



TOWN OF PALM BEACH

Minutes of the Development Review
Town Council Meeting
Held on May 11, 2022

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order May 11, 2022 at 9:34 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

The mayor did not have any comments at this time.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman reviewed the schedule for the day's meeting. She spoke regarding adding items under Any Other Matters, which included a discussion regarding sending native plants to ORS, a discussion about add-ons to construction projects and whether this item should be sent to ORS, as well as a discussion regarding the construction pamphlets distributed by Planning, Zoning & Building.

Council Member Araskog reminded landscapers not to blow leaves into the street.

Mayor Moore reminded that hurricane season was around the corner and encouraged citizens to begin preparations.

Council Member Araskog expressed appreciation to Police and Fire Rescue but wanted to make sure to acknowledge the Fire Rescue department for helping to save the people during the recent rip tide. She thanked all for their hard work and dedication.

Council Member Lindsay stated that the event occurred after hours, and many people came to offer assistance.

Council Member Cooney stated he spoke to Town Manager Blouin and Chief Caristo about the possibility of keeping the lifeguards on duty until sunset.

Council President Zeidman further reviewed the schedule for the agenda.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Jorge Sanchez, 239 Southland Road, spoke regarding the native landscape ordinance and asked that if it is taken to ORS, it be taken in July, not June. He also raised the issue about substantial landscape changes needing to be taken to ARCOM; He provided reasons he objected to the outlined guidelines in the Project Designation Guide.

Council Member Araskog stated that the Town Council discussed the issue and stated that she thought that substantial changes should be reviewed by ARCOM if it could impact the neighbors.

Council President Zeidman acknowledged that at times, decisions are made by Town Council without the benefit of understanding fully the impact. She acknowledged that the discussion and consequent decision on the native landscape ordinance was headed in the right direction but thought some clarification could be beneficial.

Discussion ensued regarding the language in question. Director Bergman spoke regarding changes that were being made to the guidelines in the ARCOM Project Designation Manual. Assistant Director Murphy stated that the manual that Mr. Sanchez is referring to was put into place in 2015 and some of the requirements were over regulated. Council Member Araskog provided further information on the manual.

VI. APPROVAL OF AGENDA

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

Deferral of ZON-21-006, 164 Seaspray Avenue to the June 15, 2022 meeting

Deferral of ZON-22-017, 1237 N. Lake Way to the June 15, 2022 meeting

Withdrawal of ZON-22-032, 594 N. County Road

Deferral of ZON-22-033, 108 El Mirasol to the June 15, 2022 meeting

Deferral of ZON-22-037, 60-70 Blossom Way to the June 15, 2022 meeting

Deferral of ZON-22-044, 333 Sunset Avenue to the June 15, 2022 meeting

Deferral of ZON-22-045, 426 Seaspray Avenue to the June 15, 2022 meeting

Deferral of ZON-22-059, 2219 Ibis Isle Road to the June 15, 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.

Council President Zeidman explained the addition of items under Any Other Matters at the end of the agenda.

The following item was carried over from previous day's meeting.

Review of a Stop Work Order Due to Three Strike Rule at 310 Clarke Avenue

Mr. Bergman presented the facts about the three strikes given to the property at 310 Clarke Avenue.

Jim Hiller, Sciame Homes, presented reasons for his company's infractions and provided information on ways that the company will be ensuring compliance with the new regulations.

Council Member Araskog pointed out that the regulations had been in place and were not new regulations. She expressed concern that most of the violations were old laws. She recommended reviewing laws. She inquired about the incomplete document that Mr. Hiller pointed out.

Mr. Hiller spoke regarding issues that he had finding the appropriate ordinance online and from Town staff.

Council President Pro Tem Lindsay inquired if the outstanding fines were paid, to which Mr. Hiller stated that he believed that they were paid.

Council Member Crampton thanked Mr. Hiller for waiting all day at the meeting the previous day. He stated that the regulations were older laws and he stated that he believed Mr. Hiller would take heed of being on notice. He explained the reasoning behind the three-strike law.

Council President Zeidman pointed out if another violation occurred, the project would be shut down.

Motion made by Council Member Cooney and seconded by Council Member Araskog to lift the stop work order, waive the third strike, and authorize Town Staff to issue future right-of-way permits for this project, providing that they have paid all associated fines. Motion carried unanimously, 5-0.

The following items were heard out of order of the agenda:

VIII. RESOLUTIONS

- A. RESOLUTION NO 064-2022 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 345 Pendleton Lane 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.

Ex parte communication was declared by Mayor Moore.

Janet Murphy, Murphy Stillings, presented background information on the project and historical information on the property. She outlined how the property met

Criteria 1, 3 and 4 for Landmark Designation.

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 public comment. No one indicated a desire to speak.

Council Member Cooney expressed gratitude for the owners in support of the designation.

Motion made by Council Member Araskog and seconded by Council Member Cooney that Resolution No. 064-2022 be adopted designating the property at 345 Pendleton Lane 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 No. 2-84. Motion carried unanimously, 5-0.

Director Bergman introduced Jennifer Hofmeister-Drew, the Town's new Senior Planner.

- B. RESOLUTION NO 065-2022 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 200 Algoma Rd Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

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

There was no ex parte communication declared at this time.

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

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

Council President Zeidman called for public comment. No one indicated a desire to speak.

Council Member Araskog thanked the owner for supporting the designation.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Resolution No. 065-2022 be adopted designating the property at 200 Algoma 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 No. 2-84. Motion carried unanimously, 5-0.

- C. RESOLUTION NO 066-2022 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 Mediterranean Rd 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 communication was declared by Council President Pro Tem Lindsay.

Emily Stillings, Murphy Stillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1, 3 and 4 for Landmark Designation. She stated this home would be the first Mid-Century Modern home to be landmarked in the Town.

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

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton that Resolution No. 066-2022 be adopted designating the property at 215 Mediterranean 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 No. 2-84. Motion carried 4-1, with Council Member Cooney dissenting.

Council President Zeidman inquired about the distribution of the plaques to the newly landmarked homes.

Anne Metzger, Landmarks Preservation Commissioner, spoke regarding her role in changing this process and the decision by the Commission was to postpone the process. She expressed concern that it was taken out of her hands. She spoke about four owners of designated homes who she had contacted but added that the item had been dropped.

Council Member Cooney spoke regarding the process being unceremonious in the past and expressed appreciation for this issue being brought to the attention of Town Council.

Council Member Araskog spoke in support of distributing plaques for designation at Landmarks Preservation Commission meetings.

Council President Pro Tem Lindsay inquired about the current process, to which Mr. Cooney responded. Ms. Lindsay spoke in support of bringing this issue up on a future agenda for discussion because it is important. She spoke in support of the Mayor and Landmarks Commission to coordinate presenting the plaques.

Mayor Moore stated that she feels that this is a staff-level decision and that not all owners will want to accept a plaque. She expressed appreciation for the Landmarks Preservation Commission and Murphy Stillings for the designation of this home.

Discussion ensued regarding issuing the plaques at Town Council meetings after

the designation. Further discussion ensued regarding who will notify the owners and it was the consensus that the Landmarks Commission should discuss that issue.

VII. PRESENTATIONS

- A. Introduction of Code Review Planning Firms, ZoneCo and Corradino Group

TIME CERTAIN: 2:00 PM

This item was heard out of order of the agenda.

- B. Moratoriums and Zoning in Progress
John C. Randolph, Town Attorney

This item was heard out of order of the agenda.

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The item was heard out of order of the agenda.

- B. RESOLUTION NO 065-2022 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 200 Algoma Rd 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.

The item was heard out of order of the agenda.

- C. RESOLUTION NO 066-2022 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 Mediterranean Rd 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.

The item was heard out of order of the agenda.

IX. DEVELOPMENT REVIEWS

- A. **Variances, Special Exceptions, and Site Plan Reviews**

1. Old Business

- a. **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. [The Architectural Review Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

This item was deferred to the June 15, 2022 meeting at the approval of the agenda.

- b. **ZON-22-017 (ARC-22-032) 1237 N LAKE WAY (COMBO) - VARIANCES & SITE PLAN REVIEW** The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Town Council review of and approval of Site Plan Review for the construction of a new two-story residence on a lot with less width than required in the RB district, and including variances (1) to allow a two-story accessory structure on a lot less than 20,000SF in lot area, and (2) to exceed the point of measurement. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the May 25, 2022 Meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

This item was deferred to the June 15, 2022 meeting at the approval of the agenda.

- c. **ZON-22-029 (HSB-22-002) 854 S COUNTY RD (COMBO) - VARIANCES** The applicant, Todd Glaser, has filed an application requesting Town Council review and approval for variance (1) to retain the existing nonconforming side (north) setback to accommodate substantial additions to a historically significant building. The Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject historically significant 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 and Cooney.

Maura Ziska, attorney for the applicant, provided an overview of the project and presented the requested variances.

Assistant Director of Planning Zoning and Building Murphy provided staff comments and answered Council Members' questions.

Jonathan Brannon, Dailey Janssen Architects, presented the architectural plans proposed for the addition to the existing home.

Council President Zeidman called for public comment.

James Green, Attorney for Monnie Donnelly, owner of 4 Via Vizcaya, spoke regarding the alley between his client's property and the proposed property. He expressed concern regarding the intensification of use for the alley between the two properties. He requested that the southeast parking area be reduced to service vehicles only and that the Town request a traffic study on the home due to the traffic concerns.

Ms. Ziska displayed the alley on the plans and explained the use.

Mayor Moore inquired about a safety sight triangle for exiting the alley, to which Mr. Murphy responded.

Mr. Murphy clarified the process for this safety review in response to a question raised by Council Member Araskog.

Town Attorney Randolph clarified the requirements of the sight triangle ordinance and stated that this project doesn't necessarily have a requirement to comply with this ordinance.

Council Member Araskog spoke in support of mitigating this potential safety issue although this did not have to do with the variance. Ms. Ziska stated that her client will look at this issue.

Council Member Cooney inquired as to why this the project would not need to comply with the safe sight triangle ordinance, to which Mr. Randolph responded.

Ms. Ziska discussed the hardship for the variance at the request of Council Member Araskog.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Variance ZON-22-029, 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.

- d. **ZON-22-032 (HSB-22-003) 594 NORTH COUNTY RD (COMBO) - VARIANCES** The applicant, George and Sandra Marucci, has filed an application requesting Town Council review and approval for variances to reduce both side yard setback requirements for one-story additions to a historically significant building and 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 6.49' NAVD in lieu of the required 7' NAVD. [The Landmarks Preservation Commission deferred the project indefinitely. Carried 7-0.] Staff Recommends a Withdrawal of the Project Per Email from Harold Smith, Architect

This item was withdrawn at the approval of the agenda.

- e. **ZON-22-033 (ARC-22-001) 108 EL MIRASOL (COMBO) - VARIANCES** The applicant, ANK Palm Beach LLC (Anand “Andy” Khubani, Managing Member), has filed an application requesting Town Council review and approval for a variance to allow a basement in a North side-yard setback for basement vehicular access in relation to the construction of a new single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

This item was deferred to the June 15, 2022 meeting at the approval of the agenda.

- f. **ZON-22-037 (ARC-22-040) 60-70 BLOSSOM WAY (COMBO) – SITE PLAN REVIEW** The applicant, Blossom Way Holdings LLC and Providencia Partners LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council Site Plan Review as required for the installation of a generator with an output capacity over 100kW, in conjunction with the construction of a new single family residence. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

This item was deferred to the June 15, 2022 meeting at the approval of the agenda.

The Town Council recessed at 11:10 a.m. and reconvened at 11:23 a.m.

- g. **ZON-22-038 (ARC-22-058) 220 BRAZILIAN AVE (COMBO) - VARIANCES** The applicant, I220 PB LLC (Guy Rabideau), has filed an application requesting Town Council review and approval for variances (1-2) to install AC equipment within both (east and west) side yards of a duplex building not fully screened by a 7' high wall and (3-4) to install an emergency generator in the side (west) yard setback exceeding maximum height allowed and not completely screened by a 7' high wall. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved the project with conditions. Carried 5-1.]

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

David Klein, attorney for the applicant, provided an overview of the project and presented the requested variances.

Patrick O'Connell, Patrick O'Connell Architects, presented the location of the generator in response to the request from Council Member Cooney.

Mr. Murphy provided staff comments.

Council Member Cooney stated that he understood the concerns and was thankful that the applicant worked out a solution.

Council Member Araskog requested to view the elevation. Mr. Klein discussed the hardship for the variance at the request of Council Member Araskog.

Mr. Crampton requested that staff provide guidance on the least impactful proposal to the neighbors. Mr. Murphy indicated that the presented plan was least impactful.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council Member Cooney and seconded by Council Member Araskog, that Variance ZON-22-038, 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 unanimously, 5-0.

Council President Zeidman inquired about the issue with the FEMA requirements for the placement of equipment, to which Mr. Murphy responded.

2. New Business

- a. **ZON-22-015 (ARC-22-015) 755 N COUNTY RD (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES** The applicant, Beach Club Inc. (David Shaw, General Manager) has filed an application requesting Town Council review for Special Exception with Site Plan Review and Variance (1) to exceed the maximum allowable lot coverage and (2) to exceed the maximum allowable cubic content ratio (CCR), in order to expand the existing Beach Club facility. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances 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 Cooney, Araskog, Council President Zeidman and Mayor Moore.

Maura Ziska, attorney for the applicant, provided an overview of the project and presented the zoning requests.

Isaac Campos, Peacock and Lewis, presented the architectural plans proposed for the modifications to the existing commercial structure.

Mr. Murphy provided staff comments.

Council Member Cooney stated that he thought the change was minor and spoke in support of the application.

Council Member Crampton agreed the changes were minor and spoke in support of the application.

Mayor Moore asked to see the rendering or picture of the existing terrace and stated that she feels that the addition was appropriate.

Council Member Araskog inquired about the area to be modified. Mr. Campos provided further explanation of the area.

Motion made by Council Member Crampton and seconded by Council Member Araskog, that Variance ZON-22-015, 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 unanimously, 5-0.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay, that Special Exception ZON-22-015 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 ZON-22-015 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.

- b. **ZON-22-043 482 ISLAND DR - VARIANCES** The applicant, 482 Island Drive Trust (William Atterbury III Trustee), has filed an application requesting Town Council review and approval for Variances (1) to exceed the maximum projection for a marginal dock and (2) to exceed the maximum allowable width of 30% for docks.

There were no ex parte communications declared at this time.

Maura Ziska, attorney for the applicant, provided an overview of the project and presented the variance requests.

Mr. Murphy provided staff comments and explained an issue with the Town regulations pertaining to certain types of boat lifts. Ms. Ziska provided further information on the requirements in questions.

Council President Pro Tem Lindsay spoke in support of the request. She acknowledged that there would be no plant material added to the dock and spoke regarding staff being able to come with a solution to address the issue that has been raised.

Council Member Cooney expressed appreciation to Ms. Ziska and Mr. Murphy for disclosing the unintended consequences that have occurred because of the discussed regulations. Mr. Cooney inquired about the proposed boatlift, with which he is unfamiliar.

Mathew Butler, Isiminger and Stubbs Engineering, explained the no-profile boatlift proposed and the benefits of this type of lift.

Council Member Araskog clarified that this ordinance was not reactionary, but rather because so many people were extending their lawns with a dock. She inquired if the lift could be used as a dock, to which Mr. Butler responded. Ms. Araskog asked if the neighbors were supportive.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Variance ZON-22-043, 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.

- c. **ZON-22-044 (ARC-22-054) 333 SUNSET AVE (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Royal Poinciana South LLC (Arthur Pergament) has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and Variances (1) to exceed the maximum lot coverage, (2 & 3) to reduce required setbacks, (4) to expand an existing nonconforming 7 story building, (5 & 6) to allow pool equipment where not permitted, (7) to exceed the maximum building height and (8) to exceed the maximum allowable amount of equipment in a front yard. The Architectural Commission will perform design review of the application. [The Architectural Review

Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

This item was deferred to the June 15, 2022 meeting at the approval of the agenda.

- d. **ZON-22-045 (HSB-22-008) 426 SEAPRAY AVE (COMBO) – VARIANCES** The applicant, 426 Seaspray Avenue Trust (Maura Ziska, TR) has filed an application requesting Town Council approval for Variances (1) to exceed the maximum cubic content ratio (CCR), (2) to exceed the maximum lot coverage, and (3) 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 2.27' NAVD and 4.06' NAVD in lieu of the required 7' NAVD, in conjunction with renovations and a two-story additions to an existing nonconforming historically significant building. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission deferred the project to the May 18, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

This item was deferred to the June 15, 2022 meeting at the approval of the agenda.

- e. **ZON-22-051 223 SUNSET AVE—SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES** The applicant, 233 Sunset Holdings LLC (Peter May), has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the interior renovation of an existing second floor office space in an existing two-story building resulting in an increase of approximately 950 SF of Gross Leasable Area (GLA) and a Variance (1) to provide 0 of the 4 parking spaces required due to the increase of general office space.

There were no ex parte communications declared at this time.

Maura Ziska, attorney for the applicant, provided an overview of the project and presented the zoning requests.

James Hall, Madison Worth Architecture, presented the architectural plans proposed for the renovation of the existing commercial building.

Mr. Murphy provided staff comments.

Council Member Cooney spoke in support of the zoning requests. He requested that Ms. Ziska raise an issue related to the valet, unrelated to the application. Ms. Ziska stated she would address the issue with her client.

Council President Pro Lindsay stated that she has noticed increased congestion in that area and stated that she doesn't feel that the underground parking was being utilized.

Council Member Araskog inquired about the parking variance and expressed concern over a potential change of use for the office space. She inquired about the hardship, to which Ms. Ziska responded.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Variance ZON-22-051, 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 unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Special Exception ZON-22-051 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 Crampton that Site Plan ZON-22-051 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.

- f. **ZON-22-055 (HSB-22-005) 1161 N LAKE WAY (COMBO) - VARIANCES** The applicant, Maria Fanjul Ryan, has filed an application requesting Town Council review and approval for a Variance (1) 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 3.82' and 5.74' NAVD in lieu of the required 7' NAVD. The Landmarks Preservation Commission will review the variance portion of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject historically significant property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Ex parte communications were declared by Council Member Cooney and Mayor Moore.

Maura Ziska, attorney for the applicant, provided an overview of the project and presented the variance request.

Jackie Albarran, SKA Architect + Planner, presented the architectural plans proposed for the addition to the existing residence.

Mr. Murphy provided staff comments.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton, that Variance ZON-22-055, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Chapter 50, Sections 116 and 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.

- g. **ZON-22-057 (ARC-22-084) 147 SEABREEZE AVE (COMBO) VARIANCES** The applicant, MEHWD147 LLC (Elanor Acquavella Dejoux), has filed an application requesting Town Council review and approval for Variances (1) to exceed the maximum lot coverage allowed and (2) to exceed the maximum Cubic Content Ratio (CCR) allowed, in conjunction with a 16 SF first floor addition, and (3) to expand an existing nonconforming 3rd floor roof deck area. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved the project as presented. Carried 6-0.]

There were no ex parte communications declared at this time.

Maura Ziska, attorney for the applicant, provided an overview of the project and presented the variance request.

Thomas Kirchhoff, Kirchhoff & Associates Architects, presented the architectural plans proposed for the addition to the existing residence.

Mr. Murphy provided staff comments.

Council Member Araskog inquired about the requested lot coverage variance as well as the hardship, to which Ms. Ziska responded. Council Member Araskog expressed concern over the stated hardship.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Variance ZON-22-057, 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, 4-1 with Council Member Araskog

dissenting.

- h. **ZON-22-058 (HSB-22-007) 145 CLARENDON AVE (COMBO)-VARIANCES** The applicant, 144 Clarendon LLC (Christopher Uzpen, Manager), has filed an application requesting Town Council review and approval for Variances for (1 and 2) to reduce both of the side (east and west) yard setback requirements and (2) 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 6.31' NAVD in lieu of the required 7' NAVD, in conjunction with renovations and additions to an existing nonconforming one-story Historically Significant Building. The Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject historically significant property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Ex parte communication was declared by Council Member Cooney.

Maura Ziska, attorney for the applicant, provided an overview of the project and presented the variance requests.

Jackie Albarran, SKA Architect + Planner, presented the architectural plans proposed for the addition to the existing residence.

Mr. Murphy provided staff comments.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Council Member Cooney stated that he thought the home was lovely and the addition was sensitive.

Motion made by Council Member Cooney and seconded by Council Member Crampton, that Variance ZON-22-058, 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 Chapter 50, Sections 116 and 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.

In response to a request from Council President Pro Tem Lindsay, Mr. Murphy stated that there have been 34 homes that have been saved from destruction due to preservation efforts.

- i. **ZON-22-059 (ARC-22-086) 2219 IBIS ISLE RD (COMBO) - SITE PLAN REVIEW** The applicant, GLOBAL ONE INVESTMENT

GROUP LLC (Alfredo Borges), has filed an application requesting Town Council review and approval for Site Plan Review to allow the construction of a residence on a non- conforming platted lot which is 90 feet in width in lieu of the 100-foot minimum width required in the R-B Zoning District. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the May 25, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the June 15, 2022 Meeting

This item was deferred to the June 15, 2022 meeting at the approval of the agenda.

- j. **ZON-22-060 (COA-22-017) 1820 S OCEAN BLVD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES** The applicant, White Birch Farm Inc. (Peter Brant), has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the construction of a beach cabana in the BA zoning district including Variances (1) to reduce the required side (west) setback and (2) to reduce the required ocean bulkhead line setback. The Landmarks Preservation Commission will perform design review of the application. [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 with conditions relating to the architecture. Carried 7-0.]

There were no ex parte communications declared.

Maura Ziska, attorney for the applicant, provided an overview of the project and presented the variance requests.

Patrick Segraves, SKA Architect + Planner, presented the architectural plans proposed for the new beach cabana.

Mr. Murphy provided staff comments.

Council Member Araskog inquired if landscaping would be added to the area, to which Mr. Segraves responded. She expressed concern that the landscaping would block the view. Mr. Segraves responded and provided plans that showed the existing conditions. Ms. Araskog inquired if there were other beach cabanas that were 6 feet from the road. Mr. Segraves stated most were at that same measurement.

Council President Pro Tem Lindsay spoke regarding FDOT adding the rock revetment. She spoke in support of the project due to the hardship of the revetment and expressed appreciation for the design considering the hardship.

Council Member Cooney inquired if the cabana would be added on stilts, to which Mr. Segraves responded. Mr. Cooney spoke in support of the application and stated that he has not supported other recent applications

for cabanas because they did not meet the required lot width.

Mayor Moore spoke regarding a cabana that had been approved by a previous Council that had been required to decrease in size.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay, that Variance ZON-22-060, 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 Member Crampton, that Special Exception ZON-22-060 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 Crampton that Site Plan ZON-22-060 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.

Mr. Murphy provided additional information on the required height requirement for landscaping on the ocean vista.

Council President Zeidman requested that there be clarification made at the next Planning & Zoning Commission meeting regarding the consideration by Town Council of variances. Discussion ensued regarding Town Council and staff review and consideration of variance applications.

The Town Council recessed at 1:03 p.m. and reconvened at 1:48 p.m.

X. ORDINANCES

A. First Reading

1. Proposed Ordinance to Amend Chapter 18 of the Town Code to Modify the Language regarding Floodplain Management, to incorporate new FEMA and FL DEM requirements, and to acknowledge the Town's current CRS classification.

ORDINANCE NO. 009-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Specifically At Article I, In General, Section 18-1, Datum Plane Adopted;

And At Article IV, Florida Building Code, Division 2, Florida Building Code Technical Amendments For Flooding, Section 18-244, Amendments; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Mr. Bergman provided background information on the two proposed ordinances. He stated the ordinances were mandated and written by the state. He read the title of the ordinance.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Ordinance No. 009-2022 on first reading. Motion carried unanimously, 5-0.

2. Proposed Ordinance to Amend Chapter 50 of the Town Code to Modify the Language regarding Floodplain Management, to incorporate new FEMA and FL DEM requirements, and to acknowledge the Town's current CRS classification.

ORDINANCE NO. 010-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 50, Floods, By Amending Article III, Definitions And Article IV, Flood Resistant Development, To Provide For Accessory Structures In Flood Hazard Areas And To Specify Elevation Of Manufactured Homes In Flood Hazard Areas; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Bergman read the title of the ordinance.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 010-2022 on first reading. Motion carried unanimously, 5-0.

XI. ANY OTHER MATTERS

1. Native Landscaping

Council Member Araskog spoke regarding a letter sent pertaining to the ordinance and requested that the Town Council refer this item back to the Ordinances, Regulations and Standards Committee. Town Council provided consensus to refer the ordinance back to ORS for further discussion.

2. Brochures

Council Member Araskog spoke regarding a previous discussion regarding sending out brochures pertaining to new construction regulations. She requested that these

brochures be mailed out to all Town residents once all the landscaping regulations have been updated. Town Council provided consensus to have staff mail out the brochures to all Town residents.

3. Valets on Worth Ave

Council Member Araskog stated that she has been getting complaints from Town residents regarding valets on Worth Avenue that are backing up traffic and requested an item for discussion be placed on a future agenda.

Council President Pro Tem Lindsay spoke in support of adding this discussion on the agenda and requested that Chief Caristo and Lieutenant Alber be present for the discussion.

Mayor Moore stated that one of the restaurants mentioned was having an issue with a shortage of valets coming into work.

Council President Zeidman stated that she would request this item be placed on the agenda in June.

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

VII. PRESENTATIONS

A. Introduction of Code Review Planning Firms, ZoneCo and Corradino Group

TIME CERTAIN: 2:00 PM

Director Bergman introduced Sean Suder, Lead Principal and Founder, ZoneCo, who provided information on his company and spoke regarding the tasks that his team will be completing for this project, which includes community engagement and final proposal that can be adopted. He addressed the balance of needs between private property rights and addressing issues that the Town is facing.

Joe Corradino, President, Corradino Group, provided background information on his firm. He spoke regarding the challenges with older municipalities' zoning codes. He spoke regarding his background and his experience with helping municipalities with developing and revising their zoning codes. He spoke regarding his role in the process for the Town.

In response to questions by Council President Zeidman, Mr. Suder provided additional information on his legal and planning background and Mr. Corradino provided information on engineering and planning projects that he worked on in South Florida.

Messrs. Suder and Corradino answered Council Members' questions, specifically on the project timeline, process of the project, examples of other similar cities, legal backgrounds, strategies for creative public engagement, process for Code review.

In response to a question from Mr. Crampton, Mr. Bergman spoke regarding how Town Council will be updated through the process. Council Member Araskog

spoke in support of having a standing monthly agenda item dedicated to the process.

Council Member Araskog spoke in support of the consultants having a tour around the Town. She spoke regarding the importance of involving everyone in the community and listening to everyone's opinions.

Council President Pro Tem Lindsay expressed concern over the timing of reaching out to the residents. She spoke in support of approaching the residents in the R-B District first because there are more annual residents in that district. She expressed concern over the necessity to address the R-B District as soon as possible. She spoke in support of the Town Council being very involved in the entire process and being the decision-makers. Council President Zeidman spoke regarding the role of the Town's Commissions and spoke regarding the high level of engagement of the Town Council.

Mayor Moore spoke regarding the importance of also focusing on the commercial districts. She spoke regarding the Town Council's engagement and spoke in support of the consultants meeting everyone in Town that they need to meet. She spoke in support of a parallel course or focus on the commercial districts. She recommended that the consultants listen to the April Strategic Planning Steering Committee meeting to hear issues that were raised. She explained that the commercial district concerns are pertaining to potential redevelopment of those areas.

Council Member Cooney expressed appreciation for the team and collaboration between the consulting companies.

Council Member Crampton spoke regarding the importance of the consultants and staff needing to show progress on the project.

Council Member Araskog further explained the Sunshine Law. She spoke regarding problems being in R-A districts and all areas of the Town. She spoke in support of the consultants being provided the 2003 Strategic Planning Report. Mayor Moore requested that the report be included in the consultants' packet.

Council President Pro Tem Lindsay spoke in support of each of the Town Council Members having individual time with the consultants. She spoke regarding the various input from residents on their desires for the outcomes.

Council President Zeidman stated that this meeting was an introduction, and she commended the selection committee on their decisions. She outlined with whom the consultants will be meeting. She spoke regarding the Council Members sending questions to Director Bergman during the process. She spoke in support of each Council Member being able to go on a tour with the consultants. Town Attorney Randolph clarified that the consultants cannot poll the Council Members. Council Member Araskog recommended that a Council Member attends the tour this afternoon and two other tours tomorrow morning. The Town Council concurred that Ms. Lindsay will attend the tour after the meeting and Ms. Araskog will attend a tour at 7:30 a.m. and Mr. Cooney's tour will be held directly after.

Jorge Sanchez, 239 Southland Road, welcomed the consultants and expressed appreciation for the commencement of the project.

Michael Spaziani, 3300 South Ocean Blvd., expressed concern with restricting some of the development of the North end of town and stressed the importance of the consultants understanding the Bert Harris Law.

Anita Seltzer, Coconut Row, expressed concern that the Planning & Zoning Commission does not do any Planning and therefore should be renamed the Zoning Commission. She stressed that everyone in the Zoning Districts is impacted by the Town Zoning Code. She asked clarification on the process for the hiring of the consultants and the timeline of the process and deliverables. She asked if the consultants will be addressing the comprehensive plan. She expressed concern that previous steering committees had been influenced by outside individuals and spoke in support of ensuring transparency.

Director Bergman and Assistant Director Murphy answered Ms. Seltzer's questions. Council President Zeidman addressed the qualifications of the three firms that were selected and spoke regarding the importance of having a team for this project which includes an attorney with expertise in codes, an urban planner, an architect, and an engineer. She stated that no one firm has all of the necessary qualifications.

B. Moratoriums and Zoning in Progress

John C. Randolph, Town Attorney

Town Attorney Randolph presented the background information on zoning moratoria and Zoning in Progress. He addressed Bert Harris claims in the process. He answered Council Members' questions.

Council Member Araskog spoke about the timing regarding Bert Harris claims. She spoke regarding residents speaking to her in support of a moratorium. She spoke regarding the choice between the two options. She addressed the impact of traffic from development.

Discussion ensued regarding the Town's past moratoria and other municipalities in the County that have recently enacted a moratorium or zoning in place for various areas. Town Attorney Randolph emphasized that a study must be conducted, and a determination must be made as to whether there is a real infrastructure problem. He spoke regarding a past moratorium that was discussed.

Gail Coniglio, 1139 N. Ocean Blvd., expressed appreciation for the presentation and spoke regarding how the size of homes in the North end have changed. She requested clarification from Town Attorney Randolph about if a change from CCR to FAR is done, then a zoning in progress can be made, to which he confirmed it would apply and provided further explanation on the topic. Mr. Murphy provided additional information. Discussion ensued regarding the ability for zoning in progress to study both commercial and residential at the same time. Ms. Coniglio stated that residents on the North end are also concerned about the height and mass of new homes being built.

Town Attorney Randolph provided further clarification on zoning in progress being declared with the necessity for FAR. Discussion ensued regarding what can be included in a study for a zoning in progress and the timing and how quickly it can be accomplished.

Mayor Moore expressed concern over individuals who have just purchased a home having issues with complying the zoning in progress and expressed concern over the timing of approving this during the summer.

Town Attorney Randolph spoke regarding the consultants and staff needing to meet and analyze data to determine what the issues are specifically.

XI. ANY OTHER MATTERS

4. Add on to construction projects

Director Bergman provided information on a problem with the permitting software extending permits by six months when anything is changed on a permit. Discussion ensued regarding the issue, and it was the consensus to add an item to the June agenda to discuss.

5. Temporary COVID seating and Café permits

Council Member Cooney stated that he has re-thought this issue and stated that he would support an extension at this time but emphasized that he only supports a temporary extension.

Council President Pro Tem Lindsay stated that she would support an extension if there were a deadline. She requested if staff could accommodate multiple applicants at one time, to which Mr. Murphy responded.

Council President Zeidman addressed the issue of scheduling and the extensive process for the café permits for the restaurant owners. She supported the extension as she had initiated the discussion the previous day.

Council Member Araskog expressed concern over seating that has been added some of the restaurants. She spoke in support of extending COVID seating until the July Council Meeting for those restaurants that have already applied for the café permit.

Council Member Crampton spoke regarding each application needing to come before Town Council. He spoke in support of extending the timeline to August.

Council Member Araskog spoke regarding the issue with enforcement and stated that she would support an extension if there were increased enforcement over the weekends.

Council President Pro Tem Lindsay stated that restaurants should not take advantage of the extension as a means to increase seating.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to extend the temporary COVID seating until Labor Day. Motion passed

unanimously, 5-0.

Deputy Town Clerk Churney announced that Mayor Moore had had a conflict of interest at the April 13, 2022 Development Review Meeting regarding 287 Pendleton Avenue, Resolution No. 41-2022. She stated that Mayor Moore has submitted the appropriate paperwork.

XII. ADJOURNMENT

Motion made by Council Member Araskog and seconded by Council Member Crampton to adjourn the meeting at 4:21 p.m. on May 11, 2022 without the benefit of a roll call.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Deputy Town Clerk
Date: _____