



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on December 13, 2023

I. [CALL TO ORDER AND ROLL CALL \(1:20\)](#)

The meeting was called to order on December 13, 2023, at 9:31 a.m., with all elected officials present.

II. [INVOCATION AND PLEDGE OF ALLEGIANCE \(1:36\)](#)

Led by the Acting Town Clerk and Council President Zeidman.

III. [COMMENTS OF MAYOR DANIELLE H. MOORE \(2:24\)](#)

None

IV. [COMMENTS OF TOWN COUNCIL MEMBERS \(2:45\)](#)

Council President Zeidman acknowledged the Preservation Foundation of Palm Beach and introduced Mackey Reed, the new Director of Public Affairs. Amanda Skier, President & CEO of the Foundation, announced that the Executive Committee has established the Director of Public Affairs role to keep informed on Planning and Zoning decisions, ARCOM commercial projects, and Town Council matters. She stated that Aimee Sunny will now serve as the Director of Preservation and Planning. She will focus on the Landmarks Commission but will also advise on other issues as needed, collaborating closely with Mackey Reed.

Please see [this link](#) for direct access to a recording of the council's full comments.

V. [COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE \(7:07\)](#)

David Kelso, 255 Monterey Road, raised concerns about a construction violation at 249 Monterey Road that should have been addressed by Code Enforcement. Despite violations, no sanctions or fines were imposed. Council President Zeidman defended the Town Council's understanding of the situation, acknowledged flaws in the code, and emphasized efforts to address the issues. Mr. Bergman, Director of Planning, Zoning and Building, acknowledged interdepartmental communication problems related to the issue and discussed potential changes to tighten code language and enhance coordination between

departments. Council members discussed challenges in site monitoring and the need for improved execution by staff. Anita Seltzer, 44 Cocoanut Row, expressed concerns about the Town Council's handling of ARCOM projects, emphasizing the importance of following codes and guidelines to avoid legal consequences.

Please see [this link](#) for direct access to a recording of the public's full comments.

VI. [APPROVAL OF AGENDA \(23:32\)](#)

The following modifications were made to the agenda:

Addition of Waiver of Town Code Section 18-237, For Building Permit Extension for 300 Seminole Avenue under C. 4. Time Extensions, Waivers and Three-Strike Matters.

A reordering of the resolutions, hearing Resolution No. 149-2023 before Resolution No. 148-2023

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

VII. [CONSENT AGENDA \(25:16\)](#)

A. **ZON-23-112 285 SUNRISE AVE—SPECIAL EXCEPTION AND VARIANCE** The applicant, Island Animal Hospital (Dr. Mary Ellen Scully), has filed an application requesting Town Council review and approval for a Special Exception for a permitted use greater than 3,000 SF in the C- TS zoning districts for a new veterinarian office and (1) Variance to allow a new veterinarian office on the ground floor in lieu of the use being located above the first floor.

B. **ZON-23-122 400 ROYAL PALM WAY—SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Citizens BankNA, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and (2) a Special Exception for a drive-thru facility and a Site Plan Review for a use greater than 2,000 SF in the C-OPI zoning district for third floor bank in an existing four-story office building. Additionally, a Variance is being requested to not provide 6 additional parking spaces required as a change of use from office space to banking space.

A motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the consent agenda as amended, that the projects contained within the Consent Agenda meet the requirements of Chapter 134, specifically Sections 134-326 through 134-330 for Site Plan Review, Section 134-229 for Special Exceptions, and Section 134-201 for Variances, and with the removal of ZON-24-012, 325 Via Linda from the approval. The motion was carried unanimously, 5-0.

C. **ZON-24-012 325 VIA LINDA – VARIANCE (27:10)** The applicant, Three Palm Trees LLC (Maura Ziska), has filed an application requesting Town Council review and approval for a Variance to exceed by the maximum width of a dock based on lotwidth.

A motion was made by Council Member Crampton and was seconded by Council President Pro Tem Lindsay that Variance No. ZON-24-012 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. The motion was carried 4-1, with Council Member Araskog dissenting.

VIII. REGULAR BUSINESS

IX. RESOLUTIONS

- A. [RESOLUTION NO. 149-2023 \(29:43\)](#): A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 318 Australian Ave Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *The property owners are supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.*

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

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

A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Lindsay to make the designation report part of the record. The motion was carried unanimously, 5-0.

Aimee Sunny, Preservation Foundation of Palm Beach, encouraged the Town Council to support the renovation and said that variances would be necessary for the property to be properly rehabilitated. Council Member Cooney thanked the owner for being willing to allow their property to be a landmarked structure and said that there have been some changes to state law, which will eliminate the town's ability to landmark properties absent the property owner's consent.

A motion was made by Council Member Araskog and was seconded by Council Member Cooney to adopt Resolution 149-2023, designating the property at 318 Australian Avenue as a landmark of the Town of Palm Beach, on the basis that it meets criteria Numbers 1 and 3 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.

Mackey Reed, Director of Public Affairs with the Palm Beach Preservation Foundation, was introduced and congratulated on her new role.

This issue was discussed for 13 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

- B. [RESOLUTION NO. 148-2023 \(42:33\)](#): A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 262 Sunset Ave Meets The Criteria set forth in Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.

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

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

A motion was made by Council Member Cooney and was seconded by Council Member Araskog to make the designation report part of the record. The motion was carried unanimously, 5-0.

Jamie Crowley, representing 262 Sunset Avenue, LLC, opposed landmark designation for this property, discussing the lack of notification to the owner and inadequate supporting documents during the process. Eugene Pandula, an architect for the owner, stated that the property did not meet the landmark criteria due to zoning and structural changes that have occurred. Friederike Mittner, Design and Preservation Manager, believed the evidence supported the property meeting the criteria. Public comments from Aimee Sunny and Amanda Skier of the Preservation Foundation of Palm Beach supported designation. Mr. Crowley argued that due process was violated during the Landmarks Preservation Commission hearing, and Skip Randolph, Town Attorney, discussed potential legal issues. The Council decided to remand the application back to the Landmarks Preservation Commission, considering the time constraints and concerns about due process during the initial hearing.

A motion was made by Council Member Araskog and was seconded by Council Member Cooney to remand Resolution No. 148-2023 back to the Landmarks Preservation Commission.

Council Member Araskog thought it was necessary for Mr. Randolph to meet with the Chair and Vice-Chair of LPC before the next hearing. Mr. Randolph said the board was advised at the original hearing that they should not limit the applicant to three minutes for their presentation.

A motion made by Council Member Araskog and was seconded by Council Member Cooney to amend the motion to remand Resolution No. 148-2023, 262 Sunset Avenue, to a date certain of January 17, 2024, back to LPC. The motion carried unanimously, 5-0.

This issue was discussed for 1 hour and 15 minutes. Please see [this link](#) for direct

access to a recording of the full discussion.

Clerk's note: A short break was taken at 11:24 a.m. The meeting resumed at 11:41 a.m.

X. DEVELOPMENT REVIEWS

A. Appeals

1. [Administrative Appeal 1236 S Ocean Blvd./200 Emerald Beach Way \(1:57:43\)](#): Appeal of the decision of an administrative officer regarding a code enforcement case of a fence. The appellant cites zoning code Sections 134-141, 134-1666, and 134-1548 for this appeal.

Mr. Randolph informed the Town Council that this was not a De Novo hearing, and only the applicant would present arguments. Amanda Quirke Hand, representing the owner of 100 Emerald Beach Way, presented the appeal of an administrative decision regarding an unapproved fence without a permit. The fence was contested for being too close to the property she represented and for not following zoning regulations. Ms. Hand presented evidence, including a photo of the fence being used as a dog pen. M. Timothy Hanlon, representing the Thornton family at 1236 S. Ocean Blvd., countered that the structure was a temporary dog playpen, not a fence, and emphasized its mobility. Mr. Bergman did not consider it a fence. Council members expressed frustration that staff and the Council had spent time on this issue and urged the parties to resolve the matter. Council Member Araskog questioned how long the fence had been in place. Mr. Hanlon claimed the appeal was filed out of spite, and the Thorntons used the additional property as open space.

A motion was made by Council Member Crampton and was seconded by Council Member Cooney to deny the appeal based upon the fact no credible evidence had been presented. The motion was carried 4-1, with Council Member Araskog dissenting.

Council Member Araskog asked the attorneys to strongly recommend that the Thorntons relocate the fence. Council President Pro Tem Lindsay suggested the attorneys urge their clients to remove the surveillance equipment.

This issue was discussed for 31 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

1. Old Business

- a. **ZON-23-068 (ARC-23-090) 206 CARIBBEAN RD (COMBO) - SITE PLAN REVIEW** The applicant, Walter Wick, has filed an application requesting Town Council review and approval for Site Plan Review to allow development of a new single-family residence on a platted nonconforming parcel deficient in lot width and lot area required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

- b. **ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO) -**

SPECIAL EXCEPTION AND VARIANCES The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3- 6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the application.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

2. New Business

- a. **ZON-23-077 (ARC-23-107) 162 E INLET DR (COMBO) - VARIANCE (2:28:12)** The applicants, David and Jill Shulman, have filed an application requesting Town Council review and approval for a variance to (1) exceed the maximum allowable Cubic Content Ratio (CCR) for the construction of enclosed additions and a rear awning to the single-family residence. The Architectural Commission shall perform the design review component of the application. *The Architectural Commission approved the design (5-2), and supported variances (7-0).*

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

M. Timothy Hanlon, attorney for the owner, outlined the variances needed to address existing nonconformities, including landscape open space, the pool setback, and mechanical equipment location. Patrick Segraves, SKA Architect + Planner, presented plans for the proposed additions and modifications. Council President Zeidman suggested clarifying on the agenda that the variances do not adversely affect the architecture. Council Member Cooney found the variance reasonable but questioned the need to further enlarge the structure. Council President Pro Tem Lindsay echoed concerns about the size of homes in the area, seeing no hardship justifying further expansion.

A motion was made by Council Member Araskog and was seconded by Council Member Cooney that Variance No. ZON-23-077, 162 E. Inlet Drive, be denied for reasons that the application does not meet the criteria set forth in 134-201(a), items 1, 2, 3, 5, 6, 7.

Mr. Hanlon showed visual aids and explained the proposed modifications compared to the existing structure and stated that the variance could not be smaller. Council Member Crampton thought the proposed project's impact was minimal, but he could not find a hardship to justify granting a variance.

The motion was carried unanimously, 5-0.

This issue was discussed for 32 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

Clerk's note: Mayor Moore left the meeting at 12:37 p.m. and returned after the lunch break.

- b. **[ZON-23-088 \(ARC-23-120\) 1600 S OCEAN BLVD \(COMBO\) - SITE PLAN REVIEW AND VARIANCES \(2:59:28\)](#)** The applicant, PB Pavilion Trust (Michael Vineberg, Robert G. Simses and Peter Flanagan, Trustees), has filed an application requesting Town Council review and approval for site plan review for an addition to house a generator over 150kW, and (3) variances for (1) additional parapet height in the required north side yard setback and (2 – 3) to reduce the required north and south side yard setback in order to construct one-story additions to a previously approved two-story residence. The Architectural Commission shall perform design review of the application. *The Architectural Commission approved the design (7-0) and supported the variances (7-0).*

Ex parte communications declared by Council Member Araskog and Council President Zeidman.

Maura Ziska, attorney for the owner, provided an overview of the project and explained the variances requested. Harold Smith, Smith and Moore Architects, presented the proposed architectural plans. Council Member Araskog inquired about eliminating the parapet, but Mr. Smith thought that would be a mistake. Council President Zeidman thought the project could be symmetrical, eliminating the need for variances. Mr. Smith showed the original proposal and explained the solution reached. The goal was to find a solution that would not interrupt the architecture of the structure.

A motion was made by Council Member Araskog that Variance No. ZON-23-088, 1600 S. Ocean Blvd., be denied for reasons that the application does not meet the criteria set forth in 134-201(a), items 1 through 7. The motion died for lack of a second.

A motion was made by Council Member Crampton and was seconded by Council President Zeidman that Variance No. ZON-23-088, 1600 S. Ocean Blvd., 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. The motion was carried 4-1, with Council Member Araskog dissenting.

A motion was made by Council Member Crampton and was seconded by Council President Pro Tem Lindsay that Site Plan No. ZON-23-088, 1600 S. Ocean Blvd., as said application meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the

public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. The motion was carried unanimously, 5-0.

This issue was discussed for 19 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

- c. **ZON-23-104 (ARC-23-137) 310 CLARKE AVE (COMBO)—VARIANCES** The applicant, Mark & Patricia Davies, has filed an application requesting Town Council review and approval for seven (7) Variances (1-2) to exceed maximum equipment screening wall heights in the east and west side-yards, (3) to exceed the maximum number of equipment in the west side-yard, (4-5) to locate A/C equipment closer than permitted to the east and west side property lines, (6) to locate a pool heater closer to the east side property line than permitted, (7) and to forgo the requirement to enclose pool equipment in a pump house enclosure. The Architectural Commission shall perform design review of the application.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

- d. **ZON-23-105 (ARC-23-123) 1186 N OCEAN WAY (COMBO)—VARIANCES** The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Town Council review and approval for (3) Variances: (1) for reduced rear setbacks for the installation of a pool heater, (2) for increased separation distance between the pool and the pool equipment, and (3) to exceed allowable chimney height, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform the design review component of the application.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

- e. **ZON-23-106 (COA-23-038) 318 AUSTRALIAN AVE (COMBO)—VARIANCES (3:18:48)** The applicant, Combinat, LLC (Rep. Timothy Hanlon), has filed an application requesting Town Council review and approval for (1) Variance to exceed the maximum allowable lot coverage for the construction of a rear enclosed addition and pergola to an existing one-story landmarked structure. The Landmarks Preservation Commission shall conduct the design review portion of the application and shall decide on the floodplain variance and Historic Preservation Tax Abatement. *The Landmarks Preservation Commission approved the design (7-0), supported variance (7-0) and supported floodplain variance (7-0).*

Ex parte communications declared by Council Member Cooney.

M. Timothy Hanlon, attorney for the owner, provided an overview of the

project and explained the variance requested. Yiannis Varnava, Varnava Design Studio, presented the architectural plans. Council President Pro Tem Lindsay asked Ms. Ailes to consider making the space permeable to help with potential flooding. Mr. Varnava said the landscaping is conforming and the drainage system will be entirely updated. Council Member Cooney supported this project. Mr. Hanlon said the property was nonconforming, and the landmarked status creates little to no flexibility to make the property conforming.

A motion was made by Council Member Cooney and was seconded by Council Member Araskog that Variance No. ZON-23-106, 318 Australian Avenue, 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. The motion was carried unanimously, 5-0.

This issue was discussed for 15 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

- f. **ZON-23-109 (COA-23-040) 134 EL VEDADO RD (COMBO)—VARIANCE.** The applicants, Elizabeth and Jeffrey Leeds, have filed an application requesting Town Council review and approval for (1) Variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Landmarks Preservation Commission shall perform a design review of the application. The applicants, Elizabeth and Jeffrey Leeds, have filed an application requesting Town Council review and approval for (1) Variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Landmarks Preservation Commission shall perform a design review of the application.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

- g. **ZON-23-111 (HSB-23-009) 269 PARK AVE (COMBO)—VARIANCES** The applicant, Schnapps 269 Park Avenue LLC (Andrew and Lorraine Dodge), has filed an application requesting Town Council review and approval for four (4) Variances to (1) expand an existing nonconforming 3rd story of an existing three-story historically significant building by adding four side rooftop dormer windows, (2) to exceed the maximum overall building height for the construction of four dormer windows, (3) to reduce the required side setback for the dormer windows and habitable terrace deck, and (4) to reduce the required front setback for a new entrance feature and habitable terrace deck. The Landmarks Preservation Commission shall conduct the design review portion of the application and shall decide on the floodplain variance.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

- h. **ZON-23-113 (ARC-23-145) 123 CHILEAN AVE (COMBO)—SPECIAL EXCEPTION AND VARIANCES** The applicant, Robert & Perri Bishop, has filed an application requesting Town Council review and approval for Special Exception to develop a parcel comprised of portions of platted lots which is deficient in minimum required lot width and lot area in the R-B district, and (3) Variances including (1 and 2) to reduce the required east and west side-yard setbacks and (3) to exceed the maximum permitted cubic content ratio (CCR) permitted, in conjunction with a new two-story single-family residence and one-story accessory cabana structure. The Architectural Commission shall perform design review of the application.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

- i. **ZON-23-118 (ARC-23-140) 2278 IBIS ISLE RD (COMBO)—VARIANCE** The applicant, Angel Arroyo, has filed an application requesting Town Council review and approval for a Variance (1) to eliminate the required garage enclosure for two vehicles in the R-B district. The Architectural Commission shall perform design review of the application.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

- j. **ZON-23-119 (ARC-23-146) 995 S OCEAN BLVD (COMBO)—VARIANCES** The applicant, Mary S. Conrad, has filed an application requesting Town Council review and approval for four (4) Variances to construct a second story addition on an existing single-family residence within the required (1-2) front yard setback, (3) within the required side yard setback, and (4) within the building height plane. The Architectural Commission shall perform design review of the application.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

- k. **ZON-24-003 (COA-23-047) 340 ROYAL POINCIANA WAY (COMBO)—SPECIAL EXCEPTION AND VARIANCE (3:33:46)** The applicant, TUTTO MARE LLC and SIDNEY SPIEGEL, TRUSTEE OF TRUST #31520371 DATED OCTOBER 25, 1984, has filed an application requesting Town Council review and approval for (1) a Special Exception for a new restaurant within the Royal Poinciana Theatre building at the west side of The Royal Poinciana Plaza, (2) a Special Exception for outdoor café seating in association with the restaurant, and (1) a Variance to exceed the maximum height of rooftop kitchen equipment. The Landmarks Preservation Commission shall perform design review of the application.

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

Jamie Crowley, attorney for the applicant, presented a project

overview seeking a Special Exception for 64 outdoor seats and a variance for rooftop equipment. He clarified that the rooftop equipment variances were essential for ventilation and also stated that a sound study had confirmed compliance with the town's noise ordinances. Dominic Kozerski of Bonetti Kozerski Architecture and Nelo Freijomel of Spina O'Rourke presented the plans for the restaurant.

Council Member Araskog raised questions about the replacement of French doors with sliding doors, screening on all sides, and potential modifications to the Declaration of Use. Council Member Crampton inquired about the operability of windows for interior cooling, and Council President Pro Tem Lindsay sought details on closing times and the operational scope of the outdoor seating area. She emphasized the need for living vegetation and requested a letter of support from the homeowner's association due to concerns about sound. The absence of public concerns was noted by Ms. Davis. Council President Zeidman stressed the importance of sound considerations in granting the Special Exception. Council Member Araskog sought proof that the restaurant would be "town serving" and expressed concerns about operational hours, suggesting a phased approach to outdoor seating. Mr. Crowley explained the process for addressing noise complaints. Mayor Moore thought this waterfront dining was needed in Palm Beach. She requested a letter of support from the President of The Towers. Council Member Crampton was pleased with the atmosphere of the restaurant. Council Member Araskog discussed possible modifications to the Declaration of Use that could be needed in the future. Council President Zeidman also discussed this and suggested a thorough review of the Declaration of Use in January.

Samantha David urged the council to give the benefit of the doubt to the experienced restaurant owners. Gianpaolo and Gabby DeFelice, owners of Tutto Mare, shared their background and plans for the restaurant. Anne Pepper, 333 Seaspray Avenue, discussed concerns about code enforcement, noise, and limiting special events.

A motion was made by Council Member Crampton and was seconded by Council Member Cooney that Variance No. ZON-24-003 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, and that the area must be screened.

Council Member Cooney noted that the type of equipment necessary for the roof is not allowed under the Town Code.

On roll call, the motion was carried unanimously, 5-0.

A motion was made by Council Member Crampton and was seconded by Council President Pro Tem Lindsay to approve Special Exception No. ZON-24-003, indoor restaurant seating,

as said application meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329, and approval is conditioned on approval of satisfactory details in the Declaration of use Agreement will return to the Town Council on January 10, 2024. On roll call, the motion was carried unanimously, 5-0.

A motion was made by Council Member Crampton and was seconded by Council President Pro Tem Lindsay to approve Special Exception No. ZON-24-003, outdoor restaurant seating, as said application meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329, and approval is conditioned on approval of satisfactory details in the Declaration of use Agreement will return to the Town Council on January 10, 2024. On roll call, the motion carried 4-1, with Council Member Araskog dissenting.

It was the consensus of the Town Council to defer the Declaration of Use, as well as the 1979 Agreement changes, to the January 10, 2024, Town Council meeting.

This issue was discussed for 1 hour and 44 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

XI. ORDINANCES

A. Second Reading

1. [ORDINANCE NO 017-2023 \(5:17:25\)](#): 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, At Article IV, Florida Building Code, Section 18-232, Definitions, Section 18-235, Building Division; At Section 18-237, Agreed Maximum Time Schedule For Completion Of Major Construction, And By Adding Section 18-240, Town Council Building Permit Extension Fee; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Bergman read Ordinance No. 017-2023 by title only.

A motion was made by Council Member Crampton and was seconded by Council Member Araskog to adopt Ordinance No. 017-2023 on the second reading. The motion was carried unanimously, 4-0. Clerk's note: Council Member Cooney was not in the room during the vote.

B. First Reading

1. An Ordinance Amending Chapter 134, Zoning, to Allow Arcades and Colonnades Within Public Rights-Of-Way in the C-TS Zoning District

ORDINANCE NO. 008-2023: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, District Regulations, Division 8, C-TS Town-Serving Commercial District, Section 134-1114, Same-Exceptions, To Allow Arcades And Colonnades Within Public Rights- Of-Way; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Please note: This item was deferred to January 10, 2024, meeting at the Approval of the Agenda, Item VI.

2. An Ordinance Amending Chapter 134, Zoning, to Allow Valet Only Parking Structures Ancillary to Existing Hotels in the R-C Zoning District

ORDINANCE NO. 024-2023: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Article I., Section 134-2 Definitions And Rules Of Construction, To Create A Definition For Valet Only Garage; To Article VI, District Regulations, Division 5. R-C Medium Density Residential District, Section 134-945, Special Exception Uses; Section 134-948 Lot, Yard and Area Requirements, Section 134-955, And Off-Street Parking And Loading; To Allow Valet Only Parking Structures Existing Hotel; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Please note: This item was withdrawn at the Approval of the Agenda, Item VI.

C. Time Extensions, Waivers, and Three-Strike Matters

1. [Waiver of Town Code Section 18-237, For Building Permit Extension for 334 Chilean Avenue \(5:18:53\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request for 11 months. Paul Courchene, President of Courchene Development Corp, explained the ongoing project and the reason for the extension request to complete the work.

A motion was made by Council Member Cooney and was seconded by Council Member Araskog to approve the request as presented. The motion was carried unanimously, 5-0.

This issue was discussed for 4 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

2. [Waiver of Town Code Section 18-237, For Building Permit Extension for 200 Bahama Lane \(5:22:15\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request for 6.5 months. Matt Courson, The Cury Group Inc., explained the ongoing project and the reason for the extension request to complete the work.

A motion was made by Council Member Cooney and was seconded by Council Member Araskog to approve the request as presented. The motion was carried unanimously, 5-0.

This issue was discussed for 3 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

3. [Waiver of Town Code Section 18-237, For Building Permit Extension for 2000 S Ocean Blvd. \(5:25:33\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request for 4 months. Scott Houbert, CA Lindman of South Florida, LLC, explained details regarding the ongoing project and the reason for the extension request to complete the work.

A motion was made by Council Member Araskog and was seconded by Council Member Crampton to approve the request as presented. The motion was carried unanimously, 5-0.

This issue was discussed for 3 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

4. [Waiver of Town Code Section 18-237, For Building Permit Extension for 300 Seminole Avenue. \(5:28:44\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request until November 15, 2024. Chet Davis, Davis General Contraction Corporation, explained details regarding the ongoing project and the reason for the extension request to complete the work.

A motion was made by Council Member Araskog and was seconded by Council Member Crampton to approve the request as presented. The motion was carried unanimously, 5-0.

This issue was discussed for 5 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

XII. [ANY OTHER MATTERS \(5:33:05\)](#)

Council Member Araskog requested legal advice on text amendments related to the Code Reform project. She also raised concerns about the communication gaps between the Code, Planning and Zoning, and Public Works departments, seeking ways to improve coordination. Mr. Bergman acknowledged the challenges, emphasizing the need to adhere to departmental rules, but offered to explore internal solutions for presentation to the Town Council. Council President Pro Tem Lindsay and Council President Zeidman supported Mr. Bergman's involvement in discussions with other directors, including Kirk Blouin, Town

Manager, to find resolutions.

This issue was discussed for 5 minutes. Please see [this link](#) for direct access to a recording of the full discussion.

XIII. [ADJOURNMENT \(5:38:20\)](#)

A motion was made by Council Member Araskog and was seconded by Council Member Cooney to adjourn the meeting at 4:11 p.m. The motion was carried unanimously, 5-0.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney, Acting Town Clerk

Date: _____