



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on January 15, 2020

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order January 15, 2020 at 9:53 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

The invocation and pledge of allegiance took place during the Local Planning Agency Meeting.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding dedication of the Earl E. T. Smith Park. She thanked the Preservation Association for their work in maintaining the park.

Council Member Lindsay commented the previous day Council had approved the Citizens Association of Palm Beach, Palm Beach Civic Association, and Royal Poinciana Plaza ownership to hold a celebration of the 100th anniversary of women's right to vote. They had picked April 16, but learned that was the last day of Passover, so the date had been changed to April 20th from 5 pm – 7 pm.

Clerk's note: This item was moved up in the agenda to this location.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Administrative Specialist Churney administered the oath at this time and throughout the meeting as necessary.

Council Member Lindsay recalled an event held at the Town Hall last year, *Where Have All the Songbirds Gone*, in conjunction with partners the Garden Club, Preservation Foundation, Association of Palm Beach, and the Palm Beach Civic Association. It was very successful, and Part 2 would be held Monday, February 3, 2020 at Town Hall. She explained that speakers would connect what was done on properties with human and pet health, water quality, and how to live with fewer toxins. Katie Carpenter would be the moderator.

Council Member Araskog requested no work be done on Sundays.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Tim Allen, Local Chapter of the American Heart Association, announced *National Wear Red Day*, February 7th, to bring awareness to heart disease. He asked the Town of Palm Beach to participate by lighting certain civic monuments in red.

Mayor Coniglio asked staff if this has happened before. Zoning Manager Castro responded he was not familiar with lighting civic buildings. Mr. Allen explained the lighting would be only on the 7th from sundown to midnight. Mayor Coniglio stated her support, but expressed concern that many organizations might come forward with the same request. Council Member Lindsay expressed concern for the cost, and as well had the same concern had by the Mayor. Council Member Araskog stated that she had the same concerns. Council Member Crampton also agreed, but his opinion was he thought something small would be acceptable, such as lighting a flag pole. Council President Pro Tem Zeidman thought that while it was such a worthy cause, she did not feel it was appropriate for the Town. Council President Moore commented New York City did this but she thought it was not appropriate in small towns.

The consensus of the members was not to allow the lighting of the monuments.

Daniel Ponton, Resident and Trustee of the Preservation Foundation, reported that the foundation supported Director of Planning, Zoning and Building Martin's effort to lead code reform.

Amanda Skier, Executive Director of the Preservation Foundation, agreed with Mr. Ponton, and stated that she believed Code Reform was critical. They had established an advisory committee that would make recommendations to the Town.

Martin Klein, 1060 N. Ocean Blvd., spoke in favor of Director of Planning, Zoning and Building Josh Martin and Code Reform.

President Pro Tem Zeidman commented on the 3-minute time limit.

Alex Griswold, 274 Orange Grove Rd., agreed with Mr. Klein's comments. He discussed his request on the agenda and stated that it exemplified what was wrong with the Code.

Council Member Crampton stated he was not sure where the Town Council stood in the Code Reform Process, and asked when it would be voted on. Following discussion, it was stated this would be on the February agenda.

Mayor Gail Coniglio talked about her appreciation of the staff in the Town. She also stated that staff should be treated with respect.

VI. APPROVAL OF AGENDA

The following modifications were made to the agenda:

Deferral of Item VII.B.1 (a) to the February 12, 2020 meeting.

Deferral of Item VII.B.2 (a) to the February 12, 2020 meeting.

Deferral of Item VII.B.2 (b) to the March 11, 2020 meeting.

Jamie Crowley, attorney for the project Z-19-00232, stated that he initially requested a deferral to the February 12, 2020 meeting but stated he would like to request the deferral to the March 11, 2020 meeting.

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

VII. RESOLUTIONS

- A. Resolution No. 03-2020 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 155 Hammon 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, Murphy Stillings, reviewed the history of the Colony Hotel, and presented the resolution to ratify the Landmark Status of 155 Hammon Avenue, also known as The Colony Hotel.

Motion made by Council Member Araskog and seconded by Council Member Crampton to move that the Designation Report be made a part of the record. Motion carried unanimously.

Motion made by Council Member Araskog and seconded by Council Member Crampton to move that Resolution 03-2020 be adopted designating the property at 155 Hammon Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria 1, 3 and 4 of Section 54-161 of the Town of Palm Beach Code and the Landmarks Preservation Ordinance #2-84. Motion carried unanimously.

Council Member Pro Tem Zeidman called for public comment. There were no comments heard at this time.

Clerk's Note: A short break was taken at 10:30 a.m. The meeting resumed at 10:37 a.m.

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Time Extension Request for Emergency Roof Repair - 150 Worth Avenue

Wayne Bergman, Assistant Director of the Planning, Zoning and Building Department, introduced the item to the Council Members.

Yvonne Jones, Property Manager, introduced Bud Barton, Construction Manager for the project, who discussed the issues in the work being done at the property, and delays caused by rain.

Council Member Araskog stated she understood the rain issues and she thought the extension should be allowed.

Assistant Director of Planning, Zoning and Building Bergman recommended a time extension to February 29, 2020.

Council Member Pro Tem Zeidman called for public comment. There were no comments heard at this time.

Motion made by Council Member Araskog and seconded by Council Member Crampton to approve the time extension request for emergency roof repair at 150 Worth Avenue to February 29, 2020. Motion carried unanimously.

2. Authorize Waiver to Town Code for Work During Season for the Bradley Park Hotel, 280 Sunset Avenue
H. Paul Brazil, P.E., Director of Public Works

Jamie Crowley, Attorney for the applicant, introduced the item, and also asked to open the restaurant prior to the completion of the hotel.

Ned Grace, on behalf of Bradley Park Hotel, reviewed the work completed, the schedule, and requested to open the restaurant prior to the hotel opening.

Damian Barr reviewed the life safety plan.

Assistant Director of Planning, Zoning and Building Bergman commented Public Works, Police, Fire, and Planning, Zoning and Building would all have to sign off on this, and a hold harmless indemnification agreement reviewed by Town Counsel Randolph would be needed.

Ned Grace commented they would not open before the restaurant and the gallery space (bathrooms) were all complete. He would like to have use of the bathrooms in the hotel space to open the restaurant.

Marty DeLoach, Fire Marshal, commented the plan on paper looked like it would work, but there had been trouble accessing the property as it stood today. He suggested going through the building and making decisions when it was ready, but as it stood today it could not be assessed.

Council Member Crampton stated he would support staff and to have the applicant come back next month. He was okay with hardscape work on Saturday, and continuation with quiet hours. Mr. Grace clarified they would like Town Council to allow staff to allow the restaurant to open if they deemed it was okay.

Marty DeLoach, Fire Marshal, commented if they were ready February 1, it would be appropriate for staff to inspect and allow them to open a couple of weeks before the next meeting.

Nick Caristo, Chief of Police, agreed with the Fire Marshal. His concerns were the valet and emergency exits. He stated he would like to see the valet plan and the emergency exit plans.

Attorney Jamie Crowley stated that the valet plan was submitted when the plan was approved but it could be altered to Police's requests.

Police Chief Caristo commented the valet was supposed to be on Bradley, where there was now scaffolding. Mr. Grace responded it would be removed by January 31. Damian Barr concurred.

President Pro Tem Zeidman asked Assistant Director of Planning, Zoning and Building Bergman if he would be comfortable signing off on this if it were based on all of the signoffs and the indemnification signed. He reminded everyone this plan was only for the ground floor and they did not know what was happening on the other floors.

Director of Planning, Zoning and Building Martin advised he had looked at the site, which was tight, and urged that everything be A+.

Council President Moore asked Mr. Grace the hours of operation proposed for the restaurant, expressing concern patrons would be eating underneath a construction project. Mr. Grace explained all exterior work for all floors needed to be CO'd and suggested possibly not to allow outdoor seating until everything was completed.

Director of Planning, Zoning and Building Martin advised all exterior work needed to be CO'd by Mr. Bergman before opening.

Attorney Crowley commented approved hours were 7-11 p.m. They would like to be open 5-11 p.m. now, and would not do any exterior work.

Council Member Lindsay asked if there was a lot of extra staff work that needed to be completed before the next meeting. Mr. Bergman responded there would be no extra work.

Council Member Araskog asked what was to be approved. Ned Grace reviewed the requests—approval of extending previously approved work hours, potential to work on Saturday to complete landscaping,

Director of Planning, Zoning and Building Martin expressed support for the requests, and wanted to make sure they were coordinating traffic. Mr. Grace indicated they were working on getting the pavers finished.

Mayor Coniglio asked Assistant Director of Planning, Zoning and Building Bergman about the possibility of two separate CO's. He responded when appropriate and safe that construction could be fenced off from the public, but that would be difficult in this case. She had concerns for ingress and egress. Damian Barr showed and explained the ingress and egress on the life safety plan. Ned Grace showed the restrooms on the plan.

Council Member Lindsay was in favor of the Saturday work request since that was the least busy day.

Council Member Araskog asked about the proposed exits. Fire Chief DeLoach stated that the proposed exits met fire codes.

Council Member indicated willingness to allow the restaurant to open prior to completion of the hotel subject to staff approvals and he had no problem with Saturday work.

Council Member Pro Tem Zeidman called for public comment. There were no comments heard at this time.

Motion made by Council Member Crampton and seconded by Council President Moore to move that the requests that had been made by Bradley Park Hotel applicant, soon to become White Elephant Palm Beach, relative to opening the restaurant prior to completion of the hotel be subject to staff approval; extending approval to the work on Saturdays for hardscape and outdoor landscaping work; and extension of the previously approved working hours; and requiring a hold harmless agreement between the owners of the property and the Town, with indoor seating only for dinner from 5-11 p.m. Applicant to return for an update February 12, 2020. Motion carried unanimously.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of Charles "Rusty" Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district. 2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35 foot minimum required in the R-A Zoning District. 3) Section 134-843(a)(9): A request for a variance to allow the proposed

residence to have a rear setback of 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134- 1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10- foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission Deferred the Project at the October 30, 2019 Meeting. Carried 7-0] **Request For Deferral To The February 12, 2020 Meeting Per Letter From Maura Ziska.**

This item was deferred to the February 12, 2020 meeting.

- b. **Z-19-00176 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town-Serving Commercial The application of La Goulue Palm Beach, LLC (Craig Pogson, Its Manager), Applicant, relative to property located at **288 S COUNTY RD**, legal description on file, is described below. This application requests Special Exception approval to authorize a proposed restaurant, which exceeds 3,000 square feet of gross leasable area at the space currently occupied by Chez L'Epicier. The most recent restaurant approval for this location took place in October, 2014, and was modified in 2016. That restaurant, Chez L'Epicier, was approved for 4,454 square feet and 138 seats, and included valet parking. Approved hours of operation were: Dinner Wednesday through Sunday, 3:00 pm to midnight; Brunch and dinner Saturday and Sunday 10:30 am to midnight; Occasional special events weekdays or Monday and Tuesday night, not past midnight. In 2016, the hours of operation were modified to add dinner on Monday and Tuesday. This restaurant, La Goulue, requests the same square footage (4,454), number of seats (138), valet operation, and hours of operation as past approvals except that the request includes modifying the Declaration of Use Agreement to allow lunch on weekdays. A special exception is also requested for 12 outdoor seats, to be located on the north side of the building. The applicant also requests site plan modification to modify the awnings and restore the main restaurant entrance to its historic location on the northeast façade of the building. [Applicant's Representative: James M. Crowley, Esq] *Reconsideration of the condition of approval related to hours of operation.*

Attorney Jamie Crowley discussed the request to extend the hours to

2 a.m. seven days a week. Notice had been given and only one letter of objection was received.

Ex parte disclosed by Council Member Araskog and Council Member Lindsay.

Zoning Manager Castro stated that staff received a letter last night at 7:30 p.m. that he had placed in front of the Town Council members this morning.

Attorney Crowley discussed the issues of working with the sidewalk.

Zoning Manager Castro provided staff comments.

Attorney Crowley stated the seating was still being worked out with staff, and the only modification would be the hours of operation.

Council Member Crampton asked about the hours of operation. Mr. Crowley stated the proposed closing time was 2 a.m.

Council Member Araskog believed that they should mimic the hours of Buccan.

Council Member Lindsay expressed concern due to the new operation, and new customer base and not being an established restaurant. She would rather take the requests in steps. She felt midnight on the weekend was fine, but not during the week.

Council President Pro Tem Zeidman agreed with Council Member Lindsay to be open until midnight on Friday and Saturday, and 11 p.m. on week days.

Mayor Coniglio agreed with Council Member Lindsay and Council President Pro Tem Zeidman.

Director of Planning, Zoning and Building Josh Martin updated the Town Council on the outdoor seating.

Motion made by Council Member Lindsay and seconded by Council Member Araskog to move approval for the restaurant hours to be open until midnight on weekends (Friday and Saturday), and open from 11 a.m. to 11 p.m. the rest of the week, along with Saturday and Sunday brunches. Motion carried unanimously.

2. New Business

- a. **Z-19-00230 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District R-A Estate Residential The application of M. Weldon Rogers, IV and Rebecca Laing Rogers, Trustees of the Angel Revocable Trust Dated October 8, 2019, Applicant, relative to property located at **120 ALGOMA RD**, legal description on file, is described below. 1. Section 134- 843(a) and (b). Special

Exception with Site Plan Review to allow the construction of a 6,207 square foot new residence with a 192 square foot pergola on an unplatted non-conforming lot of 15,273 square feet in lieu of the minimum 20,000 square feet required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Carried 7-0] [The Architectural Review Commission approved the project at their December meeting. Carried 7-0]

Ex parte communication was disclosed by Council Member Crampton.

Amy Bahl, Attorney for the applicant, explained the zoning requests for the project and advocated for approval.

Mr. Castro provided staff comments and comments from the Public Works Department, most of them regarding circulation on the site.

Jaime Torres, Fairfax and Sammons Architects, stated that he had spoken to Public Works. Mr. Castro stated that Mr. Torres needed to address the comments, especially the truck logistics plan.

Council President Moore stated she believed that the logistics could be worked out. She believed the lot size was the hardship. She stated that she believed that the issues could be worked out, and smaller trucks could be used. Attorney Bahl stated all of the issues would be worked out at the building permit stage.

Council Member Araskog asked staff if they said that these issues should have been worked out prior to the presentation. Mr. Castro responded.

Craig Hauschild, Civil Engineer in the Planning, Zoning and Building Department, explained that staff wanted to make sure everything on the roadways were known so they could make the traveling public aware, that work was done in a safe manner, in accordance with the plan schedule, and so that it did not impact the Town. Since the large trucks would have to back into the site, most of the work should be done out of season.

Julie Araskog asked that any approval include that all large trucks must be approved by Public Works.

Council Member Crampton commented a logistics plan just worked out by Assistant Director of Planning, Zoning and Building Bergman should answer the logistics problems. There were no zoning issues,

only permit issues which could be worked out during the process.

Council Member Araskog stated she wanted to make sure they approved the items that Craig Hauschild had requested. Craig Hauschild responded those could be worked out during the process.

Council Member Pro Tem Zeidman called for public comment. There were no comments heard at this time.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, that Special Exception Z-19-00230 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 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 insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried unanimously 5-0.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, that Site Plan Z-19-00230 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11. On roll call, the motion carried unanimously 5-0.

- b. **Z-19-00231 VARIANCE(S)** Zoning District R-B Low Density Residential The application of 1305 N OCEAN WAY LLC, Owner, relative to property located at **1305 N OCEAN WAY**, legal description on file, is described below. The applicant is requesting to construct a 700 square foot second floor addition on the northeast side of the existing house with a side yard setback of 13.58 feet in lieu of 15 feet minimum required. [Applicant's Representative: Tim Hanlon Esq] **Request For Deferral To The February 12, 2020 Meeting Per Letter From M. Timothy Hanlon.**

This item was deferred to the February 12, 2020 meeting.

- c. **Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of 125 Worth Partners, LLC, Applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below. The applicant requests Site Plan Review modification approval for revitalization, renovation and expansion of

the 45 year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53' in lieu of the 49'2" existing and the 25' maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63'4" in lieu of the 53'8" existing and the 35' maximum allowed by current code. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 13,212.9 square feet from 3,448.75 square feet existing. An open fourth story trellis of 5,433 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1'1" for portions of the building in lieu of the 5' existing and the 5' minimum required on the private property. The sidewalk is required to be a minimum of 10' wide and this proposal is a minimum of 8'2" in the area where the sidewalk is only 1'1" wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 71% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code. 10. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building length at the east end of the building from 201'8" to 246' in lieu of the 150' permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] **Request For Deferral To The February 12, 2020 Meeting Per Letter From James M. Crowley.**

This item was deferred to the March 11, 2020 meeting at the verbal request of Attorney Jamie Crowley.

- d. **Z-19-00233 VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of GenRock Capital Management, L.P. (Matt Ailey, Principal), Applicant, relative to property located at **214 BRAZILIAN AVE**, legal description on file, is described below. Request for a variance to allow a 1,557 square foot private equity office (GenRock Capital Management, L.P.) in suite 212 (previously The Private View Gallery) which is on the first floor of the building where office use is only allowed on the second floor in the C-TS Zoning District. [Applicant's Representative: Maura Ziska Esq]

Amy Bahl, Attorney for the applicant, explained the zoning requests for the project and advocated for approval.

There were no ex parte communications disclosed.

Mr. Castro provided staff comments in support of the request.

Council Member Pro Tem Zeidman called for public comment. There were no comments heard at this time.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance Z-19-00233 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 5-0.

IX. ORDINANCES

A First Reading

1. **ORDINANCE NO. 01-2020** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article V, Planned Unit Development Procedure, Section 134-622, Permitted Land Uses In The PUD-A Zoning District, To Allow Hotels As A Permitted Use And Administrative Site Plan Review For Permitted And Accessory Uses That Do Not Exceed 2,500 Square Feet; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney John Randolph read the proposed ordinance.

Council Member Pro Tem Zeidman called for public comment. There were

no comments heard at this time.

Mr. Castro requested that his comments from the LPA meeting be incorporated into this Ordinance.

Motion was made by Council Member Crampton, and seconded by Council President Moore, to approve Ordinance 01-2020 on first reading. On roll call, the motion carried 4-1 with Council Member Araskog opposed.

2. ORDINANCE NO. 02-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Town Code Of Ordinances, By Adding Article VI, Historic Buildings; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney John Randolph read the proposed ordinance on first reading by title only.

Assistant Director of Planning, Zoning and Building Bergman provided staff comments and explained this would be another method of preserving homes 50 years old or older in Palm Beach that were not landmarked. This category was called historic buildings.

Council Member Pro Tem Zeidman called for public comment.

Anne Pepper, 333 Seaspray Avenue, thanked staff for working to preserve historic homes in Palm Beach. Mr. Castro explained the FEMA flood variance requirement. Director of Planning, Zoning and Building Josh Martin, reported he had worked with Ms. Pepper and thanked her for her interest. He commented this could be the most important decision made by Town Council in terms of the built environment of this Town, to add another option for preservation. Ms. Pepper stated she fully supported the ordinance.

Steven Greenwald, 128 Seaspray Avenue, thought the ordinance was acceptable and requested to see the final ordinance, and after review he said was fine.

Anita Seltzer, 44 Cocoanut Row, was sworn in by Administrative Specialist Churney. Ms. Seltzer questioned the day-to-day implementation of the ordinance. She asked if there had been a review of other municipalities that had done this. She felt this needed to be done, but believed critical questions may not have not been asked. She asked if there would be liability the individual property owners if they were in a flood plain area and there was flood damage to an improved home. Director Martin responded to the concerns of Ms. Seltzer. He stated for the record this had nothing to do with insurance but was for preservation.

Council Member Lindsay she believed this was the single biggest reason for demolition, and now there was an option. She knew this was the right thing to do for the Town.

Council Member Araskog commended staff for finding a resolution to a large issue. She believed many homes would be saved, and thanked staff for their work. She supported the ordinance.

Mayor Coniglio wanted to make sure comments from citizens were incorporated. Staff confirmed they were.

Director Martin commented this only affected the building code, and the next step would be to consider complimentary zoning incentives.

Council Member Crampton asked if this ordinance was unique, if there were any others like it, and what they had experienced. Director of Planning, Zoning and Building Martin responded that it was not unique and many other communities that he had worked in had something similar. He commented it was very common to consider buildings 50 years and older historic. He commented if FEMA had a problem with this they would not have created a policy that addressed it.

Town Attorney Randolph asked Director Martin to comment on the code section in Chapter 12 Historic Buildings exception stating the program had to be approved by the Department of the Interior. Director Martin responded he believed the program cited in the code was a Certified Local Government program, which had already been approved; that the Town of Palm Beach was a CLG.

Council Member Araskog stated that they decided not to send this to Landmarks because this was only building, code 134. Director Martin advised presentations would be made at this month's Landmarks Preservation Commission and ARCOM meetings to provide updates._

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to approve Ordinance 02-2020 on first reading. On roll call, the motion carried unanimously 5-0.

3. ORDINANCE NO. 03-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 50, Floods, Town Code Of Ordinances, By Amending Article III, Definitions, Division 2, Definitions, Section 50-137.5, Definitions; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Attorney John Randolph read the proposed ordinance on first reading by title only.

Assistant Director of Planning, Zoning and Building Bergman presented staff comments.

Council Member Pro Tem Zeidman called for public comment. There

were no comments heard at this time.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to approve Ordinance 03-2020 on first reading by title only. On roll call, the motion carried unanimously 5-0.

X. COMMENTS OF TOWN COUNCIL MEMBERS

Clerk's note: This item was moved up in the agenda under Item III, Comments of the Mayor.

XI. ADJOURNMENT

The meeting was adjourned at 12:24 p.m. without the benefit of a motion and roll call.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist