



# TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

## TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL  
COUNCIL CHAMBERS - SECOND FLOOR  
360 SOUTH COUNTY ROAD

### AGENDA

JULY 13, 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 with Sean S. Suder, ZoneCo

#### **TIME CERTAIN - 10:00 A.M.**

- 1. Discussion on FAR versus CCR

#### **VIII. DISCUSSION ITEMS**

- A. Project Designation Manual Matrix
- B. Discussion Regarding Changes to the ARCOM Ordinance
- C. Problems With Site Walls Built on Property Lines

#### **IX. RESOLUTIONS**

- A. RESOLUTION NO. 077-2022 264 South 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."
- B. RESOLUTION NO 078-2022 270 South 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."
- C. RESOLUTION NO. 079-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting The ARCOM Project Designation Manual As Referenced In Chapter 18 Of The Town Code Of Ordinances; Providing An Effective Date.

#### **X. DEVELOPMENT REVIEWS**

##### **A. 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.] [The Architectural Review Commission deferred the project to the July 27, 2022 meeting. Carried 7-0.] **Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.**

- b. **ZON-22-033 (ARC-22-001) 108 EL MIRASOL (COMBO) - VARIANCES** The applicant, ANK Palm Beach LLC (Anand “Andy” Khubani, Managing Member), has filed an application requesting Town Council review and approval for a variance to allow a basement in a North side-yard setback for basement vehicular access in relation to the construction of a new single family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] **This item has been withdrawn by the applicant.**
- c. **ZON-22-037 (ARC-22-040) 60-70 BLOSSOM WAY (COMBO) – SITE PLAN REVIEW** The applicant, Blossom Way Holdings LLC and Providencia Partners LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council Site Plan Review as required for the installation of a generator with an output capacity over 100kW, in conjunction with the construction of a new single family residence. ARCOM will perform design review of the application. [The Architectural Review Commission approved the project as presented. Carried 5-2.]
- d. **ZON-22-059 (ARC-22-086) 2219 IBIS ISLE RD (COMBO) - SITE PLAN REVIEW** The applicant, GLOBAL ONE INVESTMENT GROUP LLC (Alfredo Borges), has filed an application requesting Town Council review and approval for Site Plan Review to allow the construction of a residence on a non-conforming platted lot which is 90 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with conditions related to the architecture. Carried 7-0.]
- e. **ZON-22-046 (ARC-22-063) 1160 N OCEAN BLVD (COMBO) -**

**SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Paul & Cythlen Maddock, has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the construction of a 500 SF beach cabana in the BA zoning district. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with conditions related to the architecture. Carried 7-0.]

- f. **ZON-22-065 (ARC-22-099) 360 EL BRILLO WAY (COMBO) - VARIANCES** The applicant, El Brillo Way Trust uad September 24, 2021 (David Klein trustee), has filed an application requesting Town Council review for Variance (1) to exceed the building height plane for a new two-story residence, (2) to reduce the required front setback for a new pool, (3) to exceed the angle of vision in order to construct a detached cabana in the required yard area, and (4) for swimming pool equipment to exceed the maximum distance from water's edge.. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the July 27, 2022 meeting. Carried 7-0.] **Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.**
- g. **ZON-22-070 (COA-22-026) 241 SEAVIEW AVE (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Palm Beach Day Academy Inc., has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception with Site Plan Review for the installation of a surface parking lot for 34 cars, new parking gates and lighting plan, and to replace a portion of the west lawn. The applicant is also seeking to modify the existing Declaration of Use related to the number of times parking can be used. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission approved the project at their June 22, 2022 meeting. Carried 5-0.]
- h. **ZON-22-071 (ARC-22-105) 124 COCOANUT ROW (COMBO) - VARIANCES** The applicant, Nedim Soylemez and Rebecca Ann Soylemez, has filed an application requesting Town Council review for a variance (1) to exceed maximum cubic content ratio (CCR), (2) to exceed maximum building height, and (3) to exceed maximum overall building height, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the July 27, 2022 meeting. Carried 7-0.] **Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.**
- i. **ZON-22-073 (ARC-22-043) 143 REEF RD (COMBO) - VARIANCES** The applicant, John K. Criddle, has filed an

application requesting Town Council review and approval for variances (1) to exceed the maximum amount of fill and (2) to exceed the maximum Cubic Content Ratio (CCR) in conjunction with the construction of a new two-story single-family house. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with the condition that the design must meet all zoning codes. Carried 6-1.]

- j. **ZON-22-083 (ARC-22-072) 965 N OCEAN BLVD (COMBO) - SITE PLAN REVIEW** The applicant, 965 North Ocean Boulevard, LLC (Matthew Sellick), has filed an application requesting Town Council review and approval for Site Plan Review for the installation of a 150 kW generator in conjunction with the construction of a new residence. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the July 27, 2022 meeting. Carried 7-0.] **Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.**

## 2. New Business

- a. **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 Review Commission deferred the project to their August 24, 2022 meeting. Carried 7-0.) **Item Deferred to the September 14, 2022 Meeting pending ARCOM decision.**
- b. **ZON-22-053 1676 S OCEAN BLVD – VARIANCES** The applicant, John Scarpa, has filed an application requesting Town Council review and approval for a Variance (1) to reduce by approximately 13' the required side (north) setback of 35' in order to install a 35' high flagpole in the required side setback along the north property line.
- c. **ZON-22-074 (ARC-22-113) 133 GULFSTREAM RD (COMBO) – VARIANCES** The applicant, Elena Arredondo, has filed an application requesting Town Council review and approval for Variances from the backup/cueing distance requirement for the installation of new driveway gate. Architectural Commission will

perform design review of the application. [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 with conditions related to the architecture. Carried 4-3.]

- d. **ZON-22-075 (ARC-22-117) 102 FLAGLER DR (COMBO) – VARIANCES** The applicant, FDPB Holding Company LLC (Adam Seligman), has filed an application requesting Town Council review and approval for Variances for (1) a second story walkway encroachment into the required setback, (2) to reduce the street side setback to construct a free standing folly structure, (3) to reduce the side yard setback for the same folly structure, (4) to install second story skylights in the required setback, and (5) to exceed the maximum allowable Cubic Content Ratio (CCR) for a folly structure, in association with a new accessory structure. Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance 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.]
- e. **ZON-22-076 331 S COUNTY RD – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Café L'Europe (Mark Marcello), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for outdoor café seating on public right-of-way (34 seats) in conjunction with an existing restaurant.
- f. **ZON-22-077 (ARC-22-121) 304 GARDEN RD (COMBO) – VARIANCES** The applicant, 304 GARDEN RD LCC, has filed an application requesting Town Council review and approval for Variance (1) to exceed the maximum allowable lot coverage by .5% for an exterior loggia addition to an existing two-story residence. Architectural Commission will perform design review of the application. **This item has been withdrawn by the applicant.**
- g. **ZON-22-079 (COA-22-028) 284 MONTEREY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, DHC MONTEREY LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow additions to an existing Landmarked structure which results in demolition of more than 50% of the cubic volume on portions of platted non-conforming lots in the R-B Zoning District, including variances from the (1) side (east) and (2) street side (west) setback requirements, and (3) a variance from the angle of vision requirements. Landmarks Preservation Commission will perform



the design review. **Item Deferred to the August 10, 2022**

**Meeting pending LPC decision.**

- h. **ZON-22-080 (COA-22-029) 250 ALGOMA RD (COMBO) – VARIANCES** The applicant, Cortright & Janice Wetherill, has filed an application requesting Town Council review and approval for variances (1) from Chapter 50, Floods for the required floor elevation and (2) to exceed the maximum allowable lot coverage by 1% for a new 424 SF addition to a Landmarked structure. Landmarks Preservation Commission will perform the design review. [The Landmarks Preservation Commission approved the project at their June 22, 2022 meeting. Carried 6-0.]
- i. **ZON-22-082 (ARC-22-116) 1338 N LAKE WAY (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Sailfish Club of Florida, Inc. (Ryan Barry, General Manager), has filed an application requesting Town Council for special exception and site plan review for modifications to an existing special exception use private club including new awning system, new windows, and parking lot lighting. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 6-1.]
- j. **ZON-22-085 211-215 PERUVIAN AVE – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Club Collette (Daniel Ponton, President), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for outdoor café seating (40 seats) on private property in conjunction to an existing private club.
- k. **ZON-22-089 (ARC-22-129) 515 N LAKE WAY (COMBO) – VARIANCES** The applicant, Roberto and Joanne DeGuardiola (Contract Purchaser), has filed an application requesting Town Council review and approval for variances for (1) to exceed the first story east rear yard setback encroachment, (2) to exceed second story east rear yard setback encroachment, (3) to permit a swimming pool in west front yard setback where swimming pools are prohibited, (4) second story west front yard setback encroachment, (5) second story south street side yard setback encroachment, (6) to exceed the maximum Cubic Content Ratio (CCR), (7) to exceed maximum angle of vision on N Lake Way, and (8) to exceed site wall height in front and street side yards; in conjunction with the conversion of a 1-story residence to a 2-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their July 27, 2022 meeting. Carried 5-2] **Item Deferred to the August 10, 2022 Meeting pending ARCOM decision.**
- l. **ZON-22-090 (ARC-22-131) 225 INDIAN RD (COMBO) – VARIANCE** The applicant, White Oak, LLC, a Wyoming LLC,

as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer), has filed an application requesting side yard setback variance for a new stair addition to an existing loggia. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

- m. **ZON-22-099 340 ROYAL PALM WAY SUITE 200 – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, CIBC (Jon Bredemeier, Managing Director), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for 6,837 SF of Gross Leasable Area (GLA) for a financial institution tenant within an existing multi-story office building zoned C-OPI with an attached parking structure.

## **XI. ORDINANCES**

### **A. First Reading**

1. **ORDINANCE NO. 013-2022** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Amending Chapter 18 Of The Town Code Ordinances Titled Buildings And Building Regulations At Article III, Architectural Review, Amending Section 18-175, Issuance Of Permits, By Amending Subsection (A) Relating To Requests For Demolition So As To Remove ARCOM's Authority To Consider Demolition Requests; Amending Section 18-206 And Moving This Section To Chapter 18, Article II, Administration Of Planning, Zoning And Building, Division 5, Prohibition On Demolition, As Section 18-113; Changing The Title Of Article II, Administration Of Planning, Zoning And Building, Division 5, From "Prohibition On Demolition" To "Demolition"; And Amending Section 18-240 And Moving This Section To Chapter 18, Article II, Administration Of Planning, Zoning And Building, Division 5, Demolition As Section 18-114; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For Effective Date

## **XII. ANY OTHER MATTERS**

## **XIII. ADJOURNMENT**

### **PLEASE TAKE NOTE:**

**Note 1:** Please submit written comments/materials to [council@townofpalmbeach.com](mailto: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](http://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](http://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.