



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 9, 2022

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

1. Discuss Planning and Zoning Commission Recommendations and Actions From the November 7, 2022, Meeting.

VIII. DISCUSSION ITEMS

A. Declaration of Use Agreements

1. **ZON-22-070 (COA-22-026) 241 SEAVIEW AVE. (COMBO)**
- MODIFICATION TO DECLARATION OF USE AGREEMENT

B. Time Extensions and Waivers

1. Time Extension for 172 Worth Ave – Saks Fifth Avenue

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.] ***[This item has been withdrawn.]***
- b. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. ***[The Architectural Commission***

deferred the project to their November 18, 2022, Architectural Commission meeting.][This item shall be deferred to the December 14, 2022, Town Council meeting pending Architectural Review.]

- c. **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. *[The Architectural Review Commission deferred this project to the November 18, 2022 meeting.] [This item shall be deferred to the December 14, 2022, Town Council meeting pending Architectural Review.]*
- d. **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.]*
- e. **ZON-22-113 (ARC-22-182) 380 S COUNTY RD (COMBO)—SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES.** The applicant, Le bar a vin (Ann DesRuisseaux), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and including variances (1) to reduce required parking (by 2 spaces), (2) to reduce the street side (south) setback for the proposed ground floor terrace addition, (3) to reduce the required sidewalk clearance width, (4) to reduce the required drive aisle width, (5) to reduce required landscape open space, and (6) to exceed the maximum allowable height for

mechanical equipment on a rooftop of an existing two-story building. The applicant is also seeking a Special Exception Request for a restaurant use from an existing bar/lounge. Additionally, the applicant is seeking approval for Special Exception Request with Site Plan Review for outdoor café seating (22 seats + 8 outdoor seats previously approved) on private property and a Special Exception for a restaurant use in conjunction to an existing bar/lounge. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved this project with conditions at the September 28, 2022, meeting. Carried 6-0.] [The Town Council approved the site plan review with respect to the drive aisle shift, and the increase of pace on the first floor for the two bathrooms. The Town Council did not approve the outdoor seating and terrace. Variances 1,4 and 6 were approved. Both motions had a condition related to a utility easement. The special exception and variances 2,3 and 5 were deferred to the November 9, 2022, Town Council Meeting.] **[This item shall be deferred to the December 14, 2022, Town Council meeting at the request of the applicant.]***

- f. **ZON-22-123 (COA-22-042) 218 PHIPPS PLZ (COMBO)—VARIANCE.** The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, dated May 30, 2007, has filed an application requesting Town Council review and approval for a variance to reduce the required west rear yard setback, in conjunction with the construction of a new two-story accessory structure. The Landmarks Preservation Commission will perform design review of the application. *[The Landmarks Preservation Commission approved the main structure change with conditions related to the architecture. Accessory structure changes to be reviewed by the Landmarks Preservation Commission in December 2022.]* **[This item shall be deferred to the January 11, 2022, Town Council meeting pending Landmarks Preservation approval.]**
- g. **ZON-22-131 163-165 SEMINOLE AVE—VARIANCES.** The applicant, 2012 Steven H. Rose Irrevocable Trust (Dale Coudert), has filed an application requesting Town Council review and approval for variances (1) to create a new nonconforming east side-yard setback and (2) to create non-conforming landscaped openspace at 165 Seminole Ave. Variance (3) is to create a non-conforming west side-yard setback, (4) a variance for non-conforming lot coverage, (5) a variance to create non-conforming landscaped open space, and (6) a variance to create nonconforming angle of vision at 163 Seminole Ave. The

variances are required as part of the subdivision of the existing unified property at 163-165 Seminole Avenue into 2 separate lots while maintaining all existing structures and hardscape.

- h. **ZON-22-132 (ARC-22-200) 165 BRADLEY PL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE.** The applicant, Biltmore Galleria, LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow a 3,038 SF private/public school in the Commercial-Town Serving District (C-TS) zoning district and a Variance from the off-street parking requirements to eliminate required surface parking spaces and convert it into a playground area. The application will require amendments to the existing Unity of Title and Declaration of Use. The Architectural Commission will perform the design review of the application. *[Architectural Review Commission Recommendation: Implementation of proposed variance will not cause negative architectural impact to the subject property. Carried 5-0.] [The Architectural Review Commission approved this project at the October 25, 2022, meeting. Carried 5 - 0.]*
- i. **ZON-22-138 (ARC-22-184) 1540 S OCEAN BLVD. (COMBO)—SPECIAL EXCEPTION W/ SITE PLAN REVIEW.** The applicant, 1540 S OCEAN LLC (Steven Kirsch), has filed an application requesting Town Council review and approval for Special Exception and Site Plan Review for the construction of a new two-story guest house connected to a previously approved two-story structure with related landscape and hardscape improvements on a parcel deficient in lot depth. The Architectural Commission will perform the design review of the application. *[The Architectural Review Commission approved this project at the October 25, 2022, meeting. Carried 5-0.]*

2. New Business

- a. **ZON-22-104 (ARC-22-146) 9 SLOANS CURVE DR (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, Sean Hannity, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the construction of a 409 square foot second story addition and to install a 20-kw generator for an existing townhouse within an approved Sloan's Curve PUD. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission approved this project at the October 26, 2022, meeting. Carried 6-0.]*
- b. **ZON-22-139 (ARC-22-213) 144 CHILEAN AVE (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, Allen Perl, as Trustee of the 144 Chilean Trust dated April 13, 2022, has filed an application requesting Town Council review and approval special exception

with site plan review for development of a lot nonconforming in lot width in the R-B zoning district in order to construct a new two-story single family residence which requires variances to (1) exceed maximum lot coverage, (2) provide deficient landscaped open space and (3) exceed the maximum cubic content ratio (CCR) allowed. The Architectural Review Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the November 18, 2022 meeting. Carried 7-0.] [This item shall be deferred to the December 14, 2022, Town Council meeting pending review by the Architectural Review Commission.]*

- c. **ZON-22-140 (ARC-22-216) 248 COLONIAL LN (COMBO) —SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE.** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for development of a lot which is deficient in lot depth and lot area in the R-B zoning district and for variances (1) to eliminate the two-car garage enclosure requirement, (2) to locate a generator in a setback which is higher than allowed from neighboring grade and (3) to not completely screen a generator with a masonry wall, in conjunction with the construction of a new two-story residence. The Architectural Review Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the December 16, 2022 meeting. Carried 7-0.] [This item shall be deferred to the January 11, 2023, Town Council meeting pending review by the Architectural Review Commission.]*
- d. **ZON-22-143 (ARC-22-188) 266 ORANGE GROVE RD (COMBO)—VARIANCE.** The applicant, Olofson Jeanne H Trust, has filed an application requesting Town Council review and approval for an after-the-fact variance to maintain landscape open space less than the minimum requirements in the R-B zoning district. The Architectural Commission will perform the design review of the application. *[Architectural Review Commission Recommendation: Implementation of proposed variance will not cause negative architectural impact to the subject property.] [The Architectural Review Commission approved this project at the October 26, 2022, meeting. Carried 7-0.]*
- e. **ZON-22-146 (ARC-22-209) 1020 N LAKE WAY (COMBO)—VARIANCE.** The applicant, Robert Morse, has filed an application requesting Town Council review and approval for a variance (1) to exceed the maximum allowable lot coverage, in conjunction with the exterior alterations and loggia modifications and enlargement proposed at the property. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendation:*

Implementation of proposed variance will not cause negative architectural impact to the subject property.][The Architectural Review Commission approved this project at the October 26, 2022, meeting. Carried 7- 0.]

IX. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Transmit a New Property Rights Comprehensive Plan Element to the State Department of Economic Opportunity (DEO)

ORDINANCE NO. 015-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, amending the Town of Palm Beach Comprehensive Plan by creating a Property Rights Element in order to meet updated statutory requirements; maintaining internal consistency within the comprehensive plan; providing for incorporation of recitals; providing for severability; providing for the repeal of ordinances or parts thereof in conflict; providing for codification; and providing an effective date.

X. ANY OTHER MATTERS

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.