



# TOWN OF PALM BEACH

## Minutes of the Development Review

Town Council Meeting

Held on June 12, 2024

I. **[CALL TO ORDER AND ROLL CALL \(00:08\)](#)**

The Development Review Town Council Meeting was called to order on June 12, 2024, at 9:31 a.m. On roll call, all elected officials were found to be present except for Council Member Cooney, who arrived at 9:32 a.m.

II. **[INVOCATION AND PLEDGE OF ALLEGIANCE \(00:31\)](#)**

Acting Town Clerk Churney gave the invocation. Council President Lindsay led the Pledge of Allegiance.

III. **[COMMENTS OF MAYOR DANIELLE H. MOORE \(01:21\)](#)**

Mayor Moore thanked her colleagues, particularly Council Member Araskog, for requesting to revisit the Zoning in Progress (ZIP). After their last ZIP discussion, she did not support the item; however, she changed her mind after the recent discussion at the Tuesday meeting and now supports it for the Town.

She also thanked all the employees for attending the Employee Appreciation Party at her home in May and stated there was a nice turnout.

IV. **[COMMENTS OF TOWN COUNCIL MEMBERS \(03:09\)](#)**

Council Member Araskog thanked Council President Lindsay for adding the Zoning in Progress to the agenda this month and Mayor Moore for holding the Employee Appreciation Party at her home.

Council President Lindsay also thanked Mayor Moore for hosting the Employee Appreciation Party and stated that she had already received positive feedback about the Zoning in Progress that had passed at yesterday's meeting.

V. **[COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE \(05:46\)](#)**

Martin Klein, 1060 N. Ocean Blvd., thought the staff could handle the Code Review. He was troubled not by how much had been spent but how much had been committed

to Code Review. He thought the Town had the staff and talent to handle the changes.

Council Member Araskog mentioned an error in the paper and stated that the Town Council did not call for a steering committee. The newspaper was incorrect in its comment that PZC had overridden a decision of the Town Council.

VI. **APPROVAL OF AGENDA (11:07)**

Council President Lindsay noted the two time-certain items listed.

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

VII. **CONSENT AGENDA (11:37)**

A. **ZON-24-044 (ARC-24-031) 1181 N LAKE WAY (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Sage Andrew G C III Trust (Gregg Sage, Trustee), has filed an application requesting Town Council review and approval for construction of a new single-family residence on an existing nonconforming parcel comprised of portions of platted lots, which is deficient in lot width. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission approved the project as presented. Carried 7-0.]

B. **ZON-24-068 (ARC-24-061) 171 EL PUEBLO WAY (COMBO)— SPECIAL EXCEPTION** The applicants, Kevin and Carolyn Ryan, have filed an application requesting Town Council review and approval for a Special Exception to develop the existing nonconforming lot in order to construct a new two-story single-family residence. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Please note: Council Member Araskog pulled this project, which was not included in the approval of the consent agenda.

C. **ZON-24-0003 241 ROYAL PALM WAY—SPECIAL EXCEPTION** The applicant, JPMorgan Chase Bank (Eric Johnson, VP Consumer Bank Regulatory & Support Ops), has filed an application requesting Town Council review and approval of a Special Exception to permit a bank in the C-OPI Zoning District.

**A motion was made by Council President Pro Tem Crampton and was seconded by Council Member Araskog to approve the consent agenda, as amended, and that the projects contained within the Consent Agenda meet the requirements and criteria 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 shall not include ZON-24-068, 171 El Pueblo Way. The motion was carried unanimously, 5-0.**

VIII. **REGULAR BUSINESS**

A. **[Discussion Regarding Bifurcating the Project Designation Manual or Design Review Matrix for LPC and ARCOM as referenced in Chapter 18 of the Town Code of Ordinances \(13:10\)](#)**

Assistant Director James Murphy reviewed how the project designation manual evolved in the Planning, Zoning and Building Department and presented the reasons for bifurcating the ARCOM and LPC matrices.

Council Member Araskog thanked Director Bergman and Assistant Director Murphy for their work on the issue. She stated she had minor semantic changes to the matrices. She thought that the chair of the commissions should review outdoor seating, furniture, and awnings. She thought a landscape architect on the commission should review landscaping in the site alterations. She also thought the one-story accessory structures should be reviewed by an architect on the commission.

Council Member Cooney thought the chair could review any of the items. He thought the items for staff approval were minor and could be reviewed by the chairs; if the chairs thought the Commission should see the changes, it was easy for the item to continue as a regular project.

Council President Pro Tem Crampton asked Assistant Director Murphy to give an example of the review process. Mr. Murphy responded.

Council Member Moran thought the revisions would make the process more clear and more direct. She had confidence in the chairs to make the decisions on staff approvals. She did not believe it was necessary to involve the architects. She wondered if the new neighbor-consent required more projects to go to the commissions.

Mayor Moore questioned the approval for changing the color of commercial buildings and discussed a recent change to one of the buildings on Royal Poinciana Way. She also discussed how many residents care about the historic colors of commercial buildings.

Council President Lindsay agreed and stated she received many questions about the change of color on the building on Royal Poinciana Way. She favored the new neighbor's consent, especially at the north end of the island, where the lots were smaller and more neighbors were affected. She thought administrative approvals for smaller items were helpful and improved the timeline for residents.

Council Member Araskog discussed how critical it was to require a review of the removal of landscape material where neighbors were being affected. She questioned who would approve fenestration replacement; she thought some changes should be approved at the commission level. Mr. Murphy stated that the windows would fall under building alterations. Council Member Araskog asked her fellow Council Members how they felt about those changes; she thought only in-kind replacements should be approved at the staff level.

Council Member Moran thought the chairs and staff members should be allowed to use their best judgment on replacements.

Council President Pro Tem Crampton thought some minor revisions were appropriate, and staff could move forward.

Council President Lindsay called for public comment.

Maura Ziska, an attorney and resident at 1500 N. Ocean Blvd., discussed the new neighbor consent form. She spoke about an issue that she had

witnessed: her clients, who had to use the new neighbor consent form, experienced not being able to reach the neighbors or neighbors extorting the homeowner to get what they wanted. She was not in support of empowering neighbors to approve or disapprove a request.

Lizzi Connaughton, 226 Brazilian Avenue, agreed with Ms. Ziska. She had dealt with both sides of the issue.

Council Member Araskog disagreed with Ms. Ziska and Connaughton. She thought the neighbor's consent made the process easier. She noted that even if a neighbor did not consent, the applicant could go before ARCOM for approval.

Some Council Members thought the Town Council should be pragmatic in reviewing and making changes. Mayor Moore discussed her personal experience and did not think residents could be expected to go back to ARCOM for landscaping changes.

Mr. Murphy advised that the neighbor's consent was intended for landscaping in setbacks that may have been planted as a screening or buffer.

Council Member Cooney wondered if the problem with the new changes was related to the amount of time it took before a project could be placed on the agenda. He asked if the process could be identified for the approval of minor requests. Currently, even minor requests take up to three months to approve.

This discussion lasted approximately 1 hour and 7 minutes. To listen, please click the link on the agenda topic above.

**B. [Verbal Update Regarding 100 Casa Bendita \(1:20:16\)](#)**

Director Bergman stated that Council President Pro Tem Crampton worked with the neighbors to obtain a construction management agreement for a six-month permit.

Council President Pro Tem Crampton provided an update on the meetings he had attended. He stated that the neighbors participated in the agreement and that the contractor began making emergency improvements to the home. Council President Pro Tem Crampton stated that monthly updates would be made to Director Bergman, and he recommended approval of the extension to November 2026.

Council Member Cooney thanked Council President Pro Tem Crampton for participating in the initiative to facilitate an agreement with the contractor.

Council President Lindsay stated that she had received a phone call from one of the neighbors indicating they did not see any changes. She suggested that the staff provide concerned citizens with a bi-weekly update.

Council President Pro Tem Crampton recommended that the neighbors receive bi-weekly updates in narrative form and Director Bergman receive a monthly update, which could be given to the Town Council.

Council Member Cooney reminded the Council that approval was given at

last month's meeting; the only condition was that the owner develop a construction management agreement with the neighbors' consent.

Director Bergman recommended issuing a permit every six months to ensure the construction stays on task. The Town Council agreed with this suggestion.

The consensus of the Town Council was approval to extend the work until November 2026, with the requirement that bi-weekly reports be provided in narrative form to the neighbors and a monthly report be provided to Director Bergman.

This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.

C. [The Society of the Four Arts Future Land Use Map \(CPA-24-0001\) and Zoning Map \(ZCA-24-001\) Amendments - Review and Feedback \(1:26:04\)](#)

Director Bergman provided staff comments on the item.

Harvey Oyer, the attorney on behalf of The Society of the Four Arts, discussed the need for a future land use (FLU) map for the new zoning district. He stated that the Planning and Zoning Commission would review these proposals. He reviewed the existing and proposed FLU maps for the Four Arts.

Mayor Moore thought the public portion of the Four Arts property should be changed to private group use. Director Bergman agreed.

Council Member Moran agreed with Mayor Moore's suggestion and recommended sending the FLU map changes to the Planning and Zoning Commission.

Council Member Araskog asked about the house on Seaspray. She agreed with Mayor Moore and Council Member Moran that it should be converted from public to private use now.

**A motion was made by Council Member Araskog and seconded by Council Member Cooney to send The Society of the Four Arts Future Land Use Map and Zoning Map Amendments to the Planning and Zoning Commission for their review and recommendations. The motion was carried unanimously, 5-0.**

This discussion lasted approximately 11 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A short break was taken at 11:08 a.m. The meeting resumed at 11:20 a.m.

D. [Discussion Regarding Mechanical Equipment Placed on Rooftops of in Single Family Homes in Residential Zones \(1:38:47\)](#)

Council Member Araskog placed the item on an agenda to discuss a recent issue of a resident who had an issue with mechanical equipment placed on the roof of the adjacent home, which had affected their light and air. She thought the item should be sent to the Planning and Zoning Commission for review and to ask the Architectural Commission to hold

off on any approval of rooftop mechanical equipment.

Director Bergman disagreed with Council Member Araskog. He stated that, alternatively, the mechanical equipment could be set on the ground, 5 feet from the property line. He said the six pieces of mechanical equipment were on the flat roof of a one-story building, 35 feet from the property line.

Council President Pro Tem Crampton thought that the Planning and Zoning Commission had much more pressing issues and currently had a full plate. He agreed with Director Bergman but also understood Council Member Araskog's point.

Council President Lindsay stated she asked staff to review the item, and she also visited the property. She noted there were two concerns expressed by the owner. She said this property had a large courtyard, and the equipment had to go on one side. In hindsight, the opportunity existed for the equipment to be placed on the streetside of the roof where the neighbors would not have seen it, but that opportunity was missed. She suggested sending a message to ARCOM to ensure they are looking at opportunities on the streetside in areas where appropriate.

Council Member Cooney agreed with Director Bergman. He was not inclined to make a major change due to one scenario. He also reminded everyone that residents were not entitled to a view over their neighbor's property under Florida State Law.

Council Member Moran agreed with Council Member Cooney.

Council Member Araskog questioned Council Member Cooney's statement about the lack of a view. She said the Town had never allowed mechanical equipment on a roof in residential areas. She said that wall heights and equipment placement need to be looked at closely.

This discussion lasted approximately 17 minutes. To listen, please click the link on the agenda topic above.

## **IX. DEVELOPMENT REVIEWS**

### **A. Declaration of Use Agreements**

#### **1. [ZON-23-046 329 WORTH AVE - CHURCHILL CIGAR COMPANY - Declaration of Use Progress Update \(1:55:41\)](#)**

Ashley Wendell, the attorney with The RealReal, stated that they have seen a vast improvement since last month's meeting. They had been keeping a log and checking three times a day and had noticed a big improvement.

The owner, Matt Raptis, stated that he appreciated Ms. Wendell's comments and had been keeping the door closed.

Council Member Cooney wondered if keeping the door closed should be included in the Declaration of Use Agreement (DOU). He reviewed a conversation with a customer who indicated that the door had always been left open. Council Member Araskog indicated that the item was included in the DOU. Council Member Cooney was

satisfied.

Council Member Araskog wanted to ensure that the Town Council could pull the Special Exception Use in the event of issues. Town Attorney O'Connor stated that the remedy section of the agreement states, "If a violation continues, the Town Council may, upon a finding of violation, alter the agreement or rescind the approval of the use." Council Member Araskog was satisfied.

Council President Lindsay asked if the air scrubbers were continuously running. Mr. Raptis confirmed that they were continuously running. Council Member Araskog thought that the condition should be added to the DOU.

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

This discussion lasted approximately 10 minutes. To listen, please click the link on the agenda topic above.

**B. Items Pulled from The Consent Agenda, If Needed**

[ZON-24-068 \(ARC-24-061\) 171 EL PUEBLO WAY \(COMBO\)— SPECIAL EXCEPTION \(2:05:26\)](#)The applicants, Kevin, and Carolyn Ryan, have filed an application requesting Town Council review and approval for a Special Exception to develop the existing nonconforming lot in order to construct a new two-story single-family residence. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission approved the project as presented. Carried 7-0.]

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

Maura Ziska, an attorney for the applicant, showed the architectural plans.

Council Member Araskog thought the house appeared very large on the site; however, she thought the home was beautiful.

Council Member Cooney commented he did not think a site plan review was the appropriate forum to raise questions about the size of the home.

Council President Lindsay thought the owners had made a big effort to come back with new changes and made sure the home fit onto the site.

**A motion was made by Council Member Cooney and seconded by Council Member Araskog that Special Exception No. ZON-24-068 and Site Plan Review No. ZON-24-068, as said applications meet 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. The motion was carried unanimously, 5-0.**

This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.

## C. Variances, Special Exceptions, and Site Plan Reviews

### 1. Old Business

- a. [ZON-23-117 \(COA-23-043\) 235 BANYAN RD \(COMBO\) - VARIANCES \(2:09:52\)](#) The applicant, Richard Kurtz, has filed an application requesting Town Council approval for three (3) variances in accordance with Section 134-201 for: (1) front yard setback found in Section 134-843(5), (2) building height plane requirement found in Section 134-843(7), and (3) side yard setback found in Section 134-843(8) associated with the construction of a new two-story approximately 1,072 SF accessory structure with hardscape and landscape. The Landmarks Preservation Commission shall perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 5-1.] [The Landmarks Preservation Commission approved the project as presented. Carried 5-1.]

Ex-parte communications were disclosed by Council Members Cooney, Moran, and Mayor Moore.

Maura Ziska, an attorney for the applicant, provided an overview of the project, explained the zoning requests, and showed the architectural plans. Ms. Ziska discussed the hardship that prompted the request.

Council Member Cooney indicated they could build a much larger addition if the home was not landmarked. He thought the addition's location was ideal.

Council Member Araskog asked about the front yard setback. Patrick O'Connell of Patrick Ryan O'Connell Architects discussed the yard's orientation and how the addition was cited so as not to interfere with the landmarked structure. Council Member Araksog asked about the height plane variance.

Council Member Moran stated that the height plane variance was mitigated at Landmarks as they asked the professional to reduce the height of the addition.

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

**A motion was made by Council Member Cooney and seconded by Council Araskog that Variance No. ZON-23-117 shall be granted and find, in support thereof, that all 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 discussion lasted approximately 7 minutes. To listen, please click the link on the agenda topic above.

- b. [ZON-24-050 \(COA-24-014\) 218 PHIPPS PLAZA \(COMBO\)— VARIANCES \(2:17:28\)](#) The applicant, Bruce Leeds, Trustee of the Bruce



Leeds Declaration of Trust, has filed an application requesting Town Council review and approval of variances for three (3) variances for; (1) greater lot coverage, (2) a reduced rear-yard setback, and (3) a reduced side-yard setback in conjunction with the construction of a new covered parking structure, to modify the location of the pedestrian entryway with new piers and a gate, revisions to the landscape and hardscape to accommodate the new pedestrian entryway, and to install a decorative wall. The Landmarks Preservation Commission shall perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 6-0.] [The Landmarks Preservation Commission approved the project with conditions. Carried 6-0.]

Ex-parte communications were disclosed by Council Members Cooney and Moran.

Maura Ziska, the applicant's attorney, provided an overview of the project, explained the zoning requests, and showed the architectural plans.

Council Member Araskog asked about the hardship of the request. Ms. Ziska discussed the hardship associated with the property being landmarked.

Council Member Cooney thought the addition of the driveway was a reasonable solution.

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

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-050 shall be granted and find, in support thereof, that all 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.**

This discussion lasted approximately 8 minutes. To listen, please click the link on the agenda topic above.

- c. **ZON-24-025 (ARC-24-015) 153 AUSTRALIAN AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE** The applicant, Rabbi Zalman Levitin, has filed an application requesting Town Council review and approval for a special exception to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to forgo required garage parking. The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Motion Carried 6-1.] [The Architectural Review Commission approved the project with conditions. Carried 5-2.] [Town Council remanded this project back to ARCOM at the May 15, 2024, Town Council meeting.] [This project shall be deferred to the August 12, 2024, Town Council meeting pending Architectural Review.]

Clerk's note: This item was deferred to the August 12, 2024, meeting at

the Approval of the Agenda, Item VI.

- d. [ZON-24-039 \(ARC-24-033\) 1464 N OCEAN BLVD \(COMBO\) – VARIANCE \(2:25:10\)](#) The applicant, Manuel & Evan Castelo, has filed an application requesting Town Council review and approval for one (1) variance to reduce landscape open space below minimum requirements with the installation of artificial turf material. The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Motion Carried 6-1.][The Architectural Review Commission approved the project. Carried 6-1.]

Ex-parte communications were disclosed by Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, and Council President Lindsay.

Dustin Mizell of Environment Design Group provided an overview of the project and presented the landscape and hardscape plans. John Eubanks, the applicant's attorney, explained the zoning requests.

Council Member Araskog expressed frustration that the contractor told the homeowner they could install artificial turf. She thought the application was problematic because she knew other types of material could be planted in shady areas. She did not approve of the proposal because she was afraid this would set a precedent.

Council Member Cooney thought the owners had a good case for their proposal. He stated that artificial turf was all over the island. While the Town Council would approve the material in certain situations, he added that the Architectural Commission would almost never approve it. Therefore, he thought the Town Council may want to consider taking a stand on the issue.

Council President Lindsay understood the hardship of the proposal. She discussed the issues with artificial turf and her concerns about it.

Mr. Mizell reminded the Town Council that the variance request was for hardscape, not artificial turf.

Ms. Moran understood the hardship and was sympathetic but thought the situation was unfortunate.

MJ Castelo, the property owner, admitted that he was oblivious to the landscape issues. He indicated that this lot had a unique circumstance.

Council Member Araskog wondered if grass could be added to a portion of the driveway. Mr. Mizell stated it would not work, but they analyzed the situation.

Mr. Castelo stated he kept asking his previous contractor to enforce his

warranty, so new plants kept replacing the material until it was realized that nothing would grow. He said the area is also very tight due to the curve with little room to maneuver.

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

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-039 shall be granted and find, in support thereof, that all 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.**

This discussion lasted approximately 32 minutes. To listen, please click the link on the agenda topic above.

- e. [ZON-24-058 \(ARC-24-073\) 400 ROYAL PALM WAY \(COMBO\) – VARIANCES \(2:57:21\)](#) The applicant, Citizens Bank (James Meany), has filed an application requesting Town Council review and approval for eight (8) variances as they relate to the installation of commercial signage, including (1) a variance to install signage on an exterior electronic banking machine, (2-4) variances to exceed maximum sign area permitted, exceed maximum logo size permitted, and exceed maximum sign and logo height above grade permitted on the north elevation, (5) variance to exceed height of logo above grade on east elevation, and (6 – 8) variances to exceed maximum height and logo size and to permit signage facing a parking area in lieu of a right of way. The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with conditions. Carried 6-1.]

Council Members Cooney, Moran, Council President Pro Tem Crampton, and Mayor Moore disclosed ex-parte communications.

Maura Ziska, an attorney for the applicant, provided an overview of the project, explained the zoning requests, and showed the architectural plans.

Mayor Moore asked to see the ATM signage, which Ms. Ziska showed to the Town Council. She thought the signage was reasonable.

Council Member Cooney thought there was too much signage; he did not understand the hardship. He thought they should be able to comply with the zoning code. Ms. Ziska stated that she could not comply on the north side of the building due to the existing building design. He thought eight variances was an excessive request.

Council Member Moran agreed with Council Member Cooney and thought the signage was too much. She thought the ATM signage was acceptable.

Assistant Director Murphy said there was a configuration the applicant could make concessions on that would not require variances. He agreed that the architecture did propose problems with signage. He further discussed the building and signage options.

Council President Pro Tem Crampton did not have an issue with the signage. He thought it was appropriate and reminded the Council that it was approved at ARCOM.

Council Member Araskog agreed with Council Members Cooney and Moran. She thought the signage was too large, and she thought approving variances would allow more applicants to ask for bigger signage. She stated she would like to see a plan without variances.

Keith Spina of Spina O'Rourke Architects thought the previous signage request was much larger. He thought Citizens had made significant efforts to reduce their request. He discussed the signage that could be added to the building without approval, which would be much larger.

Council Member Araskog asked the applicant to work with the staff to reduce the variance requests. Mr. Murphy stated he would be happy to work with the applicant.

Mayor Moore wondered if there was a state law that required signage for financial institutions. She recommended moving the logo down one level on the north side of the building. Ms. Ziska stated they could reduce the logo to comply with the Code.

Council President Lindsay agreed with Mayor Moore and Council Member Araskog. She thought the applicant should work more on the request and return to the Town Council with fewer or no variance requests. She thought the signage should be understated and classy.

**A motion was made by Council Member Araskog and seconded by Council Member Moran to defer the project to the meeting on July 10, 2024. The motion was carried unanimously, 5-0.**

This discussion lasted approximately 28 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A lunch break was taken at 1:08 p.m. The meeting resumed at 2:00 p.m.

## **2. New Business**

- a. [ZON-24-0012 240 PARK AVE—SITE PLAN REVIEW \(3:27:25\)](#)The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval of site-wide landscape and hardscape improvements to an existing park.

**2:00 PM TIME CERTAIN**

Ex-parte communications were disclosed by Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, and Council

President Lindsay.

Patricia Strayer, Public Works, discussed how the generators were proposed months ago to the Town Council, which approved their installation in the parks. She then showed the Town Council the location of the generators in the north and south parks.

Council Member Araskog questioned the generator that faced 231 Park Avenue and wondered if it could be changed. Ms. Strayer agreed to change the landscaping to hide the generator.

Council Member Cooney asked about the generator location in the park to the north. Ms. Strayer stated she had an old exhibit, and the Town Council would see the locations in the next presentation.

Cory Meyer of Nievera Williams Design presented the landscape and hardscape presentations for the two parks after an anonymous donation was made for the improvements.

Council Member Araskog wondered if a more permeable material could be used instead of tabby concrete. Mr. Meyer agreed to look at an alternate material. She expressed concern about the height of the wall; it was pointed out that it was only 18 inches of wall and then 18 inches of picket railings. She asked if the Foxtail Palms could be replaced with more native material. Mr. Meyer agreed.

Council President Lindsay liked the Saw Palmetto plants and added that they would not be a conducive material for someone to hide in. She liked Council Member Araskog's suggestion to use permeable material instead of tabby concrete.

Council President Lindsay called for public comment.

Michelle Cohen, a resident of the Palm Beach Condominium, expressed concern about the Town's ability to sell the property. She wanted to ensure that the town was aware of all the changes and that the donor would not be hosting parties in the park.

Council President Lindsay stated that the Town could close the parks for special events and that the donation was not conditional.

Town Attorney Joanne O'Connor stated that hours of operations and conditions could be made through a resolution.

Tony Smith, 235 Sunrise Avenue, thought that the Architectural Review Commission (ARCOM) should have reviewed the park's changes before they were reviewed at the Town Council level.

Mayor Moore suggested turning down the donation, placing the generators in the space, and leaving the spaces to look as they currently exist, which was not great.

Town Council Crampton thought the situation was unfortunate. He thought most of the questions should have been answered weeks ago. He was upset

that the Town was not trusted enough to make the decisions that would improve the park.

Council Member Araskog said there had been some security issues, and she felt citizens had the right to ask questions. She said that when a park is made more beautiful, it attracts visitors.

Ann Heap, 234 Park Avenue, spoke in favor of the park but did not support it always being open to the public. She thought the park should have set opening and closing times. (All other town parks had rules regarding opening and closing times.)

Rhonda Nassar, 242 Park Avenue, spoke about the park and stated that she liked the improvements. She had some suggestions for the park. She noticed the plan showed a significant loss of greenspace to hardscape material. She thought something more permeable would be better. She asked to see a plan for drainage and runoff. She also had recommendations for transformer placement and suggested no entrances or passages at the rear of the park.

Council Member Araskog asked Nievera Williams to hold one more meeting with the neighbors so that they could hear all the concerns and suggestions.

Ms. Strayer said the location of the transformer would be resolved by the Town agreeing to move it closer to the street. Council Member Araskog suggested that nothing would be changed until after Nievera Williams had met with the neighbors.

**A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to defer the project to the meeting on August 12, 2024. The motion was carried unanimously, 5-0.**

This discussion lasted approximately 56 minutes. To listen, please click the link on the agenda topic above.

- b. [ZON-24-0013 247 PARK AVE—SITE PLAN REVIEW \(4:23:01\)](#)The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval of site-wide landscape and hardscape improvements to an existing park.

**2:00 PM TIME CERTAIN**

**A motion was made by Council Member Araskog and seconded by Council Member Moran to defer the project to the meeting on August 12, 2024. The motion was carried unanimously, 5-0.**

- c. [ZON-23-043 \(ARC-23-044\) 1480 N OCEAN BLVD \(COMBO\) – VARIANCE \(4:23:31\)](#)The applicant, Jason Kalisman, has filed an application requesting Town Council review and approval of modifications to an existing residence with a variance to exceed the maximum allowable cubic content ratio (CCR). The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the

subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Ex-parte communications were disclosed by Council Members Araskog, Cooney, and Moran.

Maura Ziska, an attorney for the applicant, provided an overview of the project, explained the zoning requests, and showed the architectural plans.

Mr. Bergman provided staff comments.

Council Member Araskog asked if the floor area ratio (FAR) would increase with the addition. Mr. Bergman stated it would be increased by 100 square feet. Council Member Araskog asked about the hardship, to which Ms. Ziska responded.

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

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-23-043 shall be granted and find, in support thereof, that all 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 3-1, with Council Member Araskog dissenting.**

Clerk's note: Council President Pro Tem Crampton was not in the room during the vote.

This discussion lasted approximately 9 minutes. To listen, please click the link on the agenda topic above.

- d. [ZON-24-063 \(ARC-24-065\) 137 E INLET DR \(COMBO\) – VARIANCE \(4:32:16\)](#) The applicant, Ocean Inlet Revocable Trust, has filed an application requesting Town Council review and approval for a variance to reduce the required vehicle queuing space between the driveway gate and the edge of the roadway. The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 5-2.] [The Architectural Review Commission approved the project with conditions. Carried 5-2.]

Ex-parte communications were disclosed by Council Members Araskog, Cooney, Moran, and Council President Lindsay.

Maura Ziska, the applicant's attorney, provided an overview of the project and explained the zoning requests. Cory Meyer of Nievera Williams Design presented the hardscape and landscape presentation.

Council Member Cooney wondered if the home would need a variance if located on a dead-end street. Ms. Ziska stated it would require a special

exception. Council Member Cooney asked if the artificial turf could be removed, to which Mr. Meyer responded.

Council Member Moran was not in favor of the proposed gate. She thought it looked like a wall and should be more transparent.

Council Member Araskog agreed with Council Member Moran; she was not in favor of the gate and thought it was too close to the street.

Council President Lindsay agreed that the gate could be a little more open. However, she understood the gate's location because the parking court was very shallow in depth.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-063 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met, and with the condition that the gate is revised to have less opacity and if staff approved by Chairman Smith and all artificial turf on the property is removed. The motion was carried 4-1, with Council Member Araskog dissenting.**

This discussion lasted approximately 13 minutes. To listen, please click the link on the agenda topic above.

- e. **ZON-24-043 (ARC-24-035) 620 N LAKE WAY (COMBO) – VARIANCES**  
The applicant Ocean Front Avenue 2, LLC, a VA limited liability Company (Don & Donna Whitaker), has filed an application requesting Town Council review and approval for two (2) variances, (1) to exceed maximum permitted building height and (2) to exceed maximum permitted cubic content ratio (CCR), as it relates to the construction of a new residence. The Architectural Commission shall perform design review of the application. [This project shall be deferred to the July 10, 2024, Town Council meeting pending Architectural Review.]  
Clerk's note: This item was deferred to the July 10, 2024, meeting at the Approval of the Agenda, Item VI.

#### **D. Time Extensions and Waivers**

- 1. [Waiver of Town Code Section 18-237, For Building Permit Extension for 253 El Pueblo \(4:45:28\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Terence, the Project Manager with AMC Custom Builders, explained the purpose of the request.

Council Member Araskog confirmed that it was a four-month extension. The project manager affirmed and said they were trying to complete the project before the winter season began.

Mayor Moore asked if there was any neighbor opposition, to which there was none.



Council Member Moran asked for confirmation that the four-month extension would be sufficient, which the project manager confirmed.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve the building permit extension request for 253 El Pueblo Way. The motion was carried unanimously, 5-0.**

This discussion lasted approximately 3 minutes. To listen, please click the link on the agenda topic above.

2. [Waiver of Town Code Section 18-237 For Building Permit Extension for 200 Via Bellaria \(4:47:58\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Gene Parker of Hedrick Brothers explained the purpose of the request and described the reasons needed for a fourth extension.

Council Member Araskog thought the time to finish the project was insane and acknowledged that the neighbors were upset.

Council President Pro Tem Crampton shared Council Member Araskog's frustration but thought denying the time extension request would be counterproductive. He asked when the inside work would be done. Mr. Parker said the horizontal work and interior work were currently in progress.

Mayor Moore asked Director Bergman to inspect the site within the next ten days. She thought the site should be impeccable. She thought the contractor should update Director Bergman in writing so that staff could make sure they were on schedule.

Council Member Moran agreed with Mayor Moore.

Council Member Cooney thought that the construction schedule was doable.

Council President Lindsay agreed with her colleagues.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the building permit extension request for 200 Via Bellaria to July 4, 2025, with the condition that Hedrick Brothers provide the Town's Building Official with a set of construction milestones and submit subsequent monthly progress reports for each milestone. The motion was carried unanimously, 5-0.**

This discussion lasted approximately 13 minutes. To listen, please click the link on the agenda topic above.

3. [Waiver of Town Code Section 24-199 For Construction Work Hour Extension at 2660 S Ocean Blvd. \(5:00:53\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the construction work hour extension request.

Glori Carchi, Beach Point Board of Directors, explained the purpose of the request.

Council President Pro Tem Crampton asked if the board had reviewed and approved this work. Ms. Carchi affirmed they had.

Council Member Cooney thought the site was clean and neat. He thought it was a well-run operation.

Council Member Araskog asked about the amount of time needed. Ms. Carchi responded and discussed the time needed to complete the work. Council Member Araskog agreed with Council Member Cooney regarding the site. She added that if any complaints were received, the Town's Building Official would address them.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the construction work hour extension request for 2660 S Ocean Blvd. with the condition that any difficulties or delays be reported to the Town's Building Official. The motion was carried unanimously, 5-0.**

This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.

4. [Waiver of Town Code Section 18-237 For Building Permit Extension at 200 Bahama Ln. \(5:06:47\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Todd Cury of The Cury Group explained the purpose of the request.

Responding to a question from Council Member Cooney, Mr. Cury indicated that the home had changed several times from a house on speculation to a private owner.

Council Member Moran asked if any additional changes to the home were on the horizon. Mr. Cury responded.

Council member Araskog asked if the motion maker would condition the motion so it could not be extended.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to approve the building permit extension request for 200 Bahama Lane. The motion was carried unanimously, 5-0.**

This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.

5. [Waiver of Town Code Section 18-237 For Building Permit Extension at 2000 S Ocean Blvd. \(5:10:56\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Scott Haubert of C.A. Lindman explained the purpose of the request.

Council President Pro Tem Crampton confirmed it was only exterior work on the 2000 building and not the 2100 building, which Mr. Haubert confirmed.

Council Member Moran asked for a further explanation of the ongoing repairs, to which Mr. Haubert responded. Council Member Moran wondered if the additional work needed to be permitted. Director Bergman stated that the ongoing work was included in the permit.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve the building permit extension request for 2000 S. Ocean Blvd. The motion was carried unanimously, 5-0.**

This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.

X. **[ANY OTHER MATTERS \(5:14:27\)](#)**

Town Attorney Joanne O'Connor stated that Resolution No. 069-2024, created in response to the conversation regarding Zoning in Progress, was ready to be passed. A copy of the Resolution was placed on the screen so everyone could view it.

**RESOLUTION NO. 069-2024:** A Resolution Of The Town Council Of The Town Of Palm Beach Declaring Zoning In Progress In Regard To The Regulation Of The Location And Limitation Of The Number Of Restaurants, Bars, Night Clubs, Lounges And For-Profit Private Clubs In All Commercial Zoning Districts Of The Town In Which Said Uses Are Special Exception Uses, Specifically, The C-TS Town-Serving Commercial District, C-WA Worth Avenue District, C-OPI Office, Professional And Institutional District, C-PC Planned Center District, And C-B Commercial District; Directing That While Zoning Is In Progress That No Permits Shall Be Processed Or Granted Which Are In Contravention Of The Study Which Is Being Undertaken By The Planning And Zoning Commission And The Town Regarding Said Matters; Excepting Any Applications Which Have Been Previously Filed And Under Consideration By The Town; Providing That The Town Council May Grant A Waiver To Zoning In Progress Upon Application And For Good Cause Shown; Providing An Effective Date.

Director Bergman read Resolution No. 069-2024 by title only.

Council President Pro Tem Crampton expressed concern for the project at the Paramount. His colleagues reminded him that the Paramount project would not be affected as it was already in the queue of projects.

**A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 069-2024. The motion was carried 4-1, with Council Member Cooney dissenting.**

This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.

XI. **ADJOURNMENT (5:20:29)**

**A motion was made by Council Member Moran and seconded by Council Member Cooney to adjourn the meeting at 3:55 p.m. The motion was carried unanimously, 5-0.**

APPROVED:

\_\_\_\_\_  
Bobbie D. Lindsay, Town Council President

ATTEST:

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