



# TOWN OF PALM BEACH

Summary of the Actions Taken at the Development  
Review Town Council Meeting  
Held on June 15, 2022

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR DANIELLE H. MOORE
- IV. COMMENTS OF TOWN COUNCIL MEMBERS
- V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
- VI. APPROVAL OF AGENDA

**ACTION: APPROVED, AS AMENDED**

VII. PRESENTATIONS

- A. Presentation from Palm Beach County Property Appraiser Dorothy Jacks

**ACTION: NONE**

VIII. DISCUSSION ITEMS

- A. Add On to Construction Projects

**ACTION: STAFF WILL WORK ON THE IMPLEMENTATION OF THE NEW SOFTWARE THAT MAY RESOLVE THE ISSUE; THIS ITEM WILL BE RE-EVALUATED AFTER NEW SOFTWARE IS IMPLEMENTED.**

B. Landmarks Preservation Commission Calendar

*Margaret A. Zeidman, Town Council President*

**ACTION: THE TOWN COUNCIL WILL ENGAGE ARCOM IN THE DISCUSSION REGARDING ELIMINATING THEIR AUGUST MEETING FOR FUTURE YEARS. THIS ITEM WILL BE PLACED ON A FUTURE AGENDA FOR DISCUSSION.**

IX. DEVELOPMENT REVIEWS

A. Appeals

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

**ACTION: DENIED**

B. Time Extensions and Waivers

1. Request for Permit Extension for 114 Seaspray Avenue

**ACTION: WITHDRAWN**

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **ZON-21-006 (ARC-21-040) 164 SEASPRAY AVENUE (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Hayati Banastey, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of new two story residence on 2 platted lots deficient in lot width and lot area, including the following variances (1) a variance to reduce the required side (east) yard setback to 10 ft in lieu of 15 feet required for 2 story structure; (2) a variance to reduce the required side (west) yard setback to 10 ft in lieu of 12.5 feet required for the 1 story portion; (3) a variance to reduce the required side (west) yard setback to 10 feet in lieu of 15 feet required for the 2 story portion. [The Architectural Review Commission approved the project with a condition related to the architecture will return on June 29, 2022. Carried 6-1.]

**ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT**

- b. **ZON-22-017 (ARC-22-032) 1237 N LAKE WAY (COMBO) - VARIANCES & SITE PLAN REVIEW** The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Town Council review of and approval of Site Plan Review for the construction of a new two-story residence on a lot with less width than required in the RB district, and including variances (1) to allow a two-story accessory structure on a lot

less than 20,000SF in lot area, and (2) to exceed the point of measurement. ARCOM will perform design review of the application. [Architectural Review Commission Recommendation: Implementation for the proposed variance for the second story will cause negative architectural impact to the subject property. Carried 4-3. Implementation for the proposed variance, which addressed the point of measurement, will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

**ACTION: DEFERRED TO JULY 13, 2022**

- c. **ZON-22-033 (ARC-22-001) 108 EL MIRASOL (COMBO) - VARIANCES** The applicant, ANK Palm Beach LLC (Anand “Andy” Khubani, Managing Member), has filed an application requesting Town Council review and approval for a variance to allow a basement in a North side-yard setback for basement vehicular access in relation to the construction of a new single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.  
**ACTION: DEFERRED TO JULY 13, 2022**
- d. **ZON-22-037 (ARC-22-040) 60-70 BLOSSOM WAY (COMBO) - SITE PLAN REVIEW** The applicant, Blossom Way Holdings LLC and Providencia Partners LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council Site Plan Review as required for the installation of a generator with an output capacity over 100kW, in conjunction with the construction of a new single-family residence. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.  
**ACTION: DEFERRED TO JULY 13, 2022**
- e. **ZON-22-044 (ARC-22-054) 333 SUNSET AVE (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Royal Poinciana South LLC (Arthur Pergament) has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and Variances (1) to exceed the maximum lot coverage, (2 & 3) to reduce required setbacks, (4) to expand an existing nonconforming 7 story building, (5 & 6) to allow pool equipment where not permitted, (7) to

exceed the maximum building height and (8) to exceed the maximum allowable amount of equipment in a front yard. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 5- 2.]

**ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT**

- f. **ZON-22-045 (HSB-22-008) 426 SEAPRAY AVE (COMBO) - VARIANCES** The applicant, 426 Seaspray Avenue Trust (Maura Ziska, TR) has filed an application requesting Town Council approval for Variances (1) to exceed the maximum cubic content ratio (CCR), (2) to exceed the maximum lot coverage, and (3) from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 2.27' NAVD and 4.06' NAVD in lieu of the required 7' NAVD, in conjunction with renovations and a two-story additions to an existing nonconforming historically significant building. The Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the historically significant building. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

**ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT**

- g. **ZON-22-059 (ARC-22-086) 2219 IBIS ISLE RD (COMBO) - SITE PLAN REVIEW** The applicant, GLOBAL ONE INVESTMENT GROUP LLC (Alfredo Borges), has filed an application requesting Town Council review and approval for Site Plan Review to allow the construction of a residence on a non- conforming platted lot which is 90 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

**ACTION: DEFERRED TO JULY 13, 2022**

2. New Business

- a. **ZON-22-046 (ARC-22-063) 1160 N OCEAN BLVD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Paul & Cythlen Maddock, has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the construction of a 500 SF beach cabana in the BA zoning district. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.  
**ACTION: DEFERRED TO JULY 13, 2022**
- b. **ZON-22-052 (ARC-22-076) 425 WORTH AVE, PH-B (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW & VARIANCES** The applicant, Mary Randolph Ballinger, has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and Variances for (1) to exceed maximum building height, (2) to expand the nonconforming 6th floor, and (3) to reduce existing nonconforming rear (north) yard setbacks, in conjunction with a 58 SF addition to an existing 6th floor penthouse. The Architectural Commission will perform design review of the application.  
**ACTION: APPROVED**
- c. **ZON-22-054 (HSB-22-004) 324 BARTON AVE (COMBO) - VARIANCES** The applicants, Leverett and Linda Miller, have filed an application requesting Town Council review and approval for a Variances to (1) reduce the required side (east) yard setback, (2) for the expansion of a nonconforming accessory structure, and (3) from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 5.34' NAVD in lieu of the required 7' NAVD, in conjunction with one story additions to a Historically Significant building two-story main house and one story additions to an existing two-story accessory structure. The Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the historically significant building. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]  
**ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT**

- d. **ZON-22-063 (ARC-22-074) 220 ARABIAN RD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Richard Carlino, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of new two-story residence on portions of platted lots deficient in lot width. The Architectural Commission will perform design review of the application. [The Architectural Review Commission denied the project at the May 25, 2022 meeting. Carried 4-3.] Staff Recommends a Withdrawal of the Project.  
**ACTION: WITHDRAWN**
- e. **ZON-22-065 (ARC-22-099) 360 EL BRILLO WAY (COMBO) - VARIANCES** The applicant, El Brillo Way Trust u/a/d September 24, 2021 (David Klein trustee), has filed an application requesting Town Council review for Variance (1) to exceed the building height plane for a new two-story residence, (2) to reduce the required front setback for a new pool, (3) to exceed the angle of vision in order to construct a detached cabana in the required yard area, and (4) for swimming pool equipment to exceed the maximum distance from water's edge. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.  
**ACTION: DEFERRED TO JULY 13, 2022**
- f. **ZON-22-066 520 ISLAND DR - VARIANCES** The applicant, has filed an application requesting Town Council review and approval for variances to (1) exceed by 18 ft the maximum dimension of 6 ft west of the bulkhead line to install 3 mooring piles 24 ft westward, (2) to exceed by 51 (33%) the maximum width of 45 ft (30% of 150 ft wide lot) to install a 96 ft (63%) wide dock, (3) to reduce the required north side yard setback by 7' to install mooring piles at 18' where 25' is required, (4) To exceed the maximum dock width of 10' for a dock (east) further than 6' from bulkhead and (5) to exceed the maximum number of docks allowed on a property from one to two for a property with water frontage on east and west sides of Everglades Island.  
**ACTION: APPROVED**
- g. **ZON-22-067 (ARC-22-104) 281 MONTEREY RD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Adam Demark, has filed an application requesting Town Council review for Special Exception with Site Plan Review for the construction of a

new two-story residence on portions of non-platted lots deficient in lot width. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with a condition related to the landscape at the May 25, 2022 meeting. Carried 7-0]

**ACTION: APPROVED**

- h. **ZON-22-068 (COA-22-024) 238 PHIPPS PLZ (COMBO) - VARIANCES** The applicant, Phipps Plaza Properties Partners LLC, has filed an application requesting Town Council review and approval for variances to (1) reduce by 4'11" the required side (west) setback of 5' to place a 6' tall air-conditioning unit at 1" to the property line and to (2) reduce by 2'-2" required rear (south) setback of 5' to place the equipment at 2'-10" to the property line, (3) to forgo equipment screening requirement, and (4) for a variance from Chapter 50 for the required elevation for a new AC equipment on a landmarked building to install at 4.0' NAVD in lieu of the required 8' NAVD. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

**ACTION: APPROVED**

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

**ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT**

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

application. [The Landmarks Preservation Commission deferred the project to their June 22, 2022 meeting. Carried 5- 2.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

**ACTION: DEFERRED TO JULY 13, 2022**

- k. **ZON-22-071 (ARC-22-105) 124 COCOANUT ROW (COMBO) - VARIANCES** The applicant, Nedim Soylemez and Rebecca Ann Soylemez, has filed an application requesting Town Council review for a variance (1) to exceed maximum cubic content ratio (CCR), (2) to exceed maximum building height, and (3) to exceed maximum overall building height, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the July 13, 2022 Meeting.

**ACTION: DEFERRED TO JULY 13, 2022**

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

**ACTION: DEFERRED TO JULY 13, 2022**

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

**ACTION: DEFERRED TO JULY 13, 2022**

## X. ORDINANCES

### A. **Second Reading**

1. Proposed Ordinance to Amend Chapter 18 of the Town Code to Modify the Language regarding Floodplain Management, to incorporate new FEMA and FL DEM requirements, and to acknowledge the Town's current CRS classification.

ORDINANCE NO. 009-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Specifically At Article I, In General, Section 18-1, Datum Plane Adopted; And At Article IV, Florida Building Code, Division 2, Florida Building Code Technical Amendments For Flooding, Section 18-244, Amendments; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

**ACTION: ADOPTED ON SECOND READING**

2. Proposed Ordinance to Amend Chapter 50 of the Town Code to Modify the Language regarding Floodplain Management, to incorporate new FEMA and FL DEM requirements, and to acknowledge the Town's current CRS classification.

ORDINANCE NO. 010-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 50, Floods, By Amending Article III, Definitions And Article IV, Flood Resistant Development, To Provide For Accessory Structures In Flood Hazard Areas And To Specify Elevation Of Manufactured Homes In Flood Hazard Areas; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

**ACTION: ADOPTED ON SECOND READING**

#### XI. ANY OTHER MATTERS

1. House Bill 423

**ACTION: TOWN ATTORNEY RANDOLPH TO DRAFT LETTER ON BEHALF OF THE MAYOR, WHICH CAN BE SENT TO THE GOVERNOR AND LEAGUE OF CITIES**

2. Discussion on FAR

**ACTION: STAFF WILL WORK WITH CONSULTANTS ON THE CONVERSION FROM CCR TO FAR AND WILL MAKE A PRESENTATION AT THE JULY MEETING**

#### XII. ADJOURNMENT