



TOWN OF PALM BEACH

Planning, Zoning & Building Department

SUMMARY OF ACTIONS TAKEN AT THE DEVELOPMENT REVIEW TOWN COUNCIL MEETING HELD ON WEDNESDAY, JANUARY 15, 2020

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR GAIL L. CONIGLIO
- IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING
- V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
- VI. APPROVAL OF AGENDA

ACTION: APPROVED AS AMENDED

VII. RESOLUTIONS

- A. RESOLUTION NO. 03-2020 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 155 Hammon 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.

ACTION: APPROVED

VIII. DEVELOPMENT REVIEWS

A. **Time Extensions and Waivers**

1. Time Extension Request for Emergency Roof Repair - 150 Worth

Avenue

ACTION: APPROVED UNTIL FEBRUARY 29, 2020

2. Authorize Waiver to Town Code for Work during Season for the Bradley Park Hotel, 280 Sunset Avenue

ACTION: APPROVED WITH 1) CONTINUATION OF PREVIOUSLY APPROVED EXTENDED WORK HOURS, 2) TO ALLOW WORK ON SATURDAY FOR OUTDOOR LANDSCAPING AND HARDSCAPE AND 3) TO ALLOW RESTAURANT TO OPEN PRIOR TO THE COMPLETION OF THE HOTEL WITH THE FOLLOWING CAVEATS: ALL EXTERIOR BUILDING WORK IS COMPLETE, SUBJECT TO STAFF APPROVAL AND INSPECTIONS, INDOOR SEATING ONLY AND NO OUTDOOR SEATING UNTIL A FULL CO IS OBTAINED, DINNER HOURS ONLY DURING TCO FROM 5 P.M TO 11 P.M AND A HOLD HARMLESS AND INDEMNIFICATION AGREEMENT IS OBTAINED BETWEEN THE OWNERS AND THE TOWN OF PALM BEACH, WITH THE PROJECT RETURNING ON FEBRUARY 12, 2020.

B. Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of Charles “Rusty” Holzer, Applicant, relative to property located at 977 S OCEAN BLVD, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district. 2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet 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 the proposed residence to have a rear setback of 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25%percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu

of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission Deferred the Project at the October 30, 2019 Meeting. Carried 7-0] Request For Deferral To The February 12, 2020 Meeting Per Letter From Maura Ziska.

ACTION: DEFERRED TO THE FEBRUARY 12, 2020 MEETING

- b. **Z-19-00176 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town-Serving Commercial The application of La Goulue Palm Beach, LLC (Craig Pogson, Its Manager), Applicant, relative to property located at 288 S COUNTY RD, legal description on file, is described below. This application requests Special Exception approval to authorize a proposed restaurant, which exceeds 3,000 square feet of gross leasable area at the space currently occupied by Chez L'Epicier. The most recent restaurant approval for this location took place in October, 2014, and was modified in 2016. That restaurant, Chez L'Epicier, was approved for 4,454 square feet and 138 seats, and included valet parking. Approved hours of operation were: Dinner Wednesday through Sunday, 3:00 pm to midnight; Brunch and dinner Saturday and Sunday 10:30 am to midnight; Occasional special events weekdays or Monday and Tuesday night, not past midnight. In 2016, the hours of operation were modified to add dinner on Monday and Tuesday. This restaurant, La Goulue, requests the same square footage (4,454), number of seats (138), valet operation, and hours of operation as past approvals except that the request includes modifying the Declaration of Use Agreement to allow lunch on weekdays. A special exception is also requested for 12 outdoor seats, to be located on the north side of the building. The applicant also requests site plan modification to modify the awnings and restore the main restaurant entrance to its historic location on the northeast façade of the building. [Applicant's Representative: James M. Crowley, Esq] Reconsideration of the condition of approval related to hours of operation.

ACTION: APPROVED WITH HOURS OF 11 A.M. TO 11 P.M. SUNDAY THROUGH THURSDAY AND 11 A.M. TO 12 A.M ON FRIDAY AND SATURDAY.

2. **New Business**

- a. **Z-19-00230 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District R-A Estate Residential The application of M. Weldon Rogers, IV and Rebecca Laing Rogers, Trustees of the Angel Revocable Trust Dated October 8, 2019, Applicant, relative to property located at 120 ALGOMA RD, legal description on file, is described below. 1.

Section 134-843(a) and (b). Special Exception with Site Plan Review to allow the construction of a 6,207 square foot new residence with a 192 square foot pergola on an unplatted non-conforming lot of 15,273 square feet in lieu of the minimum 20,000 square feet required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Carried 7-0] [The Architectural Review Commission approved the project at their December meeting. Carried 7-0]

ACTION: APPROVED WITH CONDITION RELATED TO UNDERGROUNDING

- b. **Z-19-00231 VARIANCE(S)** Zoning District R-B Low Density Residential The application of 1305 N OCEAN WAY LLC, Owner, relative to property located at 1305 N OCEAN WAY, legal description on file, is described below. The applicant is requesting to construct a 700 square foot second floor addition on the northeast side of the existing house with a side yard setback of 13.58 feet in lieu of 15 feet minimum required. [Applicant's Representative: Tim Hanlon Esq] Request for Deferral to the February 12, 2020 Meeting Per Letter From M. Timothy Hanlon.

ACTION: DEFERRED TO THE FEBRUARY 12, 2020 MEETING

- c. **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] Request For Deferral To The February 12, 2020 Meeting Per Letter From James M. Crowley.

ACTION: DEFERRED TO THE MARCH 11, 2020 MEETING AT THE REQUEST OF ATTORNEY CROWLEY.

- d. **Z- 19-00233 VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of GenRock Capital Management, L.P. (Matt Ailey, Principal), Applicant, relative to property located at 214 BRAZILIAN AVE, legal description on file, is described below. Request for a variance to allow a 1,557 square foot private equity office (GenRock Capital Management, L.P.) in suite 212 (previously The Private View Gallery) which is on the first floor of the building where office use is only allowed on the second floor in the C-TS Zoning District. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

IX. ORDINANCES

A. First Reading

1. ORDINANCE NO. 01-2020 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 V, Planned Unit Development Procedure, Section 134-622 Permitted Land Uses In The PUD-A Zoning District, To Allow Hotels As A Permitted Use And Administrative Site Plan Review For Permitted And Accessory Uses That Do Not Exceed 2,500 Square Feet; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED

2. ORDINANCE NO. 02-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Town Code Of Ordinances, By Adding Article VI, Historic Buildings; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

3. ORDINANCE NO. 03-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 50, Floods, Town Code Of Ordinances, By Amending Article III, Definitions, Division 2, Definitions, Section 50-137.5, Definitions; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

X. COMMENTS OF TOWN COUNCIL MEMBERS

This item was moved under Comments of the Mayor

XI. ADJOURNMENT