

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JANUARY 10, 2024

9:45 AM

Welcome

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie D. Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

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

VII. CONSENT AGENDA

- A. **ZON-24-017 (ARC-24-007) 222 WORTH AVE (COMBO) - SPECIAL EXCEPTION** The applicant, Louis Vuitton America, has filed an application requesting Town Council review and approval for a Special Exception for a permitted use greater than 4,000 SF in the C-WA zoning district in order to occupy an existing two-story commercial building. The Architectural Commission shall perform design review of the application.
- B. **ZON-24-019 155 HAMMON AVE - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, CH Hotel LLC (Andrew and Sarah Wetenhall), has filed an application requesting Town Council review and approval for a Special Exception request with Site Plan Review to allow for installation of a generator in a non-conforming location at a commercial property. Variance (1) variance to install the generator with a reduced north side-yard setback, revesting the abandoned, nonconforming location of a previously permitted generator.

VIII. RESOLUTIONS

- A. **RESOLUTION NO. 001-2024:** 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 249 Peruvian 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. *(Multiple units/owners on this site. Some owners are in favor, others opposed).*

IX. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. Tutto Mare Declaration of Use Agreement and Revised, Amended & Restated 1979 Agreement

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **ZON-23-068 (ARC-23-090) 206 CARIBBEAN RD.** The applicant, Walter Wick, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with landscape, hardscape and pool on a nonconforming parcel. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning

relief/approval. *[This project shall be deferred to the February 14, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

- b. **ZON-23-070 (ARC-23-092) 217 BAHAMA LN (COMBO)** The applicant, James and Sarah McCann, have filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence and associated landscape and hardscape on a lot substandard in lot depth in the R-B zoning district. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[This project shall be deferred to the February 14, 2024, Town Council meeting pending review by the Architectural Review Commission.]*
- c. **ZON-23-072 (ARC-23-094) 247-251 WORTH AVE (COMBO)** The applicant, Holbrook Real Estate LLC, has filed an application requesting Architectural Commission review and approval for a two-story addition to an existing one-story commercial building under the Special Allowances in accordance with the Worth Avenue Design Guidelines, including several variances from lot coverage, floor area square footage, commercial and residential use locations, parking requirements, landscape open space, and loading space requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[This project shall be deferred to the February 14, 2024, Town Council meeting pending review by the Architectural Review Commission.]*
- d. **ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO)** The applicants, Frank and Annie Falk, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence over 10,000 SF with sitewide landscape and hardscape improvements, requiring variances for mechanical equipment placement, building height plane, and site wall height, and a Special Exception for vehicular gate placement. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[This project shall be deferred to the February 14, 2024, Town Council meeting pending review by the Architectural Review Commission.]*
- e. **ZON-23-104 (ARC-23-137) 310 CLARKE AVE (COMBO)** The applicant, Mark & Patricia Davies, has filed an application requesting Architectural Commission review and approval for changes to an approved new two-story residence including changes to architectural details, hardscape/landscape, and arrangement of equipment yards, requiring variances for equipment location and screening wall heights. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval. [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, 6-1.]

- f. **ZON-23-105 (ARC-23-123) 1186 N OCEAN WAY (COMBO)** The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Architectural Commission review and approval for the design of a new two-story residence with sitewide landscape and hardscape improvements, requiring setback and separation distance variances for the location of the pool equipment and a variance to exceed allowable chimney height. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[This project shall be deferred to the February 14, 2024, Town Council meeting pending review by the Architectural Review Commission.]*
- g. **ZON-23-109 (COA-23-040) 134 EL VEDADO RD (COMBO)** The applicant, Elizabeth and Jeffrey Leeds, have filed an application requesting Landmarks Preservation Commission review and approval of a Certificate of Appropriateness for additions and alterations to an existing two-story Landmarked residence and accessory structures, including window, door and roof replacement, modifications to opening sizes, demolition of rear porch, construction of an enclosed rear addition, addition of covered rear terrace, covered walkway and second floor addition to tennis house, and landscape and hardscape modifications. Additionally, requesting construction of front wall with new vehicular driveway gates, including a variance from the backup/cueing distance requirement. Town Council shall review the application as it pertains to the zoning relief/approval. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject landmark property. Motion carried, 7-0.] [The Landmarks Commission approved the project, 7-0.]
- h. **ZON-23-111 (HSB-23-009) 269 PARK AVE (COMBO) AND FLOODPLAIN VARIANCES** The applicant, Schnapps 269 Park Avenue LLC (Andrew and Lorraine Dodge), has filed an application requesting Landmarks Preservation Commission review and approval for exterior alterations to an existing three-story historically significant building, specifically to add a front terrace deck onto an existing ground floor entry porch, to construct a new gable-end entry, to add four new dormer windows (two on the east and two on the west side) to the roof of an existing three-story building, requiring a variance from the Floodplain requirement from Chapter 50, Floods, to maintain the existing building at a finished floor elevation below current FEMA requirements, and a variance to expand a nonconforming third floor, to increase the maximum height and to reduce the required front and side setback. Town Council shall review the application

as it pertains to zoning relief/approval. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject landmark property. Motion carried, 7-0.] [The Landmarks Commission approved the project as presented, with the condition that the professional shall restudy the front parapet and return with alternate designs at the January 17, 2024, meeting. Motion carried, 7-0.]

- i. **ZON-23-113 (ARC-23-145) 123 CHILEAN AVE (COMBO)** The applicant, Robert & Perri Bishop, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence and one-story accessory cabana structure with final hardscape, landscape and swimming pool, requiring Special Exception approval to develop a nonconforming parcel and variances to reduce the required side setbacks and to exceed the maximum cubic content ratio (CCR) permitted. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[This project shall be deferred to the February 14, 2024, Town Council meeting pending review by the Architectural Review Commission.]*
- j. **ZON-23-118 (ARC-23-140) 2278 IBIS ISLE RD (COMBO)** The applicant, Angel Arroyo, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing one-story residence, including the demolition of an existing screen porch, a new roof, façade and window alterations, and a variance to not provide the required garage enclosure for two vehicles. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[This project shall be deferred to the February 14, 2024, Town Council meeting pending review by the Architectural Review Commission.]*
- k. **ZON-23-119 (ARC-23-146) 995 S OCEAN BLVD.** The applicant, Mary S. Conrad, has filed an application requesting Architectural Commission review and approval of a second story addition requiring variances to build within the required setbacks. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project, 4-3.]

2. New Business

- a. **ZON-23-092 (ARC-23-052) 300 COLONIAL LN (COMBO)** The applicants, Dragana & Richard Connaughton, have filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family

residence requiring (2) variances from east side yard setback and (1) variance from mechanical equipment regulations and construction of a detached accessory structure requiring (2) setback variances, (1) lot coverage variance and (1) angle of vision variance, together with final hardscape, landscape, and swimming pool. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[This project shall be deferred to the February 14, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

- b. **ZON-23-120 (ARC-23-154) 1356 N OCEAN BLVD (COMBO)** The applicant, Gary & Kelly Pohrer, has filed an application requesting Architectural Commission review and approval for expansion of a previously approved swimming pool on the beachside parcel, requiring a setback variance. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project, 5-2.]
- c. **ZON-24-005 (ARC-23-159) 288 SANDPIPER DR (COMBO)** The applicant, Kelly M Williams TR TITL HLDR (Rep. Maura Ziska), has filed an application requesting Architectural Commission review and approval for exterior alterations to an existing detached guest house, including window and door replacement and the construction of enclosed additions, requiring a rear setback variance. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval. [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 partially approved the project, with conditions. 4-3. The lanai addition was not approved.]
- d. **ZON-24-008 (ARC-23-165) 161 VIA PALMA (COMBO)** The applicant, Sam and Vicki Hunt, has filed an application requesting Architectural Commission review and approval for construction of a new two-story addition, requiring a west side-yard setback variance. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project, 7-0.]
- e. **ZON-24-009 (ARC-23-167) 350 SEABREEZE AVE**

(COMBO) The applicant, Judith Goodman (Contract Purchaser, Justin Besikof / Rep. Maura Ziska), has filed an application requesting Architectural Commission review and approval for the design of a new two-story single-family residence and sitewide landscape and hardscape improvements, requiring a variance to not provide garage parking. This is a combination project that shall also be reviewed by Town Council as it pertains to the zoning relief/approval. *[This project shall be deferred to the February 14, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

- f. **ZON-24-010 (ARC-23-164) 1616 N OCEAN BLVD.** The applicants, Joan Eigen, Wendy Haigney and Devid Eigen, have filed an application requesting Architectural Commission review and approval for the installation of vehicular gates to an existing single-family residence and a variance for the required driveway area. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. [Architectural Review Commission Recommendation: The Commission made no recommendation related to the variance.] [The Architectural Review Commission approved the project, 5-0.]
- g. **ZON-23-020 (COA-23-003) 139 N COUNTY RD - THE PARAMOUNT THEATER (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES**

TIME CERTAIN: 10:00 AM

The applicant, WEG Paramount LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for square footage greater than 3,000 SF in the C-TS district, (3) for Outdoor café seating use associated with a private club in the C-TS district, (4) for two stories in the C-TS district, (5) for shared parking in the C-TS district, and (6) for a modification to a previously approved Special Exception for Churches, synagogues or other houses of worship to allow for a flexible event space. The applicant is also seeking Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involve more than 2000 square feet of building floor area in the C-TS zoning district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required front yard setback, (2) front side street yard setback, (3) and to reduce the required rear yard setback requirements for new construction, (4) to allow three stories in lieu of two stories in C-TS district, (5) to exceed the maximum height, (6) to exceed the maximum overall building height, (7) to exceed the maximum allowable lot coverage limitation, (8) to exceed the maximum building length permitted, (9) to exceed

the maximum building size (floor area) permitted, (10) to reduce the required overall landscape open space, (11) to reduce the required front yard landscape open space, (12) to reduce the required front yard setback for the subterranean parking level, (13) to reduce the front side street yard setback for the subterranean parking level, (14) to permit mechanical lift parking in the parking garage, (15) a variance to exceed the maximum height of a perimeter wall on a side or rear property line, (16) to permit residential uses on the first level in the C-TS zoning district in lieu of the above the first-floor requirement, (17) to allow generators on a roof(s), (18) to exceed the maximum height of a screening wall for mechanical equipment on a roof, (19) to exceed the maximum height of mechanical equipment on a roof, and (20) to exceed the maximum height of chimneys, in conjunction with the renovation and adaptive reuse of an existing Landmarked theater structure and the construction of four connected residences with ground floor retail components with two levels of subterranean parking. The Landmarks Preservation Commission will perform the design review.

3. AMENDMENTS: TIME CERTAIN: 2:00 PM

- a. Text Amendment Discussion
Joanne O'Connor, Town Attorney, and Wayne Bergman, Director of Planning, Zoning and Building
- b. Four Arts Comprehensive Plan Amendments / Zoning Code Amendments - Review & Feedback
- c. Zoning Text Amendment for Covered Arcades and Colonnades - Ordinance No. 008-2023

C. Time Extensions and Waivers

1. Waiver of Town Code Section 18-237, For Building Permit Extension for 720 S Ocean Blvd.

X. ANY OTHER MATTERS

XI. ADJOURNMENT

Procedures for Public Participation:

Note 1: **Live Stream audio:** To watch/listen live, visit the 'Public Meetings' webpage on the Town's website at www.townofpalmbeach.com. and select the "View Event" or "Click Here to Listen" button.

Note 2: Any citizen is entitled to be heard concerning any matter under the sections entitled 'Communications from Citizens' and 'Public Hearings', subject to the three-minute limitation. The public also can speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. Citizens desiring to address the Town Council should proceed toward the public microphones when the

applicable agenda item is being considered to enable the Town Council President to acknowledge you. In-person or virtual Public Comment is limited to three minutes and must be preceded by your name and address for the record. As a public business meeting, the Town Council President retains the right to limit discussion on any issue.

Alternative public comment is also welcome for Town Council Meetings via four methods:

1. To make a public comment virtually (for Town Council Meetings Only), email a request to publiccomment@townofpalmbeach.com and identify the desired agenda item(s) to be addressed
2. Written public comment submittals should be sent to publiccomment@townofpalmbeach.com.
3. Direct written entry into the public meeting record through the eComment portal on the Public Meetings webpage.
4. Mail or in-person submittal of written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.

Note 3: **Appeals:** If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons needing accommodations to participate in this meeting are requested to call the Clerk's Office at (561) 838-5416 at least one day prior to the meeting.