



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on May 12, 2021

- 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 THE AGENDA

ACTION: APPROVED AS AMENDED

VII. RESOLUTIONS

- A. Proposed resolution to provide tax abatement for improvements at 244 Nightingale Trail.

RESOLUTION 50-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

ACTION: APPROVED

- B. Proposed resolution to provide tax abatement for improvements at the Breakers Circle Dining Room.

RESOLUTION 51-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter

54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled “Tax Exemptions.”

ACTION: APPROVED

VIII. DEVELOPMENT REVIEWS

A. Appeals

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

ACTION: DEFERRED TO JUNE 9, 2021

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00211 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-PC Planned Center The application of 305 Concepts Palm Beach, LLC d/b/a Coyo Taco, Applicant, relative to property located at **340 ROYAL POINCIANA WAY SUITE: M337**, legal description on file, is described below. On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement, which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested. The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with the Town Serving requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be presented to the Town Council during the public hearing on this application. [Applicant's Representative: James M. Crowley Esq] Request for Deferral to the June 9, 2021 Meeting per Email from James M. Crowley, Esq.

ACTION: DEFERRED TO JUNE 9, 2021

- b. **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, Applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below. The applicant requests Site Plan Review modification approval for 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 using design themes found in the Worth Avenue Design Guidelines. In addition, a two story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. 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 two-story and fourth story addition. The existing building is four stories but it is being expanded.
2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis.
3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53' in lieu of the 49'2" existing and the 25' maximum allowed by code.
4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63'4" in lieu of the 53'8" existing and the 35' maximum allowed by current code.
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 13,212.9 square feet from 3,448.75 square feet existing. An open fourth story trellis of 5,433 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 3,290 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 1'1" for portions of the building in lieu of the 5' existing and the 5' minimum required on the private property. The sidewalk is required to be a minimum of 10' wide and this proposal is a minimum of 8'2" in the area where the sidewalk is only 1'1" wide on private property.
7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable.
8. Per Section 134-1163(9)b., variance for lot coverage of 71% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story.
9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code.
10. 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 201'8" to 246' in lieu of the 150' 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.] Requested Deferral to the June 9, 2021

Meeting Per Letter from James Crowley.

ACTION: DEFERRED TO JUNE 9, 2021

- c. **Z-20-00281 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The Colony Hotel relative to the property located at 132, 152, 155 Hammon Avenue; Recommendation of Conditions of Approval in the Declaration of Use Agreement related to the East Garden Area.

ACTION: ALLOW THE COLONY HOTEL TO CONTINUE OPERATIONS UNDER CURRENT DECLARATION OF USE AGREEMENT

- d. **Z-20-00295 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) 331 S COUNTY RD -** Reconsideration of the Approval for Cafe L'Europe, Z-20-00295, Special Exception with Site Plan Review, 331 South County Road

ACTION: ACCEPTED WITHDRAWAL OF THE SPECIAL EXCEPTION AND VARIANCE RELATING TO OUTDOOR SEATING ONLY

- e. **Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R A Estate Residential The application of 1015 SOUTH OCEAN LLC (MAURA ZISKA, MANAGER), applicant, relative to property located at **1015 S. OCEANBLVD**, legal description on file, is described below. 1) Section 134 840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two story residence on a non conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required in the R A Zoning District. 2) Section 134 843(a)(5): A request for a variance to allow a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R A Zoning District. 3) Section 134 843(a)(9): A request for a variance to allow a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R A Zoning District. 4) Section 134 843(a)(6)b: A request for a variance to allow an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R A Zoning District. 5) Section 134 843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element) minimum required by Code in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the May 26, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

ACTION: DEFERRED TO JUNE 9, 2021

- f. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq] Staff Recommends Deferral to the June 9, 2021 Meeting to Allow for Further Study of Outdoor Seating Regulations.

ACTION: DEFERRED TO JUNE 9, 2021

- g. **Z-20-00318 REPLAT** Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, relative to property located at **1265 S OCEAN BLVD**, legal description on file, is described below. An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision. [Applicant's Representative: Maura Ziska Esq] Staff Recommends Deferral to the June 9, 2021 Meeting as the application is incomplete.

ACTION: DEFERRED TO JUNE 9, 2021

- h. **Z-21-00329 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of 910 S OCEAN LLC (Tom Campbell), applicant, relative to property located at **910 S OCEAN BLVD**, legal description on file, is described below. 1. Section 134 843(b): Modification to a previously approved request for Site Plan approval to permit construction of a new 17,527 square foot, two story residence on a platted lot with a depth of 128.42 in lieu of the 150 foot minimum required in the R-A Zoning District. The proposed changes to the main house parcel are as follows: the addition of a cooling tower at southwest corner of the property; revision of the driveway and

entries to reduce from three curb cuts to two curb cuts; elimination of the swimming pool on the east side of the house; addition of decorative balustrades at the roof level; revisions to floor plans and south façade due to plan changes; elimination of balcony on the west façade; minor adjustment to stonework and window/door configurations; and revision to metal railing design of balconies. Also proposed modifications to the basement enlarging the square footage by 994 square feet to house mechanical equipment. 2. Section 134-2: a variance to allow a point of measurement of 21.5 NAVD in lieu of the 18.34 NAVD maximum allowed for the building height plane calculation for the balustrade detail. 3. Section 134-1610(4) and 134-843(11): a variance to allow lot coverage to be 28.5% in lieu of the 25% maximum allowed when counting the basement walls that extend outside of the main building walls. 4. Section 134-790: Modification to a previously approved request for a special exception to permit construction of a new 500 square foot beach cabana east of South Ocean Boulevard. Modifications include new fenestration, columns, basement and raising finished floor elevation by 2 feet and to lower the site wall to meet the ocean vista requirement. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property.] [The Architectural Review Commission approved the project as presented with a few conditions related to the architecture and landscape. Carried 6-1.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- i. **Z-21-00333 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 04TST101NIGHTINGALE LLC, applicant, relative to property located at **101 NIGHTINGALE TRL**, legal description on file, is described below. Section 134-893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 In lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their May 26, 2021, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

ACTION: DEFERRED TO JUNE 9, 2021

- j. **Z-21-00336 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PARTNERS LLC, A DELAWARE

LIMITED LIABILITY COMPANY, applicant, relative to property located at **264 SOUTH COUNTY RD & 270 SOUTH COUNTY RD**, legal description on file, is described below. Section 134-1109: A request for a special exception with site plan review modification approval to modify a previously approved Club's 264 South County Road property as follows: At 264 South County Road: Modify quantity and size of rooftop mechanical equipment; Modify height of mechanical equipment screen wall; Modify Landscape and Hardscape Design including Landscape Open Space. At 270 South County Road: Modify quantity and size of rooftop mechanical equipment; New mechanical equipment screen wall; Modify Landscape and Hardscape Design including Landscape Open Space; Modify to Front Door & Overhang Design; Modify Door/Window Operation on East Elevation for Emergency Egress; New Concealed Emergency Egress Gate On East Elevation; New Decorative Shutters on South Elevation; Modify quantity and location of windows on northwest corner of second floor. The following Variances are being requested: At 264 South County Road: 1) Section 134-1607(1): to allow (4) pieces of HVAC equipment at 51 inches in height in lieu of the 48" maximum allowed; 2) Section 134-1607(1): to allow the scrubber at 40 inches in height in lieu of the 36" maximum allowed. At 270 South County Road: Section 134-1607(1): to allow (5) pieces of HVAC equipment at 57 inches in height in lieu of the 48" maximum allowed. 3. Section 134-1113(6): To allow a parapet wall on the south side of the second story to screen proposed new mechanical equipment with a side yard setback of 2.11 feet in lieu of the 11 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 6-1.] [The Landmarks Preservation Commission approved the project as presented with conditions relating to the architecture to return to the May 19, 2021 Landmarks Preservation Commission meeting. Carried 7-0.]

ACTION: APPROVED WITH THE CONDITION THAT THE DECIBEL LEVELS WILL BE CHECKED BY THE TOPB POLICE DEPARTMENT PRIOR TO THE ISSUANCE OF APPROVAL OF FINAL INSPECTION AND CERTIFICATE OF OCCUPANCY AND A CONDITION RELATING TO A UTILITY EASEMENT

2. New Business

- a. **Z-21-00338 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of DAVID & SAMANTHA MILGRAM, applicant, relative to property located at **246 SE ASPRAY AVE**, legal description on file, is described below. Section 134-1757: Applicant is requesting the following variances to construct a new 10' x 22' swimming pool: a 5 foot

rear yard setback in lieu of the 10 foot minimum required; and a 5 foot west side yard setback in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- b. **Z-21-00339 VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of FRISBIE GROUP LLC (ROBERT FRISBIE JR., MANAGING DIRECTOR), applicant, relative to property located at **221 ROYAL POINCIANA WAY, SUITE 1**, legal description on file, is described below. Section 134 1107: Request for a variance to allow a first floor real estate office (Frisbie Group LLC) in Suite 1 of 221 Royal Poinciana Way which is comprised of 2,116 square feet. In addition to the real estate office there will be a retail component showcasing interior decorator items for sale. A variance is being requested to have the proposed real estate office on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT AS WELL AS A CONDITION THAT THE OFFICE SPACE AS IDENTIFIED ON THE APPROVED FLOOR PLAN WILL NOT EXCEED 1,346 SF; IN ADDITION, APPROVAL WAS GRANTED BASED ON THE APPLICANT'S TESTIMONY THAT THE TENANT WOULD NOT PLACE REAL ESTATE PROPERTY PICTURES IN THE WINDOWS.

- c. **Z-21-00340 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of RONALD M. ALVAREZ AND ALICE A RUTH, TRUSTEES OF THE B.O.P. TRUST-I DATED 4/3/1998, applicant, relative to property located at **210 ORANGE GROVE RD**, legal description on file, is described below. Applicant is proposing to convert a one story two car garage into a one story one car garage, and adding 50 square feet of space to the garage for a cabana bath. The following variances are being requested: Section 134-893(9): a rear yard setback of 6.4 feet in lieu of the 10 foot minimum required in the R-B Zoning District. Section 134-2179(b): Applicant is requesting a one car garage in lieu of the requirement of having a two car garage for properties in excess of 75 feet in width. [Applicant's Representative: Maura Ziska Esq] [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 as presented. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- d. **Z-21-00341 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of GRETCHEN S. JORDAN, AS TRUSTEE OF THE GRETCHEN S. JORDAN 1998 TRUST DATED NOVEMBER 18, 1998, applicant, relative to property located at **273 TANGIER AVE**, legal description on file, is described below. The Applicant is proposing to enclose a 432 square foot balcony on the second floor in the rear of the residence in order to create an office. This will require the following variance to be requested: Section 134-893(13): a cubic content ratio of 4.1 in lieu of 3.9 existing and the 3.93 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the May 26, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

ACTION: DEFERRED TO JUNE 9, 2021

- e. **Z-21-00342 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of THOMAS D'AGOSTINO, applicant, relative to property located at **253 SEMINOLE AVE**, legal description on file, is described below. Section 134-1757: Applicant is requesting the following variances to construct a new 10' x 35' swimming pool: a 5 foot rear yard setback in lieu of the 10 foot minimum required; and a 5 foot west side yard setback in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

ACTION: PARTIALLY APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT, A 6'3" REAR SETBACK IN LIEU OF 5' REQUESTED, AND THE ATTORNEY WITHDREW THE VARIANCE FOR THE WEST SIDE YARD SETBACK

- f. **Z-21-00343 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of 130 ALGOMA LLC (LEE FENSTERSTOCK, MANAGER), applicant, relative to property located at **130 ALGOMA RD**, legal description on file, is described below. Section 134-229, Section 134-329, and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new, two-story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 feet in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow

the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing nonconforming garage. 2) Section 134-843(7): to allow the building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the May 26, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

ACTION: DEFERRED TO JUNE 9, 2021

g. **Z-21-00344 SITE PLAN REVIEW WITH VARIANCE(S)**

Zoning District: R-B Low Density Residential The application of MICHAEL S. ARLEIN, TRUSTEE OF THE 267 DUNBAR ROAD RTRUST DATED 12/07/20, applicant, relative to property located at **267 DUNBAR RD**, legal description on file, is described below. Section 134-893(c): Site Plan Review to allow the construction of a new one and two story 7,500 square foot single family residence on a non-conforming platted lot which is 98.5 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. Section 134-893(5): A variance request to allow the construction of a new one and two story 7,500 square foot single family residence with a street side yard setback of 25 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission denied this project at their April 28, 2021 meeting. Carried 7-0.] Staff Recommends that the Project Does Not Move Forward Due to a Denial at the Architectural Review Commission Meeting on April 28, 2021.

ACTION: WITHDRAWN FROM THE AGENDA

- h. **Z-21-00345 VARIANCE(S)** Zoning District: R-A Estate Residential The application of PAUL A. KRASKER, AS TRUSTEE OF THE 720 SOUTH OCEAN BOULEVARD LAND TRUST DATED SEPTEMBER 20, 2020, applicant, relative to property located at **720 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting approval to renovate and construct additions to the north side of the landmarked residence known as "El Salono" to include a new 486 square foot pool cabana and a 1,159 square foot second and third story addition. The following variances are being requested: 134 843(8): a north side yard setback ranging from 2.6 feet to 5.9 feet for the 2nd and 3rd story additions in lieu of the 15 foot minimum required in the R-A Zoning District. 134- 843(8): a north side yard setback of 4.9 feet for the pool cabana in lieu of the 15 foot minimum required in the R-A Zoning District. 134-843(10): a building height of 26.33 for the proposed 3rd story addition in lieu of the 25 foot

maximum allowed in the R-A Zoning District. Section 134-844: A request for variance to construct a 3rd story addition where only two stories is the maximum allowed in the R-A Zoning District under the existing zoning code. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission deferred this project to the May 19, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

ACTION: DEFERRED TO JUNE 9, 2021

- i. **Z-21-00346 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of PALM BEACH COUNTRY CLUB INC (ROBERT SCHLAGER, PRESIDENT), applicant, relative to property located at **760 N OCEAN BLVD**, legal description on file, is described below. Section 134-890(5): Modification to a previously approved private club which is a special exception use in a residential zoning district by adding a paddle ball court on the Fairview Road property owned by the Palm Beach Country Club. Section 134-1759: A request for Special Exception Approval with Site Plan Review to allow construction of a paddle ball court that will be enclosed and screened by landscaping. (Backboard requires Special Exception Approval). [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the May 26, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the June 9, 2021 Meeting.

ACTION: DEFERRED TO JUNE 9, 2021

IX. ORDINANCES

A. First Reading

1. Proposed ordinance to provide a fee modification to all Business Tax Receipts in accordance with State law.

ORDINANCE 04-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43 Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED

2. Proposed ordinance to amend Chapter 18 to provide uniform public notice requirements for Architectural Review Commission applications.

ORDINANCE 06-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 3, Procedure And Requirements; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

3. Proposed ordinance to amend Chapter 54 to provide uniform public notice requirements for Landmark Preservation Commission applications.

ORDINANCE 07-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect; Sections 54-93 And 54-94; And Amending Article IV, Designation Procedure, Section 54-162; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

4. Proposed ordinance to amend Chapter 134 to provide uniform public notice requirements for Town Council zoning relief applications.

ORDINANCE 08-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article II, Administration, Division 4, Special Exceptions, Variances, And Dimensional Waivers, Sections 134-172 Through 134-174, And At Article III, Site Plan At Section 134-328; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

5. Proposed ordinance to amend Chapter 134, Zoning, to modify the use categories of restaurants, bars, and nightclubs and minor modifications to other food and beverage uses in the C-TS, C-WA, C-OPI, C-PC, and C-B districts.

ORDINANCE 12-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article VI, District Regulations, Sections 134-1107, Permitted Uses, By Eliminating “Restaurants, Excluding Formula Restaurants As Defined In Section 134- 2 And Bar/Lounges” As A Permitted Use In The C-TS Zoning District; At Section 134-1109, Special Exception Uses By Adding “Restaurants, Excluding Formula Restaurants As Defined In Section 134-2 And Bars/Lounges” As

Special Exception Uses In The C-TS Zoning District; At Section 134-1157, Permitted Uses, By Eliminating “Retail Specialty Foods, Including Incidental Sale Of Prepared Food For Takeout” As A Permitted Use In The C-WA Zoning; At Section 134-1159, Special Exception Uses, By Adding “Retail Specialty Foods, Including Incidental Sale Of Prepared Food For Takeout” As A Special Exception Use In The C-WA Zoning District; At Section 134-1207, Permitted Uses, By Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” As A Permitted Use In The C-OPI Zoning District; At Section 134-1209, By Adding “Dining Rooms When Not More Than More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising Permitted” As A Special Exception Use In The C-OPI Zoning District; At Section 134-1257, Permitted Uses, By Eliminating The Lettering Identifying Permitted Uses And Replacing With Numbering And Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” And “Retail Specialty Foods, Including Incidental Sale Of Prepared Foods For Takeout” As Permitted Uses In The C-PC Zoning District; At Section 134-1259, Special Exception Uses, By Adding “Dining Rooms When Not More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising To Be Permitted” As Special Exception Use In The C-PC Zoning District; At Section 134-1302, Permitted Uses, By Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” As A Permitted Use In The C-B Zoning District; At Section 134-1304, Special Exception Uses, By Adding “Dining Rooms When Not More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising To Be Permitted” As A Special Exception Use In The C-B Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

ACTION: APPROVED AS AMENDED

6. **Discussion of the current codes regarding the automatic removal of architects on both the ARCOM and Landmarks Commissions due to the architects reaching the maximum number of conflicts of interest (five), per calendar year; and possible solutions, including consideration of Draft Ordinances:**

Proposed Amendment to the Town Code to Exempt ARCOM Member Architects from Conflict of Interest Regulations

ORDINANCE 09-2021 An Ordinance Of The Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulations, Article III, Architectural Review, Division 1, Generally Section 18-170;

Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

7. Proposed Amendment to the Town Code to Exempt Landmarks Preservation Commission Member Architects from Conflict of Interest Regulations

ORDINANCE 10-2021 An Ordinance Of The Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Article II, Landmarks Preservation Commission, Section 54-38(b); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

X. ANY OTHER MATTERS

- a. Proposed Changes to ARCOM and LPC Designation Manual and Guide and Resolution 54-2021

ACTION: APPROVED RESOLUTION 54-2021 WITH THE EXCEPTION OF SIGNAGE, WHICH WILL BE RESTUDIED

- b. Discussion on FEMA Fill

ACTION: STAFF WILL CONTINUE STUDYING OPTION B AND RETURN WITH AN ORDINANCE FOR CONSIDERATION

- c. Authorization Declaring Zoning in Progress Regarding Landing Dock and Pier Regulations

ACTION: NONE

- d. Discussion on Non-Conforming Lot Change

ACTION: NONE

- e. Discussion on Number of Homes to be Placed Under Consideration For Landmarking Per Year

ACTION: NO ACTION BUT THE TOWN COUNCIL REINSTATED THEIR APPROVAL TO DOUBLE THE BUDGET FOR THE CONSULTANTS TO STUDY HOME FOR LANDMARKING

- f. Zoning in Progress for Outdoor Seating

ACTION: ZONING IN PROGRESS DECLARED UNTIL THE SEPTEMBER 13, 2021 TOWN COUNCIL MEETING. STAFF WILL NOT ACCEPT ANY APPLICATIONS IN CONTRADICTION TO THE PROPOSAL IN THE BACKUP FOR THIS AGENDA ITEM

IX. ADJOURNMENT

