



TOWN OF PALM BEACH

Summary of the Actions Taken at the Development Review Town Council Meeting Held on August 10, 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

- A. APPROVAL OF THE BUSINESS AND ADMINISTRATIVE COMMITTEE JULY 15, 2022 MEETING REPORT

ACTION: APPROVED

VII. PRESENTATIONS

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

ACTION: NONE

VIII. DISCUSSIONS

- A. Discussion of Landscape Contractor Hours During the Thanksgiving Holiday

ACTION: CONSENSUS OF THE COUNCIL WAS TO AMEND THE ORDINANCE TO ALLOW A FULL DAY OF REGULAR WORK ON THE WEDNESDAY PRIOR TO THE THANKSGIVING HOLIDAY, AND TO ALLOW 4 HOURS OF

REGULAR WORK AND 4 HOURS OF QUIET WORK ON THE FRIDAY FOLLOWING THE THANKSGIVING HOLIDAY.

- B. Discussion of Possible Text Amendment for Parking Garages in the R-C District

ACTION: THE TOWN COUNCIL PROVIDED THEIR FEEDBACK ON THE POSSIBILITY OF A TEXT AMENDMENT.

- C. Discussion of Possible Code Corrections

ACTION: CONSENSUS WAS TO DIRECT STAFF TO RETURN WITH ORDINANCE CHANGES RELATED TO THE FOLLOWING: SPECIAL EXCEPTIONS REQUIRED FOR CERTAIN BUSINESS TAX RECEIPTS, FLOODPLAIN VARIANCES TO BE CONSIDERED BY THE LANDMARKS PRESERVATION COMMISSION, AND SUBDIVISIONS AND LOT SPLITS.

IX. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal of 301 Polmer Park Road

ACTION: DENIED

B. Time Extensions and Waivers

1. Time Extension for 254 N. County Road

ACTION: TIME EXTENSION APPROVED FOR ONE YEAR.

2. Time Extension for 2320 Old S. Ocean Blvd.

ACTION: TIME EXTENSION APPROVED THROUGH SEPTEMBER 20, 2023.

3. Time Extension for 236-238 Phipps Plaza

ACTION: TIME EXTENSION APPROVED THROUGH JUNE 30, 2023.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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 July 27, 2022 meeting. Carried 7-0.] Item deferred to the September 14, 2022 Meeting pending ARCOM decision.

ACTION: DEFERRED TO SEPTEMBER 14, 2022

- b. **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 approved the project at their June 22, 2022 meeting. Carried 5-0.]
ACTION: APPROVED WITH THE FOLLOWING CONDITIONS: THE APPLICANT SHALL RETURN IN ONE MONTH TO NEGOTIATE A MODIFIED DECLARATION OF USE AGREEMENT FOR THE PROPERTY, THE MATERIAL FOR THE NEW PARKING AREA AND TWO DRIVEWAY APRONS SHALL BE SAND SET PAVERS, AND PITCH APPLE SHADE TREES SHALL BE INSTALLED ALONG SEAVIEW AVENUE.
- c. **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 July 27, 2022 meeting. Carried 7-0.] Item deferred to the September 14, 2022 Meeting pending ARCOM decision.
ACTION: DEFERRED TO SEPTEMBER 14, 2022
- d. **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 July 27, 2022 meeting. Carried 7-0.] This item shall be withdrawn.

ACTION: WITHDRAWN

- e. **ZON-22-079 (COA-22-028) 284 MONTEREY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, DHC MONTEREY LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow additions to an existing Landmarked structure which results in demolition of more than 50% of the cubic volume on portions of platted non-conforming lots in the R-B Zoning District, including variances from the (1) side (east) and (2) street side (west) setback requirements, and (3) a variance from the angle of vision requirements. Landmarks Preservation Commission will perform the design review. [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 at their July 20, 2022 meeting. Carried 7-0.]
ACTION: APPROVED
- f. **ZON-22-082 (ARC-22-116) 1338 N LAKE WAY (COMBO) SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Sailfish Club of Florida, Inc. (Ryan Barry, General Manager), has filed an application requesting Town Council for special exception and site plan review for modifications to an existing special exception use private club including new awning system, new windows, and parking lot lighting. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 6-1.]
ACTION: APPROVED WITH THE FOLLOWING CONDITIONS: THE APPLICANT SHALL ADJUST THE EXISTING LANDSCAPE LIGHTING TO DIRECT THE LIGHT TO STAY ON PROPERTY, THE ATTACHED BUILDING LIGHTING AT THE KITCHEN EXIT SHALL BE SHIELDED, AND THE REMOVAL OF ONE SPOTLIGHT ON THE NORTHEAST CORNER OF THE STRUCTURE UPON COMPLETION OF THE LIGHTING INSTALLATION.
- g. **ZON-22-089 (ARC-22-129) 515 N LAKE WAY (COMBO) – VARIANCES** The applicant, Roberto and Joanne DeGuardiola (Contract Purchaser), has filed an application requesting Town Council review and approval for variances for (1) to exceed the first story east rear yard setback encroachment, (2) to exceed second story east rear yard setback encroachment, (3) to permit a swimming pool in west front yard setback where swimming

pools are prohibited, (4) second story west front yard setback encroachment, (5) second story south street side yard setback encroachment, (6) to exceed the maximum Cubic Content Ratio (CCR), (7) to exceed maximum angle of vision on N Lake Way, and (8) to exceed site wall height in front and street side yards; in conjunction with the conversion of a 1-story residence to a 2-story residence. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project with conditions. Carried 6-1]

ACTION: APPROVED WITH A CONDITION RELATED TO A UTILITY EASEMENT AS WELL AS THE INSTALLATION AND MAINTANENCE OF A 14-FOOT HEDGE AS WELL THE HARDSCAPE AROUND THE POOL SHALL BE REDUCED WITH MORE GREENSPACE SHALL BE ADDED.

2. New Business

- a. **ZON-22-064 (ARC-22-098) 742 SLOPE TRL (COMBO) – VARIANCE** The applicant, John R. Tozzi, Trustee of the Tozzi Family Trust u/a/d December 29, 1980, has filed an application requesting Town Council review and approval for a variance from Code Section 134-893(13) to exceed the maximum allowable Cubic Content Ratio (CCR) to permit a CCR of 5.99 in lieu of the 5.7 existing and the 3.91 maximum allowed in the R-B Zoning District for a residential addition. The Architectural Commission will perform design review of the application. This item has been withdrawn by the applicant.

ACTION: WITHDRAWN

- b. **ZON-22-078 (ARC-22-123) 231 BRADLEY PL (COMBO) – SPECIAL EXCEPTION AND SITE PLAN REVIEW AND VARIANCES** The applicant, Bradley Palm LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review allow a single-tenant occupied office containing approximately 5800SF GLA on the second floor of an existing two-story office building, and Variances (1) to eliminate 1 of the required 22, 18 of which are existing parking spaces, (2 and 3) to reduce the required rear (east) and side (north) setback to accommodate exterior design modifications and (4) to exceed the maximum allowable lot coverage in order to accommodate additions to the two-story office structure. The Architectural Commission will perform design review of the application. Item deferred to the September 14, 2022 Meeting pending ARCOM decision.

ACTION: DEFERRED TO SEPTEMBER 14, 2022

- c. **ZON-22-081 (COA-22-030) 155 HAMMON AVE (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN**

REVIEW AND VARIANCES The applicant, CH Hotel LLC (Sarah & Andrew Wetenhall), has filed an application requesting Town Council review and approval for Special Exception With Site Plan Review for modifications to an existing special exception use in the R- D(2) district and variance (1) to retain the existing nonconforming side (north) setback of 1.8' for new chiller and cooling tower equipment in an existing mechanical enclosure. 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 subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project at their July 20, 2022 meeting. Carried 7-0.]

ACTION: APPROVED

- d. **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. Item deferred to the September 14, 2022 Meeting pending ARCOM decision.

ACTION: DEFERRED TO SEPTEMBER 14, 2022

- e. **ZON-22-092 (ARC-22-137) 321 BARTON AVE (COMBO) – VARIANCES** The applicant, Timothy Hanlon, has filed an application requesting Town Council review and approval for variances to (1) reduce the required landscape open space (LOS) from an existing 35% to 30% where 45% is required, and (2) to reduce the enclosed parking garage requirement for residential vehicular parking. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0]

ACTION: APPROVED WITH CONDITION RELATED TO A UTILITY EASEMENT

- f. **ZON-22-093 (ARC-22-143) 1356 N OCEAN BLVD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Pippasbeachclub LLC (Gary and Kelly Pohrer), has filed an application requesting Town Council review and approval for a special exception with site plan review for the construction of a beach cabana in the R-B/B-A zoning district including variances (1) to exceed the maximum building height, (2) to reduce required west yard

setback, (3) to reduce required ocean bulkhead setback, and (4) to exceed the maximum distance separation permitted between pool equipment and pool. The Architectural Commission will perform design review of the application. Item deferred to the October 12, 2022 Meeting pending ARCOM decision.

ACTION: DEFERRED TO OCTOBER 12, 2022

- g. **ZON-22-094 224 ATLANTIC AVE and 223 ATLANTIC AVE – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 224 Atlantic LLC (Heather Baines, Managing Member) and 223 ATLANTIC AVE, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to modify a previously approved Special Exception (#10-79) by eliminating the condition of approval requiring a Unity of Title Agreement between the single-family home located at 224 Atlantic Ave and the Condominium located at 223 Atlantic Ave. Termination of the Unity of Title triggers a parking variance to eliminate 7 required off- street parking spaces located on the 224 Atlantic Ave parcel, which is calculated as required parking for the parcel at 223 Atlantic Ave. The elimination of the parking results in a variance requested for the property at 223 Atlantic Ave to eliminate 7 of the required existing parking spaces to allow an apartment building with 19 remaining parking spaces (on site) where 42 spaces are required.

ACTION: APPROVED

- h. **ZON-22-097 2800 S OCEAN BLVD – SPECIAL EXCEPTION** The applicant, PB Hotel Property LLC, DBA Four Seasons Resort Palm Beach (Mohamed Elbanna, Regional VP and GM), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow the use of removable beach huts, bins, and towel huts eastward of an existing hotel in the Beach Area District.

ACTION: APPROVED WITH THE FOLLOWING CONDITIONS: IN THE EVENT OF A VERIFIABLE NOISE AND/OR NUISANCE COMPLAINT THAT REQUIRES THE RESPONSE OF LAW ENFORCEMENT, THE APPLICANT SHALL RETURN TO THE TOWN COUNCIL; AND THE APPLICATION WILL RETURN IN ONE YEAR FOR ANOTHER REVIEW BY THE TOWN COUNCIL.

- i. **ZON-22-100 (COA-22-035) 800 S COUNTY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, ANN DESRUISSEUAX, has filed an application requesting Town Council review and approval for site plan review for the installation of a generator over 100 kW with associated building, and variances (1) to reduce the required east front

yard setback, (2) to reduce the required north side yard setback, (3) to exceed the maximum lot coverage allowed, (4) to decrease the minimum required landscape open space, (5) to place a cooling tower within a required side yard, and (6) to place an 150 kW generator in the required front and side yard. 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 subject landmarked property. Carried 6-0.] [The Landmarks Preservation Commission approved the project at their July 20, 2022 meeting. Carried 6-0.]

ACTION: DEFERRED TO SEPTEMBER 14, 2022

- j. **ZON-22-105 (ARC-22-148) 150 SEMINOLE AVE (COMBO) – VARIANCES** 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 Town Council review and approval for variances (1) to maintain an existing nonconforming rear yard setback of 4.9 ft and (2) to maintain an existing nonconforming side-yard setback of 5.1 ft, related to the renovation of an existing nonconforming single family residence with more than 50% demolition of a nonconforming structure as part of a renovation. The Architectural Commission will perform design review of the application. Item deferred to the September 14, 2022 Meeting pending ARCOM decision.
- ACTION: DEFERRED TO SEPTEMBER 14, 2022**

- k. **ZON-22-106 251 SUNRISE AVE – SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCE(S)** The applicant, PB Catch (Daniel Smith), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review and Variance for outdoor café seating on public right of way in conjunction with an existing restaurant. A variance is being requested to provide 4 ft of unobstructed sidewalk where 5 ft is required.
- ACTION: APPROVED**

- l. **ZON-22-116 380 S COUNTY RD – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, General American Asset Management (Christian Rollins, CFO), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review to expand professional offices on the second floor of an existing two-story building with on-site shared Parking Agreement with an existing on-site restaurant on the first floor, including the interior tenant improvement to the 2,506 SF tenant space (including the enclosure of an existing 452 SF atrium) on the second floor of an existing 6,017 SF two-story building; and

including a variance (1) to provide 0 required 2 parking spaces for the new 452 SF second floor addition by utilizing a Shared Parking Agreement for daytime use of the existing 19 existing required spaces.

ACTION: APPROVED WITH A CONDITION RELATING TO A UTILITY EASEMENT, AS WELL AS THE FOLLOWING CONDITION: ANY OFFICE USE SHALL NOT OPERATE AT THE SAME TIME AS THE RESTAURANT USE TO MINIMIZE ANY OVERLAP IN PARKING.

m. **ZON-22-126 225 WORTH AVENUE – SPECIAL EXCEPTION**

The applicant, 225 Worth Avenue Holdings LLC, has filed an application requesting Town Council review and approval for a Special Exception for a permitted use (retail) over 4,000 SF of leasable area (5,600 SF) in the C-WA zoning district.

ACTION: APPROVED WITH THE CONDITION THAT WORK SHALL BE SUSPENDED ON THE WEDNESDAY PRIOR TO THE THANKSGIVING HOLIDAY, CONTINUING THROUGH THE HOLIDAY WEEKEND, WORK SHALL ALSO BE SUSPENDED THE WEEK BETWEEN CHRISTMAS AND NEW YEAR'S; ADDITIONALLY, SHOULD DIRECTOR BERGMAN RECEIVE ANY VERIFIABLE COMPLAINTS FROM NEIGHBORS, HE HAS THE AUTHORITY TO ISSUE A STOP WORK ORDER OR REQUEST CHANGES IN THE WORK AS HE FEELS IS NECESSARY.

X. ORDINANCES

A. **Second Reading**

1. ORDINANCE NO. 013-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Amending Chapter 18 Of The Town Code Ordinances Titled Buildings And Building Regulations At Article III, Architectural Review, Amending Section 18-175, Issuance Of Permits, By Amending Subsection (A) Relating To Requests For Demolition So As To Remove ARCOM's Authority To Consider Demolition Requests; Amending Section 18- 206 And Moving This Section To Chapter 18, Article II, Administration Of Planning, Zoning And Building, Division 5, Prohibition On Demolition, As Section 18-113; Changing The Title Of Article II, Administration Of Planning, Zoning And Building, Division 5, From "Prohibition On Demolition" To "Demolition"; And Amending Section 18-240 And Moving This Section To Chapter 18, Article II, Administration Of Planning, Zoning And Building, Division 5, Demolition As Section 18-114; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For Effective Date
ACTION: ADOPTED ON SECOND READING

XI. ANY OTHER MATTERS

XII. ADJOURNMENT