



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on July 13, 2022

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order July 13, 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

Mayor Moore requested the public to hold any text or email communications before 7:00 a.m. and after 9:00 p.m.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog expressed her concern for the Seaview Café using food delivery services. She also expressed concern that the company was a LLC. She stated that Carolyn Stone has addressed both issues.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Anne Pepper, 333 Seaspray Avenue, spoke in opposition of the proposed parking lot at the Palm Beach Day School.

VI. APPROVAL OF AGENDA

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

Deferral of ZON-22-017, 1237 N. Lake Way to the August 10, 2022 meeting

Withdrawal of ZON-22-033, 108 El Mirasol

Deferral of ZON-22-065, 360 El Brillo Way to the August 10, 2022 meeting

Deferral of ZON-22-071, 124 Cocoanut Row to the August 10, 2022 meeting

Deferral of ZON-22-083, 965 N. Ocean Blvd. to the August 10, 2022 meeting

Deferral of ZON-22-021, 160 Seaview Avenue to the September 14, 2022 meeting

Withdrawal of ZON-22-077, 304 Garden Road

Deferral of ZON-22-079, 284 Monterey Road

Deferral of ZON-22-089, 515 N. Lake Way to the August 10, 2022 Meeting

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

VII. PRESENTATIONS

A. Preservation Foundation History of Landscaping in Palm Beach

Aimee Sunny, Preservation Foundation of Palm Beach, introduced the three interns at the Foundation and provided an overview of their summer project.

Interns: Anthony Mendez, Isabel Marcella Lewis and Joanna Luchese

Mayor Moore expressed appreciation for the presentation and the work of the interns.

Council Member Crampton recommended making this presentation into a book.

Council President Pro Tem expressed appreciation for the presentation and for recognizing the Town's Green Initiative.

Council Member Araskog expressed appreciation for the presentation.

Jorge Sanchez, 239 Southland Road, expressed appreciation for the report and spoke regarding some historical facts that had been omitted. He spoke regarding the importance of native plants and spoke regarding some of the exotics that had been brought into the Town through the years.

B. Code Review Update with Sean S. Suder, ZoneCo **TIME CERTAIN - 10:00 A.M.**

Mr. Suder provided an update of plans for the code review update, based on his recent visit to the Town and his one-on-one sessions with the Council Members. Mr. Suder pointed out issues of concerns with residential development, commercial development, and with the current zoning code. He also pointed out what he viewed as successes in the community. He spoke regarding the calculation of CCR and FAR. He spoke regarding including building height, setbacks, and location in addition to FAR to control development patterns and provided graphics for the possible approach to residential scale. He presented the project plan and explained the engagement efforts.

Mayor Moore thanked Mr. Suder for the graphics presented and indicated how helpful they were to visualize the issues.

Council President Pro Tem Lindsay discussed the issues about which she receives complaints. She stated that she was appreciative that the R-B zoning districts was the first focus.

Council Member Crampton expressed appreciation for the approach that the consultants are taking and the work that they have done on the code.

Council Member Araskog spoke regarding addressing the issue of corrugated sheet piles. Mr. Bergman stated that he could speak to the Public Works engineer to recommend that these materials should not be approved. Ms. Araskog inquired about the property rights, to which Mr. Suder pointed out he was referring to both Bert Harris law as well as neighbor property rights. She spoke in support of trying to move to a FAR calculation from CCR in the interim, to which Mr. Suder responded. Mr. Suder addressed off-street parking in response to a question from Council Member Araskog.

Council President Lindsay spoke regarding the importance of not moving too quickly and addressing items separately.

Council Member Cooney cautioned about not moving too quickly in this process and spoke in opposition to looking at quick fixes. He addressed the issue of corrugated sheet piles and asked Mr. Bergman what would be considered as an alternative, to which Mr. Bergman responded.

1. Discussion on FAR versus CCR
There was no discussion on this item.

The Town Council recessed at 10:57 a.m. and reconvened at 11:06 a.m.

VIII. DISCUSSION ITEMS

A. Project Designation Manual Matrix

Assistant Director of Planning, Zoning and Building, James Murphy, presented the changes to the matrix and discussed the logic and thought process behind the changes.

Jeff Smith, Chairman of ARCOM, offered his support for the changes and thought it would streamline the process for the residents.

Council Member Cooney inquired about the notice for minor projects, to which Mr. Murphy responded. Council Member Cooney spoke in support of the matrix and stated that he thought the manual is well thought-out and that the changes were sensible.

Council Member Araskog asked Chairman Smith about his review of certain projects. Chairman Smith discussed the new process with regards to staff approvals. Mr. Murphy explained the new approval process and clarified some questions from Ms. Araskog. He spoke regarding the new minor project noticing requirements.

Council Member Crampton spoke in support of the changes.

Council President Pro Tem Lindsay inquired about the approval of artificial turf as she receives regular complaints about the material. Mr. Murphy spoke regarding the reasons staff removed the material as a separate line item.

Council President Zeidman inquired about what would happen if the Chair is not an architect, to which Mr. Smith replied that if the Chair is not an architect, the designee should be an architect.

Council Member Cooney spoke regarding relying on the judgment of the Commission to determine who will be making the reviews.

Council Member Araskog and Council President Pro Tem spoke in ensuring that the reviewer is an architect.

Mayor Moore spoke in support of moving the manual forward.

Council President Zeidman called for public comment.

Jorge Sanchez, 239 Southland Road, complimented Messrs. Bergman, and Murphy, and spoke in opposition to requiring landscaping changes to be reviewed. He requested that the word "landscape" be removed from the requirements.

Council Member Cooney stated that he believes that Mr. Sanchez raised an interesting point on minor landscape changes.

Discussion ensued regarding the permit requirements for landscape changes, specifically hedges.

Town Attorney Randolph provided background information on the Code language on perimeter hedges.

Jordan Hodges, Preservation and Design Planner, spoke regarding the currently adopted matrix, which shows a line item for landscape. He clarified the requirements for review in the proposed matrix.

Mr. Sanchez expressed concern over requiring minor landscape changes to go through a review being onerous.

Council President Pro Tem Lindsay spoke in support of neighbors working with each other on minor landscape changes. She spoke in support of removing minor landscape changes from the matrix.

Mayor Moore spoke in support of being logical and removing minor landscape changes from the requirement for review.

Director Bergman suggested changes to the matrix to address the concern of Mr. Sanchez and Council.

Dan Kahan, Smith and Moore Architects, spoke in support of the proposed changes.

John Eubanks, Attorney, spoke regarding retaining the neighbor consent for perimeter landscaping.

No motion was necessary as the item would be approved through a resolution later in the meeting.

B. Discussion Regarding Changes to the ARCOM Ordinance

Council Member Araskog provided information on issues with changes to the ARCOM Ordinance: noticing requirements, digitalized color photographs, including elevation in the notice.

Town Attorney Randolph spoke regarding including anything other than standard notice language in public hearing notices.

Director Bergman spoke regarding the work that staff has done on reviewing the Town Code for conflicts in noticing requirements and in making the noticing requirements consistent across the board. He explained the reasoning behind the changes discussed by Ms. Araskog. Mr. Murphy provided additional information on the changes that have been made and discussed many inconsistencies with the Code. He presented the uniform development checklist and explained the requirement for color photographs. He spoke regarding the uniform development review instructions and the public hearing notices. He spoke regarding the requirement for plan revisions.

Council Member Cooney spoke in support of the proposed changes and commended the amount of transparency in the new process.

Council Member Araskog stated that she did not have all the information at the time the changes went into effect.

Council President Pro Tem Lindsay spoke in support of the changes that have been made.

C. **Problems With Site Walls Built on Property Lines**

Director Bergman provided background information on the item and explained the problem with property owners building site walls on property lines. He spoke in support of working with the consultants to review these items.

Council Member Araskog spoke regarding some of the complaints she's heard regarding these walls and spoke in support of the staff and consultants reviewing the issue.

The Town Council provided consensus to refer this issue to Planning staff and the consultants to review.

IX. **RESOLUTIONS**

A. **RESOLUTION NO. 077-2022** 264 South County Road

A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

Emily Stillings provided background information on the item. Ms. Stillings confirmed that the work has been completed in accordance with the standards.

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 to approve Resolution No. 077-2022. Motion carried unanimously, 5-0.

B. **RESOLUTION NO 078-2022** 270 South County Road

A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

Emily Stillings provided background information on the item. Ms. Stillings confirmed that the work has been completed in accordance with the standards for rehabilitation.

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 to approve Resolution No. 078-2022, authorizing an ad valorem tax exemption. Motion carried unanimously, 5-0.

- C. RESOLUTION NO. 079-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting The ARCOM Project Designation Manual As Referenced In Chapter 18 Of The Town Code Of Ordinances; Providing An Effective Date.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 079-2022, incorporating changes made at the meeting. Motion carried, 4-1. Council Member Araskog voted NO.

X. DEVELOPMENT REVIEWS

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

1. Old Business

- a. **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 July 27, 2022 meeting. Carried 7-0.] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

- b. **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.] This item was withdrawn by the applicant.

This item was withdrawn at the approval of the agenda.

- c. **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 approved the project as presented. Carried 5-2.]

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

Council Members Cooney and Araskog declared ex parte communications.

Maura Ziska, attorney for the applicant, provided an overview of the site plan review requested.

Dan Kahan, Smith and Moore Architects, presented the architectural plans proposed for the new residence.

Mr. Falco 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 Site Plan ZON-22-037 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.

- d. **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 approved the project with conditions related to the architecture. Carried 7-0.]

Council Members Cooney and Araskog declared ex parte communications.

Maura Ziska, attorney for the applicant, provided an overview of the site plan review requested.

Daniel Clavijo, SKA Architect + Planner, presented the architectural plans proposed for the new residence.

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 Site Plan ZON-22-059 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.

- e. **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 approved the project with conditions related to the architecture. Carried 7-0.]

Council Members Cooney, Araskog and Mayor Moore declared ex parte communications.

Conner Peede, Shorebreak Designs Architecture + Planning, presented the architectural plans proposed for the new beach cabana.

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 Member Araskog that Special Exception ZON-22-046 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council Member Araskog that Site Plan ZON-22-046 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.

At this time, the Town Council heard the project at 1676 S. Ocean Blvd., out of order of the agenda:

- a. **ZON-22-053 1676 S OCEAN BLVD - VARIANCES** The applicant, John Scarpa, has filed an application requesting Town Council review and approval for a Variance (1) to reduce by approximately 13' the required side (north) setback of 35' in order to install a 35' high flagpole in the required side setback along the north property line.

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

M. Timothy Hanlon, attorney for the applicant, presented the request for the flagpole to be placed on the property and the requested variance for said flagpole.

Mr. Murphy provided staff comments and stated the applicant agreed to lower the pole by 10 inches.

Council Member Cooney discussed the property line and the limitations on other flags that could be flown.

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

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Variance ZON-22-053 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.

- f. **ZON-22-065 (ARC-22-099) 360 EL BRILLO WAY (COMBO) - VARIANCES** The applicant, El Brillo Way Trust uad 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 July 27, 2022 meeting. Carried 7-0.] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

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

- g. **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 approved the project at their June 22, 2022 meeting. Carried 5-0.]

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

Maura Ziska, attorney for the applicant, provided an overview of the project, provided the relevant details, and explained the zoning requests for the proposed project.

Jedidiah Hall, Nievera Williams Design, presented the landscape and hardscape plans proposed for the proposed parking lot.

Chad Gruber, Gruber Consulting Engineers, provided an overview of the drainage plan.

Ms. Ziska confirmed with Mr. Gruber that the proposed drainage plan will protect the properties on Seaspray Avenue.

James Green, attorney representing 10 residents living on Seaspray Avenue, asked Mr. Gruber about the soil on the property where the site wall is to be placed. Mr. Gruber responded and showed the plan that depicted the type of soil. Ms. Ziska spoke regarding the proposed site wall.

Caroline Forrest, architect for the project, a current member of the board and head of facilities for the Palm Beach Day Academy, spoke regarding the undergrounding being done on Seaview Avenue currently. She provided background of the school and spoke regarding the proposed project.

Mr. Green inquired about the number of students on the upper campus. Ms. Forrest responded.

Mr. Murphy provided staff comments.

Ms. Ziska spoke regarding amending the declaration of use agreement at a later date if this item is approved.

Council President Pro Tem Lindsay inquired about the concrete turf block that was presented at the Landmarks Preservation Commission Meeting. Mr. Hall indicated that the LPC supported the tabby concrete. Ms. Lindsay inquired about using a more permeable material for the parking lot. Ms. Ziska advocated for the proposed material, discussed the greenspace calculations, the new drainage proposed, and the new CBS wall proposed. Ms. Lindsay inquired about the

school being open in the evening hours to allow for parking for the Recreation Center, to which Ms. Ziska responded.

Mr. Crampton expressed surprise that the proposed material was not permeable. Mr. Gruber stated that the drainage proposed was more effective than the permeable pavers. Mr. Crampton inquired about staff's opinion for the proposed project, to which Mr. Bergman responded. Mr. Crampton inquired about the usage, to which Ms. Ziska discussed and explained the intent of the proposed parking.

Mr. Cooney asked Mr. Gruber about the amount of retention of water on site and asked if it was designed as a residential or commercial property. Mr. Gruber responded.

Ms. Araskog expressed concern over the runoff on to Seaview Avenue and asked about a heavy rainfall. Mr. Gruber responded. Ms. Araskog inquired about the lighting for the parking lot and asked if the neighbors to the north would see any lights, to which Mr. Hall responded. Ms. Ziska provided additional clarification on the need for the additional parking.

Mayor Moore inquired about the field and its current use, to which Ms. Ziska responded. Ms. Moore spoke regarding ensuring there is still enough green space for the students at the school.

Council President Zeidman spoke regarding concerns that have been raised by the neighbors. She asked Mr. Bergman if the proposed lot would cause a drainage issue for the neighbors to the north, to which Mr. Bergman responded. Mr. Gruber provided further information. Ms. Zeidman inquired about the lighting that would spill over to the north property. Mr. Hall responded. Ms. Ziska responded to questions from Ms. Zeidman regarding the grades of the neighboring properties.

Mr. Cooney inquired if the lot would be raised or constructed at grade. Mr. Hall stated it would be constructed at grade.

Discussion ensued regarding the neighbors' homes and which homes would be affected by lighting spill over.

Ms. Araskog inquired about Ms. Ziska having discussions with the Recreation Center, to which Ms. Ziska responded.

Council President Pro Tem Lindsay inquired if the ground to the wall could be sloped differently. Mr. Gruber stated that it was possible. Ms. Lindsay spoke in support of looking at sloping it slightly down.

Council President Zeidman inquired about the length and depth of the retaining wall, to which Ms. Ziska responded.

Council President Zeidman called for public comment.

Mr. Green provided corrections regarding some of the neighboring homes. He spoke regarding the applicant attempting to intensify its use and explained why the neighboring residents were not in attendance at the June LPC meeting. He spoke regarding there not being a traffic engineer's opinion and spoke regarding options for teacher parking. He addressed the declaration of use agreement. He provided further concerns over the application. He provided alternative plans and spoke regarding the need to have a traffic engineer review the issue.

Ms. Araskog inquired about the traffic study provided to the Council. Mr. Green stated he would email it to Ms. Araskog and provided further information.

Wes Blackman, Professional Urban Planner, discussed the future land use element in the comprehensive plan and argued the lot coverage for the proposed plan. Mr. Bergman responded to Mr. Blackman's comments.

Council President Zeidman spoke regarding the Town Council receiving the alternative information at a late hour and recommended deferring the item so Council would have adequate time to review.

Ms. Ziska spoke in opposition to a deferral.

Council Member Crampton spoke in support of moving forward with deciding the item and not deferring.

Council Member Cooney agreed that he believes that they have competent substantial evidence to be heard today.

Council Member Araskog spoke in support of deferring the item in order to review the additional information provided by Mr. Green.

Mayor Moore inquired if there would be a crane be placed in the parking lot, to which Ms. Ziska and Ms. Forrest responded. Mayor Moore spoke in support of the Town Council making a decision today.

Council President Pro Tem Lindsay inquired if this item would be in compliance with the comprehensive plan, to which Mr. Randolph responded. Mr. Bergman provided further confirmation.

Ms. Araskog inquired about the use of the study, to which Mr. Randolph and Mr. Green responded. She provided further explanation of the reason for deferral.

Motion made by Council Member Crampton and seconded by Council Member Cooney that Special Exception ZON-22-070 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 conditioned upon the consideration of the declaration of use. Motion failed, 2-3. Council Member Araskog, Council President Pro Tem Lindsay, and Council President Zeidman voted NO.

Motion made by Council Member Araskog and seconded by Council Member Cooney to defer ZON-22-070, 241 Seaview Ave - Special Exception With Site Plan Review, to the August 10, 2022 Town Council Development Review Meeting. Motion carried unanimously, 5-0.

- h. **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 July 27, 2022 meeting. Carried 7-0.] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

- i. **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. [Architectural Review Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with the condition that the design must meet all zoning codes. Carried 6-1.]

This item was withdrawn at the approval of the agenda.

- j. **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 July 27, 2022 meeting. Carried 7-0.] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

2. New Business

- b. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) - VARIANCES**

The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. (The Architectural Review Commission deferred the project to their August 24, 2022 meeting. Carried 7-0.) Item Deferred to the September 14, 2022 Meeting pending ARCOM decision.

This item was deferred to the September 14, 2022 meeting at the approval of the agenda.

- c. **ZON-22-053 1676 S OCEAN BLVD - VARIANCES** The applicant, John Scarpa, has filed an application requesting Town Council review and approval for a Variance (1) to reduce by approximately 13' the required side (north) setback of 35' in order to install a 35' high flagpole in the required side setback along the north property line.

The item was heard out of order of the agenda.

The Town Council recessed at 4:09 p.m. and reconvened at 4:15 p.m.

- d. **ZON-22-074 (ARC-22-113) 133 GULFSTREAM RD (COMBO) - VARIANCES** The applicant, Elena Arredondo, has filed an application requesting Town Council review and approval for Variances from the backup/cueing distance requirement for the installation of new driveway gate. Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project with conditions related to the architecture. Carried 4-3.]

Council Member Cooney declared ex parte communications.

Elena Arredondo, owner, discussed the variance requested and plans for the proposed vehicular gate.

Mr. Murphy provided staff comments.

Mr. Cooney inquired about the calculations of the stacking of the vehicle. Mr. Murphy responded.

Ms. Arredondo discussed the security concerns and the need for the gate.

Mr. Cooney spoke in support of the request.

Ms. Lindsay inquired about the individuals trespassing on her property. Ms. Arredondo responded.

Ms. Araskog asked staff if the gate would impede pedestrian traffic. Mr. Murphy responded.

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-22-074 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.

e. **ZON-22-075 (ARC-22-117) 102 FLAGLER DR (COMBO) - VARIANCES**

The applicant, FDPB Holding Company LLC (Adam Seligman), has filed an application requesting Town Council review and approval for Variances for (1) a second story walkway encroachment into the required setback, (2) to reduce the street side setback to construct a free standing folly structure, (3) to reduce the side yard setback for the same folly structure, (4) to install second story skylights in the required setback, and (5) to exceed the maximum allowable Cubic Content Ratio (CCR) for a folly structure, in association with a new accessory structure. Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance 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.]

Council Members Cooney, Araskog, and Council President Zeidman declared ex parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and discussed the requested variance.

Tom Kirchhoff, Kirchhoff & Associates, presented the architectural plans proposed for the modifications to the existing residence.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the site.

Ms. Ziska discussed the hardscape for the variance request.

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-22-075 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.

- f. **ZON-22-076 331 S COUNTY RD - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Cafe L'Europe (Mark Marcello), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for outdoor cafe seating on public right-of-way (34 seats) in conjunction with an existing restaurant.

Council Member Cooney declared ex parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and discussed the requested zoning request.

Mr. Murphy provided staff comments.

Council President Zeidman called for public comment.

John Eubanks, representing Thomas McCarthy, stated that his client did not object to the proposal.

Mr. Cooney reminded Ms. Ziska that the decorative serving cart would not be all

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Special Exception ZON-22-076 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.

- f. **ZON-22-077 (ARC-22-121) 304 GARDEN RD (COMBO) - VARIANCES** The applicant, 304 GARDEN RD LCC, has filed an application requesting Town Council review and approval for Variance (1) to exceed the maximum allowable lot coverage by .5% for an exterior loggia addition to an existing two-story residence. Architectural Commission will perform design review of the application. This item has been withdrawn by the applicant.

This item was withdrawn at the approval of the agenda.

- g. **ZON-22-079 (COA-22-028) 284 MONTEREY RD (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, DHC MONTEREY LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow additions to an existing Landmarked structure which results in demolition of more than 50% of the cubic volume on portions of platted non-conforming lots in the R-B Zoning District, including variances from the (1) side (east) and (2) street side (west) setback requirements, and (3) a variance from the angle of vision requirements. Landmarks Preservation Commission will perform the design review. Item Deferred to the August 10, 2022 Meeting

pending LPC decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

- h. **ZON-22-080 (COA-22-029) 250 ALGOMA RD (COMBO) - VARIANCES**
The applicant, Cortright & Janice Wetherill, has filed an application requesting Town Council review and approval for variances (1) from Chapter 50, Floods for the required floor elevation and (2) to exceed the maximum allowable lot coverage by 1% for a new 424 SF addition to a Landmarked structure. Landmarks Preservation Commission will perform the design review. [The Landmarks Preservation Commission approved the project at their June 22, 2022 meeting. Carried 6-0.]

There was no ex parte communications declared at this time.

Maura Ziska, attorney for the applicant, presented an overview of the project and discussed the requested variance.

Travis Radak, Radakovich Architecture, 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 Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-080 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Chapter 50, Sections 116 and 117 have been met. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-080 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. Motion carried unanimously, 5-0.

- i. **ZON-22-082 (ARC-22-116) 1338 N LAKE WAY (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Sailfish Club of Florida, Inc. (Ryan Barry, General Manager), has filed an application requesting Town Council for special exception and site plan review for modifications to an existing special exception use private club including new awning system, new windows, and parking lot lighting. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 6-1.]

Council Members Araskog, Cooney, Council President Pro Tem Lindsay and

Mayor Moore declared ex parte communications.

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

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

Mr. Murphy provided staff comments.

Council President Zeidman called for public comment.

Timothy Hanlon, on behalf of Durst Family at 250 Angler Avenue, addressed a letter sent from MG Engineering raising an objection regarding the proposed parking lot lighting.

Council President Pro Tem Lindsay spoke regarding the lighting fixtures. She spoke regarding the amber colored lights on FPL poles in the north end of Town.

Council Member Cooney requested clarification of the fixtures being proposed and expressed over concern over the number of fixtures being proposed.

Council President Pro Tem Lindsay expressed concern over possible light pollution in the surrounding neighborhood.

Mr. Freijomel responded to Mr. Cooney's and Ms. Lindsay's concerns.

Mayor Moore requested if five fixtures would be amenable.

Council Member Araskog expressed concern over the proposed fixtures due to potential light pollution impacting the neighbors.

Discussion ensued regarding deferring the lighting issues in order for them to be resolved.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Special Exception ZON-22-082 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 that this applies to the pergola addition on the west side of the property. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Site Plan ZON-22-082 as it applies to the pergola on the west side of the property 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 Cooney and seconded by Council President Pro Tem Lindsay to defer to the August 10, 2022 Town Council Meeting the lighting plan for the parking lot to minimize impact. Motion carried unanimously, 5-0.

- j. **ZON-22-085 211-215 PERUVIAN AVE – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Club Collette (Daniel Ponton, President), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for outdoor cafe seating (40 seats) on private property in conjunction to an existing private club.

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

Peter Broberg, attorney for the applicant, presented an overview of the project and discussed the zoning requests.

Mr. Murphy provided staff comments.

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 Variance ZON-22-085 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.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Site Plan ZON-22-085 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, and that the establishment will be allowed to retain the furniture outside behind the hedge and that during limited hours to allow for ambient music. Motion carried unanimously, 5-0.

- k. **ZON-22-089 (ARC-22-129) 515 N LAKE WAY (COMBO) - VARIANCES** The applicant, Roberto and Joanne DeGuardiola (Contract Purchaser), has filed an application requesting Town Council review and

approval for variances for (1) to exceed the first story east rear yard setback encroachment, (2) to exceed second story east rear yard setback encroachment, (3) to permit a swimming pool in west front yard setback where swimming pools are prohibited, (4) second story west front yard setback encroachment, (5) second story south street side yard setback encroachment, (6) to exceed the maximum Cubic Content Ratio (CCR), (7) to exceed maximum angle of vision on N Lake Way, and (8) to exceed site wall height in front and street side yards; in conjunction with the conversion of a 1-story residence to a 2-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their July 27, 2022 meeting. Carried 5-2] Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.

This item was deferred to the August 10, 2022 meeting at the approval of the agenda.

1. ZON-22-090 (ARC-22-131) 225 INDIAN RD (COMBO) - VARIANCE

The applicant, White Oak, LLC, a Wyoming LLC, as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer), has filed an application requesting side yard setback variance for a new stair addition to an existing loggia. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Council Member Cooney and Council President Pro Tem Lindsay declared ex parte communications.

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

Lauren Urquhart, Dailey Janssen Architects, presented the architectural plans proposed for the modifications 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 Member Cooney and seconded by Council Member Crampton that Variance ZON-22-090 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.

- m. **ZON-22-099 340 ROYAL PALM WAY SUITE 200 - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, CIBC (Jon Bredemeier, Managing Director), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan

Review for 6,837 SF of Gross Leasable Area (GLA) for a financial institution tenant within an existing multi-story office building zoned C-OPI with an attached parking structure.

No one declared ex parte communications.

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

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 Araskog that Special Exception ZON-22-099 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 Chapter 50, Sections 116 and 117 of the Town Code have been met. Motion carried unanimously, 5-0.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog that Site Plan ZON-22-099 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.

XI. ORDINANCES

A. First Reading

1. ORDINANCE NO. 013-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Amending Chapter 18 Of The Town Code Ordinances Titled Buildings And Building Regulations At Article III, Architectural Review, Amending Section 18-175, Issuance Of Permits, By Amending Subsection (A) Relating To Requests For Demolition So As To Remove ARCOM's Authority To Consider Demolition Requests; Amending Section 18- 206 And Moving This Section To Chapter 18, Article II, Administration Of Planning, Zoning And Building, Division 5, Prohibition On Demolition, As Section 18-113; Changing The Title Of Article II, Administration Of Planning, Zoning And Building, Division 5, From "Prohibition On Demolition" To "Demolition"; And Amending Section 18-240 And Moving This Section To Chapter 18, Article II, Administration Of Planning, Zoning And Building, Division 5, Demolition As Section 18-114; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For Effective Date.

Town Attorney Randolph explained the background of the ordinance. He read the Ordinance by title only.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 013-2022 on first reading. Motion carried, 4-1. Council Member Cooney voted NO.

XII. ANY OTHER MATTERS

None

XIII. ADJOURNMENT

The meeting adjourned at 5:35 p.m. on July 13, 2022 without the benefit of a roll call.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney, Deputy Town Clerk

Date: _____