



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on December 11, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order December 11, 2019 at 9:33 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 Gayle-Gordon gave the invocation. Council President Moore led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio stated her agreement with the decision to allow parking in the Peruvian lot after hours, but expressed concern it could become a commercial enterprise for valet operations. She proposed that staff send out letters to the surrounding businesses offering it as open parking but not to be used as a commercial venture, with which the other members of the Council agreed.

Mayor Coniglio read aloud a proclamation in honor of Town Attorney John C. Randolph for 40 years of outstanding service to the Town of Palm Beach as of September 19, 2019, and proclaimed December 11, 2019 as a Day of Gratitude in appreciation of that service.

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

Council Member Araskog thanked the Police Foundation for becoming the Police and Fire Foundation. She asked the Council to look at the landscape ordinance to see if Ficus Nitida plants should be added, since now it only mentioned Ficus Benjamina. Council Member Araskog reported she had received many calls about the traffic issues and felt something must be done. She also reported a major problem with nails in tires and wanted that addressed by the construction people.

Council Member Lindsay reported a bridge malfunction which had caused traffic problems the day prior. She commented whitefly was attracted to Ficus Benjamina but was happy to study the Ficus Nitida species. *Consensus was to send the landscape ordinance to ORS staff for revision.*

Council President Pro Tem Zeidman extended thanks and appreciation to her Council colleagues and Mayor, Commissioners, Staff, and Directors for their hard work for the Town.

Council Member Araskog thanked the team who refinanced the Town's bonds.

V. COMMUNICATIONS FROM CITIZENS

John David Cory, 326 Australian Avenue, expressed thanks to staff member John Lawrence, Public Works, for his help with the 75 palms project honoring the Civic Association's anniversary. He announced upcoming projects for the Beautification Committee.

Kathleen Bleznak, 960 North Ocean Boulevard, drew attention to the property at 208 Sandpiper currently under construction which abutted their garage entrance, and had an infestation of whitefly, and overflowing dumpsters which attracted rats and ants. Following a health inspection she had been advised their permits were in order and there was no recourse. She asked the Council for help.

VI. 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.

VII. RESOLUTIONS

- A. RESOLUTION NO. 155-2019 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 2275 South Ocean Boulevard 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.

Council President Moore recused herself for conflict of interest.

Janet Murphy described the history of the property and the Reef condominium. She stated the condominium met criteria 1, 3 and 4 of the Landmarks Preservation Ordinance. She described the criteria and

indicated this had passed Landmarks 7-0.

Deputy Clerk Gayle-Gordon administered the oath at this time and throughout the meeting as necessary.

Town Attorney Randolph read aloud Resolution No. 155-2019 by title only.

Motion was made by Council Member Lindsay, and seconded by Council Member Crampton, to make the designation report a part of the record. On roll call, the motion carried unanimously.

Public Comment

Bram Majtlis, resident of The Reef, 2275 South Ocean Boulevard, stated he was President of The Reef Condominium Association and thanked residents of The Reef and the General Manager who were present for their support. He provided a history of the building renovation. He thanked all those who had helped with the landmark designation education and expressed gratitude to the architect and the Town.

Council Member Crampton felt the building was very graceful and other buildings with this type of architecture should be considered for landmark designation. He expressed thanks for all who worked on this.

Council Member Araskog also expressed her thanks.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to adopt Resolution No. 155-2019 designating the property at 2275 South Ocean Boulevard as a Landmark of the Town of Palm Beach on the basis that it met criteria 1, 3, and 4 of Section 54-161 of the Town of Palm Beach code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

- B. RESOLUTION NO. 156-2019 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 334 Australian 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.

Janet Murphy described the history of the property at 334 Australian Avenue. She stated the building met criteria 1 and 3 of the Landmarks Preservation Ordinance.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to make the designation report a part of the record. On roll call, the motion carried unanimously.

Public Comment

Rene Silvin, 442 Australian Avenue, stated he served on the Landmarks Preservation Commission, and lived in the neighborhood, and had been pleasantly surprised when the new owner asked for landmark designation. He felt it was one of the last remaining homes that defined a neighborhood that was once important in the Town. He was in favor of the plan for the home.

Council President Moore felt this would have been appropriate for historic designation.

Ms. Murphy indicated this had passed Landmarks 6-1.

Council Member Araskog expressed support. Council President Pro Tem Zeidman also expressed support. Mayor Coniglio also expressed her support.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman, to adopt Resolution No. 156-2019 designating the property at 334 Australian Avenue as a Landmark of the Town of Palm Beach on the basis that it met criteria 1 and 3 of Section 54-161 of the Town of Palm Beach code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Time Extension Request for Construction – 208 Sandpiper Drive

Ex-parte communication was disclosed by Council Member Araskog.

Planning, Zoning & Building Assistant Director Wayne Bergman presented the request and complaints that had been received. He suggested entering into an agreement for construction completion.

Maura Ziska spoke on behalf of the owner. Ed Curry reported he had been contacted four months ago and had set a schedule to move forward, and would talk with the neighbors and clean up the outside and spray the hedges and would make sure it was completed in a timely fashion.

Council Member Crampton asked if Mr. Curry would be willing to sign an agreement as suggested by Mr. Bergman.

Mr. Curry indicated June 30, 2020 as completion date. Mayor Coniglio suggested incentives not to exceed the completion date. Council Member Araskog agreed with Council Member Crampton and the Mayor. Discussion ensued regarding the agreement. Town Attorney Randolph advised any incentive or liquidated damages would be assessed against the owner of the property. Permits would be expedited by staff.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman, to approve the time extension request for construction at 208 Sandpiper Drive with the caveat that the owner and contractor will enter into an agreement with the Town that all exterior work will be completed by February 28, 2020 and all work will be completed by June 30, 2020 with liquidated damages of \$2,000 per day to accumulate on the exterior work on March 1, 2020 and on the entire project on July 1, 2020. On roll call, the motion carried unanimously.

2. Time Extension Request for Construction and Permit Extension – 1230 N. Ocean Way

No ex-parte communication was disclosed.

Planning, Zoning & Building Assistant Director Wayne Bergman presented the request. He stated staff had no objection to the extension request to December 31, 2020.

No attorney for the owner was present to speak on this issue.

This item was pulled to be heard after New Business.

3. Time Extension Request for Construction and Permit Extension – 200 Via Bellaria

No ex-parte communication was disclosed, except Council Member Araskog who spoke with staff.

Planning, Zoning & Building Assistant Director Wayne Bergman presented the request for time extension through February 15, 2021.

Attorney Maura Ziska turned the discussion over to Gene Parker, Hedrick Brothers Construction, who explained the construction was very detailed to bring it back to its original state with very intricate millwork, etc.

Council Member Lindsay asked if the site needed to be cleaned up on the outside; Mr. Parker indicated it was okay at present.

Planning, Zoning & Building Assistant Director Wayne Bergman felt this

was a reasonable request.

Council Member Araskog asked about problems with the first contractor, which Mr. Bergman could not speak to.

Council Member Crampton discussed options for timelines with Mr. Bergman.

Mayor Coniglio expressed concern with set timelines and was in favor of them coming back in six months to assess where they were then. Council Member Araskog was in favor of the six months also.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman to approve the time extension request for construction at 200 Via Bellaria to February 15, 2021, with a six-month report to Town Council in June 2020 with liquidated damages of \$2,000 per day to begin at the end of the extension period. On roll call, the motion carried unanimously.

4. Authorize Waiver to Town Code for Work During Season for the Bradley Park Hotel, 280 Sunset Avenue.

Ex-parte communication was disclosed by all Council Members.

Director of Public Works H. Paul Brazil presented the request to authorize a waiver to the Town Code for work during the Season for Bradley Park Hotel. He discussed the one-way traffic, which had impacted the community. He advised they were asking for extended work hours for all interior work to finish the project. Also, they were currently in the appeal process with the Police Chief for their third strike, and if the Police Chief did not rescind the ticket, the Building Department would red tag the job and the applicant would have to come back to the next Town Council meeting.

Planning, Zoning & Building Assistant Director Bergman reported the request for extended work hours was 7 a.m. to 10 p.m. 7 days per week with all work after 5 p.m. and weekends to be interior.

Police Chief Caristo did not agree with red tagging and stopping the project; he recommended they pay a fine.

Mayor Coniglio discussed traffic problems created by this project which had greatly impacted the community and could have been alleviated if extended hours had been started in May.

Council Member Araskog agreed with the Mayor, wanted the street changed back to two way, and did not want to stop the work.

Council President Pro Tem Zeidman wanted to move forward with their plan. She asked if the fine could be paid and keep working. The process was discussed. The applicant was willing to drop their appeal in order to remove the red tag stop work order.

Council Member Lindsay summarized that the applicant would drop their appeal, the Council would drop the red tag, impose a fine of the maximum amount allowed, open the one-way street as soon as possible, and if this occurred again they would automatically be shut down, and stated she had problems with early morning and evening deliveries.

Council Member Crampton stressed this was an important project but work needed to be suspended if this happened again.

Council Member Araskog wanted all projects to be treated equally. Council President Moore agreed.

The applicant reported the number one problem had been dealing with FPL and having to bury lines, which caused delays. They had not understood just how difficult this massive project would be and that FPL would cause them to be two months behind. Their number one goal was to get out of the right-of-way, and they were doing their best to get through this project.

Council Member Araskog discussed parking problems and asked about the delay caused by FPL, which was explained as actually six months. She felt the residents should have peace on Saturday and Sunday.

Council Member Lindsay asked about using the parking lot for all deliveries. Director of Public Works Brazil explained the site was just too small for that to work and they would need three parking spaces. Details of the applicant's request were discussed.

Council President Pro Tem Zeidman asked the expected finish date. Mr. Grace explained they did not know how long FPL's work would take. She expressed concern regarding the holidays.

Council President Moore expressed the same concerns regarding completion.

Council Member Crampton was concerned the applicant did not have a plan. Mr. Grace responded they could not set a completion date because of FPL. The applicant indicated they could finish exterior work in the right-of-way January 31, 2020, and would provide a schedule contingent on FPL of 7 weeks for completion after FPL was finished.

Mayor Coniglio expressed concern regarding deliveries and clarified the completion time. Council Member Araskog expressed concern regarding

Saturday and Sunday and the holiday weeks. Director of Public Works Brazil suggested working together to make the road two-way traffic and require them to come back in January. Discussion ensued.

Motion was made by Council Member Araskog, and seconded by Council President Moore to wait until January 15, 2020 to consider the time extension request for construction at Bradley Park Hotel, 280 Sunset Avenue, to require payment of fines and remove the “red tag” stop work order and work regular construction hours until January 15, 2020. On roll call, the motion failed with Council Member Lindsay, Council President Pro Tem Zeidman, and Council Member Crampton opposed.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman to approve the time extension request for construction at Bradley Park Hotel, 280 Sunset Avenue, with the caveat that the appeal is withdrawn, payment of outstanding fines is required, and the “red tag” stop work order is removed; quiet, interior work only until December 20, 2019 and from January 2 to January 15, 2020 from Monday to Friday, 5 p.m. to 10 p.m. with deliveries from Monday to Friday, 8 am to 5 pm, and the applicant is to follow Director of Public Works Brazil’s plan for the right-of-way, and there shall be liquidated damages of \$5,000 per violation; and the applicant is required to return to Town Council on January 15, 2020. On roll call, the motion carried unanimously.

Clerk’s note: Lunch recess was taken at 11:45 a.m. The meeting reconvened at 12:15 p.m.

Public Comment

Andrew Roddy, 231 Kenlyn Road, had a problem with exhaust created by a fossil fuel generator to be installed behind his historical landmark residence building at 332 South County Road next to the property line. He was advised to work with Planning, Zoning & Building Assistant Director Bergman on approvals.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S)**
Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at **235 SUNRISE AVE SUITE: CM 23**, legal description on file, is described below. A request for a variance and a special exception to expand a non-conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel.

Ex-parte communication was disclosed by all Council Members.

Attorney Neil Schiller spoke on behalf of the applicant and requested another deferral.

Zoning Manager Castro explained this had been deferred because they needed to come into compliance with the fire code before the Council considered any part of their zoning application.

Attorney Schiller explained the fire doors were in process of being replaced and everything should be done before March 1, 2020.

Fire Marshall Marty Deloach reported it had been 18 or 19 months since the applicant was notified of fire violations. They had one door installed by last week, which he had inspected. As of today, many of the doors were not in compliance.

Mayor Coniglio was in favor of either another deferral so that the Council is updated, or to give the applicant the opportunity to give more frequent updates.

Council President Moore favored denial of the application, because of the length of time it would take to come into compliance with the fire code, and thought they should come back every other month to give updates. Council Member Crampton agreed.

Town Attorney Randolph advised the applicant should be allowed to give his presentation. Attorney Schiller gave his presentation.

Council President Pro Tem Zeidman stated the applicant was operating with unsafe conditions with potential danger, the condo association seemed to have a problem with processing, and she did not feel like approving anything unless they were going to try to get the building safe.

Council Member Lindsay wanted the building brought up to code for the safety of residents and visitors. The Fire Marshall reported the applicant was to appear before Code Enforcement later this month.

Council Member Araskog asked the Fire Marshall if this could be a safety issue, who responded they had corrected some of the

violations, had added sprinklers, and had made the fire doors operational for separating portions of the hotel so that fire could not spread. Now gaps around the doors which would allow smoke to spread were a problem. She asked Attorney Schiller about parking and traffic. He responded only people within the building could use the gym. She commented if trainers were brought in that could cause traffic problems; and without a parking plan, safety issues, and with a new board involved, she could not approve.

Mayor Coniglio reminded the Council the only way they learned about the fire code issues was when a gym application came from the hotel, so she favored deferral.

Attorney Randolph advised they could allow the applicant to withdraw the application. He was told the applicant did not want to withdraw. Attorney Randolph advised denial would mean they could not come back for a year.

Zoning Manager Castro provided a history of the application and noted the gym had to be controlled and managed by the condo association.

Council Member Lindsay agreed with the Mayor to defer in order to get updates and also invite them to come back periodically to provide updates.

Council President Pro Tem Zeidman stated she was in favor of setting a time line, every two months for an update.

Council Member Araskog commented there was life jeopardy which she believed allowed the Council to say no to the use. Attorney Schiller stated for the record they did not wish to withdraw.

Motion was made by Council Member Araskog, and seconded by Council President Moore to deny Special Exception Z-18-00108 for the reason that the application does not meet the criteria set forth in Section 134-229; that it does not meet the following requirements: 2, 8, 11 and 14. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Araskog to deny Variance Z-18-00108 for the reason that the granting of the variance does not meet the criteria set forth in Section 134-201(a) items 1 through 7. On roll call, the motion carried unanimously.

Discussion ensued. Town Attorney Randolph advised updates could not be required since there had been denial, but staff members could report updates to Council as needed. Attorney Schiller was asked to send email updates or come before Council if he felt it necessary.

Town Attorney Randolph stated this was now in Code Enforcement's hands.

- b. **Z-19-00225 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Ave The application of FRO II WORTH OWNER LLC (Andrew Osborne), Applicant, relative to property located at **259 WORTH AVE**, legal description on file, is described below. Pursuant to Sections 134-1162 and 134-1165 the applicant is requesting Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. This project qualifies for the special allowances as set forth in Exhibit D (Copy on file in the PZ&B Department). The proposed third story consists of a roof top deck with an enclosed 2,390 square feet of living space which includes a 720 square foot pergola. The following variance is being requested: Section 134-1165 - proposed maximum story coverage of 33% for the enclosed living area on the third floor roof deck in lieu of the 25% maximum allowed for a third story using the Worth Avenue Design Guidelines. [Architectural Review Commission Recommendation: The project meets the Worth Avenue Design Guidelines as presented. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 6-1.]

Council President Moore pointed out the special exception and site plan review had already been approved, therefore only the variance was to be discussed.

Council Member Araskog felt Council should be able to comment on the design change in relation to the guidelines.

Attorney Maura Ziska advised that based on ARCOM's comments and Town Council's comments, very specific things had been changed in the design. Keith Spina explained ARCOM had approved the project but asked that the spa be looked at because they thought it was a little too close to the building, to show them more detail on the pergola, and show them the north elevation. Their next meeting with ARCOM was this Friday. He presented the three items to Council.

Zoning Manager Castro summarized the Council's previous actions.

Council Member Araskog noted additions were supposed to be different but subtle, and not modern; and the variance was supposed to be 3% of the building. The architect responded with how they had counted the percentage. Council Member Araskog asked about the glass wall.

Town Attorney Randolph advised Council needed to make a determination whether the changes shown were inconsistent with what they had previously approved. Discussion ensued.

Council Member Lindsay recalled Council had wanted ARCOM to deal with the variance. Zoning Manager Castro provided information on the lot coverage, which was now 27.3%. The architect was asked why they couldn't get down to 25% which was what they had been asked to do.

Mayor Coniglio stated she was in agreement with Council Member Lindsay.

Council President Pro Tem Zeidman commended the architect for several changes, and stated she would like this to come in without a variance requested.

The applicant withdrew the variance.

2. **New Business**

- a. **Z-19-00228 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Alex Chesterman, Applicant, relative to property located at **893 S COUNTY RD**, legal description on file, is described below. 1. Section 134-1759(a): A variance request to construct a tennis court and associated required perimeter fence with a 2.9 foot west side yard setback in lieu of the 15 foot minimum required. 2. Section 134-1759(0): A variance request to construct a tennis court and associated required perimeter fence with a 24.9 foot front yard setback along S. County Road in lieu of the 35 foot minimum required.

No ex-parte communication was declared.

Attorney Maura Ziska presented the project.

Zoning Manager Castro offered staff comments.

Council Member Crampton felt this would be an improvement.

Council Member Araskog asked for clarification on setbacks and

received an explanation.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman to approve Variance Z-18-00228 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 voluntarily commits that prior to the issuance of a building permit either provide a recorded utility easement or an agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried 4-1 with Council Member Araskog opposed because of the hardship.

- b. **Z-19-00229 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Sandy Bottoms Trust (Craig Tessler, Trustee), Applicant, relative to property located at **334 AUSTRALIAN AVE**, legal description on file, is described below. 1) Section 134-949(b): Request a variance to demolish and rebuild a nonconforming proposed landmark house where demolition will exceed 50% cubic footage on a nonconforming lot which is 50 feet in width in lieu of the 75-foot width minimum required and a lot area of 6,250 square feet in lieu of the 10,000 square feet minimum required by Code. 2) Section 50-114: Request to develop the property in excess of 50% of its current value, including the raising of the entire house, such that the entire house will have an elevation of 5.50 feet NAVD in lieu of the minimum 7.0 feet NAVD required by Code. 3) Section 134- 948(5)a: Request to replace the existing porch with a front yard setback of 16 feet and add a second story with a front yard setback of 24.33 feet in lieu of the 25-foot minimum required in the R-C Zoning District. 4) Section 134-948(6)a: Request to replace the existing pool with a new pool of the same size with a west side yard setback of 8.6 feet in lieu of the 10-foot minimum required in the R-C Zoning District. 5) Section 134-948(6)a: Request to add a covered patio to the rear of the house with a west side yard setback of 2.5 feet in lieu of the 10-foot minimum required in the R-C Zoning District. 6) Section 134-948(6)a: Request to add a covered patio to the rear of the house with an east side yard setback of 4.4 feet in lieu of the 10-foot minimum required in the R-C Zoning District. 7) Section 134-948(9)a: Request to rebuild a nonconforming landmarked house with lot coverage of 41% in lieu of the 30% maximum allowed in the R-C Zoning District. 8) Section 134-948(11)a: Request to rebuild a nonconforming landmarked house with landscaped open space of 42% in lieu of the 45% required in the R-C Zoning District. Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the landmarked property. Carried 7-0. The

Landmarks Preservation Commission approved the project at the November 20, 2019 meeting. Carried 7-0.]

No ex-parte communication was disclosed.

Attorney David E. Klein presented the requested variances on behalf of the applicant.

Council Member Araskog asked which variances would be needed other than those for the roof. Attorney Klein explained the hardships were for raising the house and the property was non-conforming in area and width.

Zoning Manager Castro reported the Landmarks Preservation Commission had approved this project and discussed the variances.

Architect Pat Seagraves reviewed the plan.

Council President Pro Tem Zeidman asked why not raise the house higher; the response was that would be too high and this height worked well with the drainage.

Mayor Coniglio commented the project was well done.

Council Member Araskog felt the height was appropriate.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman to approve Variance Z-18-00229 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 voluntarily commits that prior to the issuance of a building permit either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion unanimously.

IX. B. 2. Time Extension Request for Construction and Permit Extension –
1230 N. Ocean Way

Clerk's note: This item was pulled from earlier in the meeting until a representative for the request could be present.

Planning, Zoning & Building Assistant Director Wayne Bergman advised several months construction time had been lost due to making corrections to building and floor heights.

Brett Elhilow, John G. Mitchell General Contractor, described the construction delays.

Council Member Araskog clarified a company hired by the owner had caused the delays.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay to approve the time extension request for 1230 North Ocean Way, and asked that updates be provided to Planning, Zoning & Building Assistant Director Bergman. On roll call, the motion unanimously.

IX. ANY OTHER MATTERS

A. Discussion Regarding Proposed Code Changes to Create “Historic Buildings”

Planning, Zoning & Building Assistant Director Bergman reported Staff was considering a new category of buildings called “Historic Buildings” and would need to determine if ordinances should be drafted to amend various chapters of the code to create the new category of buildings. The purpose was to allow buildings more than 50 years but not landmarked to enjoy the same protections under FEMA and the Florida Building Code that were available to landmarked buildings in the Town. Many buildings were torn down instead of being remodeled because of current restrictions. This could provide the mechanism to encourage property owners to keep their historic buildings and add small complementary building additions at building elevations lower than FEMA normally required, achieved through a flood variance. He proposed some possible changes to Town Code Chapters 18 and 50 and other things that would be needed

Mayor Coniglio asked who would be the presiding commission, which Mr. Bergman responded was to be determined. The Mayor indicated she was in favor of the concept, which would be voluntary.

Council Member Araskog recommended this go to the Landmarks Preservation Commission to get their recommendation and opinion. Town Attorney Randolph recommended keeping this totally separate and independent from the Landmarks Preservation Commission.

Council Member Lindsay commented other cities had this, disagreed with sending this to Landmarks, and wanted to proceed cautiously, trying a couple of homes.

Council President Pro Tem Zeidman felt this was a great idea.

Council Member Crampton indicated he would like a staff process to move forward and felt Landmarks and everyone in the community should have input. He saw the Council as the body to make final decisions.

Public Comment

Jennifer Lazzara, 272 Queens Lane, described the renovation of their historical home, and they had to have a 7-1/2-foot ceiling in the new portion

to meet FEMA's code. Chris Lazzara described their problems in designing the renovation and felt this should be moved forward quickly.

Anne Pepper, 333 Seaspay Avenue, commented Jupiter Island's loss of Wayne Bergman was the Town's gain and spoke in favor of bringing this process forward immediately.

Andrew Roddy, 231 Kenlyn Road, agreed with the proposal.

Council Member Araskog asked for clarification from Town Attorney Randolph who recommended a group meeting for input rather than sending to a specific board. She proposed including it in the February 2020 Historic Survey. Mr. Bergman commented the survey would be the easiest way to get a list of homes, then draft an ordinance.

Mayor Coniglio asked Mr. Bergman to gather needed information and move quickly but allow time to think of all the consequences. She commented this would give property owners an opportunity to voluntarily be flexible.

Council Member Lindsay wanted this to get going as soon as possible.

Bill Metzger, 277 Esplanade Way, discussed the Council meeting videos which were available for viewing, and thanked all those involved.

X. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of December 11, 2019 was adjourned at 3:33 p.m. without the benefit of a roll call.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk