

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

AGENDA

Meeting to be Held Electronically

Click here to participate:

<https://us06web.zoom.us/j/84848029131>

JANUARY 12, 2022

9:30 AM

Welcome

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. COMMENTS OF MAYOR DANIELLE H. MOORE

V. COMMENTS OF TOWN COUNCIL MEMBERS

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. PRESENTATIONS

- A.** Building Recertification Program Overview

VIII. DISCUSSION ITEMS

- A.** Discussion on Town-Serving Regulations

IX. RESOLUTIONS

- A.** RESOLUTION NO. 149-2021 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 256 Orange Grove Road 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.
- B.** RESOLUTION NO. 011-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 2155 Ibis Isle Road 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.
- C.** RESOLUTION NO. 012-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 215 Seaspray Avenue 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.
- D.** RESOLUTION NO. 013-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 12 Lagomar Road 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.

- E. RESOLUTION NO. 014-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 1568 South Ocean Blvd 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.

X. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of 125 WORTH PARTNERS LLC (CENTURY INNOVATION LLC, MANAGER, BY ROBERT FRISBIE, AUTHORIZED SIGNATORY), applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below.

MODIFIED DESCRIPTION This is a pending application that is being modified to reduce the number and intensity of variances being requested; to relocate certain mechanical equipment from the east side of the property to the west side in order to address neighbor concerns; to provide additional data regarding compliance with the Worth Avenue Design Guidelines; and to clarify that the existing fourth story roof structure and structural columns will not be demolished as part of the proposed additions onto the fourth story. The application has eliminated a request to increase overall height by 12 feet and to eliminate a request for increased second story lot coverage. The application as modified requests Site Plan approval for the revitalization, renovation and expansion of the 45 year old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally in order to meet the standards for renovation as set forth in the Worth Avenue Design Guidelines. The application addresses how the project meets the Worth Avenue Design Guidelines in Exhibit "G". The applicant is requesting to demolish a portion of the existing fourth story and expand its footprint to add four residential units, which are permitted above the first floor subject to a finding that the project meets the Worth Avenue Design Guidelines. Existing structural columns and roof structure will remain, and the

proposed addition will be lower in height than the existing fourth story roof. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a fourth story addition. The existing building is four stories but the existing fourth story is proposed to be expanded. 2. Per Section 134-2182(b), a special exception to allow for on site shared parking, based on the professional shared parking analysis which has been provided. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing floor area at a height of 51 ft. 7 in., which is the height of the existing roof structure. The proposed fourth floor addition will be 49 ft. 7 in. in height, but staff has determined that a variance is required because the new addition is greater than the 40 ft. allowed under the use of the Worth Avenue Design Guidelines incorporated by reference in Chapter 134 of the Code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by expanding floor area at an overall building height of 52 ft. 3 in. , which is lower than the 52 ft. 7 in. existing but higher than the 40 ft. maximum allowed by the Worth Avenue Design Guidelines. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 12,663.5 square feet from 3,448.75 square feet existing. An open fourth story trellis of 6,322.8 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,335 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1 ft. 10 in. for portions of the building in lieu of the 5 ft. existing and the 5 ft. minimum required on the private property. The sidewalk is required to be a minimum of 10 ft. wide and this proposal is a minimum of 8 ft. 2 in. in the area where the sidewalk is only 1 ft. 1 in. wide on private property, in lieu of the 5 ft. minimum required by code. 7. Per Section 134-1163(9)b., variance for lot coverage of 63% on the first floor in lieu of the 57% existing and the 35% maximum allowable in order to relocate mechanical equipment from the east side of the property to the west. 8. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 30% maximum allowable by code. 9. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building length at the east end of the building from 201 ft. 8 in. to 246 ft. in lieu of the 150 ft. maximum permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] [The Architectural Review Commission deferred this project to their June 23, 2021 Meeting. Carried 6-1.] **Request to Withdrawal Per Letter**

from James M. Crowley

- b. **Z-21-00374 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JORDAN AND KRISTIN BENNETT GRAY, APPLICANTS, relative to property located at **224 LA PUERTA WAY**, legal description on file, is described below. The applicant is requesting four variances in order to build a two story addition which includes a 315 square foot one story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony and two bathrooms. The requested variances are a for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R B Zoning District; an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony; an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor; and an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the March 23, 2022 meeting. Carried 7-0.] **Staff Recommends Deferral to the April 13, 2022 Meeting**
- c. **Z-21-00385 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of 239 MONTEREY ROAD LLC (Louis Capano, Jr., Manager), Applicant, relative to property located at **223 MONTEREY RD**, legal description on file, is described below. The lot is non conforming in area: 9,000 square feet in lieu of the 10,000 square feet required in the R-B Zoning District; and in width: 90 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. Request to demolish the existing one story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences and construct a new 3,902 square foot single family two-story home on a non conforming lot (overall size and width) meeting all applicable Town codes. The request includes a driveway, pool/spa, hardscape and landscape, including an emergency generator and civil storm water and grading. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project as presented. Carried 5-2.]
- d. **ZON-21-006 (ARC-21-040) 164 SEASPRAY AVENUE (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Hayati Banastey, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of new two story residence on 2

platted lots deficient in lot width and lot area, including the following variances (1) a variance to reduce the required side (east) yard setback to 10 ft in lieu of 15 feet required for 2 story structure; (2) a variance to reduce the required side (west) yard setback to 10 ft in lieu of 12.5 feet required for the 1 story portion; (3) a variance to reduce the required side (west) yard setback to 10 feet in lieu of 15 feet required for the 2 story portion. [Architectural Review Commission deferred the project to the January 26, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the February 9, 2022 Meeting.**

- e. **ZON-21-011 (ARC-21-050) 1090 SOUTH OCEAN BOULEVARD (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW** The applicant, 1090SOCEAN LLC (Brad McPherson), has filed an application requesting Town Council review and approval of a Special Exception Request with Site Plan Review to allow the construction of a new two-story residence on non-conforming portions of platted lots that is 135' in depth where 150' is required and 18,558 SF of lot areas where 20,000 SF is required in the R-A zoning district. [Architectural Review Commission deferred the project to the January 26, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the February 9, 2022 Meeting**
- f. **ZON-21-012 (AKA Z-20-00299) (ARC-21-051) 1015 SOUTH OCEAN BOULEVARD (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES**
The applicant, 1015 South Ocean LLC (Maura Ziska, manager), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and variances (1) to reduce the required front setback and (2) to reduce the building height plane setback for both the one- and two-story portions, in order to build a new two-story residence on a lot nonconforming in depth. Please refer to the staff memo for more information on this project. [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]
- g. **Z-20-00318, LOTS 1-6 AND BLOSSOM WAY OF THE REPLAT OF THE BLOSSOM ESTATE AND PROPERTY CURRENTLY KNOWN AS 60 BLOSSOM WAY,** Zoning District: R-AA Large Estate Residential, The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, to Replat Lots 1-6; Relocate the 8 foot wide Pedestrian Beach Access Easement to the North Side of Proposed Lot 6; Eliminate the Limited Access Easement (LAE) along the East Side of South Ocean Boulevard; Abandon the Private Road Known as Blossom Way, in the Replat of the Blossom Estate; and to Create an 8 foot wide Pedestrian Beach Access Easement Across the North

- h. **ZON-21-018 (HSB-21-004) 245 BARTON AVE (COMBO)—VARIANCES** The applicant, Elizabeth Sorrel, has filed an application requesting Town Council review and approval for variances (1) to reduce the front (south) setback for a new entry addition, (2) to exceed the maximum allowable cubic content ratio 'CCR', and (3) to exceed the maximum allowable lot coverage, in order to construct a new 35 SF entry addition to a historically significant building. [The Landmarks Preservation Commission deferred the project to the January 19, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the February 9, 2022 Meeting.**
- i. **ZON-21-025 2800 S OCEAN BLVD—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Four Seasons and Boucher Brothers, has filed an application requesting Town Council review and approval for a Special Exception Request to operate a beachfront concessionaire (Boucher Brothers) eastward of an existing hotel (Four Seasons) in the Beach Area District for beach chair, umbrella and bed rentals and to allow food and beverage service. Please refer to the staff memo for more information on this project.

2. New Business

- a. **ZON-21-013 (ARC-21-044) 1800 SOUTH OCEAN BLVD (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, 1800 South Ocean LLC (Maura Ziska, Manager), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review to install a padel court and generator over 100kW in power, in association with a new two-story residence. [Architectural Review Commission deferred the project to the January 26, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the February 9, 2022 Meeting.**
- b. **ZON-21-023 (COA-21-013) 235 SUNRISE AVE (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, New Synagogue of Palm Beach, Inc (Brad Bleefeld – VP Treasurer), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review and Variances to (1) to exceed overall building height, (2) to exceed building height, (3) to reduce nonconforming landscape open space, and (4) for reduced rear yard setback in order to accommodate proposed exterior changes to the existing 4-story condominium hotel building. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative

architectural impact to the subject, landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

- c. **ZON-22-001 609 ISLAND DR—VARIANCES** The applicants, Peter and Nancy Brown, have filed an application requesting Town Council review and approval for a variance to construct a new dock and boat lift greater than 6 feet west of the US Pierhead Line.
- d. **ZON-22-002 (ARC-21-093) 150 WORTH AVE, STE 234 (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Cojimar Palm Beach (Joseph Hernandez and Charles Masson), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review requesting outdoor seating (28 total seats) at the first (20 seats) level and second (8 seats) level of the two-story Esplanade retail building in conjunction with a new restaurant (Cojimar) to occupy the second floor space of a prior restaurant. [Architectural Review Commission deferred the project to the January 26, 2022 meeting. Carried 5-2.] **Staff Recommends a Deferral to the February 9, 2022 Meeting**
- e. **ZON-22-003 (COA-21-020) 127 ROOT TRAIL (COMBO) — VARIANCES** The applicants, David and Catherine Brooker, have filed an application requesting Town Council review and approval for variances (1) to reduce the required setback for a pool heater, (2) to reduce required setback for pool equipment, and (3) to eliminate the requirement to provide two on-site parking spaces. [The Landmarks Preservation Commission approved this project on consent at their December 2021 meeting. Carried 7-0]
- f. **ZON-22-005 (COA-21-017) 720 S OCEAN BLVD (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, 720 South Ocean Boulevard Land Trust (Paul A Krasker, Trustee), has filed an application requesting Town Council review for a Special Exception with Site Plan Review for the construction of a beach cabana structure, swimming pool, and related site work East of S Ocean Blvd in the Beach Area Zoning District. [The Landmarks Preservation Commission approved the project with the exception of the cabana, which will return to the February 16, 2022 meeting. Carried 7-0.]
- g. **ZON-22-006 (ARC-21-095) 432 SEABREEZE AVE (COMBO) —VARIANCES** The applicant Bijon Memar, has filed an application requesting Town Council review and approval for modifications and an addition to the existing residence, requiring variances for lot coverage and retention of existing nonconforming side yard and rear yard setbacks. **Staff Recommended Deferral to the February 9, 2022 Meeting**

- h. **ZON-22-008 (ARC-21-096) 3450 S OCEAN BLVD (COMBO) —SITE PLAN REVIEW** The applicant, the Patrician Condominium, has filed an application requesting Town Council review and approval for Site Plan Review for the changes to the previously approved site plan including the addition of pool shade structures and restroom structures. [The Architectural Review Commission approved the project with a condition relating to the landscaping. Carried 6-1.]
- i. **ZON-22-026 245 WORTH AVE SUITE A—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Le Bilboquet (Dobromira Trendafilova, Manager), has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception Request with Site Plan Review (Z-20-00247) to modify the hours of operation to be 7:00am (previously approved 11:00am) in order to serve breakfast seven days a week.

XI. ANY OTHER MATTERS

XII. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's

Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.