



TOWN OF PALM BEACH

Summary of the Actions Taken at the Development Review Town Council Meeting Held on December 14, 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. CODE REVIEW

- A. Code Review Update
TIME CERTAIN - 10:00 A.M.

Sean Suder, Zone Co.

ACTION: NONE

VIII. DISCUSSION ITEMS

- A. Discussion Regarding Approving Demolitions Prior to Redevelopment Plans Being Reviewed and/or Approved

ACTION: CONSENSUS OF THE TOWN COUNCIL WAS TO PLACE THE ITEM ON A FUTURE AGENDA SO THAT FURTHER RESEARCH COULD BE DONE AS WELL AS ASKING A MEMBER FROM THE ARCHITECTURAL REVIEW COMMISSION (ARCOM) TO BE PRESENT TO DISCUSS THE ISSUE.

- B. Discussion Regarding Limiting the Number of Restaurants Based on Location and Area

Julie Araskog, Town Council Member

ACTION: CONSENSUS OF THE TOWN COUNCIL WAS TO PLACE THIS ON THE JANUARY TOWN COUNCIL MEETING AGENDA. STAFF WILL GATHER INFORMATION FROM OTHER MUNICIPALITIES ON THIS ISSUE.

IX. RESOLUTIONS

- A. Resolution No. 149-2022 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 **144 Everglade Ave** 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, WITH OWNER CONSENT

- B. Resolution No. 150-2022 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 **127 Kings Rd** 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, WITH OWNER OPPOSITION

- C. Resolution No. 151-2022 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 **1510 N 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.

ACTION: DENIED

- D. Resolution No. 152-2022 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 **345 Polmer Park Rd** 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, WITH OWNER OPPOSITION

X. DEVELOPMENT REVIEWS

A. **Declaration of Use Agreements**

1. **ZON-22-070 (COA-22-026) 241 SEAVIEWAVE**

A. Modification to Declaration of Use Agreement

ACTION: APPROVED WITH THE FOLLOWING CONDITIONS TO BE ADDED TO THE AGREEMENT: THE PARKING LOT LIGHTS WILL BE OFF WHEN THE SCHOOL IS NOT OPEN, THE SIGNAGE FOR THE PARKING LOT WILL STATE THE LOT IS RESERVED FOR PBDA STAFF AND GUESTS, AND THE PALM BEACH DAY ACADEMY WILL SEND THE SCHOOL CALENDAR AND LISTINGS OF ALL SPECIAL EVENTS TO THE SCHOOL'S ABUTTING NEIGHBORS.

2. **ZON-22-132 (ARC-22-200) 165 BRADLEY PL**

A. Modification to Declaration of Use Agreement & Unity of Title

B. Consideration of Site Traffic, Parking, and Pedestrian Flow Plan

ACTION: APPROVED, WITH THE FOLLOWING MODIFICATIONS TO THE AGREEMENT TO BE APPROVED BY STAFF: (2A) DROP OFF OCCURS OVER A 90 MINUTE PERIOD FROM 7:45 AM TO 9:15 AM EVENLY DIVIDED INTO 3 SEGMENTS OF 30 MINUTES EACH, (3) ADDITION OF A MINIMUM OF 40% OF THE STUDENTS SHALL BE PICKED UP NO LATER THAN 12:45 PM, (8/9) THE PROPOSED ARTIFICIAL TURF ON THE PLAYGROUND IS NOT APPROVED AND THE ASPHALT SHALL BE REMOVED AND REPLACED WITH GRASS, (11) NO DROP OFF LINE OR QUEUING IS PERMITTED, (12) FACULTY CANNOT PARK IN THE DESIGNATED PARENT DROP OFF/PICK UP SPACES, A CLUSIA HEDGE WILL BE PLANTED ALONG PARK AVENUE AT 9 FEET AND MAINTAINED AT 15 FEET, (13) A MAXIMUM OF 8 SCHOOL RELATED EVENTS PER YEAR IS PERMITTED, (14) NO ASSIGNMENT BY THE APPLICANT, (15) A STATEMENT PROHIBITING THE USE OF PARK AVENUE WILL BE INCLUDED IN THE PARENT HANDBOOK AND A SEPARATE CONTRACT WITH THIS CONDITION WILL BE SIGNED BY PARENTS, AND THE VIOLATION FEE WILL BE CORRECTED TO REFLECT \$2000.00.

B. **Time Extensions and Waivers**

1. Waiver of Town Code Section, 18-237, for Building Permit Extension at 247 Miraflores Drive

ACTION: EXTENSION GRANTED

1. **Old Business**

- a. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher

than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. *[The Architectural Commission deferred the project to their December 16, 2022, Architectural Commission meeting.] [This item shall be deferred to the January 11, 2023, Town Council meeting pending Architectural Review.]*

ACTION: DEFERRED TO JANUARY 11, 2023

- b. **ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the January 25, 2023 meeting.] [This item shall be deferred to the January 11, 2023, Town Council meeting pending Architectural Review.]*
- ACTION: DEFERRED TO JANUARY 11, 2023**

- c. **ZON-22-113 (ARC-22-182) 380 S COUNTY RD (COMBO)—SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES** The applicant, Le bar a vin (Ann DesRuisseaux), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and including variances (1) to reduce required parking (by 2 spaces), (2) to reduce the street side (south) setback for the proposed ground floor terrace addition, (3) to reduce the required sidewalk clearance width, (4) to reduce the required drive aisle width, (5) to reduce required landscape open space, and (6) to exceed the maximum allowable height for mechanical equipment on a rooftop of an existing two-story building. The applicant is also seeking a Special Exception Request for a restaurant use from an existing bar/lounge. Additionally, the applicant is seeking approval for Special Exception Request with Site Plan Review for outdoor café seating (22 seats + 8 outdoor seats previously approved) on private property and a Special Exception for a restaurant use in conjunction to an existing bar/lounge. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved this project with conditions at the September 28, 2022, meeting. Carried 6-0.] [The Town Council approved the site plan review with respect to the drive aisle shift, and the increase of pace on the first floor for the two bathrooms.] [This item has been withdrawn at the request of the applicant.]*

ACTION: WITHDRAWN

- d. **ZON-22-123 (COA-22-042) 218 PHIPPS PLZ (COMBO)—VARIANCE** The applicant, Bruce Leeds, Trustee of the Bruce Leeds

Declaration of Trust, dated May 30, 2007, has filed an application requesting Town Council review and approval for a variance to reduce the required west rear yard setback, in conjunction with the construction of a new two-story accessory structure. The Landmarks Preservation Commission will perform design review of the application. *[The Landmarks Preservation Commission approved the main structure change with conditions related to the architecture. Accessory structure changes to be reviewed by the Landmarks Preservation Commission in December 2022.] [This item shall be deferred to the January 11, 2022, Town Council meeting pending Landmarks Preservation approval.]*

ACTION: DEFERRED TO JANUARY 11, 2023

- e. **ZON-22-139 (ARC-22-213) 144 CHILEAN AVE (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Allen Perl, as Trustee of the 144 Chilean Trust dated April 13, 2022, has filed an application requesting Town Council review and approval special exception with site plan review for development of a lot nonconforming in lot width in the R-B zoning district in order to construct a new two-story single family residence which requires variances to (1) exceed maximum lot coverage, (2) provide deficient landscaped open space and (3) exceed the maximum cubic content ratio (CCR) allowed. The Architectural Review Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the November 18, 2022 meeting. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.] [Architectural Review Commission Recommendation: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 7-0.]*

ACTION: APPROVED WITH A CONDITION RELATING TO A UTILITY EASEMENT AS WELL AS THE CONDITION THAT THE LOT COVERAGE AND CCR SHALL BE REVISED TO INCLUDE THE POOLSIDE LOGGIA, WHICH WILL BE APPROVED AT THE STAFF LEVEL.

- f. **ZON-22-140 (ARC-22-216) 248 COLONIAL LN (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for development of a lot which is deficient in lot depth and lot area in the R-B zoning district and for variances (1) to eliminate the two-car garage enclosure requirement, (2) to locate a generator in a setback which is higher than allowed from neighboring grade and (3) to not completely screen a generator with a masonry wall, in conjunction with the construction of a new two-story residence. The Architectural Review Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the December 16, 2022 meeting. Carried 7-0.] [This item shall be deferred to the January 11, 2023, Town Council meeting pending review by the Architectural Review Commission.]*

ACTION: DEFERRED TO JANUARY 11, 2023

- g. **ZON-22-105 (ARC-22-148) 150 SEMINOLE AVE (COMBO)**
The applicant, James Lansing and Haviva D. Langenauer, as Trustee of the Haviva D. Langenauer Trust u/a/d/8/10/92, has filed an application requesting Architectural Commission review and approval for a demolition and redesign of the southern portion of the existing two-story residence, a redesign of all facades, the construction of an approximately 680 SF addition to the second story, and new pool, and new hardscape and landscape, requiring variances to maintain existing nonconforming setbacks with more than 50% demolition of a nonconforming structure as part of a renovation. Town Council will review the variance portion of the application.
[The applicant has withdrawn this application.]

ACTION: WITHDRAWN

2. **New Business**

- a. **ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO)**
—VARIANCES The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application. *[This item shall be deferred to the January 11, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.]*

ACTION: DEFERRED TO JANUARY 11, 2023

- b. **ZON-22-136 (COA-22-050) 200 REGENTS PARK RD (COMBO)—VARIANCES** The applicant, 200 REGENTS PARK ROAD TIC-I, LLC And 200 REGENTS PARK ROAD TIC-II, LLC I, has filed an application requesting Town Council review and approval for variances (1) to exceed the maximum amount of fill allowed in required yards, (2) a variance to retain an existing nonconforming front yard setback at an elevated height, (3) a variance to retain an existing nonconforming side yard setback at an elevated height, and (4) a variance to retain an existing nonconforming angle of vision at an elevated height, in conjunction to the raising of an existing two-story Landmarked structure and site. Landmarks Preservation Commission will perform the design review. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at their November 16, 2022, meeting. Carried 7-0.]*

ACTION: APPROVED

- c. **ZON-22-145 (ARC-22-211) 375 S OCEAN BLVD—MID TOWN SEAWALL (COMBO). SITE PLAN REVIEW AND VARIANCE** The applicant, the Town of Palm Beach (Public Works

Department), has filed an application requesting Town Council review and approval for Site Plan Review for construction of a new 2,715 linear feet Mid-Town seawall along South Ocean Boulevard from south of Gulfstream Road to north of Royal Palm Way and for a variance (1) to construct a new seawall 2,715 linear feet directly adjacent but varying 42" to 78" eastward of the existing beach wall and east of the Town of Palm Beach's Bulkhead Line. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]* *[The Architectural Review Commission approved this project with the following conditions: the slope of the wall will be restudied to mitigate drainage and the terrace egress will be restudied, with both elements returning to the Commission. Carried 7-0.]*

ACTION: APPROVED

- d. **ZON-22-147 (ARC-22-225) 201 EL VEDADO RD (COMBO) - VARIANCES** The applicants, Perri and Robert Bishop, have filed an application requesting Town Council review and approval for a variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.]* *[The Architectural Review Commission deferred the project to the December 16, 2022, meeting for a restudy of the gate. Carried 7-0.]*

ACTION: DENIED

- e. **ZON-22-151 (ARC-22-234) 760 N OCEAN BLVD—PALM BEACH COUNTRY CLUB (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Palm Beach Country Club, Inc. (Robert Schlager, President), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to a previously approved Special Exception use (private golf club) in the R-A zoning district including Variance to exceed the maximum projection permitted for a new skylight. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]* *[The Architectural Commission approved the replacement of the windows and doors with the applicant returning for a restudy of the south terrace, railings, elevator and skylight to the December 16, 2022, meeting. Motion carried 6-1.]* *[This item shall be deferred to the January 11, 2023, Town Council meeting pending review by the Architectural Review Commission.]*

ACTION: DEFERRED TO JANUARY 11, 2023

- f. **ZON-22-157 (ARC-22-202) 256 RIDGEVIEW DR (COMBO) – VARIANCES** The applicant, Rotman Property Partnership (Francis X. J. Lynch), has filed an application requesting Town Council

review and approval for variances to (1) exceed the maximum allowable amount of fill in required yards, (2) to exceed the maximum allowable height of a generator in a required yard setback, and (3) to exceed the allowable wall height in a required yard setback, for the construction of a new one-story single-family residence with related landscape and hardscape improvements. The Architectural Commission will perform the design review of the application.

ACTION: APPROVED WITH A CONDITION RELATING TO A UTILITY EASEMENT

XI. ANY OTHER MATTERS

XII. ADJOURNMENT