



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 10, 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. PRESENTATIONS

- A.** A Critical Discussion: An Approach to Zoning Code Improvement
TIME CERTAIN: 9:45 AM

VIII. PUBLIC HEARINGS

IX. RESOLUTIONS

- A.** RESOLUTION NO 132-2021 473 N. County Road

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."

X. DEVELOPMENT REVIEWS

A. Appeals

- 1.** ARCOM Appeals of B-063-2020 160 Royal Palm Way

B. Time Extensions and Waivers

- 1.** Time Extension - Raptis
- 2.** Time Extension for 226 Oleander Avenue
- 3.** Time Extension for 403 Brazilian Avenue

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a.** **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) 160 ROYAL PALM WAY**
Consideration of the Construction Management Agreement
- 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] [The Architectural Review Commission deferred the project

to the November 19, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the December 15, 2021 Meeting.**

- c. **Z-21-00356 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town Serving Commercial The application of BUCCAN (SAM SLATTERY), relative to property located at **350 S COUNTY RD SUITE: 100**, legal description on file, is described below. Section 134-1109 and Section 134-1112: Modification to a previously approved special exception use with site plan approval for the sandwich take out counter business for Buccan Restaurant to request the following: (a) to install two (2) new awnings to match existing awnings; (b) to modify the storefront to include a new door in the existing opening; (c) to modify an interior floor plan of the sandwich shop (no seats are being proposed); (d) to modify the hours of operation to be 7:00 AM to 3:00 PM (previously approved were 11:00 AM 3:00 PM) [Applicant's Representative: Maura Ziska Esq] **Request for Withdrawal Per Maura Ziska, Esq.**
- d. **Z-21-00359 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential / B-A Beach Area The application of 870 S OCEAN LLC (TODD GLASER, MANAGER), Owner, relative to property located at **870 S OCEAN BLVD**, legal description on file, is described below. Section 134-840: Request for a Special Exception with Site Plan Review to allow construction of a 435 square foot beach cabana (20' x 25') with a 250 square foot pool and a new seawall in the R-A/B-A Zoning District. Section 134-1474(a): Request for a variance to construct a 435 square foot beach cabana that is on a lot with frontage of 101.53 feet in lieu of the 125 feet required for lot width in the B A Zoning District for beach area property adjacent to R-A Zoning District. Section 134-1701 and 62-37: Request for a variance to construct a new 100.5' seawall three feet east of the existing seawall which is east of the Town of Palm Beach bulkhead line 6'2" at the south end and 6'0" at the north end, in lieu of the seawall being placed directly on the bulkhead line. The proposed new seawall will align with the recently constructed seawall at 880 South Ocean Boulevard. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]
- e. **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 November 19, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the December 15, 2021 Meeting.**

- f. **Z-21-00383 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MICHAEL T FRIES & MICHELLE R MALONE, Applicants, relative to property located at **146 SEASPRAY AVE**, legal description on file, is described below. Request a variance to expand nonconforming 2-story accessory building in the rear of the property by adding a 128 square foot one story cabana/office addition that would result in a 5.6 foot rear yard setback in lieu of the 10 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.] **Request for Withdrawal Per Maura Ziska, Esq.**

- g. **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 deferred this project to the November 19, 2021 meeting. Carried 6-1.] **Staff Recommends a Deferral to the December 15, 2021 Meeting.**

2. New Business

- a. **ZON-21-005 (HSB-21-001) 251 Park Avenue (COMBO)** The applicant, Patrick McGowan, has filed an application requesting Town Council review and approval for variances (1) to reduce the side (east) setback for a new trellis, (2) to reduce the front (south) setback for a new trellis, (3) to reduce the required side (east) setback for the installation of new pool, (4) to reduce the required rear (north) setback for the installation of new pool, (5) to further reduce the nonconforming open space requirement in the front yard, and (6) to exceed the maximum allowable lot coverage, in order to renovate and construct improvements to a historically significant building. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with some conditions related to the architecture. Carried 7-0.]
- b. **ZON-21-006 (ARC-21-040) 164 SEASPRAY AVENUE (COMBO)** 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 November 19, 2021 meeting. Carried 6-1] **Staff Recommends a Deferral to the December 15, 2021 Meeting.**
- c. **ZON-21-008 (ARC-21-041) 1520 SOUTH OCEAN BOULEVARD (COMBO)** 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. [Architectural Review Commission deferred the project to the November 19, 2021 meeting. Carried 7-0] **Staff Recommends a Deferral to the December 15, 2021 Meeting.**

- d. **ZON-21-009 (ARC-21-043) 1230 SOUTH OCEAN BOULEVARD (COMBO)** The applicant, 1230 LLC (Staci Rutman, manager) has filed an application requesting Town Council review and approval for a variance (1) to reduce by approximately 15' the required side setback requirement of 30' in order to construct a new loggia addition to the rear of the existing two-story residence. [The Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [Architectural Review Commission approved the project as presented. Carried 7-0]
- e. **ZON-21-010 420 ROYAL PALM WAY** The applicant, Timothy Hanlon, has filed an application requesting Town Council review and approval for a Special Exception Request to continue to operate an existing commercial banking office under new ownership.
- f. **ZON-21-011 (ARC-21-050) 1090 SOUTH OCEAN BOULEVARD (COMBO)** 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 November 19, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the December 15, 2021 Meeting.**
- g. **ZON-21-012 (AKA Z-20-00299) (ARC-21-051) 1015 SOUTH OCEAN BOULEVARD (COMBO)** 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. [Architectural Review Commission deferred the project to the November 19, 2021 meeting. Carried 6-1.] **Staff Recommends a Deferral to the December 15, 2021 Meeting.**
- h. **ZON-21-015 (COA-21-004) 264-270 SOUTH COUNTY ROAD AND 205 ROYAL PALM WAY (COMBO)** The applicant, Carriage House Properties Partners LLC, has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review to modify a previously approved private club, including a variance to reduce the required 10'-0" clear sidewalk in order to provide a landscape strip. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative

architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions related to the architecture. Carried 7-0.]

XI. ANY OTHER MATTERS

- A. Discuss Options for Certifying Town-Serving Status for Businesses, Per Comprehensive Plan Requirements
- B. Discussion Regarding Quality of Life and Traffic Impacts Associated with the Increasing Number of New Restaurants in the Town

XII. 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.