



# TOWN OF PALM BEACH

Minutes of the Development Review  
Town Council Meeting  
Held on June 15, 2022

## I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order June 15, 2022 at 9:34 a.m. On roll call, all elected officials were found to be present, with Council Member Araskog participating on Zoom.

## 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 introduced Palm Beach County Property Appraiser Dorothy Jacks.

*At this time, Ms. Jacks made her presentation located under item VII. Presentations.*

Mayor Moore asked the Town Council to review the letter regarding the proposed Clean Water Bond. She indicated if the letter was acceptable, she would sign and send it to the Palm Beach County Commission.

## IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman addressed the day's schedule and mentioned that the Code Reform item will be placed on the July agenda. She spoke regarding items to be placed under Other, such as a request for discussion of FAR; and a discussion of House Bill 423. Council President Pro Tem Lindsay spoke regarding an item coming to Council in July regarding options for water resources.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

No one indicated a desire to speak.

VI. APPROVAL OF AGENDA

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

Withdrawal of Permit Extension for 114 Seaspray Avenue

Deferral of ZON-22-017, 1237 N. Lake Way to the July 13, 2022 meeting

Deferral of ZON-22-033, 108 El Mirasol to the July 13, 2022 meeting

Deferral of ZON-22-037, 60-70 Blossom Way to the July 13, 2022 meeting

Deferral of ZON-22-059, 2219 Ibis Isle Road to the July 13, 2022 meeting

Deferral of ZON-22-046, 1160 N. Ocean Blvd. to the July 13, 2022 meeting

Withdrawal of ZON-22-063, 220 Arabian Road

Deferral of ZON-22-065, 360 El Brillo Way to the July 13, 2022 meeting

Deferral of ZON-22-070, 241 Seaview Avenue to the July 13, 2022 meeting

Deferral of ZON-22-071, 124 Coconut Row to the July 13, 2022 meeting

Deferral of ZON-22-073, 143 Reed Road to the July 13, 2022 meeting

Deferral of ZON-22-083, 965 N. Ocean Blvd. to the July 13, 2022 meeting

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

Mayor Moore inquired about the number of deferrals and wondered about the reason for the deferral. Mr. Bergman stated that these projects were deferred because they had not yet been approved by ARCOM or LPC.

Council Member Cooney added that the deferrals are still on the agenda due to the notice requirements.

VII. PRESENTATIONS

A. Presentation from Palm Beach County Property Appraiser Dorothy Jacks

Dorothy Jacks, Palm Beach County Property Appraiser, presented an overview on the Town's market value, taxable value, and the impact of assessment caps and homestead and other exemptions. She spoke regarding home values and sales during

the past year and the outlook of the real estate market in the upcoming year.

Council President Pro Tem Lindsay inquired about the number of homestead exemptions filed. Ms. Jacks responded and discussed the number of exemptions filed each year.

Council Member Crampton inquired if a person could obtain two homestead exemptions, specifically when a property is inherited. Ms. Jacks discussed how the homestead exemptions are filed.

Council President Zeidman asked when a homeowner could apply for the exemption. Ms. Jacks discussed the process of filing a homestead exemption and explained portability.

Council Member Araskog inquired about the program for reduced taxes for senior citizens, widows/widowers, and disabled citizens, to which Ms. Jacks responded.

Mayor Moore expressed appreciation to Ms. Jacks for her presentation and requested that she return with another presentation when she had her annual report.

## VIII. DISCUSSION ITEMS

### A. Add On to Construction Projects

Council President Zeidman spoke regarding an issue of the addition of smaller construction projects to a large construction project, which increases the timeline for the project. Director of Planning, Zoning and Building Bergman provided further background on the issue and explained a problem with the department's software that allowed this extension of projects. He spoke regarding new software that will be implemented and answered Council Members' questions.

Mayor Moore spoke in support of waiting until the new software is implemented to see if it solves the problem. Council President Zeidman expressed concern that it will not catch the issue of additional permits being issued. Discussion ensued regarding the new software's capabilities and the timeline for the new software's implementation.

### B. Landmarks Preservation Commission Calendar

*Margaret A. Zeidman, Town Council President*

Council President Zeidman stated that the Landmarks Commission requested not to have a meeting in August 2023. She stated it was a hardship for some of them that had second homes up north and indicated that it was not required by the Code for the LPC to meet every month. She wanted to make sure that the Town would continue to meet the needs of the residents but wanted to ask the Town Council their thoughts on the matter.

Mr. Bergman spoke regarding this being feasible for LPC for 2023, because the calendar for projects can be scheduled to exclude August. He stated that ARCOM is required by Code to hold monthly meetings, therefore changing that schedule

would require an ordinance.

Council Member Cooney was hesitant to change the process and was not in favor for the potential delay it would cause the residents. He stated if both Commissions took a break in the month of August and it was a Town-wide initiative, he could support the request.

Council Member Araskog stated that she would support the change if it were for both LPC and ARCOM.

Council President Pro Tem Lindsay spoke regarding the possibility of doubling up of projects to catch up from a month off.

Council Member Crampton stated that the strength of the program was to ensure that projects are being addressed in a timely manner and spoke in support of the request if proper notice is made. Discussion ensued regarding allowing both commissions to have a hiatus as of August 2023.

Council Member Araskog recommended that staff review requests for demolitions during the hiatus.

Anne Metzger, 277 Esplanade Way, stated that the Landmarks Preservation Commission unanimously approved requesting the break.

Council Member Crampton spoke regarding looking at allowing the Town Council to deduct the cost of their travel costs. Mayor Moore stated that that kind of change would need to be passed by referendum. Discussion ensued regarding attempting a charter change to pay Town Council and/or the quasi-judicial boards.

Pat Segraves, Landmarks Preservation Commissioner, stated that he would not be in favor of delaying any projects due to a hiatus. He spoke regarding quorum being four members.

Council President Zeidman stated that she is not in favor of relying on a quorum and stated that if elected or appointed, the expectation was for the members to be present during the meeting.

Caroline Forrest, MHK Architecture, discussed the process of getting a project approved through one of the commissions and spoke regarding the delay if the Commissioners did not meet in August.

In response to Council Member Crampton, Mr. Bergman addressed the project approval process. Discussion ensued regarding the burden on the professional community and the connection between LPC and ARCOM. Council President

Zeidman spoke regarding LPC being able to make this decision themselves, but ARCOM would need to be changed by ordinance.

Council Member Araskog stated that LPC is now reviewing historic buildings in addition to their former responsibilities. She suggested sending the item to ORS, to which Council President Zeidman stated that she feels that the Town Council should make this decision.

Council President Pro Tem Lindsay stated that she thought that the decision should be applicable for both ARCOM and LPC. Council President Zeidman spoke regarding the necessity to speak with the members of ARCOM on their desire to also take a break and stated that the Council will need to review this issue further prior to making a decision.

Sue Patterson, Chair of the Landmarks Preservation Commission, spoke in support of a month hiatus in the summer.

The consensus of Town Council was to review this item further, speak with ARCOM regarding this issue and bring back to a future Council meeting.

Council Member Araskog spoke regarding the current process as opposed to the former process.

*Please note: A short break was taken at 11:02 a.m. The meeting resumed at 11:16 a.m.*

## IX. DEVELOPMENT REVIEWS

### A. Appeals

#### 1. ARCOM Appeal of ARC-21-101 425 Chilean Avenue

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

Council Member Cooney, Council President Zeidman, Council President Pro Tem Lindsay and Mayor Moore declared ex parte communications.

Frank Lynch, attorney for the applicant, provided an overview of the approval from ARCOM, the issues that his client had with the property, the changes that were made without an approval and his attempt to obtain an approval from ARCOM.

Mr. Bergman provided staff comments.

Mr. Lynch displayed a video of the items he presented and reiterated the issue. He answered Council Members' questions.

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

Council Member Cooney, Mayor Moore and Council President Pro Tem Lindsay spoke in opposition to the appeal. Council Member Araskog spoke regarding the ARCOM meeting where the item was heard.

**Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to deny the ARCOM appeal of ARC-21-101, 425 Chilean Avenue, on the basis that there was competent substantial evidence to support ARCOM's decision. Motion carried unanimously, 5-0.**

B. Time Extensions and Waivers

1. Request for Permit Extension for 114 Seaspray Avenue  
*This item was withdrawn at the approval of the agenda.*

C. 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 approved the project with a condition related to the architecture will return on June 29, 2022. Carried 6-1.]

Council Members Cooney and Araskog declared ex parte communications.

Maura Ziska, attorney for the applicant, provided an overview of the project and presented the zoning requests. She indicated that they had reduced their request and were building in the same footprint of the previous home.

Pat Segraves, SKA Architect + Planner, presented the architectural plans proposed for the new residence.

Council Member Cooney confirmed that without the SPR, the applicant

could not build on the lot. Ms. Ziska provided confirmation. Mr. Cooney spoke in support of the project.

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 Special Exception ZON-21-006 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 Council Member Cooney and seconded by Council Member Araskog that Site Plan ZON-21-006 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified 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-22-017 (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. [Architectural Review Commission Recommendation: Implementation for the proposed variance for the second story will cause negative architectural impact to the subject property. Carried 4-3. Implementation for the proposed variance, which addressed the point of measurement, will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

- c. **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 June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

- d. **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 June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

- e. **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. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 5-2.]

Council Member Cooney and Mayor Moore declared ex parte communications.

Maura Ziska, attorney for the applicant, introduced Arthur Pergament, who owns the building.



Mr. Pergament thanked the Town Council and explained the renovations to the building.

Ms. Ziska provided an overview of the project and presented the zoning requests.

Natalia Livian, Wannemacher Jensen Architects, Inc., presented the plans proposed for the renovations to the existing condominium.

Mr. Murphy provided staff comments.

Council Member Araskog inquired if the mechanical equipment would affect the neighbor, to which Mr. Murphy responded.

Council Member Crampton inquired if staff supported the changes. Mr. Murphy stated that staff had a good working relationship with the team and did support the changes.

Council Member Cooney inquired about the color of the shade structure. Ms. Livian stated that it would be white.

Council Member Lindsay spoke in support of the project.

Mayor Moore reminded the owner that there was no work allowed on the weekends. She requested that the owner stop any weekend work.

Council Member Araskog asked about the material to be used for the hedge. Ms. Livian responded and stated the hedge in question was on the neighbors' property. Mr. Pergament stated he planned on planting another hedge in front of the existing hedge to screen the property.

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

**Motion made by Council Member Crampton and seconded by Council Member Cooney that Special Exception ZON-22-044 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 Council Member Crampton and seconded by Council Member Cooney that Site Plan ZON-22-044 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified 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.**

**Motion made by Council Member Crampton and seconded by Council Member Cooney that Variance ZON-22-044 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 5-0.**

Mayor Moore requested that staff reach out to the Biltmore about the condition of their hedge. Mr. Bergman stated he would address the issue.

- f. **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. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the historically significant building. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Council Member Cooney, Council President Zeidman and Mayor Moore declared ex parte communications.

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

Caleb Laux, FCS Design LLC, presented the architectural plans proposed for the renovations and additions to the existing residence.

Mr. Murphy provided staff comments.

Council President Pro Tem Lindsay spoke in support of the project.

Council Member Cooney spoke in support of the project.

Council Member Crampton requested to see the home in context with the neighboring homes. Mr. Laux showed the Council photographs of the streetscape.

Mayor Moore inquired if the home had a garage. Mr. Laux responded and indicated the removal of the existing carport.

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 Cooney that Variance ZON-22-045 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 and Chapter 50 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-22-059 (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 June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

2. New Business

- a. **ZON-22-046 (ARC-22-063) 1160 N OCEAN BLVD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Paul & Cythlen Maddock, has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the construction of a 500 SF beach cabana in the BA zoning district. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting.

Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

- b. **ZON-22-052 (ARC-22-076) 425 WORTH AVE, PH-B (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW & VARIANCES** The applicant, Mary Randolph Ballinger, has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and Variances for (1) to exceed maximum building height, (2) to expand the nonconforming 6th floor, and (3) to reduce existing nonconforming rear (north) yard setbacks, in conjunction with a 58 SF addition to an existing 6th floor penthouse. The Architectural Commission will perform design review of the application.

Mayor Moore declared ex parte communications.

Jessica Shapiro, attorney for the applicant, provided an overview of the project and presented the variance request.

Kyle Fant, Bartholemew + Partners, presented the architectural plans proposed for the addition to the existing condominium.

Mr. Murphy provided staff comments.

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-22-052 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 5-0.**

**Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Special Exception ZON-22-052 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 ZON-22-052 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified 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-22-054 (HSB-22-004) 324 BARTON AVE (COMBO) - VARIANCES** The applicants, Leverett and Linda Miller, have filed an application requesting Town Council review and approval for a Variances to (1) reduce the required side (east) yard setback, (2) for the expansion of a nonconforming accessory structure, 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 5.34' NAVD in lieu of the required 7' NAVD, in conjunction with one story additions to a Historically Significant building two-story main house and one story additions to an existing two-story accessory structure. 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 historically significant building. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Council President Zeidman and Mayor Moore declared ex parte communications.

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.

Mr. Cooney stated that he was thrilled the owner was participating in the Historically Significant Building program.

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-22-054 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 and Chapter 50 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.**

- d. **ZON-22-063 (ARC-22-074) 220 ARABIAN RD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Richard Carlino, 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 portions of platted lots deficient in lot width. The Architectural Commission will perform design review of the application. [The Architectural Review Commission denied the project at the May 25, 2022 meeting. Carried 4-3.] Staff Recommends a Withdrawal of the Project.

*This item was withdrawn at the approval of the agenda.*

- e. **ZON-22-065 (ARC-22-099) 360 EL BRILLO WAY (COMBO) - VARIANCES** The applicant, El Brillo Way Trust u/a/d September 24, 2021 (David Klein trustee), has filed an application requesting Town Council review for Variance (1) to exceed the building height plane for a new two-story residence, (2) to reduce the required front setback for a new pool, (3) to exceed the angle of vision in order to construct a detached cabana in the required yard area, and (4) for swimming pool equipment to exceed the maximum distance from water's edge.. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

- f. **ZON-22-066 520 ISLAND DR - VARIANCES** The applicant, has filed an application requesting Town Council review and approval for variances to (1) exceed by 18 ft the maximum dimension of 6 ft west of the bulkhead line to install 3 mooring piles 24 ft westward , (2) to exceed by 51 (33%) the maximum width of 45 ft (30% of 150 ft wide lot) to install a 96 ft (63%) wide dock, (3) to reduce the required north side yard setback by 7' to install mooring piles at 18' where 25' is required, (4) To exceed the maximum dock width of 10' for a dock (east) further than 6' from bulkhead and (5) to exceed the maximum number of docks allowed on a property from one to two for a property with water frontage on east and west sides of Everglades Island.

Mayor Moore declared ex parte communications.

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

Matt Butler, Isiminger & Stubbs Engineering, Inc., presented the plans proposed for the addition of two docks.

Council President Pro Tem Lindsay asked for clarification of the locations proposed for the boat lifts and platforms. Ms. Ziska responded. Ms. Lindsay spoke regarding this new type of lift becoming the norm and inquired to Mr. Bergman if the ordinance regarding boat lifts in the intercoastal be amended to address these new types of lifts, to which he responded that he agreed that the ordinance should be reviewed for revision.

Mayor Moore inquired if there would be a large boat docked on the east side. Mr. Butler responded and discussed the capacity limit of the dock and the conditions of the area. Mayor Moore expressed concern over how the neighbors would feel about seeing a boat on the west side of the street.

Council Member Araskog inquired about the proposed usage for the dock, to which Mr. Butler responded. Council Member Araskog stated that she would like to ensure the dock would be used for vessels only.

Council Member Cooney stated that he did not have any objections but had trouble visualizing the new docks. He spoke in support of re-visiting the ordinance. Discussion ensued regarding the new types of docks being installed and Mr. Butler answered questions.

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-22-066 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 5-0.**

Council President Zeidman asked if the issue should be discussed by ORS. Council President Pro Tem Lindsay stated that it should be discussed by the Planning and Zoning Commission.

*The Town Council recessed at 12:57 p.m. and reconvened at 1:50 p.m.*

- g. **ZON-22-067 (ARC-22-104) 281 MONTEREY RD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Adam Demark, has filed an application requesting Town Council review for Special Exception with Site Plan Review for the construction of a new two-story residence on portions of non-platted lots deficient in lot width. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with a condition related to the landscape at the May 25, 2022 meeting. Carried 7-0]

Council Member Cooney and Council President Zeidman declared ex

parte communications.

Jack Rice, attorney for the applicant, provided an overview of the project and presented the variance request.

Caroline Forrest, MHK Architecture & Planning, presented the architectural plans proposed for the new residence and answered questions.

Council Member Cooney spoke in support of the project and added that the professional was approved at the first presentation at ARCOM.

Council Member Araskog inquired about the location of the A/C unit. Ms. Forrest stated that they worked through the concerns for the mechanical unit with the neighbor. Discussion ensued about the location of the units.

Council President Pro Tem Lindsay inquired about the additional hedge to be added near the garage, to which Ms. Forrest responded. Ms. Lindsay inquired if the neighbors were in favor of the plan and Ms. Forrest replied. Council President Zeidman spoke in support of the project. In response to a question by Ms. Zeidman, Ms. Forrest explained the roof height and design.

Mr. Bergman provided staff comments.

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 Special Exception ZON-22-067 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 ZON-22-067 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified 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 4-1, with Council Member Araskog dissenting.**

- h. **ZON-22-068 (COA-22-024) 238 PHIPPS PLZ (COMBO) - VARIANCES** The applicant, Phipps Plaza Properties Partners LLC, has filed an application requesting Town Council review and approval for



variances to (1) reduce by 4'11" the required side (west) setback of 5' to place a 6' tall air-conditioning unit at 1" to the property line and to (2) reduce by 2'-2" required rear (south) setback of 5' to place the equipment at 2'-10" to the property line, (3) to forgo equipment screening requirement, and (4) for a variance from Chapter 50 for the required elevation for a new AC equipment on a landmarked building to install at 4.0' NAVD in lieu of the required 8' NAVD. [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.]

Council President Zeidman declared ex parte communications.

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

Nelo Freijomel, Spina O'Rourke + Partners, presented the architectural plans proposed for the modifications to the existing residence.

Mr. Murphy provided staff comments.

Council Member Cooney stated that he thought that the proposal was acceptable since there was a site wall in the rear of the property, and it faced the bank parking lot. He believed that the request was reasonable. Council President Zeidman called for public comment. No one indicated a desire to speak.

Council Member Araskog requested the hardship for the variance. Ms. Ziska responded and stated the hardship for the request.

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton that Variance ZON-22-068 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 5-0.**

- i. **ZON-22-069 146 SEASPRAY AVE - VARIANCES** The applicant, Michael and Michelle Fries, has filed an application requesting Town Council review and approval for variances to (1) reduce by 4.4' the required rear setback of 10' in order to construct a 128 SF addition at 5.6' to match the existing nonconforming rear (south) setback and (2) for the expansion of a nonconforming accessory structure. The Architectural Commission approved the project on 08/25/21, pursuant to ARC- 21-015.

Council Member Crampton, Council President Zeidman, and Council Member Cooney declared ex parte communications.

Jack Rice, attorney for the applicant, provided an overview of the project and presented the variance request.

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

Mr. Murphy provided staff comments.

Council Member Cooney stated that he thought the addition was minor and expressed appreciation that the neighbors had worked out a solution.

Council Member Araskog inquired about the hardship for the request, to which Mr. Rice responded. She expressed appreciation for the owner and neighbors finding a resolution.

Council President Zeidman spoke in support of the project.

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-22-069 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 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.**

- j. **ZON-22-070 (COA-22-026) 241 SEAVIEW AVE (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Palm Beach Day Academy Inc., has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception with Site Plan Review for the installation of a surface parking lot for 34 cars, new parking gates and lighting plan, and to replace a portion of the west lawn. The applicant is also seeking to modify the existing Declaration of Use related to the number of times parking can be used. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission deferred the project to their June 22, 2022 meeting. Carried 5- 2.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

- k. **ZON-22-071 (ARC-22-105) 124 COCOANUT ROW (COMBO)**

- **VARIANCES** The applicant, Nedim Soylemez and Rebecca Ann Soylemez, has filed an application requesting Town Council review for a variance (1) to exceed maximum cubic content ratio (CCR), (2) to exceed maximum building height, and (3) to exceed maximum overall building height, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

1. **ZON-22-073 (ARC-22-043) 143 REEF RD (COMBO) - VARIANCES** The applicant, John K. Criddle, has filed an application requesting Town Council review and approval for variances (1) to exceed the maximum amount of fill and (2) to exceed the maximum Cubic Content Ratio (CCR) in conjunction with the construction of a new two-story single-family house. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

- m. **ZON-22-083 (ARC-22-072) 965 N OCEAN BLVD (COMBO) - SITE PLAN REVIEW** The applicant, 965 North Ocean Boulevard, LLC (Matthew Sellick), has filed an application requesting Town Council review and approval for Site Plan Review for the installation of a 150 kW generator in conjunction with the construction of a new residence. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

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

## X. **ORDINANCES**

### A. **Second 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.

Town Attorney Randolph read the title of the ordinance.

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 009-2022 on second 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.

Town Attorney Randolph read the title of the ordinance.

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

## XI. ANY OTHER MATTERS

### 1. House Bill 423

Town Attorney Randolph explained House Bill 423, which is restricting municipalities from preventing the demolition of homes within certain communities and provided an overview of potential Code changes to address this.

Council Member Cooney spoke regarding the potential negative impact of this law to landmarking of historic homes and spoke regarding the process becoming more of an administrative process.

Council President Pro Tem Lindsay wondered whether other historic towns in

Florida were also upset about this bill and spoke in support of working with these other towns to approach the legislature and the Governor that this bill negatively impacts historic designations and request that there would be some grandfathering or reversal for already designated homes. Discussion ensued regarding the issue that this item was not brought to municipalities' attention.

Mayor Moore recommended speaking with the Town's lobbyist to see how this bill was not brought to the Town's attention.

Town Attorney Randolph answered Council Members' questions.

Council Member Araskog expressed concern that this bill was not brought to the Town's attention and expressed concern for the bill's assault on home rule.

Assistant Director Murphy spoke regarding the Town of Palm Beach being one of four municipalities in the state that were the focus of the bill and spoke regarding what Miami Beach is doing to approach this bill.

Mayor Moore spoke in support of the Town Attorney drafting a letter to the Governor in opposition to this bill.

Council President Zeidman expressed concern that the Town is a target of this bill. Mr. Bergman provided further information on the requirements of the bill.

## 2. Discussion regarding FAR

Council Member Araskog discussed the complications of calculating CCR. She requested to have a discussion be added to the July agenda about using FAR and the direct calculation from CCR to FAR. Director Bergman spoke regarding using FAR as opposed to CCR.

Council President Pro Tem Lindsay spoke in support of 35% being the average and Mr. Bergman explained the recommendation.

Council President Zeidman expressed concern over what is being discussed because FAR would need to be added to the zoning ordinance and spoke regarding needing to have the right information on what average to approve.

Council Member Cooney spoke in support of waiting to see what the zoning consultants recommend on this issue.

Council Member Crampton spoke regarding trusting the process for making this change.

Council Member Araskog spoke regarding the desire to have an equal conversion in the meantime. In response to Council Member Araskog, Mr. Bergman spoke regarding the possibility of using a CCR-FAR conversion. Discussion ensued regarding moving forward with a temporary conversion until the zoning code review is complete.

Council President Pro Tem Lindsay spoke in support of asking the zoning consultants when the FAR will be addressed.

Mayor Moore spoke in support of holding a discussion without the professionals

present. Further discussion ensued regarding bringing forward a discussion of having a temporary conversion to address large scale homes being built without staff being able to check the CCR. Mr. Bergman stated that staff and the zoning consultant will bring this issue to the July Town Council meeting during the zoning update.

XII. ADJOURNMENT

**Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adjourn the meeting at 3:24 p.m. on June 15, 2022, without the benefit of a roll call.**

APPROVED:

\_\_\_\_\_  
Margaret Zeidman, Town Council President

ATTEST:

\_\_\_\_\_  
Kelly Churney, Deputy Town Clerk  
Date: \_\_\_\_\_