

From: [Wayne Bergman](#)
To: [Kelly Churney](#)
Cc: [Donald Lunny](#); [Paul Castro](#); [James Murphy](#)
Subject: FW: Request to defer Simmons Appeal to May Town Council Meeting
Date: Tuesday, March 23, 2021 3:54:50 PM

Kelly – this matter will be deferred at the Town Council April 14 meeting, until their May 12 meeting. Thank you.

Wayne Bergman, MCP, LEED-AP

Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
www.townofpalmbeach.com

[P.S. Your exterior project may require ARCOM approvals. Click here for more info.](#)

From: Donald Lunny <Donald.Lunny@brinkleymorgan.com>
Sent: Tuesday, March 23, 2021 3:46 PM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Cc: John Eubanks Jr <jeubanks@sniffenlaw.com>; Maura Ziska <MZiska@floridawills.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>
Subject: Request to defer Simmons Appeal to May Town Council Meeting

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Dear Wayne:

As you know, the Simmons' Appeal was deferred to the Town Council Meeting of April 14, 2021. I would like to request another deferral to the May Town Council Meeting. All of the zoning approvals that were part of the settlement have been granted by the Town Council and ARCOM, and the only remaining items that need to occur before the Simmons' Appeal is withdrawn is:

1. My review and approval of the Declaration of Use Agreement (to make confirm it is in the form consistent with the Settlement and as approved by the Town Council, has the correct exhibit, and is signed by the Town and the Hotel Owner and recorded); and,
2. The development orders of the ARCOM and Town Council becoming "final" as a result of the passage of time without any third - person - with - standing seeking judicial review (as you

may know, such review must usually be brought 30 days from “rendition” of the orders reflecting the various Approvals).

I am unsure whether either remaining “loose end” will be met by the Agenda closing deadline for the April 14, 2021 Town Council Meeting. I will be traveling in the first week of April, and so I wanted to send you this request early so that you would have it for Agenda management purposes

For the foregoing reason, I ask for the Simmons Appeal to be continued to the Town Council May Agenda. I have advised the Applicant’s attorney, Maura Ziska, that I would be making this request, and she had no objection to this deferral.

In closing, my client and I want to thank you and your Staff for the courtesies extended. They are and have been appreciated. Please let me know if anything else is required.

Sincerely,
Don

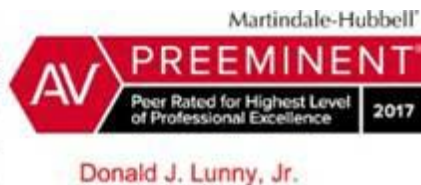
DONALD J. LUNNY, JR. | PARTNER

100 SE Third Ave., 23rd Floor, Ft. Lauderdale, FL 33394
Main: 954.522.2200 | Fax: 954.522.9123

2255 Glades Road, Suite 414E, Boca Raton, FL 33431
Main: 561.241.3113 | Fax: 561.241.3226

501 North Federal Highway, Lake Park, FL 33403
Main: 561.863.5400 | Fax: 561.863.3420

donald.lunny@brinkleymorgan.com



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