



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on January 12, 2022

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order January 12, 2022 at 9:30 a.m. On roll call, all elected officials were found to be present; Ms. Araskog participating via Zoom.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF AGENDA

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

Withdrawal of Item X.A.1

Withdrawal of Item X.B.1a

Deferral of Item X.B.1b to the April 13, 2022 meeting

Deferral of Item X.B.1d to the February 9, 2022 meeting

Deferral of Item X.B.1e to the February 9, 2022 meeting

Addition of Time Certain of 3 P.M. to Item X.B.1g

Deferral of Item X.B.1h to the February 9, 2022 meeting

Withdrawal of Item X.B.1i

Deferral of Item X.B.2a to the February 9, 2022 meeting

Deferral of Item X.B.2d to the February 9, 2022 meeting

Deferral of Item X.B.2g to the February 9, 2022 meeting

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

IV. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore expressed her appreciation to her fellow Council Members for working so well at the meeting on Tuesday.

V. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog reminded the community and professionals that the new landscape ordinance pertaining to the three-strike rule is effective now.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no communications heard at this time.

VII. PRESENTATIONS

A. Building Recertification Program Overview

Wayne Bergman, Director of Planning, Zoning and Building, presented a potential building recertification program that arose after the collapse of the Champlain condominium on June 25, 2021, in Surfside, Florida. He identified potential issues in Palm Beach that could affect condominiums and commercial buildings in Palm Beach. He reviewed the inspections of these buildings that are currently in place. Lastly, he outlined several recommendations to review “threshold” buildings moving forward and discussed the benefits of this program.

Mayor Moore mentioned that these recommendations are what the residents expected from the Town. In response to Mayor Moore’s questions, Mr. Bergman spoke regarding Palm Beach County proposing to allow licensed engineers and architects to perform inspections, if they have the background and qualifications in structural and electrical. Mayor Moore inquired if the condominiums would push back on these requirements if implemented, to which Mr. Bergman stated that many of the Town’s condominiums already embrace these inspections and spoke regarding many of the condominiums already undergoing structural repairs and having a engineer of record for their buildings

Council President Pro Tem Lindsay spoke in support of the program and commended the Miami Herald’s report. She recommended that staff reach out to the condominium

associations to inquire about the 180-day requirement for repairs as she believed some repairs could take much longer on some projects. She requested that the process include language to ensure that recertification through the Town did not transfer any of the liability from private property owners to the Town.

Town Manager Blouin stated that these questions will be fully vetted before the program is instituted. He spoke regarding some unique situations in the Town that had been touched on by Director Bergman. He spoke regarding serious issues with the condominium that had collapsed and stated that the buildings in Town are better constructed and maintained.

Council Member Araskog inquired if there could be an appeal of the findings. She also expressed concern over potential liability for the Town and stated that she wants to ensure that the Town has zero liability. She wondered why the “threshold” building did not include three story buildings, as there were many of them in the Town. Mr. Bergman responded and indicated that many of the three-story condominiums will be included due to their height.

In response to a question by Council Member Crampton, Mr. Bergman responded that the reason he was given why Palm Beach County stopped in moving forward with a program is because they believe it will be handled at the State level. Mr. Blouin provided further information on this issue. Mr. Crampton recommended the possibility of adding a registry that contains the inspection status of the buildings in Town. Mr. Bergman replied that all of the inspection reports would be public record when they were received. Council Member Crampton also suggested sending the Miami Herald’s article to the Civic Association and the boards of the condominiums. He agreed with Mr. Blouin’s statements about the uniqueness of the Town and the community’s commitment to ensure that their buildings are safe.

Council Member Araskog recommended the addition of an appeal process to the program. Mr. Bergman and Mr. Blouin spoke regarding the process and that an appeal does not appear to be necessary. Council Member Araskog asked her fellow members if the Town should also wait to see if the issue is handled at the legislative level. She agreed with Council Member Crampton about sending the Miami Herald’s article and recommended sending it out as an alert.

Council Member Cooney spoke in support of the program but also spoke regarding the potential of what would happen if the Town initiated a program and then the state legislature moved forward as well.

In response to Mayor Moore, Mr. Bergman spoke regarding having a structural engineer available to assist if the Town has any questions. Mayor Moore spoke in support of moving forward with the program at this time rather than waiting for the State legislature.

Council President Pro Tem also spoke in support of moving forward with the program because Governor DeSantis had said that any legislation would be adopted after a full investigation of the collapse was completed, which could take years.

Mr. Blouin stated that some of the final details of the program still need to be refined. He also stated that if there is legislation passed on the State or by the County, then the Town's program would be adjusted to ensure that there are no redundancies.

Council President Zeidman spoke in support of moving forward rather than waiting for the State. She expressed confidence that staff could implement a program needed by the Town. She inquired if there are certain buildings that are at risk and should be reviewed first. Mr. Bergman spoke regarding incorporating specific criteria to assist with the process.

Mayor Moore recognized that some of the condominiums were already pro-active and currently completing inspections. She thought that the number of required inspections might be less than expected.

Council Member Crampton inquired regarding the possibility if the Department would need additional staffing to complete this program. Mr. Bergman stated he would review and discuss with the Town Manager's office.

The Town Council provided consensus for staff to move forward with the program and bring back recommendations to Town Council.

VIII. DISCUSSION ITEMS

B. Discussion on Town-Serving Regulations

Mr. Castro provided background history and information on the Town-Serving Regulations and answered Council Members' questions. He explained the annual process of proving businesses are Town-Serving.

Mayor Moore expressed concern over the Town-Serving Regulations.

Council Member Cooney stated that he understood the requirement could be cumbersome to smaller businesses or businesses that had been in town for many decades.

Council President Pro Tem Lindsay stated that, while cumbersome, she believed the requirement should remain for the time being. She spoke in support of these regulations being reviewed during Code Reform.

Council Member Araskog spoke in support of maintaining the requirement for larger businesses to be Town-Serving and stated that it can be used as a tool to assist the Town Council in the approval of new businesses. In response to a question by Council Member Araskog, Town Attorney Randolph expressed concern over remedies the Town would take should a business not meet the requirement. Discussion ensued regarding how restaurants, especially those in hotels, would be able to prove that they are Town-Serving.

Mr. Castro spoke regarding problems businesses have with obtaining town-serving data.

Town Council Members expressed support for the requirement but understood they had no real enforcement of the issue. Council President Zeidman spoke regarding a town in New York that does not allow “chains” in the town. Mr. Castro addressed the issue that there has been litigation on the west coast which stated that municipalities cannot restrict a business because it’s a chain.

There was a consensus of the Town Council to keep the requirement at this time.

The Town Council recessed at 11:08 a.m. and reconvened at 11:18 a.m.

IX. RESOLUTIONS

- A. 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.

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

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

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. Ms. Stillings stated there were no other architectural styles as this home currently landmarked in the Town.

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.

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

Council Member Cooney reminded the Commission that the Town Council deferred the item at the last meeting.

Council President Zeidman called for public comment.

Note: Since the owner of the home was not present at this time, the Town Council moved on to the next two resolutions.

Allen Tomlinson, Owner, explained his objections to the designation of his home.

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

Council President Zeidman called for further public comments.

Aimee Sunny, Preservation Foundation of Palm Beach, spoke in support of the designation.

Mr. Tomlinson responded to the comments made by Ms. Sunny.

Council Member Cooney stated that many of the modern homes in Town that should have been preserved had been lost. He stated that he did not believe this home rose to the level of the homes that should have been preserved and did not support the designation.

Council Member Crampton stated that he did not believe the home was an extraordinary example to preserve and did not believe this home rose to the level worthy of preservation.

Council Member Araskog stated that she reviewed the comments from Architect Pat Segraves on the Landmarks Preservation Commission, who stated the home was probably worthy of a Historically Significant Building designation.

Council President Zeidman spoke regarding the landmarks program's purpose was to keep the examples of exceptional architectural styles. She stated that she does not believe this home rises to that level.

Council President Pro Tem Lindsay inquired how long the owner had lived in the home. Mr. Tomlinson responded.

Motion made by Council Member Cooney and seconded by Council Member Crampton to deny the landmark ratification of 256 Orange Grove Road. Motion carried 4-1, with Ms. Araskog opposed.

- B. RESOLUTION NO. 011-2022 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 2155 Ibis Isle 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 declared by Council Members Cooney, Crampton, Araskog, President Pro Tem Lindsay, 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.

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

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

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

Council President Zeidman called for public comment.

Gardiner Hempel, 2155 Ibis Isle Road and Treasurer of the Tower Vallengay, expressed his support for the designation.

Motion made by Council Member Araskog and seconded by Council Member Crampton to adopt Resolution 011-2022, designating the property at 2155 Ibis Isle Road as a landmark of the Town of Palm Beach, on the basis that it meets criteria Number 1, 3 and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. Motion carried unanimously, 5-0.

Richard Rene Silvin, Chairman of the Landmarks Preservation Commission, provided support for the designation and complimented Gardiner Hempel on his efforts to obtain designation for the condominium.

- C. RESOLUTION NO. 012-2022 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 215 Seaspray Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

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

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. Ms. Murphy indicated that the owners supported the designation.

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

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

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

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.

Motion made by Council Member Cooney and seconded by Council Member Crampton to adopt Resolution 012-2022, designating the property at 215 Seaspray Avenue as a landmark of the Town of Palm Beach, on the basis that it meets criteria Number 1, 3 and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. Motion carried unanimously, 5-0.

Note: At this time, the meeting resumed at Resolution No. 149-2021.

- D. RESOLUTION NO. 013-2022 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 12 Lagomar 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 declared by Council Members Cooney, Crampton, Araskog, President Pro Tem Lindsay, President Zeidman and Mayor Moore.

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 and answered questions.

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

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

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

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

Motion made by Council Member Cooney and seconded by Council Member President Pro Tem Lindsay to adopt Resolution 013-2022, designating the property at 12 Lagomar Road as a landmark of the Town of Palm Beach, on the basis that it meets criteria Number 1, 3 and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. Motion carried unanimously, 5-0.

- E. RESOLUTION NO. 014-2022 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 1568 South Ocean Blvd 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 declared by Council Members Cooney, Crampton, Araskog, President Pro Tem Lindsay, 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.

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

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

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

Council Member Cooney provided further history of the first owner of the home, Mrs. Rea.

Motion made by Council Member Cooney and seconded by Council Member Araskog to adopt Resolution 014-2022, designating the property at 1568 South Ocean Blvd as a landmark of the Town of Palm Beach, on the basis that it meets criteria Number 1, 3 and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. Motion carried unanimously, 5-0.

Council Member Araskog expressed appreciation to the owners and all who worked to designate the homes presented today.

Council Member Cooney thanked the Landmarks Preservation Commission and the Preservation Foundation of Palm Beach for their work in the preservation efforts.

Mayor Moore expressed appreciation to the Town Council for approving an increase to landmarks preservation.

X. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way
This item was withdrawn at the approval of the agenda.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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 (CENTURY INNOVATION LLC, MANAGER, BY ROBERT FRISBIE, AUTHORIZED SIGNATORY), applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below. *MODIFIED DESCRIPTION* This is a pending application that is being modified to reduce the number and intensity of variances being requested; to relocate certain mechanical equipment from the east side of the property to the west side in order to address neighbor concerns; to provide additional data regarding compliance with the Worth Avenue Design Guidelines; and to clarify that the existing fourth story roof structure and structural columns will not be demolished as part of the proposed additions onto the fourth story. The application has eliminated a request to increase overall height by 12 feet and to eliminate a request for increased second story lot coverage. The application as modified requests Site Plan approval for the 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 in order to meet the standards for renovation as set forth in the Worth Avenue Design Guidelines. The application addresses how the project meets the Worth Avenue Design Guidelines in Exhibit "G". The applicant is requesting to demolish a portion of the existing fourth story and expand its footprint to add four residential units, which are permitted above the first floor subject to a finding that the project meets the Worth Avenue Design Guidelines. Existing structural columns and roof structure will remain, and the proposed addition will be lower in height than the existing fourth story roof. 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 fourth story addition. The existing building is four stories but the existing fourth story is proposed to be expanded. 2. Per Section 134-2182(b), a special exception to allow for on site shared parking, based on the professional shared parking analysis which has been provided. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing floor area at a height of 51 ft. 7 in., which is the height of the existing roof structure. The proposed fourth floor addition will

be 49 ft. 7 in. in height, but staff has determined that a variance is required because the new addition is greater than the 40 ft. allowed under the use of the Worth Avenue Design Guidelines incorporated by reference in Chapter 134 of the Code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by expanding floor area at an overall building height of 52 ft. 3 in., which is lower than the 52 ft. 7 in. existing but higher than the 40 ft. maximum allowed by the Worth Avenue Design Guidelines. 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 12,663.5 square feet from 3,448.75 square feet existing. An open fourth story trellis of 6,322.8 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 3,335 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 ft. 10 in. for portions of the building in lieu of the 5 ft. existing and the 5 ft. minimum required on the private property. The sidewalk is required to be a minimum of 10 ft. wide and this proposal is a minimum of 8 ft. 2 in. in the area where the sidewalk is only 1 ft. 1 in. wide on private property, in lieu of the 5 ft. minimum required by code. 7. Per Section 134-1163(9)b., variance for lot coverage of 63% on the first floor in lieu of the 57% existing and the 35% maximum allowable in order to relocate mechanical equipment from the east side of the property to the west. 8. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 30% maximum allowable by code. 9. 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 ft. 8 in. to 246 ft. in lieu of the 150 ft. maximum permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] [The Architectural Review Commission deferred this project to their June 23, 2021 Meeting. Carried 6-1.] Request to Withdrawal Per Letter from James M. Crowley
This item was withdrawn at the approval of the agenda.

- b. **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 March 23, 2022 meeting. Carried 7-0.] Staff Recommends Deferral to the April 13, 2022 Meeting

This item was deferred to the April 13, 2022 meeting at the approval of the agenda.

- c. **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 declared by Council Members Cooney, Crampton, Araskog, President Pro Tem Lindsay, President Zeidman and Mayor Moore.

Maura Ziska, Attorney for the applicant, provided an overview of the changes and explained the zoning requests for the proposed home.

Molly Mitchell, Dailey Janssen Architects, presented the architectural modifications proposed for the newly, proposed residence.

Ms. Ziska added that the home had been reviewed by the Architectural Review Commission for 4 months.

President Zeidman called for staff comments. Mr. Castro provided staff comments.

President Zeidman called for public comments.

Peter Broberg, 220 Monterey Road, asked to confirm the roof height and for it to be placed on record.

Council Member Araskog inquired how Mr. Broberg felt about the changes presented. Mr. Broberg stated that he wanted the home to fit into the neighborhood and he believed with the current changes, it would now fit in with the surrounding homes. Ms. Araskog expressed appreciation to the changes that have been made.

Motion made by Mr. Crampton and seconded by Council President Pro Tem Lindsay 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 carried unanimously, 5-0.

Motion made by Mr. Crampton and seconded by Council Member Araskog that Site Plan Review Z-21-00385 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.

- d. **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 January 26, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the February 9, 2022 Meeting.

This item was deferred to the February 9, 2022 meeting at the approval of the agenda.

- e. **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 January 26, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the February 9, 2022 Meeting

This item was deferred to the February 9, 2022 meeting at the approval of the agenda.

- f. **ZON-21-012 (AKA Z-20-00299) (ARC-21-051) 1015 SOUTH OCEAN BOULEVARD (COMBO) SPECIAL EXCEPTION 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 declared by Council Members Cooney, Crampton, Araskog, President Pro Tem Lindsay, President Zeidman and Mayor Moore.

The Town Council recessed at 12:55 p.m. and reconvened at 1:50 p.m.

Maura Ziska, attorney for the owner, presented the zoning requests for the proposed home.

Harold Smith, Smith and Moore Architects, Inc., presented the architectural presentation for the new home.

President Zeidman called for staff comments. Mr. Castro provided staff comments.

Council Member Crampton inquired about the wall on the south end of the home. Mr. Smith responded.

Council Member Araskog inquired about the setback for the home. Mr. Smith responded. In response to Ms. Araskog showed the areas on the site plan that display the variances.

President Zeidman called for public comments.

Frank Lynch, attorney representing the owner of 1020 S. Ocean Blvd., stated his client's objections to the proposed home and asked the Town Council to deny the application.

James Murphy, Assistant Director of Planning, Zoning and Building, responded to a question by Council Member Araskog about the opinions of the Architectural Review Commission. Council Member Araskog expressed concern over allowing the variances and Mr. Smith explained why the existing home could not be retained and renovated.

Council Member Crampton spoke regarding the complexities of the situation and the reasons for the split vote at ARCOM. However, he stated that he did not believe the proposed home protruded and thought it would improve the street and expressed support for the project.

Council President Zeidman expressed concern regarding the proposed house and posed a question to Mr. Smith regarding neighboring homes. Mr. Smith responded.

In response to a question by Council Member Araskog, Town Attorney Randolph spoke regarding the requirement for a hardship.

Motion made by Council Member Crampton and seconded by Council Member Cooney that Variance ZON-21-012 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 Ms. Araskog and Zeidman opposed.

Motion made by Council Member Crampton and seconded by Council Member Cooney, that Site Plan Review ZON-21-012 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 3-2, with Ms. Araskog and Zeidman opposed.

Motion made by Council Member Crampton and seconded by Council Member Cooney that Special Exception ZON-21-012 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 3-2, with Ms. Araskog and Zeidman opposed.

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

2. New Business

- e. **ZON-22-003 (COA-21-020) 127 ROOT TRAIL (COMBO) — VARIANCES**
The applicants, David and Catherine Brooker, have filed an application requesting Town Council review and approval for variances (1) to reduce the required setback for a pool heater, (2) to reduce required setback for pool equipment, and (3) to eliminate the requirement to provide two on-site parking spaces. [The Landmarks Preservation Commission approved this project on consent at their December 2021 meeting. Carried 7-0]

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

Maura Ziska, attorney for the owner, explained the variances request for on-street parking and the location of the pool equipment.

President Zeidman called for staff comments. Mr. Castro provided staff comments.

Cathy Brooker, Owner, explained the variances needed for the modifications to the architectural plans for her new home.

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

Ms. Brooker responded to questions by Council President Pro Tem Lindsay regarding the pool equipment and enclosure. Zoning Manager Castro provided further clarification

Council Member Cooney commended the owners for preserving one of the oldest homes in the Town and spoke regarding the complexity of this project. He spoke in support of both variance requests.

Mayor Moore acknowledged the labor of love and commended the owners on preserving the home.

Ms. Brooker responded to a question by Council Member Araskog regarding contact with the neighbor closest to the pool equipment. Council Member Araskog inquired about the hardship for the variances. Ms. Ziska responded and provided the hardships.

Motion made by Council Member Cooney, and seconded by Council Member Pro Tem Lindsay, that Variances ZON-22-003, 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 Town Council recessed at 2:59 p.m. and reconvened at 3:09 p.m.

- g. **Z-20-00318, LOTS 1-6 AND BLOSSOM WAY OF THE REPLAT OF THE BLOSSOM ESTATE AND PROPERTY CURRENTLY KNOWN AS 60 BLOSSOM WAY** Zoning District: R-AA Large Estate Residential, The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, to Replat Lots 1-6; Relocate the 8 foot wide Pedestrian Beach Access Easement to the North Side of Proposed Lot 6; Eliminate the Limited Access Easement (LAE) along the East Side of South Ocean Boulevard; Abandon the Private Road Known as Blossom Way, in the Replat of the Blossom Estate; and to Create an 8 foot wide Pedestrian Beach Access Easement Across the North Property Line of Property Currently known as 60 Blossom Way [Applicant's Representative: Maura Ziska Esq]

TIME CERTAIN: 3:00 PM

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

Discussion ensued regarding Council Member Crampton's ability to participate in this discussion due to his position with the Science Museum in regards to a disclosure he made. Town Attorney Randolph stated that he believed that Mr. Crampton should be able to participate. Council President Zeidman asked if any of the attorneys in the Chambers had any issue with Mr. Crampton participating, and no one indicated that they opposed to his participation.

Maura Ziska, attorney for the Applicant, provided her time estimation for her presentation and rebuttal.

David Klein, attorney for owner of 1275 S. Ocean Blvd., requested that a request for deferral for this item be heard prior to the presentation of the item. Ms. Ziska stated that she is ready to move forward with the presentation and does not agree that the deferral should be heard first. Town Attorney Randolph opined that the Town Council could hear the application at this time and make a determination after the presentation about whether or not to approve a deferral.

Council President Zeidman spoke in support of hearing the presentation. Zoning Manager Castro stated that staff had recommended to defer the project due to a deficiency in the application and had expected that staff would present the deferral first. He explained that the reason why it was not deferred at the beginning of the meeting was because of an objection received.

Timothy Hanlon, attorney for the Thornton's, spoke in support of hearing the deferral first due to a deficient application.

There was consensus from the Town Council to hear the deferral first.

Zoning Manager Castro provided the background information on the replat and explained that there had been substantial changes to the replat application that had originally been submitted. He spoke regarding a further deficiency that was included in the item that needs to be addressed, specifically a variance for an easement for which they need to apply, prior to Town Council hearing the replat application. Town Attorney Randolph and Zoning Manager Castro responded to questions by Council Member Araskog, Council President Pro Tem Lindsay and Council Member Crampton. Town Attorney Randolph stated that if this item is deferred, then there will need to be a determination as to whether or not the other property owners on the plat need to sign the replat, as well.

Maura Ziska responded to Mr. Castro's comments on the application.

Director of Planning, Zoning and Building provided further information on why the application needs to be deferred.

Council President Zeidman called for public comment.

Timothy Hanlon spoke regarding filing requirements for variances and spoke in support of a deferral until a variance has been submitted.

David Klein, attorney for owner of 1275 S. Ocean Blvd., provided background information on negotiations that he had had with the applicant on behalf of his client and spoke regarding the possibility of completing the negotiation with the applicant.

Ken Griffin, Owner, expressed his appreciation to the Town Council for their time and stated that they will correct the deficiencies with his application and bring it back to Town Council.

Motion made by Council Member Cooney and seconded by Council Member Crampton to defer the item to the February 9, 2022, Town Council Development Review Meeting. Motion carried unanimously, 5-0.

Maura Ziska requested that a list of all of the deficiencies and deliverables and the time frames for the submission. Zoning Manager Castro stated that he would provide that information to Ms. Ziska.

Mayor Moore recommended that the item be a time certain and there was consensus from the Council that a time certain would be determined and sent to all attorneys involved at a later date.

Ms. Ziska requested confirmation that the 30 days would be considered from the time she submitted the original plat, and noted she did submit the revised plat within the 30 days of the January meeting. Zoning Manager Castro noted for the record that the revisions were not provided within 30 days of it being heard by the Council. The revisions are pertaining to the revised language and the dedication of the plat, as well as the variances. There was confirmation from Mr. Castro that the 30 days could revert back to the original application and that what the applicant is working through are minor revisions and any other deliverables that may be required.

- h. **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 January 19, 2022 meeting. Carried 7- 0.] Staff Recommends a Deferral to the February 9, 2022 Meeting.
This item was deferred to the February 9, 2022 meeting at the approval of the agenda.

- i. **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 withdrawn at the approval of the agenda.

2. New Business

- a. **ZON-21-013 (ARC-21-044) 1800 SOUTH OCEAN BLVD (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, 1800 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 to install a padel court and generator over 100kW in power, in association with a new two-story residence. [Architectural Review Commission deferred the project to the January 26, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the February 9, 2022 Meeting.
This item was deferred to the February 9, 2022 meeting at the approval of the agenda.
- b. **ZON-21-023 (COA-21-013) 235 SUNRISE AVE (COMBO)— SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, New Synagogue of Palm Beach, Inc (Brad Bleefeld – VP Treasurer), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review and Variances to (1) to exceed overall building height, (2) to exceed building height, (3) to reduce nonconforming landscape open space, and (4) for reduced rear yard setback in order to accommodate proposed exterior changes to the existing 4-story condominium hotel building. [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 declared by Council Members Cooney, Crampton, Araskog, President Pro Tem Lindsay, President Zeidman and Mayor Moore.

Maura Ziska, attorney for the owner, stated that they were removing the portion of the application which requested adding planters to the roof of the building, which eliminated their building height variance. She further explained the zoning requests.

Dan Lobitz, Robert A.M. Stern Architects, LLP, presented the architectural plans proposed for the modifications to the existing condominium building.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape plans for the existing site.

Mayor Moore asked Paul Brazil, Director of Public Works, if the plan worked for his team. Mr. Brazil responded and stated he would like to continue working with the hotel to make sure his team had enough space for access. He also noted that he had not received any complaints from neighbors since the location for the garbage had been moved. She also requested if they had gotten the support from the Monsignor.

Council Member Crampton spoke regarding issues that had been raised by neighbors. He posed a question Director Bergman regarding parking management for construction.

Council Member Lindsay inquired who owned the garden/common area as shown. Ms. Ziska stated the Condominium Association owned the common area. In response to question by Ms. Lindsay regarding the garbage area, Mr. Brazil spoke regarding the size of the garbage area and stated that he will work with them to ensure it's large enough to accommodate his crews.

Ms. Ziska responded to questions by Council Member Cooney regarding the trash collection area and Dan Lobitz answered questions regarding substantial roof and window work that has occurred on the building and stated that it was occurring in other areas of the building. Council Member Cooney expressed concern over issues raised by neighbors in the letters that were received.

Council Member Araskog inquired if Mr. Brazil could make sure the drainage for the property is sufficient. Mr. Brazil stated he agreed that this was a good opportunity to certify their drainage. Council Member Araskog requested that the applicant increase their landscaped open space requirement. She spoke regarding ensuring that the construction parking management is followed and does not affect Park Avenue.

Mayor Moore received confirmation from Mr. Bergman that the safety issues have been addressed.

President Zeidman called for staff comments. Mr. Castro provided staff comments.

President Zeidman called for public comments.

Cele Terenzio, speaking on behalf of Raimund Heger at 231 Park Avenue, expressed his concern for the lack of parking for the building. He is concerned that the construction and parking will occur on Park Avenue.

Council Member Lindsay spoke regarding issues with parking at Publix of those are not shopping and expressed concern regarding the already existing congestion in this area.

Council Member Crampton stated that many of these issues would fall under the construction management agreement.

Council President Zeidman stated that the construction workers will need to be told to not park in the Publix parking lot or the church parking lot.

Dr. Rhonda Nassar, 242 Park Avenue, asked that the item defer the item to provide enough time for the neighbors to work with the applicant on a construction management agreement.

Council Member Araskog spoke regarding receiving a logistics plan with the neighbors' input to ensure that these issues are addressed, especially regarding parking and drainage. Director of Public Works Brazil spoke regarding the logistics plan being developed during the permit process.

Council President Zeidman spoke regarding staff developing the logistics plan with information from Council and the neighbors.

Motion made by Council Member Crampton and seconded by Council Member Cooney that Variance ZON-21-023 shall be granted, subject to the conditions previously mentioned, 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 unanimously, 5-0.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Special Exception ZON-21-023 shall be granted, subject to the conditions previously mentioned, 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 Araskog, that Site Plan Review ZON-21-023 shall be granted, subject to the conditions previously mentioned, 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.

- c. **ZON-22-001 609 ISLAND DR—VARIANCES** The applicants, Peter and Nancy Brown, have filed an application requesting Town Council review and approval for a variance to construct a new dock and boat lift greater than 6 feet west of the US Pierhead Line.

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

Robert Battleson and Josh O'Donnell, Marine Construction, presented the proposed plan to extend the existing dock and add a boat lift.

Maura Ziska, attorney for the owner, explained the variance request for the dock.

President Zeidman called for staff comments. Mr. Castro provided staff comments.

Council President Pro Tem Lindsay clarified that the boat dock was close to the neighbor to the south.

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

Council Member Araskog expressed concern over the boat dock was much larger and farther out than those of the neighboring properties. Mr. O'Donnell and Mr. Castro responded to her questions.

Motion made by Council Member Cooney and seconded by Council Member Crampton that Variance ZON-22-001 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 opposed.

- d. **ZON-22-002 (ARC-21-093) 150 WORTH AVE, STE 234 (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW**

The applicant, Cojimar Palm Beach (Joseph Hernandez and Charles Masson), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review requesting outdoor seating (28 total seats) at the first (20 seats) level and second (8 seats) level of the two-story Esplanade retail building in conjunction with a new restaurant (Cojimar) to occupy the second floor space of a prior restaurant. [Architectural Review Commission deferred the project to the January 26, 2022 meeting. Carried 5-2.] Staff Recommends a Deferral to the February 9, 2022 Meeting

This item was deferred to the February 9, 2022 meeting at the approval of the agenda.

- f. **ZON-22-003 (COA-21-020) 127 ROOT TRAIL (COMBO) — VARIANCES**
The applicants, David and Catherine Brooker, have filed an application requesting Town Council review and approval for variances (1) to reduce the required setback for a pool heater,(2) to reduce required setback for pool equipment, and (3) to eliminate the requirement to provide two on-site parking spaces. [The Landmarks Preservation Commission approved this project on consent at their December 2021 meeting. Carried 7-0]
This item was heard out of order of the agenda.
- g. **ZON-22-005 (COA-21-017) 720 S OCEAN BLVD (COMBO)— SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, 720 South Ocean Boulevard Land Trust (Paul A Krasker, Trustee), has filed an application requesting Town Council review for a Special Exception with Site Plan Review for the construction of a beach cabana structure, swimming pool, and related site work East of S Ocean Blvd in the Beach Area Zoning District. [The Landmarks Preservation Commission approved the project with the exception of the cabana, which will return to the February 16, 2022 meeting. Carried 7-0.]

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

Maura Ziska, attorney for the applicant, provided background information on the special exception request.

Cory Meyer, Nievera Williams Design, presented the architectural plans for beach cabana proposed.

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 Special Exception ZON-22-005 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 President Pro Tem Lindsay, that Site Plan Review ZON-22-005 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.

- h. **ZON-22-006 (ARC-21-095) 432 SEABREEZE AVE (COMBO) - VARIANCES** The applicant Bijon Memar, has filed an application requesting Town Council review and approval for modifications and an addition to the existing residence, requiring variances for lot coverage and retention of existing nonconforming side yard and rear yard setbacks. Staff Recommended Deferral to the February 9, 2022 Meeting
This item was deferred to the February 9, 2022 meeting at the approval of the agenda.

- i. **ZON-22-008 (ARC-21-096) 3450 S OCEAN BLVD (COMBO) - SITE PLAN REVIEW** The applicant, the Patrician Condominium, has filed an application requesting Town Council review and approval for Site Plan Review for the changes to the previously approved site plan including the addition of pool shade structures and restroom structures. [The Architectural Review Commission approved the project with a condition relating to the landscaping. Carried 6-1.]

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

Dustin Mizell, Environment Design Group, presented the plans for the proposed shade and restroom structures.

President Zeidman called for staff comments. Mr. Castro provided staff comments.

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

Council Member Araskog inquired about the letter of objection and Mr. Mizell responded and addressed the issue with the north landscape border.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay, that Site Plan Review ZON-22-008 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.

- j. **ZON-22-026 245 WORTH AVE SUITE A - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Le Bilboquet (Dobromira Trendafilova, Manager), has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception Request with Site Plan Review (Z-20-00247) to modify the hours of operation to be 7:00am (previously approved 11:00am) in order to serve breakfast seven days a week.

Maura Ziska, attorney for the applicant, presented the request for the additional hours and the menu for the breakfast.

Dobromira Trendafilova, Manager of Le Bilboquet, explained the request for the additional hours.

Jane Holzer spoke regarding patrons requesting that the restaurant open for breakfast.

President Zeidman called for staff comments. Mr. Castro provided staff comments.

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

Mayor Moore indicated there was no residential impact to the request. She stated that she believed the addition of hours would energize that portion of Worth Avenue.

Council Member Cooney inquired about the valet operation. Ms. Ziska responded.

Council Member Araskog inquired about the hours for Sant Ambroeus, as she expressed concern that 7:00 a.m. was too early for that area. She also inquired if the restaurant was town-serving and Ms. Holzer replied that they were town-serving.

Council Member Lindsay stated that she believed that most of the traffic at 7:00 a.m. would be on foot and spoke in support of the new areas.

Motion made by Council Member Crampton and seconded by Council Member Cooney, that Site Plan Review ZON-21-026 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; 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.

Motion made by Council Member Crampton and seconded by Council Member Cooney that Special Exception ZON-21-026 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.

XI. ANY OTHER MATTERS

XII. ADJOURNMENT

Motion made by Mr. Crampton and seconded by Mr. Cooney to adjourn the meeting at 5:55 p.m. without the benefit of a roll call.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Deputy Town Clerk
Date: _____