



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on December 15, 2021

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on December 15, 2021 at 9:31 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore thanked President Zeidman for a wonderful holiday lunch.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman mentioned that the time certain item at 2:00 PM is for the item regarding 191 Bradley Place. She discussed the lunch break during the meeting and the mask mandate for Town Hall.

Council President Pro Tem Lindsay thanked President Zeidman for a wonderful holiday lunch. She wished the community a happy holiday season.

Council Member Araskog asked if ORS could look at the issue of noise at The Four Seasons Hotel. Council Member Araskog expressed concern over large trucks and car carriers on Brazilian Avenue and requested that the Council discuss the item.

Council President Zeidman expressed her appreciation to the Council and staff for all of their hard work throughout the year.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no comments heard at this time.

VI. APPROVAL OF AGENDA

Director of Planning, Zoning and Building Bergman read the following requested modifications:

Deferral of Item IX. A.1 to the January 12, 2021 meeting

Withdrawal of Item IX. B.1

Deferral of Item IX. C.1.c to the January 12, 2021 meeting

Deferral of Item IX. C.1.e to the January 12, 2021 meeting

Addition of Variance to Item IX. C.1.f

Deferral of Item IX. C.1.g to the January 12, 2021 meeting

Deferral of Item IX. C.1.i to the January 12, 2021 meeting

Deferral of Item IX. C.2.b to the January 12, 2021 meeting

Withdrawal of Item IX. C.2.d

Deferral of Item IX. C.2.g to the January 12, 2021 meeting

Council Member Cooney asked for clarification on item Z-21-00318, 1265 S. Ocean Blvd.

Mayor Moore inquired if the request for deferral for ZON-21-025, 2800 S. Ocean Blvd. should be granted, due to the amount of opposition letters received. Discussion ensued on whether the deferral should be granted. Consensus of the Council was to allow the deferral of 2800 S. Ocean Blvd.

Motion made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda as amended. Motion carried unanimously, 5-0.

VII. DISCUSSION

- A. Develop a Review of Zoning and Code Ordinances for Prospective Home Buyers, Architects, Realtors and Contractors

Julie Araskog, Town Council Member

Council Member Araskog spoke regarding staff providing educational materials to prospective homebuyers, homeowners, architects, realtors, and contractors, to explain recent rule changes for landscaping, home improvements, construction, etc.

Council Member Crampton recommended compiling a three-ring binder for key individuals to keep the information current.

Council Member Araskog stated that she would like pamphlets to be mailed to all Town residents, in addition to the professionals.

Council Member Pro Tem Lindsay expressed concern over doing a mass mailing to all Town residents due to the expense and the fact that the information would be posted on the Town website and sent to the professionals and community associations. She recommended conducting an email poll to determine the desire of the community prior to a mass mailing of all residents.

Council Member Crampton recommended sending the information to all of the realtors and professionals rather than sending out to all Town residents.

Council President Zeidman agreed that a mass mailing would be very expensive and that sending it to the professionals and posting it on the Town website would be beneficial.

Council Member Araskog spoke in support of waiting to hear Mr. Bergman's recommendations before making a decision.

There was no action taken.

VIII. RESOLUTIONS

- A. RESOLUTION NO. 145-2021 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 137 Kings Road 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, presented background information on the project and historical information on the property. She outlined how the property meets Criteria 1, 3 and 4 for Landmark Designation.

Council President Zeidman requested confirmation of proof of notification. Deputy Town Clerk Churney provided confirmation.

Deputy Town Clerk Churney administered the oath at this time and throughout the meeting as needed.

James Murphy, Assistant Director of the Planning Zoning and Building Department indicated that staff fully supported the designation.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that the designation report be made part of the record. Motion carried unanimously, 5-0.

Council President Zeidman called for public comment.

Amanda Skier, Preservation Foundation of Palm Beach, thanked the owners for supporting the designation.

Council Member Araskog thanked the Preservation Foundation for their education efforts.

Council President Pro Tem Lindsay thanked the Council for increasing the budget for preservation. She also spoke about the importance of preserving the history in Palm Beach. She thanked the owners for supporting the designation.

Council Member Cooney thanked the owners for supporting the designation. He also thanked the Landmarks Commissioners for their work in preservation as well as the Preservation Foundation.

Motion made by Council Member Araskog and seconded by Council Member Cooney that Resolution 145-2021 be adopted designating the property at 137 Kings Road 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.

Council Member Cooney inquired how many portions of the home had been already designated and Ms. Murphy responded.

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

Motion carried unanimously, 5-0.

- B. RESOLUTION NO. 146-2021 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 4 South Lake Trail 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 and Cooney and Mayor Moore.

Emily Stillings, Murphy Stillings, presented background information on the project and historical information on the property. She outlined how the property meets Criteria 1, 3 and 4 for Landmark Designation.

James Murphy, Assistant Director of the Planning Zoning and Building Department indicated that staff fully supported the designation.

Council President Zeidman requested confirmation of proof of notification. Deputy Town Clerk Churney provided confirmation.

Motion made by Council Member Pro Tem Lindsay and seconded by Council President Zeidman that the designation report be made part of the record. Motion carried unanimously, 5-0.

Council President Zeidman called for public comment.

Amanda Skier, Preservation Foundation of Palm Beach, thanked the owner for supporting the designation.

Mayor Moore inquired if the designation would include the gardens on the property. Mr. Murphy responded that the designation encompasses the entire property.

Council Member Cooney provided further clarification on the designation.

Council Member Araskog thanked the owner for supporting the designation.

Motion made by Council Member Cooney and seconded by Council Member Crampton that Resolution 146-2021 be adopted designating the property 4 S. Lake Trail 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, 5-0.

- C. RESOLUTION NO. 147-2021 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 425 Seabreeze 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, Cooney, Crampton, Council President Pro Tem Lindsay, Council President Zeidman and Mayor Moore.

Council President Zeidman requested confirmation of proof of notification. Deputy Town Clerk Churney provided confirmation.

Janet Murphy, Murphy Stillings, presented background information on the project and historical information on the property. She outlined how the property meets Criteria 1 and 3 for Landmark Designation.

James Murphy, Assistant Director of the Planning Zoning and Building Department indicated that staff fully supported the designation.

Motion made by Council Member Cooney and seconded by Council President Zeidman that the designation report be made part of the record. Motion carried unanimously, 5-0.

Council President Zeidman called for public comment.

Amanda Skier, Preservation Foundation of Palm Beach, thanked the owner for supporting the designation.

Council Member Cooney expressed appreciation for seeing a home designated with the later changes completed by Howard Major.

Council President Zeidman stated that she was pleasantly surprised to know that the owners recently purchased the home and offered it for designation.

Motion made by Council Member Cooney and seconded by Council Member Crampton that Resolution 147-2021 be adopted designating the property 425 Seabreeze 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. Motion carried unanimously, 5-0.

- D. RESOLUTION NO. 148-2021 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 300 Clarke 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, Cooney, Council President Pro Tem Lindsay, Council President Zeidman and Mayor Moore.

Emily Stillings, Murphy Stillings, presented background information on the project and historical information on the property. She outlined how the property meets Criteria 1, 3 and 4 for Landmark Designation.

James Murphy, Assistant Director of the Planning Zoning and Building Department indicated that staff fully supported the designation.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that the designation report be made part of the record. Motion carried unanimously, 5-0.

Council President Zeidman called for public comment.

Amanda Skier, Preservation Foundation of Palm Beach, thanked the owner for supporting the designation and expressed appreciation to Council Member Crampton in his assistance with speaking with the property owners.

Council Member Cooney thanked Council Member Crampton for his efforts in speaking with the owners about this designation.

Council President Zeidman requested confirmation of proof of notification. Deputy Town Clerk Churney provided confirmation.

Council Member Araskog thanked Council Member Crampton for his efforts in speaking with the owners about this designation. She also thanked the homeowners for supporting the designation.

Motion made by Council Member Cooney and seconded by Council Member Crampton that Resolution 148-2021 be adopted designating the property 300 Clarke 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, 5-0.

Council President Pro Tem Lindsay inquired about the tax abatement program in coordination with renovations of a landmarked property. Ms. Stillings responded and explained the program. Town Attorney Randolph provided further information in response to a question from Ms. Lindsay regarding withdrawal from the designation process. Council Member Cooney provided additional clarification.

- E. RESOLUTION NO. 149-2021 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 256 Orange Grove Road 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, Cooney, Crampton, Council President Pro Tem Lindsay, Council President Zeidman and Mayor Moore.

The Town Council recessed at 11:01 a.m. and reconvened at 11:12 a.m.

In response to a question by Council President Zeidman, Town Attorney Randolph stated that if the Council feels that there has not been ample time to review information that has come in late, then the Council has the ability to defer the item. Discussion ensued regarding whether or not to hear the item due to the late-received letter from the owner.

Alan Tomlinson, Owner, indicated that he had sent the information to the Council on Monday and apologized that they did not receive it sooner.

Motion made by Mr. Crampton and seconded by Council President Zeidman to defer the item to the January 12, 2022 meeting. Motion carried unanimously, 5-0.

- F. RESOLUTION NO. 152-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

Emily Stillings, Murphy Stillings, presented background information on the item.

Council President Zeidman called for public comment. There were no public comments heard at this time.

Council President Pro Tem Lindsay thanked the owners for the beautiful renovation of the property.

Council Member Cooney expressed appreciation to the owners for their renovation of the property.

Council Member Crampton stated this home is an excellent example of the program.

Council Member Araskog expressed her gratitude to the owners for saving the home.

Amanda Skier, Preservation Foundation of Palm Beach, thanked the Council and Town staff for helping to save this property.

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay that Resolution 152-2021 be adopted. Motion carried unanimously, 5-0.

The following item was heard out of order of the agenda:

C. Variances, Special Exceptions, and Site Plan Reviews

2. New Business

- b. **ZON-21-019 223 ROYAL POINCIANA WAY (COMBO)-SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Flagler Holdings, has filed an application requesting Town Council review and approval for a Special Exception Request to expand by approximately 840SF of additional retail space to an existing merchant retail space for a total of 3,532 SF. Please refer to the staff memo for more information on this project.

Ex parte communications were declared by Council Members Araskog, Cooney, Crampton, Council President Pro Tem Lindsay and Council President Zeidman.

Jamie Crowley, Attorney representing Flagler Holdings, presented the information on the addition of the retail space in the existing commercial space.

Council Member Araskog expressed concern that the retail space would serve local residents rather than regional customers.

Council Member Cooney stated that he has been impressed with the operation and has seen many residents at the establishments.

Motion made by Council Member Cooney, and seconded by Council Member Araskog, that Special Exception ZON-21-019 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. Motion carried unanimously, 5-0.

Council President Zeidman called for staff comments. Mr. Bergman provided staff comments.

Council President Zeidman called for public comments. There were no comments heard at this time.

Motion made by Council Member Cooney, and seconded by Council Member Araskog, that Site Plan Review ZON-21-019 shall be granted based upon the finding that such grant 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 has been made concerning Section 134-329 items 1 through 11. Motion carried unanimously, 5-0.

IX, DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way
This item was deferred at approval of the agenda to the January 12, 2021 meeting.

B. Time Extensions and Waivers

1. Time Extension - The Colony Hotel
This item was withdrawn at approval of the agenda.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-21-00343 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R- A Estate Residential The application of 130 ALGOMA LLC (LEE FENSTERSTOCK, MANAGER), applicant, relative to property located at **130 ALGOMA RD** , legal description on file, is described below. Section 134-229, Section 134-329, and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new, two-story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 feet in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing nonconforming garage. 2) Section 134-843(7): to allow the building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 5-2.]

Ex parte communications were declared by Council Members Araskog, Cooney, Council President Zeidman and Mayor Moore.

Maura Ziska, Attorney for the owners, indicated that no variances were needed with the revised design. She explained the zoning requests for the current proposal.

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the new residence.

Paul Castro, Zoning Manager, provided staff comments.

Council Member Araskog stated that she believes that the proposed home looked larger than the surrounding homes. She expressed concern that two architects on the Commission opposed the design. She requested that the professional consider reducing mass in his future homes.

Mr. Castro spoke regarding the challenges that will be facing the Council with the designs of homes in this district that are being brought forward since current homes are being designed differently than homes from the past, as many residents are now full-time residents rather than seasonal residents.

Council Member Cooney expressed appreciation for the efforts to scale down the mass in the redesign of the home.

Council Member Crampton stated that he understood that while the neighbors initially had issues with the design, they are supportive of the redesign.

Council President Zeidman spoke in support of work that the professionals did on scaling down the home.

Council President Zeidman called for public comment. There were no comments heard at this time.

Council President Pro Tem Lindsay expressed appreciation of the professional's efforts.

Mayor Moore spoke regarding the possibility of the smaller neighboring home that would be coming to Council for a redesign.

Motion made by Council Member Crampton, and seconded by Council Member Cooney, that Special Exception Z-21-00343 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. Motion carried unanimously, 5-0.

Motion made by Council Member Crampton, and seconded by Council Member Cooney, that Site Plan Review Z-21-00343 shall be granted based upon the finding that such grant 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 has been made concerning Section 134-329 items 1 through 11. Motion carried unanimously, 5-0.

- b. **Z-21-00333 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 04TST101NIGHTINGALE LLC, applicant, relative to property located at **101 NIGHTINGALE TRL**, legal description on file, is described below. Section 134 893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 In lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 4-3.]

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

Maura Ziska, Attorney for the owners, explained the zoning requests for the proposal. She discussed the hardship for the variances requested.

Paul Castro, Zoning Manager, provided staff comments.

Zoning Manager Castro answered a question by Council President Pro Tem Lindsay on the necessity of a variance if the measurement was calculated for FAR rather than CCR.

Chuck Willette, Brooks and Falotico, presented the architectural plans proposed for the modifications to the existing residence.

Council Member Araskog inquired about the retaining wall in relation to the neighbor's property. Mr. Castro stated that the retaining wall would need to be raised so that the pool deck could be raised.

In response to a question by Council Member Cooney about the dissenting votes from the ARCOM members, Mr. Castro responded that he believed the issues were resolved, but that the opposition was more for some of the architectural elements, such as the gable designs on the east façade.

Council Member Araskog inquired regarding the amount of square footage for the overage of CCR. She also inquired about the opposition from the ARCOM members. Mr. Murphy discussed the opposition from the ARCOM members.

Motion made by Council Member Cooney, and seconded by Council Member Crampton, that Variance Z-21-00333, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met. Motion carried 4-1, with Council Member Araskog dissenting.

Council President Zeidman called for public comment. There were no comments heard at this time.

- c. **Z-21-00374 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JORDAN AND KRISTIN BENNETT GRAY, APPLICANTS, relative to property located at **224 LA PUERTA WAY** , legal description on file, is described below. The applicant Is requesting four variances In order to build a two story addition which includes a 315 square foot one story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony and two bathrooms. The requested variances are a for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R B Zoning District; an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony; an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor; and an east side yard setback of 9.8 feet in

lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the December 17, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the January 12, 2022 Meeting.

This item was deferred at approval of the agenda to the January 12, 2021 meeting.

- d. **Z-21-00385 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
Zoning District: R-B Low Density Residential The application of 239 MONTEREY ROAD LLC (Louis Capano, Jr., Manager), Applicant, relative to property located at **223 MONTEREY RD**, legal description on file, is described below. The lot is non-conforming in area: 9,000 square feet in lieu of the 10,000 square feet required in the R-B Zoning District; and in width: 90 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. Request to demolish the existing one story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences and construct a new 3,902 square foot single family two-story home on a non-conforming lot (overall size and width) meeting all applicable Town codes. The request includes a driveway, pool/spa, hardscape and landscape, including an emergency generator and civil storm water and grading. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project as presented. Carried 5-2.]

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

Maura Ziska, Attorney for the owners, explained the zoning requests for the proposal.

Molly Mitchell, Dailey Janssen Architects, presented the architectural plans proposed for the new residence.

Council President Pro Tem Lindsay mentioned a suggestion at an ARCOM meeting to reduce the space between the two floors in order to lessen the overall size of the house. Ms. Mitchell responded and stated the ceiling height was reduced by one foot. Ms. Lindsay commented that she believed the ARCOM members were under the impression that the space could still be reduced. She spoke regarding professionals needing to be aware of designs in the future in order to address new FEMA height requirements.

Council Araskog inquired if more space could be reduced between the two floors. Ms. Mitchell stated she was already concerned about fitting her ductwork and air handlers in the space.

Council Member Cooney confirmed that the relief requested was due

to a non-conforming lot.

Paul Castro, Zoning Manager, provided staff comments.

Council President Zeidman spoke regarding the massing and that, while it is compliant with the Code, it is still massive, especially in comparison with other homes on the street. Zoning Manager Castro mentioned that there is a preamble in the districts section of the Code, stating that the code outlines the maximums and minimums; however, there cannot be a guarantee that those maximums and minimums would be approved.

Council President Zeidman called for public comment.

Peter Broberg, 224 Monterey Road, stated that he was excited to have a new home built on that location. He spoke regarding the landmarked homes surrounding the proposed home and expressed concern about the size of the proposed home.

Council Member Araskog inquired about the calculations provided by Mr. Broberg and indicated that the professional questioned these calculations. Mr. Broberg and Council Member Cooney responded.

Council President Zeidman inquired if the new FEMA height requirements were responsible for the concerns of the neighbors, Assistant Director Murphy and Zoning Manager Castro spoke regarding the design of the house and the positioning of the home and the lot coverage that causes it to look so large.

In response to a question by Council Member Araskog, Ms. Mitchell discussed the house needing to be closer to the road due to an easement. Ms. Araskog spoke regarding the home looking more massive if it is closer to the street. Ms. Mitchell spoke regarding the lot coverage of houses that are adjacent to Mr. Broberg and massing of other homes on the street are very wide and non-conforming.

Mayor Moore spoke on support of the design of the home and stated that the street is changing and understands that the design team addressed concerns of the neighbors. She encouraged the Council to move forward with this project.

Council Member Crampton asked staff to restate their opinion. Mr. Murphy responded and spoke regarding the positioning of the second floor massing making the home look larger from the street.

Council Member Cooney expressed his opinions on the design.

In response to a question by Council Member Araskog, Ms. Mitchell spoke regarding how the house would be a complete redesign to reduce the massing of the second floor of the home.

Motion made by Council Member Cooney, and seconded by Council Member Crampton, that Special Exception Z-21-00385 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 the area. Motion failed 2-3, with Mses. Araskog, Zeidman and Lindsay dissenting.

Town Attorney Randolph provided advice on what the choices Town Council has at this time.

Mayor Moore requested clarification on why Mses. Lindsay and Zeidman voted no on the item.

Council President Pro Tem Lindsay expressed concern over how the house will fit into the character of the street. She spoke regarding other streets' character being destroyed by new homes that have been built. She stated that she might have had a different opinion if there was less height and more of setback.

Council President Zeidman stated that she believes that the proposed home appears to be massive and too close to the street.

Town Attorney Randolph clarified that the site plan review criteria does not have to do with architecture, but has to do with size, bulk and siting on the property. Mr. Castro read the criteria in the Code for a site plan review.

Motion made by Council Member Araskog and seconded by Council Member Crampton to defer the Special Exception and Site Plan Review to the January 12, 2022 meeting. Motion carried unanimously, 5-0.

Mr. Broberg inquired if the rear easements would be vacated once the undergrounding takes place. Discussion ensued regarding the status of the utility easements following the undergrounding project.

- e. **ZON-21-006 (ARC-21-040) 164 SEASPRAY AVENUE (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Hayati Banastey, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of new two story residence on 2 platted lots deficient in lot width and lot area, including the following variances (1) a variance to reduce the required side (east) yard setback to 10 ft in lieu of 15 feet required for 2 story structure; (2) a variance to reduce the required side (west) yard setback

to 10 ft in lieu of 12.5 feet required for the 1 story portion; (3) a variance to reduce the required side (west) yard setback to 10 feet in lieu of 15 feet required for the 2 story portion. [Architectural Review Commission deferred the project to the December 17, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the January 12, 2022 Meeting.

This item was deferred at approval of the agenda to the January 12, 2021 meeting.

The Town Council recessed at 1:27 p.m. and reconvened at 2:13 p.m.

- f. **ZON-21-008 (ARC-21-041) 1520 SOUTH OCEAN BOULEVARD (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Chris Shumway, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review to allow the construction of a new 400SF beach cabana and water feature within the vacant oceanside parcel in the R-A/B-A zoning district and a variance to reduce the required setback from the bulkhead line for the construction of the cabana. Please refer to the staff memo for more information on this project. [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

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

Maura Ziska, Attorney for the owners, explained the zoning requests for the proposal.

Mark Marsh, Bridges, Marsh & Associates, presented the architectural plans proposed for the new beach cabana.

Council Member Crampton expressed concern about the site line of the ocean vista. Mr. Marsh described the design and how the site line would look from the street.

Council Member Araskog inquired if the hedges could be maintained at 3 feet rather than 4 feet. Mr. Marsh stated the only portion that would have four-foot hedges was in front of the structure. Mr. Castro stated the hedges had to be at least 30 inches high from the crown of the road. Discussion ensued on the hedge heights.

Paul Castro, Zoning Manager, provided staff comments.

Council Member Cooney inquired about the greenspace over the revetment.

Council President Zeidman called for public comment. There were no public comments at this time.

Motion made by Council Member Araskog, and seconded by Council President Zeidman, that Special Exception ZON-21-008 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 the area; and the condition that 75' of hedge will be maintained at 30" and the 45' of hedge surrounding the building will be trimmed at the level of 4 feet. Motion carried unanimously, 5-0.

Motion made by Council Member Araskog, and seconded by Council President Zeidman, that Site Plan Review ZON-21-008 shall be granted based upon the finding that such grant will not adversely and that the Council 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 has been made concerning Section 134-329 items 1 through 11; with the condition that all construction parking must be on the subject property. Motion carried unanimously, 5-0.

Motion made by Council Member Araskog, and seconded by Council President Zeidman, that Variance ZON-21-008, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met. Motion carried unanimously, 5-0.

The following item was heard out of order of the agenda:

2. New Business

b. **ZON-21-022 (ARC-21-084) 191 BRADLEY PL (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW**

The applicant, NDL Property Palm Beach Property LLC (David Tornek mgr), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review requesting outdoor seating (48 seats) in conjunction with an existing restaurant licensed for 125 seats, to be able to move 48 of its approved 125 seats outside. Please refer to the staff memo for more information on this project. [The Architectural Review Commission deferred the project to their January 26, 2022 meeting. Carried 7-0.]

TIME CERTAIN 2:00 P.M.

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

Maura Ziska, Attorney for The Meat Market, presented the request for outdoor seating.

Robert Berger, Operations Manager for The Meat Market, discussed recent steps that the restaurant has made in order to address some of the neighbors' concerns.

Paul Castro, Zoning Manager, provided staff comments.

In response to a question by Council President Zeidman, Mr. Berger spoke regarding his on-site presence. Ms. Zeidman spoke regarding the noise, parking and other code enforcement issues that have been taking place at the restaurant for quite some time and exacerbated by the outdoor COVID seating.

At the request of Council President Zeidman, Police Chief Nick Caristo outlined the noise and parking issues that have been occurring at the restaurant since before the pandemic. He stated that he believes that the noise has been amplified by the outdoor seating.

Mayor Moore spoke regarding an insufficiency with the valet parking. Mayor Moore inquired if the establishment was considered town serving. Mr. Castro responded that the business would need to prove that it was town serving with this application. The Mayor also indicated that she had safety concerns for the outdoor seating plan proposed.

Council Member Araskog agreed that the restaurant needed to hire more people to assist in parking cars. Ms. Araskog expressed concern that staff did not discontinue the outdoor seating with the amount of complaints received. She also expressed concern that the outdoor seating had been approved given its proximity to the residential areas. She stated that she did not believe the sidewalks were large enough and expressed concern over safety. She questioned whether it met the criteria for the outdoor seating program.

Council President Pro Tem Lindsay spoke regarding issues that the restaurant has had with the adjacent neighborhood in the entire time she had been on the Council and that the restaurant has not resolved these issues. She added that she did not feel that The Meat Market was a good candidate for the outdoor seating program.

Council Member Crampton spoke in opposition to granting the outdoor seating and stated that he believed the establishment was a public nuisance to the neighboring properties.

Mr. Berger stated that he would like to withdraw the application at this time.

Town Attorney Randolph stated that if the application has been withdrawn, public comment should not be heard.

Council President Zeidman thought there was another issue dealing with the COVID outdoor seating program. Discussion ensued regarding the COVID outdoor seating program and the ability for staff to terminate a restaurant's outdoor seating if there are complaints. Mr. Bergman stated he would discuss the outdoor seating for this property with the Town Manager's office and the Police Department.

Council Member Araskog reiterated that, since the applicant withdrew his application, then the Council was not able to hear public comment on the item.

Since the applicant withdrew the application, there was no action taken.

- a. **ZON-21-011 (ARC-21-050) 1090 SOUTH OCEAN BOULEVARD (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW** The applicant, 1090SOCEAN LLC (Brad McPherson), has filed an application requesting Town Council review and approval of a Special Exception Request with Site Plan Review to allow the construction of a new two-story residence on non-conforming portions of platted lots that is 135' in depth where 150' is required and 18,558 SF of lot areas where 20,000 SF is required in the R-A zoning district. [Architectural Review Commission deferred the project to the December 17, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the January 12, 2022 Meeting.

This item was deferred at approval of the agenda to the January 12, 2021 meeting.

- b. **ZON-21-012 (AKA Z-20-00299) (ARC-21-051) 1015 SOUTH OCEAN BOULEVARD (COMBO) SPECIAL EXCEPT ION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 1015 South Ocean LLC (Maura Ziska, manager), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and variances (1) to reduce the required front setback and (2) to reduce the building height plane setback for both the one- and two-story portions, in order to build a new two-story residence on a lot nonconforming in depth. Please refer to the staff memo for more information on this project. [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]

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

Maura Ziska, Attorney for the owners, explained the zoning requests for the proposal.

Harold Smith, Smith and Moore Architects, presented the architectural plans proposed for the new residence and answered Council Members' questions.

Paul Castro, Zoning Manager, provided staff comments. He spoke regarding issues that were identified earlier in the day pertaining to the basement. Discussion ensued regarding this new issue that had previously been overlooked and the process going forward for identifying such issues.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to defer the project to the January 12, 2022 meeting to allow staff to resolve newly identified issues. Motion carried unanimously, 5-0.

- i. **Z-20-00318, 1265 S OCEAN BLVD—REPLAT** Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, relative to property located at **1265 S OCEAN BLVD**, legal description on file, is described below. An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision. [Applicant's Representative: Maura Ziska Esq] The Applicant requested and staff recommends to remove the project from the agenda. At the June 09, 2021 Town Council Development Review meeting, the Applicant requested to remove the project from the agenda until further notice.

This item was deferred at approval of the agenda to the January 12, 2021 meeting.

2. New Business

- a. **Z-21-00390 (ARC-21-020) 300 N LAKE WAY (COMBO)-VARIANCES** The applicant, David and Constance Littman, has filed an application requesting Town Council review and approval for a variance to exceed the maximum allowed Cubic Content Ratio (CCR),

in order to construct an approximate 1600 SF addition to an existing accessory structure. Please refer to the staff memo for more information on this project. [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with conditions relating to the truck logistics plan. Carried 6-1.]

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

Maura Ziska, Attorney for the owners, explained the zoning requests for the proposal.

Sophia Bacon, Smith Architectural Group, presented the architectural plans proposed for the addition.

Council Member Cooney spoke in support of the design of the addition; however, he expressed concern over granting a variance for additional CCR due to the already large size of the house and the fact that lakeside lots are granted additional CCR.

Council Member Araskog expressed concern over the addition due to the large size of the home.

Paul Castro, Zoning Manager, provided staff comments and answered Council Members' questions.

Mayor Moore stated that while the home was large, the proposed addition does not appear that it would be seen and did not affect neighbors.

Council President Pro Tem Lindsay spoke regarding the size of the house and that the proposed addition would be de minimis to the house and lot.

Council Member Cooney spoke regarding the home not being comparable to others in the R-B Zoning District.

Council Member Crampton stated that he agreed that the request was minor and that he believed that it would not impinge on the neighbors.

Council President Zeidman spoke regarding the ocean and lake lots were treated differently due to their size. She stated that she did not believe that the addition was an issue.

Council President called for public comment. There were no comments heard at this time.

Motion made by Council Member Crampton, and seconded by Council President Zeidman, that Variance Z-21-00390, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 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 the area. Motion carried 3-2, with Council Members Araskog and Cooney dissenting.

- c. **ZON-21-018 (HSB-21-004) 245 BARTON AVE (COMBO) - VARIANCES** The applicant, Elizabeth Sorrel, has filed an application requesting Town Council review and approval for variances (1) to reduce the front (south) setback for a new entry addition, (2) to exceed the maximum allowable cubic content ratio ‘CCR’, and (3) to exceed the maximum allowable lot coverage, in order to construct a new 35 SF entry addition to a historically significant building. [The Landmarks Preservation Commission deferred the project to the December 22, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the January 12, 2022 Meeting.

This item was deferred at approval of the agenda to the January 12, 2021 meeting.

- d. **ZON-21-019 223 ROYAL POINCIANA WAY (COMBO)- SPECIAL EXCEPTION WITH SITE PLAN REVIEW**

This item was heard out of order of the agenda.

- e. **ZON-21-020 (ARC-21-082) 594 N COUNTY RD (COMBO)- VARIANCES** The applicant, George and Sandra Marucci, has filed an application requesting Town Council review and approval for variances (1) to reduce the side (north) setback for a new one- story addition, (2) and (3) to reduce the side (south) setback for two new one-story additions, in order to construct three (3) new one-story additions to an existing one-story residence. [Architectural Review Commission deferred the project to the December 17, 2021 meeting. Carried 7-0.] Request for Withdrawal per Letter from Attorney David E. Klein

This item was withdrawn at approval of the agenda.

- f. **ZON-21-021 (COA-21-012) 1100 S OCEAN BLVD (COMBO)- SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Mar-a-Lago Club Inc, has filed an application requesting Town Council review and approval for Special Exception request with Site Plan Review for modifications including new landscaping and a restroom addition to an existing private club. Please refer to the staff

memo for more information on this project. [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

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

Harvey Oyer, Attorney on behalf of Mar-a-Lago Club Inc., presented the request for new restrooms and landscaping for the existing club.

Rick Gonzalez, REG Architects, presented the architectural plans proposed for the new restrooms and answered the Mayor and Council Members' questions.

Paul Castro, Zoning Manager, provided staff comments.

Council President Zeidman called for public comments. There were no comments heard at this time.

Motion made by Council Member Cooney, and seconded by Council President Pro Tem Lindsay, that Special Exception ZON-21-021 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. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney, and seconded by Council Member Araskog, that Site Plan Review ZON-21-021 shall be granted based upon the finding that such grant 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 has been made concerning Section 134-329 items 1 through 11. Motion carried unanimously, 5-0.

- g. **ZON-21-022 (ARC-21-084) 191 BRADLEY PL (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW**

This item was heard out of order of the agenda.

- h. **ZON-21-025 2800 S OCEAN BLVD-SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Four Seasons and Boucher Brothers, has filed an application requesting Town Council review and approval for a Special Exception Request to operate a beachfront concessionaire (Boucher Brothers) eastward of an existing hotel (Four Seasons) in the Beach Area District for beach chair, umbrella and bed rentals and to allow food and beverage service. Please refer to the staff memo for more information on this project.

This item was deferred at approval of the agenda to the January 12,

2021 meeting.

The Town Council recessed at 4:24 p.m. and reconvened at 4:34 p.m.

- i. **ZON-21-026 (ARC-21-078) 175 WORTH AVE (COMBO)—VARIANCES AND SITE PLAN REVIEW** The applicant, PB Worth Partners LLC, has filed an application requesting Town Council review and approval for a Site Plan Review including a variance to further reduce the required front (south) setback along Worth Avenue for the proposed ground floor new entry addition, in order to renovate and modify the existing ground floor retail tenant in an existing two-story building. Please refer to the staff memo for more information on this project. [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

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

M. Timothy Hanlon, Attorney for PB Worth Partners LLC, presented the zoning requests for the proposed modifications to the existing commercial building. He answered Council Members' questions.

Mayor Moore spoke in support of the improvements.

Paul Castro, Zoning Manager, provided staff comments.

Council President Zeidman called for public comments. There were no comments heard at this time.

Motion made by Council Member Cooney, and seconded by Council President Pro Tem Lindsay, that Variance Z-21-026, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney, and seconded by Council President Zeidman, that Site Plan Review ZON-21-026 shall be granted based upon the finding that such grant will not adversely and that the Council 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 has been made concerning Section 134-329 items 1 through 11. Motion carried unanimously, 5-0.

- i. **ZON-21-027 (COA-21-009) 250 ALGOMA RD (COMBO)-VARIANCES** The applicant, Cortright & Janice Wetherill, has filed

an application requesting Town Council review and approval for a variance from Chapter 50 for the required floor elevation for the new ground floor addition on a landmarked building to construct a 230SF ground floor addition with a finished floor of 6.55' NAVD in lieu of the required 7' NAVD. Please refer to the staff memo for more information on this project. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented with a condition relating to the architecture. Carried 7- 0.]

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

Travis Radak, Radakovich Architecture, presented the architectural plans for the addition to the existing residence. He explained the flood plain variance that the owner is requesting for the property.

Council Member Crampton spoke regarding the FEMA requirements changing in the near future.

Director of Planning, Zoning & Building Bergman stated that there were a number of conditions that the applicant would need to meet for the Flood Plain variance request. Mr. Radak stated he agreed to meet those conditions.

Paul Castro, Zoning Manager, provided staff comments.

Motion made by Council President Pro Tem Lindsay, and seconded by Council Member Cooney, that Variance ZON-21-027, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Sections 50-116 and 50-117 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 the area. Motion carried unanimously, 5-0.

Council President Zeidman called for public comments. There were no comments heard at this time.

- j. **ZON-21-028 (COA-21-008) 271 EL VEDADO RD (COMBO)-VARIANCES** The applicant, 271 EL VEDADO, LLC (Jay Krehbiel), has filed an application requesting Town Council review and approval of two variances (1) Chapter 50 for the required floor elevation for the new ground floor addition on a landmarked building to construct an approximately 640 SF addition with a finished floor of 4.19' NAVD in lieu of the required 7' NAVD and (2) a variance to locate pool

equipment at 32' from waters edge in lieu of the required 25'. Please refer to the staff memo for more information on this project. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented with a condition relating to the landscape. Carried 7-0.]

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

Jackie Albarran, presented the architectural plans proposed for the new addition and new pool and answered Council Member's questions.

Maura Ziska, Attorney for the owners, explained the zoning requests for the proposal.

Paul Castro, Zoning Manager, provided staff comments.

Council President Zeidman called for public comments. There were no comments heard at this time.

Motion made by Council Member Cooney, and seconded by Council President Zeidman, that Variance ZON-21-028, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 and Sections 50-116 and 50-117 and 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 the area. Motion carried unanimously, 5-0.

Council Member Cooney spoke regarding the requirement for pool equipment in proximity to the pool.

- k. **ZON-21-029 (HSB-21-003) 215 SEASPRAY AVE (COMBO) - VARIANCES** The applicant, 215 Seaspray Ave LLC, has filed an application requesting Town Council review and approval for a variance from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 5.13' NAVD in lieu of the required 7' NAVD. The structure is a historically significant building. Please refer to the staff memo for more information on this project. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

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

Taylor Smith, Smith Kellogg Architecture, Inc., presented the architectural plans for the addition proposed. He discussed the flood plain variance requested.

Paul Castro, Zoning Manager, provided staff comments.

Council President Zeidman called for public comments. There were no comments heard at this time.

Motion made by Council Member Araskog, and seconded by Council President Pro Tem Lindsay, that Variance ZON-21-029, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Sections 50-116 and 50-117 items 1 through 4 and items 1 through 10 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 the area. Motion carried unanimously, 5-0.

X. ANY OTHER MATTERS

A. Town-Serving Regulations

Council Member Araskog requested that the item be deferred to the next Regular Town Council Meeting due to length of the Development Review meeting. The Council provided consensus to defer the item.

Council Member Araskog requested clarification of the item for discussion regarding car carriers on Brazilian. Discussion ensued regarding potential regulations for allowing car carriers in various areas on Palm Beach. The Council provided consensus to restrict car carriers on Brazilian Avenue at this point.

Council Member Araskog requested an item be placed on the agenda to not allow continual music for 15 hours at the Four Seasons Hotel and other hotels.

XI. ADJOURNMENT

The meeting was adjourned at 5:18 p.m. without benefit of a motion.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Deputy Town Clerk