



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on August 14, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order August 14, 2019 at 1:38 p.m. in the Town Council Chambers. On roll call all of the elected officials were found to be present except Mayor Coniglio and Council Member Araskog who both joined the meeting at 1:44 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation.

Council President Moore led the Pledge of Allegiance.

All those intending to give testimony at today's meeting were sworn in by Administrative Specialist Churney.

III. PRESENTATIONS

A. Presentation on the Palm Beach Hotel Master Plan

Rick Gonzales, REG Architects, presented proposed changes for improvements to repair the historic hotel.

Mr. Gonzales responded to Mayor Coniglio that this project would go to Landmarks Preservation Commission next month.

Council President Pro Tem Zeidman asked if there was compliance with the fire code.

Marty Deloach, Fire Marshall, commented they were still working on the fire code violations, and the doors were still not fixed.

Council Member Crampton thanked Mr. Gonzales, and stated the fire codes must be satisfied.

Mr. Gonzales commented the gym contract had been cancelled.

Council Member Araskog commented it was time for this building to come into code compliance.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio had no comments.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

Mayor Coniglio discussed an old resolution regarding gun control, 40-2018, and asked how the Members would like her to handle the distribution. Consensus among members was to write a letter, attached with the resolution, and to send it on behalf of the Town.

There were no comments from Town Council members or the Director of Planning, Zoning and Building.

VI. COMMUNICATIONS FROM CITIZENS

There were no comments from citizens.

VII. APPROVAL OF AGENDA

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to approve the Agenda as submitted. On roll call, the motion carried unanimously.

VIII. PUBLIC HEARINGS

IX. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal - 1236 S. Ocean Blvd., Tow Away Signs

Council Member Lindsay recused herself from the proceedings due to a past involvement in this issue. M. Timothy Hanlon, objected, stating there was no basis for

the recusal.

Planning, Zoning and Building Director Josh Martin clarified there had been only one administration decision in this matter, which was approval of the signs by him as an ARCOM staff approval. He read a memo which was a recommendation to the Town Council.

Ex parte communication was disclosed by Council Member Araskog and Council President Pro Tem Zeidman.

Amanda Quirke Hand from Lehtinen Schultz PLLC, representing owners at 100 Emerald Beach Way, presented evidence for appeal regarding tow away signs, taking the position the signs were not legal and should be removed.

M. Timothy Hanlon, representing the owners Mr. & Mrs. Thornton at 1236 S. Ocean Boulevard, provided rebuttal for the appeal regarding tow away signs, with the position that the signs were legal and should remain, and the appeal should be denied.

Ms. Hand responded to arguments made by Mr. Hanlon and requested removal of the signs within ten days. Town Attorney Randolph advised that since new evidence was presented in Ms. Hand's comments that Mr. Hanlon should be allowed to respond. Mr. Hanlon responded to arguments made by Ms. Hand, and stated that the signs were permitted and required by State law.

Council Member Araskog asked Town Attorney Randolph a procedural question regarding whether Town Council could require the signs could be removed. Town Attorney Randolph advised the Town Council was standing in the place of the administrative official so they could make that decision.

Council Member Crampton asked staff for their recommendation. Mr. Martin recommended overturning his original decision on the basis of the definition of streets, and removing the signs.

Council President Pro Tem Zeidman asked whether Town rule could overrule state law. Town Attorney Randolph responded the Town's ordinance was not consistent with State law as it relates to 134-2410 in the Code, which was initially adopted to take away the clutter of signs on private property appurtenant to or obviously part of a single-family residence. Because a person has the right to approach someone parked on their private property and tell them to remove the vehicle, the State law was written so that in the event they were not obviously on their property there was another way available to them, which was to post the signs, which would need to be posted if the vehicles were towed. There had been a mistake in the drafting of the ordinance with the word "and" replacing "or" so that staff based their first opinion on the wording "signs on private property appurtenant to and obviously part

of a single family residence”. Mr. Martin and Mr. Castro re-read the ordinance on-site and overturned staff’s original decision. Town Attorney Randolph commented the Town code must be consistent with State law.

Discussion ensued regarding whether the street was public or private. It had been dedicated by Town Council as a private street when it was platted. Ms. Hand and Mr. Hanlon each offered opinions. Mr. Martin clarified that his first reading of the code was in the context of a public street, but in his second reading, and looking at the definition of street, he realized the street could be both public and private and changed his decision because he classified the street as a private street.

Mr. Hanlon felt Ms. Hand was showing pictures of roads that might not be of the same ownership as the road in question.

The ingress and egress easement for the road was read aloud.

During ensuing discussion, Mr. Martin clarified how he arrived at his position. Council Member Crampton stated he would side with staff opinion and have the signs removed. Council President Pro Tem Zeidman indicated she would like to hear a determination regarding general traffic circulation on that street. Mr. Martin responded it was a private street, but could be driven on even though it might be illegal, and there was no definition in the code. Opinions were offered by Ms. Hand and Mr. Hanlon.

In Executive Session, Council Member Araskog discussed general circulation and now not agreeing with staff because this was a private street.

Motion was made by Council President Moore, and seconded by Council President Pro Tem Zeidman, to uphold the administrative decision and deny approval of the appeal for 1236 South Ocean Boulevard Tow Away Signs. During discussion of the motion, Town Attorney Randolph clarified the motion would deny the appeal filed by Ms. Hand thus upholding the original decision made by Planning Zoning & Building, which would allow the signs to remain. On roll call, the motion carried 3-1 with Council Member Crampton opposed and Council Member Lindsay recused.

2. Appeal - 1236 S. Ocean Blvd., Hitting Wall

Ex parte communication was declared by Council Member Araskog, Mayor Coniglio and Pro Tem President Zeidman.

Planning, Zoning & Building Director Josh Martin provided background information on this code enforcement matter and the appeal of the decision of the Code Enforcement Officer who closed the case. He clarified the location of the hitting wall by showing it on a photograph.

Zoning Manager Paul Castro commented this wall was permitted as a perimeter wall

to a basketball court and not a hitting wall.

Council President Pro Tem Zeidman asked Code Enforcement if there was a basketball court or hoop there. Code Enforcement Officer Ben Alma stated they did not know what was there as the owner's counsel had denied them permission to enter the property.

Amanda Quirke Hand, representing 100 Emerald Beach Way, presented as evidence for appeal that the wall was not permitted as a hitting wall but a basketball service area.

M. Timothy Hanlon, representing Mr. & Mrs. Thornton at 1236 S. Ocean Blvd., presented rebuttal for appeal. He described the permitting and approval process for the basketball service area and noted it had never been used as a tennis ball backboard or hitting wall.

Town Attorney Randolph stated the use was not relevant to this argument. Code Enforcement was told it was not being used as a hitting wall so they had dropped the case.

It was clarified for Council President Pro Tem Zeidman that the wall continued with a break for garbage cans.

Council Member Crampton commented he had no evidence this was used for a hitting wall and if not a hitting wall, then Mr. and Mrs. Thornton had a right to the wall.

Council Member Araskog commented a special exception was not necessary for the wall but if evidence came forth that it was being used as a hitting wall then it became a code enforcement issue.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman, to deny approval of the appeal for 1236 South Ocean Boulevard Hitting Wall. On roll call, the motion carried 4-0 with Council Member Lindsay's continued recusal.

A short break was taken at 3:43 p.m. The meeting resumed at 3:55 p.m.

D. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. Z-19-00174 VARIANCE(S) Zoning District: R-C Medium Density Residential. The application of Zachary Potter, applicant, relative to property located at 254 N COUNTY RD, legal description on file, is described below. Request for a variance to

allow a swimming pool on the north side of the property that will require the following variances to be requested: 1) a 10.33 foot front/street side yard setback along North County Road in lieu of the 15 foot minimum required; 2) a 2.5 foot north/side yard setback in lieu of the 10 foot minimum required; 3) a 3.5 foot west/rear yard setback in lieu of the 10 foot minimum required; and 4) a new six (6) foot wall along North County Road that will be setback 18 inches from the property line in lieu of the 3 foot minimum required.

No ex parte communication was declared.

Maura Ziska, attorney on behalf of the owners, explained the zoning requests and advocated for the project. She stated no objections from neighbors.

Zoning Manager Castro provided staff comments.

Mayor Coniglio asked about the original pool variance, to which Attorney Ziska responded.

Council Member Araskog asked the setback from the neighbor, which was 2.5 feet.

Matt Jackman, Nievera Williams Design, provided dimensions of pool.

Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, that Variance Z-19-00174 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a Building Permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted if necessary to underground utilities in this area. On roll call, the motion carried unanimously.

- b. Z-19-00202 VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Justin and Meira Besikof, Applicant, relative to property located at 307 CHILEAN AVE, SUITE: SITE, legal description on file, is described below. A request to construct a new 3,937.50 square foot, two-story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 6,250 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. The Architectural

Review Commission approved the proposed project as presented.
Carried 5-2.]

No ex-parte communication was disclosed.

Attorney Maura Ziska and Daniel Clavijo, SKA Architects, were present on behalf of the applicants.

Attorney Ziska explained the zoning requests and advocated for the project.

Zoning Manager Paul Castro provided staff comments and stated staff had no issues with the house.

Motion was made by Council Member Araskog, and seconded by Council President Moore, that Variance Z-19-00202 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a Building Permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted if necessary to underground utilities in this area. On roll call, the motion carried unanimously.

2. New Business

- a. Z-19-00206 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Kim S. Fennebresque, Applicant, relative to property located at 225 BARTON AVE, legal description on file, is described below. A request for a variance to construct an 85.5 square foot second story addition for a master bedroom to the front of the residence which will require the following variances: 1. A front yard setback of 24.79 feet in lieu of the 30 feet allowed for the second floor in the R-B Zoning District; and 2. A cubic content ratio (CCR) of 4.31 in lieu of the 4.24 existing and the 3.99 maximum allowed in the R-B Zoning District.

No ex parte communication was disclosed. Council President Pro Tem Zeidman disclosed she lives next door to Attorney Maura Ziska.

Attorney Ziska introduced Cesar Pierola, MP Design and Architecture, who was also present on behalf of the applicant. Attorney Ziska explained the request for 88 square feet.

Council President Moore asked if there were any objection from the neighbors, to which the response was no.

Zoning Manager Castro offered staff comments.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-19-00206 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a Building Permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted if necessary to underground utilities in this area. On roll call, the motion carried unanimously.

- b. Z-19-00207 SPECIAL EXCEPTION WITH SITE PLAN REVIEW
Zoning District: R-A Estate Residential The application of Palm Beach County Club, Inc. (Ronald Passaggio, Manager), Applicant, relative to property located at 760 N OCEAN BLVD SUITE: MAINTENANCE BLDG, legal description on file, is described below. A request for Special Exception Approval with Site Plan Review to allow construction of an additional 312 square feet onto the existing fertilizer building in the service yard for the golf course of the Club.

No ex parte communication was declared.

Present on behalf of the applicants were Maura Ziska Attorney, and Tom Youchak, Architect. Attorney Ziska described the request.

Zoning Manager Castro stated staff support for the application.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Special Exception Z-19-00207 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, and providing that the property owner did voluntarily commit that prior to the issuance of a Building Permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted if necessary to underground utilities in this area. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Site Plan Z-19-00207 shall 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 has been made concerning Section 134-329 items 1 through 11. On roll call, the motion carried unanimously.

- c. Z-19-00208 VARIANCE(S) Zoning District: R-B Low Density Residential The application of James L. and Sara B. McCann, Applicant, relative to property located at 217 BAHAMA LN, legal description on file, is described below. Request for a variance to allow a swimming pool with a rear yard setback of 6'2" in lieu of the 10-foot minimum setback required.

Ex parte communication was disclosed by Council President Moore that she used to work for the owner, Jim McCann.

The owner was represented by Attorney Maura Ziska and Matt Jackman of Nievera Williams Design.

Council President Moore asked if any neighbors had objected.

Zoning Manager Castro stated no objections and provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman, that Variance Z-19-00208 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a Building Permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted if necessary to underground utilities in this area. On roll call, the motion carried unanimously.

- d. Z-19-00209 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Mr. and Mrs. David L. Porges, Applicant, relative to property located at 650 ISLAND DR, legal description on file, is described below. A request for a variance to construct a sunroom on the northeast corner of the property with a cubic content ratio of 4.11 in lieu of the 3.94 existing and the 3.94 maximum allowed in the R-B Zoning District.

No ex parte communication was disclosed.

Maura Ziska, attorney, was present on behalf of the applicants and presented the request.

Council President Moore asked if any neighbors had objected.

Zoning Manager Castro stated no objections and provided Staff comments.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-19-00209 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-

201(a) items 1 through 7 have been met. On roll call, the motion carried unanimously.

- e. Z-19-00210 VARIANCE(S) Zoning District: R-B Low Density Residential The application of David Saunders, Applicant, relative to property located at 1098 N LAKE WAY, legal description on file, is described below. A variance request to allow a new boatlift to be located 18 feet from the south riparian property line in lieu of the 25 feet required per section 62-75 of the Town Code.

No ex parte communication was disclosed.

Attorney Maura Ziska represented the applicants and presented the request.

Zoning Manager Castro stated Staff had no objections and provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman, that Variance Z-19-00210 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a Building Permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted if necessary to underground utilities in this area. On roll call, the motion carried unanimously.

- f. Z-19-00211 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-PC Planned Center The application of 305 Concepts Palm Beach, LLC d/b/a Coyo Taco, Applicant, relative to property located at 340 ROYAL POINCIANA WAY SUITE: M337, legal description on file, is described below. On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement, which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested. The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with

the Town Serving requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be presented to the Town Council during the public hearing on this application.

Ex parte communication disclosure is as follows: Council Member Araskog disclosed receipt of a phone call from Masie Grace who was not in favor and thought a decision like this should be made when the public was back; she spoke to John David Corey, and received an email from John David Corey. Council Member Crampton disclosed he had received the emails and letters in their folders, Mayor Coniglio disclosed she had seen what was already in the public record. Council President Moore disclosed seeing the backup and receipt of the email that morning Anne Pepper and John David Corey. Council President Pro Tem Zeidman disclosed receipt of the email from Anne Pepper and from John David Corey, Council Member Lindsay disclosed receipt of both emails and a phone call from Jamie Crowley who advocated for the position of his client, they also spoke about distances to the residence, hours, karaoke that was there now, and timing of the request. Others indicated they also had a letter from Simon Taylor.

Jamie Crowley, attorney for the applicant, explained the request and advocated for the project. He asked to re-visit having a deejay at Coyo Taco.

Zoning Manager Paul Castro provided staff comments. He commented regarding the deejay request there was significant separation from the Palm Beach Towers, the deejay would be in a very small area for limited times for three days a week and special events. Mr. Castro stated this was a decision for the Town Council, and expressed the belief they were Town serving.

Council Member Lindsay asked the distance between the restaurant and condos. Mr. Crowley responded with 311 feet. She asked if the karaoke sound was the same level as it would be with a deejay. A representative from Coyo Taco explained the sound system was the same. They have had karaoke for three months with no complaints. The deejay would not be located in the primary eating space, but would be in a small room in the back. The entrance would be through the courtyard.

Council Member Crampton asked when the declaration of use was signed. Mr. Crowley answered it was signed in 2017. Council Member Crampton felt the decision to amend the declaration of use should be delayed until residents got back, and recommended March. Council Member Araskog agreed to delay and thought it should be deferred until January.

Mayor Coniglio asked the occupancy number for the deejay area. Response was about 40 people with no physical ability to expand. Council Member Araskog asked how many special events they would have. Response was they

rented the room for groups and birthday parties, and were happy to have restrictions if needed. Planning, Zoning & Building Director Martin spoke about special events relating to the Carriage House.

Council Member Lindsay indicated she would be more comfortable to wait until people were here and allow the deejay on a trial basis.

Simon Taylor stated objections to the application based on their business model to be a cool and hip destination in the Town, as they are in Miami. He objected to bringing this forward in August when residents were out of town.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance Z-19-00211 shall be deferred until November with the invitation for them to come back with a proposal with the number of special events and to review within two months. On roll call, the motion carried unanimously.

- g. Z-19-00215 VARIANCE(S) Zoning District: R-B Low Density Residential The application of 456 South Ocean LLC, a Florida limited liability company (c/o Maura Ziska), applicant, relative to property located at 101 GULFSTREAM RD, legal description on file, is described below. The applicant is requesting a revision to the previously approved plan to replace an unattached open trellis structure with an enclosed glass pavilion with a copper roof. The following variances are being requested: 1. a cubic content ratio of 4.19 in lieu of the 3.96 maximum allowed in the R-B Zoning District; and 2. a height of 16.25 feet in lieu of the 15-foot maximum allowed in the R-B Zoning District.

No ex parte was disclosed.

Attorney Maura Ziska was present representing the applicant and Roger Janssen, Architect, was present. Attorney Ziska presented the request.

Zoning Manager Castro stated staff had no objections.

Rob Frisbie, owner of the project, commented the requested change would enhance the house and would be contained within the existing footprint, and stated it could not be seen from the condos.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Araskog, that Variance Z-19-00215 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met. On roll call, the motion carried unanimously.

3. Other

- a. Permit Extension, 425 Chilean Avenue

Wayne Bergman, Assistant Director of Planning, Zoning & Building explained the permit extension request. The applicant had relied on misinformation posted on the Town's website and believed he had 30 months to complete the project, but Town Code only allowed 24 months for new construction. Mr. Bergman stated that staff supported the applicant's request for an additional 150 days to complete the home based on misinformation on the website.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman to approve the permit extension of 150 additional days for the new home at 425 Chilean Avenue. On roll call, the motion carried unanimously.

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 26-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 2, Administration, Town Code Of Ordinances, At Article V, Code Enforcement, Division 3, Procedure, Section 2-439, Citation Fine Schedule And Table, To Include New Sections 106-49, 106-50, 106-161, And 106-162; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Wayne Bergman, Assistant Director of Planning, Zoning & Building read Ordinance No. 26-2019 by title only.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance 26-2019 upon second reading. On roll call, the motion carried unanimously.

A short break was taken at 4:56 p.m. The meeting resumed at 5:02 p.m.

XI. ANY OTHER MATTERS - TIME CERTAIN 5:00 P.M.

A. Discussion on Demolitions

Paul Castro and John Lindgren presented the subject of addressing neighborhood change, and concern regarding demolitions and what was being re-built in established neighborhoods. Mr. Castro cited present regulations which were not working. Larger homes were being built with higher elevations and the grade of the property raised, changing the character of the whole street. Mr. Castro was looking for recommendations for possible approaches to maintaining the historic look of neighbors. He

recommended a new process for approving demolitions and creating better incentives for property owners to keep and improve older buildings.

Mr. Lindgren described demolition approval processes used by other municipalities. He suggested changes to the Town's current demolition approval process.

Mr. Castro discussed possible remedies to reduce the finished floor height and raised grade on properties, and incentives to save older homes.

Mr. Lindgren described the regulations Coral Gables had created for their cottage homes, some of which could be tailored for historic homes in Palm Beach.

He asked for the Council's approval to move forward by working with the commissions.

Council President Moore commented the current demolition process caused consternation.

Director of Planning, Zoning & Building Martin spoke to allowing provisions for historic buildings. Historic buildings did not exist in Palm Beach currently.

Council Member Araskog asked Town Attorney Randolph for suggestions and wondered if the Coral Gables regulations would fall under the Bert Harris law.

Town Attorney Randolph suggested offering incentives rather than restrictions to avoid the Bert Harris act.

Council Member Crampton asked Mr. Martin if this work could be done while working to simplify the current code. Mr. Martin was not convinced code reform would occur, and the general feeling that demolitions need to be addressed aside from the overall code. It was clarified that the suggestion was to have a separate code from Landmarks that would be based upon building age.

Council President Pro Tem Zeidman commented she was happy this was being discussed and that incentives rather than restrictions were being considered. Attorney Randolph advised the Landmarks code included a provision for designating an area historic.

Council Member Lindsay noted this was complimentary to the Landmark ordinance and would provide incentives not to demolish. This was the first time the Town had somebody with background and professional expertise regarding historic properties. She complimented Mr. Martin on his work in Charleston, and stated she did not want to lose the opportunity to do this work here, and encouraged moving forward.

Mayor Coniglio agreed with moving forward. She liked the idea of historic districts and giving a comfort level to home purchasers, but cautioned being careful in making changes and making the changes clear and flexible.

Public Comment:

Amanda Skier, Preservation Foundation of Palm Beach, complimented staff for looking at ways to preserve the character of Palm Beach.

Tom Parker, 215 Jamaica Lane, a member of the undergrounding task force and the retirement board of trustees, described his home built in 1946. He commented the north end had changed completely with the number of homes demolished and replaced. He commended Mr. Martin for this idea, and asked him to look at his street as an example, and wondered what restrictions would be placed on home buyers.

Gigi Tylander, 225 Seaspray Avenue, expressed great concerns for extending demolition times. She thought a plan was needed to provide flexibility in rebuilding.

Council Member Araskog suggested looking at conservation districts.

The consensus of Council was for Mr. Martin to move forward and work with the Commissions.

Please note: The following item was taken out of order and discussed at this time.

XII. Code Reform - Proposed Scope and Schedule

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to defer the discussion about the future of Planning, Zoning & Building reform to when Planning, Zoning & Building was ready to return before the Town Council. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 33-2019 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, Article I, in General, Division III, Plans and Permits, by adding Section 18-86 Construction Staging and Truck Logistics Plan; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Assistant Director of Planning, Zoning & Building Wayne Bergman commented that Planning, Zoning & Building had been brought in to work with Public Works, the Public

Works Committee, and the ORS Committee to discuss ways to better manage the truck traffic on the Island.

Their concept was to consider a construction staging and truck logistics plan that would be part of all of the plan sets submitted for large projects, and would expand construction screening for the perimeter of construction sites. Property owners would be asked to identify areas on their property for storage of construction materials, contractor parking, delivery areas, identify largest truck size that could come to the property, and to propose a construction time frame with major benchmark dates. The goal was to have the owners and their design team begin planning for the vehicular impact to the community before the project began.

Two ordinances had been prepared; however, Mr. Bergman and Town Attorney Randolph determined that it would be better to consolidate the two into one ordinance and place it into a different location in Chapter 18.

Town Attorney Randolph read the revised Ordinance 33-2019 on first reading, by title only.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Ordinance 33-2019 on first reading. On roll call, the motion carried unanimously.

XIII. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of August 14, 2019 was adjourned at 6:11 p.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist