Taboo closing times. Ms. Ziska responded that Taboo did not have a defined closing time. She said there were no agreements with the former Taboo.

Council Member Moran asked about piano use. Ms. Ziska said it would be a single piano. Council Member Moran asked about the time the valet would take to retrieve vehicles and the tandem parking. Council Member Cooney thought tandem parking referred to the Apollo parking lot.

Council Member Cooney thought Exhibit B under item 7 was incorrect and should be replaced with the correct document if approved.

Council Member Araskog thought the type of music should be more defined and restricted. She wanted more specificity in the agreement to prohibit the establishment from becoming a nightclub. She also wondered why this business was not waiting until Worth Avenue was completed. She also thought the agreement should address special events at the restaurant.

Council Member Cooney discussed how restaurants typically handle events.

Mayor Moore understood Council Member Araskog's concerns but agreed with Council Member Cooney that the operator wanted to be successful.

Council President Pro Tem Crampton agreed that the type of music should be clear.

Council President Lindsay agreed with Council President Pro Tem Crampton. She did not want to see the business becoming a nightclub, which the space had been years ago. She also thought the closing time should be midnight rather than 1 a.m.

Mr. Bergman provided staff comments.

Council President Lindsay recommended a deferral since there was no rush. This would allow staff to collaborate with Ms. Ziska on the agreement.

Council Member Araskog suggested that Ms. Ziska clarify the use of music and the addition of no amplified music in the agreement, the location of where employees would be parking, the addition of a valet at lunchtime, and the updating of the parking study.

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

A motion was made by Council Member Cooney and was seconded by Council Member Araskog to defer the item to the meeting on May 15, 2024, with the direction for the applicant to collaborate with staff and the Corradino Group on the recommended changes to the agreement. The motion was carried unanimously, 5-0.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. 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 has been 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.

- b. **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 May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

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

- c. **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 May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

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

Clerk's note: A short break was taken at 3:32 p.m. The meeting resumed at 3:42 p.m.

- d. **ZON-23-020 (COA-23-003) 139 N COUNTY RD - THE PARAMOUNT THEATER (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES (6:12:34)** 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 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 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 required 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. *[This project was deferred at the March 13, 2024, Town Council meeting to a date certain of April 10, 2024]*

TIME CERTAIN 3:00 PM

Ex-parte communications were disclosed by Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, and Council President Lindsay.

Mr. Bergman provided background information on the project and discussed the staff recommendation to defer the project for two months.

Jamie Crowley, the attorney for the applicant, stated he would not be introducing new testimony. He said part of the reason that the applicant did not agree to a deferral was because they understood that traffic had been in review for a while. He said that currently, there was no Zoning in Progress, although they would have been

grandfathered. However, there was still a delay in the project due to the ongoing traffic review. The applicant was concerned that the project was being singled out, and Mr. Crowley wanted to know when the traffic study would be completed. He further indicated that the application had been submitted before the traffic study had been commissioned.

Eric Czerniewski, Corradino Group, discussed the traffic counts that were collected and discussed the status of the data analysis that is occurring.

Council Member Cooney suggested that the traffic study be made a priority.

A motion was made by Council Member Moran and seconded by Council Member Araskog to defer the project to the meeting on July 10, 2024. The motion was carried unanimously, 5-0.

Council Member Araskog confirmed with the Town Attorney that the Council had a right to defer this project. Attorney O'Connor affirmed.

Rick Smith, 130 Sunrise Avenue, said the Carriage House presentation was not comparable to the Paramount proposal. He also noted that Carriage House had on-site parking, which Paramount did not. He did not believe that the Carriage House application should be compared to Paramount's application.

2. New Business

- a. **ZON-24-040 (HSB-24-002) 255 EL PUEBLO WAY (COMBO) - VARIANCE** The applicant, 225 El Pueblo LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval of a garage addition, requiring one (1) variance to reduce the required one-story west side-yard setback. The Landmarks Preservation Commission shall perform design review of the application. *[The variance for this project is no longer needed. Therefore, this project will be withdrawn from the agenda.]*

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

- b. **ZON-24-044 (ARC-24-031) 1181 N LAKE WAY (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Sage Andrew G C III Trust (Gregg Sage, Trustee), has filed an application requesting Town Council review and approval for construction of a new single-family residence on an existing nonconforming parcel comprised of portions of platted lots, which is deficient in lot width. The Architectural Commission shall perform design review of the application. *[This project has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

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

- b. **ZON-24-045 (ARC-24-038) 207 PENDLETON AVE (COMBO - VARIANCES)** The applicant, Maura Ziska (Attorney) in conjunction with Thomas M. Kirchoff (Architect), has filed an application requesting Town Council review and approval for two variances: one (1) to exceed the maximum allowable lot coverage and two (2) to exceed the maximum allowable Cubic Content Ratio (CCR) with the construction of the new front entry porch. The Architectural Commission shall perform design review of the application. *[This project has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

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

- d. **ZON-24-046 (ARC-24-040) 227 ANGLER DR (COMBO) - VARIANCES** The applicant, Bryan, and Mary Thomas, has filed an application requesting Town Council review and approval for one (1) variance to reduce lot coverage below minimum requirements and (2) variance to exceed maximum allowable Cubic Content ratio (CCR) with the installation of a pergola. The Architectural Commission shall perform design review of the application. *[This project has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

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

- e. **ZON-24-051 320 DUNBAR RD - VARIANCE(S) (1:01:46)** The applicant, Peter May, has filed an application requesting Town Council review and approval of two (2) variances for (1) the installation of marine mooring piles greater than 150' from land and (2) for the installation of marine mooring piles within the north riparian setback.

There were no ex-parte communications disclosed.

Maura Ziska, the applicant's attorney, provided an overview of the project, showing a plan for the dock that was approved about one year ago. This area was a no-wake zone.

Mr. Bergman provided staff comments.

Mayor Moore wanted to know the unintended consequences of approving the request. Ms. Ziska said no one would run into the mooring piles, and the intercoastal waterway was very wide at the subject location.

James Murphy, Assistant Director of Planning, Zoning and Building, noted that a prior town council approved mooring projections in the waterways that extended one hundred fifty feet. As for the setback, in this specific scenario, there was some benefit to the fact that the mooring intervention would be separated by Dunbar Road, which provided some buffer to the adjacent neighbor.

Council Member Moran understood the size of the dock; however, she was concerned about the vista and that now the boat would be blocking the view. She argued that the boat was too large for the

property.

Council Member Araskog reminded Ms. Ziska that she was asking for a variance, so she did not believe there was a right to the addition. She asked about the hardship for the second variance. Ms. Ziska responded that the pile was supposed to be set back 25 feet from the property line. The mooring pile was going to be within the 25-foot setback. Ms. Ziska said the mooring of the vessel was a hardship, and adding the three piles would satisfy the boat cabin and hopefully prevent the boat from being slammed up against the docks because of the wake.

Curry Isiminger, a Coastal Engineer with Isiminger & Stubbs, stated that the boat captain provided the proposed locations.

Council Member Araskog asked Town Attorney O'Connor if safety was considered a hardship, to which she responded in the affirmative.

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

A motion made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-051 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-24-052 264-270 S COUNTY RD AND 230/240 ROYAL PALM WAY - SPECIAL EXCEPTION\(S\), SITE PLAN REVIEW AND VARIANCE \(4:32:09\)](#) The applicant, Carriage House Properties Partners LLC, has filed an application requesting Town Council review and approval for three (3) Special Exception requests including, (1) to modify a previously approved Special Exception with site plan review for a private club to allow for increased membership, (2) to modify a previously approved Special Exception for supplemental off-site shared parking, and (3) for a Special Exception for outdoor café seating to allow for seating in the outdoor courtyard area on private property. The applicant is also requesting a Variance to eliminate the required on-site parking space requirement created for increased private club membership. Additionally, the applicant is requesting to modify the existing Declaration of Use Agreement.

Ms. Churney swore in those who were present to speak on agenda items.

TIME CERTAIN - 2:00 PM

Ex-parte communications were disclosed by Council Members Cooney, Moran, Araskog, Council President Pro Tem Crampton, Council President Lindsay, and Mayor Moore.

Jamie Crowley, an attorney for the applicant, outlined the two requests, dealing with an increase in membership and outdoor seating.

Mario Pederzoli, the CEO of the Carriage House, discussed the operations of the club.

Mr. Bergman provided staff comments.

Council President Pro Tem Crampton stated that when the project was initially approved, the Town Council expected good behavior. He acknowledged that the Declaration of Use Agreement was intended to help with that behavior.

Council Member Araskog asked about the dance floor in the submitted report. Mr. Pederzoli responded. She also thought a periodic review of its use would ensure everything was being operated appropriately.

Council Member Cooney asked about the variance for parking. Mr. Crowley responded that parking was sufficient even though it was not onsite.

Council President Lindsay clarified that the applicant must submit to the Town Council annually.

Attorney O'Connor referred to language about the future filing of a special exception use application for an increase in membership.

Council Member Araskog confirmed that the club would no longer allow to send guests without a member. Mr. Pederzoli confirmed that members must always accompany their guests and added that the Declaration of Use discussed members, not owners or founders. Council Member Araskog said the Town Council never anticipated that owners or founders would invite their guests without accompanying them. She thought it should be stated in the Declaration of Use that all members and owners accompany their guests. Council Member Moran commented that the application was not going to increase intensity.

Council President Lindsay called for public comment. The following individuals spoke in support of the project:

John Schaefer, 200 Phipps Plaza
Victoria Donaldson, 227 Brazilian Avenue, Apt. 4B
Michael McCarty, 223 Atlantic Avenue
Marty Klein, 1060 N. Ocean Blvd.

Council Member Cooney stated he previously did not support the outdoor seating request as he thought they needed to adhere to the two-year agreement. He thought the club was a wonderful addition to the Town and exceeded most operational expectations.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney that Variance No. ZON-24-052 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.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney that Special Exception No. ZON-24-052 and Site Plan Review No. ZON-24-052 be improved 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 unanimously, 5-0.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the amended declaration of use with the two changes as follows: in paragraph 10, it will say "...upon the approval of the Town Council of a future application for Special Exception...", and secondly, to address that founders/owners may attend but may not send unaccompanied guests. The motion was carried unanimously, 5-0.

- g. [**ZON-24-054 \(COA-24-013\) 1 S COUNTY RD \(1:16:42\)**](#)The Breakers (COMBO) – SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW. The applicant, Breakers Palm Beach Inc., has filed an application requesting Town Council review and approval for a (1) Special Exception with Site Plan Review for a new bar within the proposed conservatory addition at the west end of the Breakers courtyard and adjacent to the hotel's lobby and occupying the location of the existing lobby's exterior terrace, and (2) Special Exception for outdoor café seating in the Breakers courtyard. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked structure and grounds.

Ex-parte communications were disclosed by Council Members Cooney, Moran, Council President Pro Tem Crampton, Council President Lindsay, and Mayor Moore.

Jamie Crowley, the attorney representing the applicant, provided an overview of the project and explained the zoning requests.

Paul Leone, CEO of the Breakers, presented an overview of the renovation and the reasons for the application.

David Rau with Hart Howerton reviewed the architectural plans for the proposed changes with the Town Council.

Mr. Bergman provided staff comments.

Council Member Araskog thought the proposed changes were beautiful. She wanted to make sure the changes would not be an attraction to outsiders. Mr. Crowley responded that there was a Declaration of Use in the PUD.

Council President Pro Tem Crampton wanted to confirm internal enhancements for Breakers guests. Mr. Leone said the everyday use would be by hotel guests and members on-property.

Mayor Moore also thought guests would use it before checking into the hotel. She supported the changes and thought the project was lovely.

Council Member Cooney thought the changes would be transformational. He complimented the design team on the changes. He asked about a proposed seating arrangement and wanted to ensure that an event in the proposed space would not be concurrent with other events throughout the hotel.

Council Member Moran suggested adding another staff member to help queue the vehicles from S. County. She supported the project.

Council President Lindsay thought the changes would be a terrific addition to the Breakers.

A motion was made by Council Member Araskog and seconded by Council Member Cooney that Special Exception No. ZON-24-054 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. The motion was carried unanimously, 5-0.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton that Site Plan No. ZON-24-054 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been made concerning Section 134-329, items 1 through 11. The motion was carried unanimously, 5-0.

Clerk's note: A short break was taken at 11:45 a.m. The meeting resumed at 11:49 a.m.

- h. [ZON-24-055 \(COA-24-012\) 335 EL VEDADO RD \(COMBO\) - VARIANCES \(2:18:09\)](#) The applicant, Diana Wister, has filed an application requesting Town Council review and approval for a one-story addition requiring one (1) variance to reduce the required rear yard setback. The Landmarks Preservation Commission shall perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact on the subject landmark property. Motion Carried, 7-0.] [The Landmarks Preservation Commission approved the project. Motion Carried 7-0.]*

Ex-parte communications were disclosed by Council Member Araskog.

Council Member Moran declared a conflict of interest and left the dais.

Maura Ziska, an attorney for the applicant, provided an overview of the project, explained the zoning requests, and showed the architectural plans.

Council Member Cooney thought that this was an appropriate location for the addition.

Council Member Araskog asked about the hardship, to which Ms. Ziska responded the house was an existing nonconformity on landmarked property.

Mr. Bergman provided staff comments.

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

A motion was carried by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-055 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, 4-0.

C. [Time Extensions, Waivers & Stop Work Orders \(2:24:59\)](#)

1. [Wavier of Town Code Section 18-237, For Building Permit Extension for 206 Phipps Plaza \(2:25:06\)](#)

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

Michael Sandholzer, Gulfstream Builders LLC, explained the purpose of the request and said he had not received previous extensions. Mr. Bergman confirmed.

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

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve the requested extension to November 15, 2024, and if there were any verifiable complaints, they could be handled by the Director of Planning, Zoning and Building. The motion was carried unanimously, 5-0.

2. [Wavier of Town Code Section 18-237, For Building Permit Extension for 86 Middle Road \(2:39:24\)](#)

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

Tom Keller with Wildes Builders, LLC, explained the purpose of the request.

Council Member Cooney noted that the Town Council did not have the appetite for any more future extensions.

Council Member Araskog said the timeline for the project would be three years, which was astounding. She thought the motion needed to include a provision allowing neighbors to call Mr. Bergman with any issues.

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

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

Clerk's note: A lunch break was taken at 12:42 p.m. The meeting resumed at 1:52 p.m.

3. [Wavier of Town Code Section 18-237, For Building Permit Extension for 1540 S Ocean Blvd. \(4:21:37\)](#)

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

Shaun Floyd with Seagate Capital Construction stated that the request was based on additional time needed due to roadway restrictions during the winter, utility connections, and utility size increases.

Mayor Moore stated that the Town Council preferred one extension request for as much time as was actually needed rather than multiple requests. She said it was not fair to neighbors for extensions to continue indefinitely.

Council President Lindsay called for public comments.

Jennifer Dattels, 128 Ocean View, expressed her concerns with the project, particularly concerning the number of construction vehicles on the street.

Council President Lindsay reiterated that this would be the last 60-day extension approved by the Town Council.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the requested extension as requested, with the direction of staff to address the issue of vehicles parking on the street. The motion was carried unanimously, 5-0.

XI. [ORDINANCES \(2:32:34\)](#)

A. [Second Reading \(2:32:45\)](#)

1. [Amending Town Code related to Docks and Marine Structures \(2:32:49\)](#)

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 Amending 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.

Attorney Joanne O'Connor read Ordinance No. 009-2024 by title only.

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

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to adopt Ordinance No. 009-2024 on second reading. The motion was carried unanimously, 5-0.

A. [First Reading \(2:34:50\)](#)

1. [Proposed Ordinance to Limit Time Extensions made to LPC \(2:23:57\)](#)

ORDINANCE NO. 011-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 54, Historical Preservation, At Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect, Section 54-94, Duration Of Approval, Time Extension, Denial Of Application, Determination, Clarification, And Deferral, Subsections (1) And (2), By Providing For A Thirty-Day Administrative Extension Of The Duration Of Approval And Limiting The Number Of Time Extensions To One; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Wayne Bergman read Ordinance No. 011-2024 by title only.

Director Bergman read Ordinance No 011-2024 by title only.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve Ordinance No. 011-2024 on the first reading. The motion was carried unanimously, 5-0.

2. [Proposed Ordinance to Limit Time Extensions made to ARCOM \(2:36:48\)](#)

ORDINANCE NO. 012-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, At Article III, Architectural Review, Division 3, Procedure And Requirements, Section 18-203, Duration Of Approval, Time Extensions, Denial Of Application,

Determination, Deferral, Subsections (1) And (2), By Providing For A Thirty-Day Administrative Extension Of The Duration Of Approval And Limiting The Number Of Time Extensions To One; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Wayne Bergman read Ordinance No. 012-2024 by title only.

Director Bergman read Ordinance No 012-2024 by title only.

A motion was made by Council Member Cooney and seconded by Council Member Moran to approve Ordinance No. 012-2024 on the first reading. The motion was carried unanimously, 5-0.

Clerk's note: A short break was taken at 12:15 p.m. The meeting resumed at 12:26 p.m.

XII. [ANY OTHER ITEMS \(2:54:34\)](#)

1. Discussion on Code Review – an issue raised by Council Member Araskog

Council Member Araskog suggested adding another conversation on Code Review at the next meeting.

The consensus of the Town Council was to discuss the item at the May meeting (the meeting would be determined based on the length of the agendas.)

2. Excessive Illumination – an issue raised by Mayor Moore

Mayor Moore noted that she had received complaints from some residents with neighbors whose homes had excessive illumination. She asked if anything in the code could be used to address light pollution.

Council Member Cooney said he did not think there were a lot of rules in the code, but the Planning, Zoning, and Building Department administered exterior lighting guidelines. He commented that he had observed the same issue of excessive illumination.

Mayor Moore mentioned that lighting technology had changed, and the code might need to be updated. She thought it would be helpful for residents to be educated on the rules that govern lighting.

Mr. Bergman said a section of the code addressed outdoor lighting. He said the code may need to be updated, and staff could bring information back to the Town Council for discussion.

The consensus of the Town Council was to ask staff to supply the Town Council with the current code and the code from Jupiter Island on this subject. This item will be taken to the Planning and Zoning meeting for discussion.

XIII. ADJOURNMENT (6:47:28)

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog to adjourn the meeting at 4:18 p.m. The meeting adjourned on the consent of the Town Council.

APPROVED:

Bobbie D. Lindsay, Town Council President

ATTEST:

Kelly Churney, Acting Town Clerk
Date: _____