



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

NOVEMBER 13, 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
Bobbie D. Lindsay, President
Lew Crampton, President Pro Tem
Julie Araskog
Ted Cooney
Bridget Moran

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. RESOLUTION NO. 132-2024 **236 Phipps Plaza** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Herein After 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."
- B. RESOLUTION NO. 141-2024 **238 Phipps Plaza** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Herein After 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."

VIII. REGULAR BUSINESS

- A. Verbal Update Regarding 100 Casa Bendita
- B. 2024 Comprehensive Plan & EAR Ordinance No. 015-2024 Approval & Transmittal to State
- C. Update on the Zoning In Progress (ZIP) and Consider an Extension of the ZIP

IX. RESOLUTIONS

- A. A Resolution To Extend the Zoning In Progress Related to Restaurants, Bars, Night Clubs, and Lounges

RESOLUTION NO. 150-2024 A Resolution Of The Town Council Of The Town Of Palm Beach, Florida, Amending Resolution 069-2024 Which Declared Zoning In Progress In Regard To The Regulation Of The Location And Limitation Of The Number Of Restaurants, Bars, Night Clubs, Lounges And For-Profit Private Clubs In All Commercial Zoning Districts Of The Town In Which Said Uses Are Special Exception Uses To Extend The Zoning In Progress To April 8, 2025 And To Expand The Zoning In Progress To Encompass All Zoning Districts Of The Town And To Include All Private Clubs, Whether For-Profit Or Not-For-Profit; And Providing An Effective Date.

- B. RESOLUTION NO. 038-2023: 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 **163 Seminole 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. (PALM BEACH COUNTY LISTS THE PROPERTY AS 165 SEMINOLE AVENUE) Owner: Dale Coudert, 2012 Steven H. Rose Trust [The Town's consultants believe that the owner supports the designation.] ***[The owner of this property has requested a deferral to the January 15, 2024, Town Council meeting.]***

- C. RESOLUTION NO. 148-2023: 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 **262 Sunset 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. *[The Landmarks Preservation Commission voted 7-0 to recommend the property for designation as a landmark.] [The current property owner is opposed to this designation.] [The owner of this property has requested a deferral to the December 11, 2024, Town Council meeting.]*

X. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. **ZON-22-132 (ARC-22-200) 165 BRADLEY PL - ALEF SCHOOL -**
Declaration of Use Agreement Progress Update

TIME CERTAIN: 3:00 PM

B. Appeals

1. Appeal of the Architectural Review Commission's Decision to Partial Deny Application **ARC-24-0068, 2291 Ibis Isle**, at their September 25, 2024, Meeting.
2. Appeal of the Architectural Review Commission's Decision to Deny **ARC-24-0032 (ZON-24-0028), 272 Via Marila**, at their September 25, 2024, Meeting.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **ZON-24-0028 (ARC-24-0032) 272 VIA MARILA (COMBO) - VARIANCE** The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission denied this*

project. Carried 4-3.] [This project is part of the Appeal that will be heard earlier in the agenda.]

- b. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO)—VARIANCE** The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on site modifications. *[This project shall be deferred to the December 11, 2024, Town Council meeting pending Landmark Preservation Review.]*
- c. **ZON-24-0010 (ARC-24-0023) 515 NORTH LAKE WAY (COMBO) - SPECIAL EXCEPTION AND VARIANCE** The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval for a special exception review to develop the existing nonconforming lot, and one variance 1) to exceed the permitted angle of vision for the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project shall be deferred to the December 11, 2024, Town Council meeting pending Architectural Review.]*
- d. **ZON-24-0034 (ARC-24-0027) 203 S LAKE TRL (COMBO)—SPECIAL EXCEPTION(S)** The applicants, Darlene & Gerald Jordan, have filed an application requesting Town Council review and approval for (2) Special exceptions as they pertain to the construction of a new residence including (1) special exception for the construction of a padel court and (1) special exception to provide reduced vehicle queueing space at the vehicular driveway gate on a cul-de-sac. The Architectural Commission (ARCOM) shall perform design review of the application. *[Withdrawn. The applicant is no longer seeking Town Council review of the Special Exception requests.]*

2. New Business

- a. **ZON-24-0043 (COA-24-0018) 100, 101, 102, AND 103 FOUR ARTS PLZ—THE SOCIETY OF THE FOUR ARTS (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE.** The applicant, Society of the Four Arts Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a Special Exception with Site Plan Review, and one (1) variance for the reduction of on-site parking requirement for the substantial improvements to the Four Arts campus site including 1) demolition exceeding 50%, and the construction of a new one-

and two-story additions and renovations to the existing two-story theater building (O'Keefe), 2) demolition exceeding 50%, and the construction of a new three-story addition, and renovations to the existing three-story administrative building (Rovensky), 3) demolition of the existing shade structure and construction of a new pavilion, 4) a Master Signage Plan, and 5) landscape and hardscape modifications. The application proposes the abandonment and realignment of a portion of the existing Lake Trail. The Landmarks Preservation Commission will perform the design review.

TIME CERTAIN: 1:30 PM

- b. **ZON-24-0045 (ARC-24-0082) 740 HI MOUNT ROAD (COMBO)—VARIANCE** The applicant, H.C. Jones Living Trust (Fernando Wong Outdoor Living Design) has filed an application requesting Town Council review and approval for one (1) variance for a rear setback along the Lake Trail to substantially renovate an entry structure. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 7-0.]*
- c. **ZON-24-0050 (ARC-24-0036) 333 SUNSET AVE (COMBO)—VARIANCE**. The applicant, Royal Poinciana South, has filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review and one (1) variance to exceed the allowable height in the R-D(2) district but not exceed the existing building height to allow the installation of eleven (11) new aluminum shade structures on the 7th-floor apartment balconies. The Architectural Commission (ARCOM) shall perform design review of the application. ***[This project shall be deferred to the December 11, 2024, Town Council meeting pending Architectural Review.]***
- d. **ZON-24-0051 (ARC-24-0083) 239 TANGIER AVE (COMBO)—VARIANCE**. The applicant, Patricia Dean, has filed an application requesting Town Council review and approval of one Variance to (1) exceed maximum lot coverage permitted for a two story structure; as it pertains to the improvement and enclosing of attic space to achieve a second story habitable area to existing single story residence. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project with conditions. Carried 7-0.]*
- e. **ZON-24-0052 346 SEASPRAY AVE—VARIANCE**. The

applicant, Rafael Portuondo, has filed an application requesting Town Council review and approval of one (1) Variance to reduce the rear yard setback for relocated air-conditioning compressor units for the Historically Significant Building (HSB).

- f. **ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD—PALM BEACH SYNAGOGUE (COMBO)—SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW AND VARIANCES**. The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting Town Council review and approval for three (3) Special Exceptions for 1) Churches, synagogues or other houses of worship, 2) two-stories in the C-TS zoning district and 3) square footage greater than 3,000 SF in the C-TS district with Site Plan Review requiring nine (9) variances due to demolition exceeding 50%, renovations, and building additions, for 1) reduction in the minimum required front yard setback and pedestrian walkway, 2) reduction in the minimum required overall landscape open space, 3) reduction in the minimum front yard landscape open space, 4) increase in the maximum permitted building length, 5) reduction to the on-site parking requirement, 6) elimination of the minimum required number of berths (off-street loading spaces), 7) increase of the maximum permitted gross building area, 8) reduction in the minimum required side yard setback, and 9) reduction in the minimum required rear yard setback for the landmarked property, for the construction of new one- and two-story additions to the two-story landmarked structure. The Landmarks Preservation Commission will perform the design review.

TIME CERTAIN: 3:30 PM

- g. **ZON-24-0058 174 VIA DEL LAGO—VARIANCE**. The applicant, 174 VDL Investment LLC (Maura Ziska, Registered Agent), has filed an application requesting Town Council review and approval for a variance to exceed the maximum width permitted of a marine dock projection.
- h. **ZON-24-0059 755 N COUNTY RD—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE**. The applicant, BEACH CLUB INC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the installation of new tennis court light poles and a Variance to exceed the maximum allowable height for tennis pole lighting to match existing tennis court lighting.

D. Time Extensions and Waivers

1. Request at **70 Middle Rd.** - Waiver of Town Code Section 18-237, For Building Permit Extension and Review of a Construction Management Agreement (CMA). ***[Request was heard at the October Town Council meeting and returning with a CMA.]***

2. Request at **224 S. Ocean Blvd.** - Waiver of Town Code Section 18-237, for Building Permit Extension ***[Received a one month extension at the October Town Council meeting. Returning to provide further information and approval of request.]***
3. Request at **234 List Rd.** - Waiver of Town Code Section 18-237, for Building Permit Extension
4. Request at **422 Australian Ave.** - Wavier of Town Code Section 18-237, for Building Permit Extension
5. Request at **334 Chilean Ave.** - Waiver of Town Code Section 18-237, for Building Permit Extension
6. Request at **1025 N. Lake Way** – Waiver of Town Code Section 18-237, for Building Permit Extension

XI. ORDINANCES

A. Second Reading

1. Proposed Ordinance Amending Chapter 50 of the Town Code of Ordinances, Changes Relating to Floodplain Management

ORDINANCE NO.030-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances To Update The Date Of The Flood Insurance Study And Flood Insurance Rate Maps; To Add A Definition Of Historic Structure; To Reformat A Previously Adopted Amendment To The Florida Building Code; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

A. First Reading

1. Proposed ordinance to amend the Town's Comprehensive Plan

ORDINANCE NO. 015-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives, And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

2. Proposed ordinance amending code sections related to medical marijuana and related treatment centers and dispensaries.

ORDINANCE NO. 034-2024 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, At Article I, In General By Amending Section 134-2, Definitions And Rules Of

Construction, To Add A Definition Of "Marijuana"; At Article VI, District Regulations, By Repealing Subsection 134-1109(A)(20) To Remove The Reference To Medical Marijuana Treatment Centers And Dispensaries As Special Exception Uses In The C-TS Town Serving Commercial District If Not Prohibited; At Article VIII, Supplementary District Regulations, At Division 17. Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries To Amend The Title Of Division 17 To Reference Marijuana Generally And Outdoor Events; To Amend Section 134-2113, Prohibition To Detail The Uses Prohibited; And To Repeal Section 134-2114, Development Standards; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

XII. ANY OTHER MATTERS

XIII. 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 virtual public comment, please register for the Microsoft Teams meeting. This link will be available prior to the meeting on the Public Meeting page or on the Town's calendar of events, which both can be found at townofpalmbeach.com.
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.