



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

DECEMBER 15, 2021

9:30 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 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. DISCUSSION

- A. Develop a Review of Zoning and Code Ordinances for Prospective Home Buyers, Architects, Realtors and Contractors
Julie Araskog, Town Council Member

VIII. RESOLUTIONS

- A. RESOLUTION NO. 145-2021 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 137 Kings Road 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.
- B. RESOLUTION NO. 146-2021 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 4 South Lake Trail 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.
- C. RESOLUTION NO. 147-2021 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 425 Seabreeze 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.
- D. RESOLUTION NO. 148--2021 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 300 Clarke 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.

- E. RESOLUTION NO. 149-2021 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 256 Orange Grove Road 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.
- F. RESOLUTION NO. 152-2021 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."

IX. DEVELOPMENT REVIEWS

A. Appeals

- 1. ARCOM Appeals of B-063-2020 160 Royal Palm Way
Deferral Request to January 12, 2022 Meeting per Emails from Attorneys Donald Lunny and John Eubanks Jr.

B. Time Extensions and Waivers

- 1. Time Extension - The Colony Hotel

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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 ALGOMARD**, 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 approved the project with conditions relating to the architecture. Carried 5-2.]

- b. **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] [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 4-3.]
- c. **Z-21-00374 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JORDAN AND KRISTIN BENNETT GRAY, APPLICANTS, relative to property located at **224 LA PUERTA WAY**, legal description on file, is described below. The applicant is requesting four variances In order to build a two story addition which includes a 315 square foot one story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony and two bathrooms. The requested variances are a for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R B Zoning District; an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony; an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor; and an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the December 17, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the January 12, 2022 Meeting.**
- d. **Z-21-00385 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of 239 MONTEREY ROAD LLC (Louis Capano, Jr., Manager), Applicant, relative to property located at **223 MONTEREY RD**, legal description on file, is described below. The lot is non conforming in area: 9,000 square feet in lieu of the 10,000 square feet required in the R-B Zoning District; and in

width: 90 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. Request to demolish the existing one story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences and construct a new 3,902 square foot single family two-story home on a non conforming lot (overall size and width) meeting all applicable Town codes. The request includes a driveway, pool/spa, hardscape and landscape, including an emergency generator and civil storm water and grading. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project as presented. Carried 5-2.]

- e. **ZON-21-006 (ARC-21-040) 164 SEASPRAY AVENUE (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Hayati Banastey, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of new two story residence on 2 platted lots deficient in lot width and lot area, including the following variances (1) a variance to reduce the required side (east) yard setback to 10 ft in lieu of 15 feet required for 2 story structure; (2) a variance to reduce the required side (west) yard setback to 10 ft in lieu of 12.5 feet required for the 1 story portion; (3) a variance to reduce the required side (west) yard setback to 10 feet in lieu of 15 feet required for the 2 story portion. [Architectural Review Commission deferred the project to the December 17, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the January 12, 2022 Meeting.**
- f. **ZON-21-008 (ARC-21-041) 1520 SOUTH OCEAN BOULEVARD (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW** The applicant, Chris Shumway, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review to allow the construction of a new 400SF beach cabana and water feature within the vacant oceanside parcel in the R-A/B-A zoning district and a variance to reduce the required setback from the bulkhead line for the construction of the cabana. Please refer to the staff memo for more information on this project. [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) 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.]
- g. **ZON-21-011 (ARC-21-050) 1090 SOUTH OCEAN BOULEVARD (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW** The applicant, 1090SOCEAN LLC (Brad McPherson), has filed an application requesting Town Council review and approval of a Special Exception Request with Site Plan Review to allow the construction of a new two-story residence on non-conforming portions of platted lots that is 135' in

depth where 150' is required and 18,558 SF of lot areas where 20,000 SF is required in the R-A zoning district. [Architectural Review Commission deferred the project to the December 17, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the January 12, 2022 Meeting.**

- h. **ZON-21-012 (AKA Z-20-00299) (ARC-21-051) 1015 SOUTH OCEAN BOULEVARD (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 1015 South Ocean LLC (Maura Ziska, manager), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and variances (1) to reduce the required front setback and (2) to reduce the building height plane setback for both the one- and two-story portions, in order to build a new two-story residence on a lot nonconforming in depth. Please refer to the staff memo for more information on this project. [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]
- i. **Z-20-00318, 1265 S OCEAN BLVD—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] The Applicant requested and staff recommends to remove the project from the agenda.
At the June 09, 2021 Town Council Development Review meeting, the Applicant requested to remove the project from the agenda until further notice.

2. New Business

- a. **Z-21-00390 (ARC-21-020) 300 N LAKE WAY (COMBO)—VARIANCES** The applicant, David and Constance Littman, has filed an application requesting Town Council review and approval for a variance to exceed the maximum allowed Cubic Content

Ratio (CCR), in order to construct an approximate 1600 SF addition to an existing accessory structure. Please refer to the staff memo for more information on this project. [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with conditions relating to the truck logistics plan. Carried 6-1.]

- b. **ZON-21-018 (HSB-21-004) 245 BARTON AVE (COMBO)—VARIANCES** The applicant, Elizabeth Sorrel, has filed an application requesting Town Council review and approval for variances (1) to reduce the front (south) setback for a new entry addition, (2) to exceed the maximum allowable cubic content ratio 'CCR', and (3) to exceed the maximum allowable lot coverage, in order to construct a new 35 SF entry addition to a historically significant building. [The Landmarks Preservation Commission deferred the project to the December 22, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the January 12, 2022 Meeting.**
- c. **ZON-21-019 223 ROYAL POINCIANA WAY (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Flagler Holdings, has filed an application requesting Town Council review and approval for a Special Exception Request to expand by approximately 840SF of additional retail space to an existing merchant retail space for a total of 3,532 SF. Please refer to the staff memo for more information on this project.
- d. **ZON-21-020 (ARC-21-082) 594 N COUNTY RD (COMBO)—VARIANCES** The applicant, George and Sandra Marucci, has filed an application requesting Town Council review and approval for variances (1) to reduce the side (north) setback for a new one-story addition, (2) and (3) to reduce the side (south) setback for two new one-story additions, in order to construct three (3) new one-story additions to an existing one-story residence. [Architectural Review Commission deferred the project to the December 17, 2021 meeting. Carried 7-0.] **Request for Withdrawal per Letter from Attorney David E. Klein**
- e. **ZON-21-021 (COA-21-012) 1100 S OCEAN BLVD (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Mar-a-Lago Club Inc, has filed an application requesting Town Council review and approval for Special Exception request with Site Plan Review for modifications including new landscaping and a restroom addition to an existing private club. Please refer to the staff memo for more information on this project. [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]
- f. **ZON-21-022 (ARC-21-084) 191 BRADLEY PL (COMBO)—**

SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, NDL Property Palm Beach Property LLC (David Tornek mgr), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review requesting outdoor seating (48 seats) in conjunction with an existing restaurant licensed for 125 seats, to be able to move 48 of its approved 125 seats outside. Please refer to the staff memo for more information on this project. [The Architectural Review Commission deferred the project to their January 26, 2022 meeting. Carried 7-0.]

TIME CERTAIN 2:00 P.M.

- g. **ZON-21-025 2800 S OCEAN BLVD—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Four Seasons and Boucher Brothers, has filed an application requesting Town Council review and approval for a Special Exception Request to operate a beachfront concessionaire (Boucher Brothers) eastward of an existing hotel (Four Seasons) in the Beach Area District for beach chair, umbrella and bed rentals and to allow food and beverage service. Please refer to the staff memo for more information on this project.
- h. **ZON-21-026 (ARC-21-078) 175 WORTH AVE (COMBO)—VARIANCES AND SITE PLAN REVIEW** The applicant, PB Worth Partners LLC, has filed an application requesting Town Council review and approval for a Site Plan Review including a variance to further reduce the required front (south) setback along Worth Avenue for the proposed ground floor new entry addition, in order to renovate and modify the existing ground floor retail tenant in an existing two-story building. Please refer to the staff memo for more information on this project. [Architectural Review Commission Recommendation: Implementation of the proposed variance(s) 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.]
- i. **ZON-21-027 (COA-21-009) 250 ALGOMARD (COMBO)—VARIANCES** The applicant, Cortright & Janice Wetherill, has filed an application requesting Town Council review and approval for a variance from Chapter 50 for the required floor elevation for the new ground floor addition on a landmarked building to construct a 230SF ground floor addition with a finished floor of 6.55' NAVD in lieu of the required 7' NAVD. Please refer to the staff memo for more information on this project. [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 as presented with a condition relating to the architecture. Carried 7-0.]

- j. **ZON-21-028 (COA-21-008) 271 EL VEDADO RD (COMBO)—**
VARIANCES The applicant, 271 EL VEDADO, LLC (Jay Krehbiel), has filed an application requesting Town Council review and approval of two variances (1) Chapter 50 for the required floor elevation for the new ground floor addition on a landmarked building to construct an approximately 640 SF addition with a finished floor of 4.19' NAVD in lieu of the required 7' NAVD and (2) a variance to locate pool equipment at 32' from waters edge in lieu of the required 25'. Please refer to the staff memo for more information on this project. [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 as presented with a condition relating to the landscape. Carried 7-0.]
- k. **ZON-21-029 (HSB-21-003) 215 SEASPRAY AVE (COMBO)—**
VARIANCES The applicant, 215 Seaspray Ave LLC, has filed an application requesting Town Council review and approval for a variance from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 5.13' NAVD in lieu of the required 7' NAVD. The structure is a historically significant building. Please refer to the staff memo for more information on this project. [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 as presented. Carried 7-0.]

X. ANY OTHER MATTERS

- A. Town-Serving Regulations

XI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy

matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.