



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on May 15, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on May 15, 2019, at 10:32 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Clerk Ruderman gave the invocation.

Council President Moore led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

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

Council Member Araskog elaborated on her reasoning for the request for prohibiting the use of Phipps Park for special events. She requested that this item be revisited under "Any Other Matters" today.

Council Member Araskog asked about trucks. It was reported that this items will not go to ORS. Staff will come back to theTown Council with more information.

Council Member Araskog requested that an alert be sent out to north end citizens that AT&T is taking out power lines. Council President Moore instructed Deputy Town Manager Boodheshwar to issue an alert.

V. COMMUNICATIONS FROM CITIZENS

Robert Shelton, 215 Phipps Plaza, spoke about restrictions in Phipps Plaza Park.

Katherine Bryan, 235 Phipps Plaza, asked about public events in Phipps Plaza Park.

A discussion took place on use of Phipps Plaza Park.

VI. APPROVAL OF AGENDA

The following changes were made to the agenda.

Item VIII.B.1.a. Z-18-00138 Special Exception with Site Plan Review was deferred to the July 10, 2019 Town Council Meeting.

Item VIII.B.1.b. Z-18-00174 Variance was deferred to the June 12, 2019 Town Council Meeting.

Item X.B. Ordinance 21-2019 was added to the agenda.

Item X.C. Ordinance 23-2019 was added to the agenda.

Item X.D. Ordinance 24-2019 was added to the agenda.

Item X.E. Ordinance 25-2019 was added to the agenda.

Ordinances to be heard after the ARCOM Appeal at approximately 3:30 p.m.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve the agenda as amended. On roll call, the motion carried unanimously.

Deputy Clerk Ruderman swore in all those who would be providing testimony, and again throughout the meeting as necessary.

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 30-2019 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 145 Seaspray 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.

Ex-parte communications were declared by Council Members Araskog, Crampton and Lindsay, Mayor Coniglio, Council President Moore, and President Pro Tem Zeidman.

Town Attorney Randolph explained the purpose of ex-parte communications.

Landmark Consultant, Murphy of Murphy Stillings, LLC provided details pertaining to the property.

Motion was made by Council Member Araskog, and seconded by Council President Moore, that the Designation Report become part of the record. On roll call, the motion carried unanimously.

Attorney Ziska spoke on behalf of the homeowners, Michael and Sue Strickland, who oppose the landmark designation.

Sue Strickland, 145 Seaspray Avenue, spoke in opposition of the landmark designation.

Architect Smith, provided additional details.

Property Appraiser Reynolds, provided details.

Mike Strickland, 145 Seaspray Avenue, spoke in opposition of the landmark designation.

Landmark Consultant Murphy provided additional details on shape and style of the house.

Discussion took place on the processes of the Landmarks Commission, the ratings of properties, and landmarking criteria.

Council Member Araskog asked Landmarks Commissioner Ted Cooney, to explain why he feels this home is worthy of landmarking.

Discussion took place on selection of properties for landmarking and whether there is enough evidence to landmark this property, the timing of the designation and landmark designation over owner's objections.

Ann Pepper, 333 Seaspray Avenue, spoke in support of landmarking the property.

Anita Seltzer, 44 Cocconut Row, spoke in support of landmarking the property.

Motion was made by Council Member Araskog, and seconded by Council President Moore, to approve Resolution No. 30-2019 be adopted designating the property at 145 Seaspray Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria 1 and 3 of Section 54-161 of the Town of Palm Beach Code and the Landmarks Preservation Ordinance #2-84. On roll call the motion failed 3-2 with President Pro Tem Zeidman, and Council Members Lindsay and Crampton dissenting.

Council recessed at 12:50 and reconvened at 2:01 p.m.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision of B-046-2017, 1236 South Ocean Blvd at March 27, 2019 meeting.
TIME CERTAIN 1:30 P.M.

Attorney Randolph briefed everyone on today's proceedings.

Attorney Hand provided details of the appeal.

Attorney Hanlon provided comments on behalf of the owners of 1236 South Ocean Boulevard.

Attorney Randolph provided clarification for the proceedings moving forward.

Ex-parte communications were declared by Council Member Lindsay. Discussion took place on Ms. Lindsay's ex-parte communications and whether or not she should be recused. Attorney Hand requested that Council Member Lindsay be recused and Attorney Hanlon objected. Council Member Lindsay recused herself.

Attorney Hand explained reasoning for request for appeal.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, to deny the appeal of ARCOM Decision B-046-2017 and to uphold ARCOM decision (6-1) made at the March 27, 2019 meeting, based upon the findings that there was no violation of due process, that there was competent substantial evidence to justify their decision, and that they followed the essential requirements of law. On roll call, the motion carried 3-1 with Council Member Araskog dissenting with Council Member Lindsay recused.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at 241 SEAVIEW AVE SUITE: SITE, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 4-1. The Landmarks Preservation Commission deferred the project to the April 17, 2019 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the July 10, 2019 Town Council Meeting per Letter Dated May 7, 2019 from Maura Ziska.

Item was deferred to the July 10, 2019 Town Council meeting.