



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JUNE 15, 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. Presentation from Palm Beach County Property Appraiser Dorothy Jacks

VIII. DISCUSSION ITEMS

- A. Add On to Construction Projects
- B. Landmarks Preservation Commission Calendar
Margaret A. Zeidman, Town Council President

IX. DEVELOPMENT REVIEWS

A. Appeals

- 1. ARCOM Appeal of ARC-21-101 425 Chilean Avenue

B. Time Extensions and Waivers

- 1. Request for Permit Extension for 114 Seaspray Avenue

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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. [The Architectural Review Commission approved the project with a condition related to the architecture will return on June 29, 2022. Carried 6-1.]
- b. **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 June 29, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**

- c. **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.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**
- d. **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 deferred the project to the June 29, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**
- e. **ZON-22-044 (ARC-22-054) 333 SUNSET AVE (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Royal Poinciana South LLC (Arthur Pergament) has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and Variances (1) to exceed the maximum lot coverage, (2 & 3) to reduce required setbacks, (4) to expand an existing nonconforming 7 story building, (5 & 6) to allow pool equipment where not permitted, (7) to exceed the maximum building height and (8) to exceed the maximum allowable amount of equipment in a front yard. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved

the project with conditions relating to the architecture. Carried 5-2.]

- f. **ZON-22-045 (HSB-22-008) 426 SEAPRAY AVE (COMBO) – VARIANCES** The applicant, 426 Seaspray Avenue Trust (Maura Ziska, TR) has filed an application requesting Town Council approval for Variances (1) to exceed the maximum cubic content ratio (CCR), (2) to exceed the maximum lot coverage, and (3) 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 2.27' NAVD and 4.06' NAVD in lieu of the required 7' NAVD, in conjunction with renovations and a two-story additions to an existing nonconforming historically significant building. 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 historically significant building. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]
- g. **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 deferred the project to the June 29, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**

2. New Business

- a. **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 deferred the project to the June 29, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**
- b. **ZON-22-052 (ARC-22-076) 425 WORTH AVE, PH-B (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW & VARIANCES** The applicant, Mary Randolph Ballinger, has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and Variances for (1) to

exceed maximum building height, (2) to expand the nonconforming 6th floor, and (3) to reduce existing nonconforming rear (north) yard setbacks, in conjunction with a 58 SF addition to an existing 6th floor penthouse. The Architectural Commission will perform design review of the application.

- c. **ZON-22-054 (HSB-22-004) 324 BARTON AVE (COMBO) - VARIANCES** The applicants, Leverett and Linda Miller, have filed an application requesting Town Council review and approval for a Variances to (1) reduce the required side (east) yard setback, (2) for the expansion of a nonconforming accessory structure, and (3) 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 5.34' NAVD in lieu of the required 7' NAVD, in conjunction with one story additions to a Historically Significant building two-story main house and one story additions to an existing two-story accessory structure. 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 historically significant building. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]
- d. **ZON-22-063 (ARC-22-074) 220 ARABIAN RD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Richard Carlino, 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 portions of platted lots deficient in lot width. The Architectural Commission will perform design review of the application. [The Architectural Review Commission denied the project at the May 25, 2022 meeting. Carried 4-3.] **Staff Recommends a Withdrawal of the Project.**
- e. **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 June 29, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**
- f. **ZON-22-066 520 ISLAND DR - VARIANCES** The applicant, has

filed an application requesting Town Council review and approval for variances to (1) exceed by 18 ft the maximum dimension of 6 ft west of the bulkhead line to install 3 mooring piles 24 ft westward , (2) to exceed by 51 (33%) the maximum width of 45 ft (30% of 150 ft wide lot) to install a 96 ft (63%) wide dock, (3) to reduce the required north side yard setback by 7' to install mooring piles at 18' where 25' is required, (4) To exceed the maximum dock width of 10' for a dock (east) further than 6' from bulkhead and (5) to exceed the maximum number of docks allowed on a property from one to two for a property with water frontage on east and west sides of Everglades Island.

- g. **ZON-22-067 (ARC-22-104) 281 MONTEREY RD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Adam Demark, has filed an application requesting Town Council review for Special Exception with Site Plan Review for the construction of a new two-story residence on portions of non-platted lots deficient in lot width. The Architectural Commission will perform design review of the application. [The Architectural Review Commission approved the project with a condition related to the landscape at the May 25, 2022 meeting. Carried 7-0]
- h. **ZON-22-068 (COA-22-024) 238 PHIPPS PLZ (COMBO) - VARIANCES** The applicant, Phipps Plaza Properties Partners LLC, has filed an application requesting Town Council review and approval for variances to (1) reduce by 4'11' the required side (west) setback of 5' to place a 6' tall air-conditioning unit at 1" to the property line and to (2) reduce by 2'-2" required rear (south) setback of 5' to place the equipment at 2'-10" to the property line, (3) to forgo equipment screening requirement, and (4) for a variance from Chapter 50 for the required elevation for a new AC equipment on a landmarked building to install at 4.0' NAVD in lieu of the required 8' NAVD. [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.
- i. **ZON-22-069 146 SEASPRAY AVE - VARIANCES** The applicant, Michael and Michelle Fries, has filed an application requesting Town Council review and approval for variances to (1) reduce by 4.4' the required rear setback of 10' in order to construct a 128 SF addition at 5.6' to match the existing nonconforming rear (south) setback and (2) for the expansion of a nonconforming accessory structure. The Architectural Commission approved the project on 08/25/21, pursuant to ARC-21-015.
- j. **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 deferred the project to their June 22, 2022 meeting. Carried 5-2.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**

- k. **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 June 29, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**
- l. **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. [The Architectural Review Commission deferred the project to the June 29, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**
- m. **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 June 29, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 13, 2022 Meeting.**

X. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 18 of the Town Code to Modify the Language regarding Floodplain Management, to

incorporate new FEMA and FL DEM requirements, and to acknowledge the Town's current CRS classification.

ORDINANCE NO. 009-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Specifically At Article I, In General, Section 18-1, Datum Plane Adopted; And At Article IV, Florida Building Code, Division 2, Florida Building Code Technical Amendments For Flooding, Section 18-244, Amendments; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

2. Proposed Ordinance to Amend Chapter 50 of the Town Code to Modify the Language regarding Floodplain Management, to incorporate new FEMA and FL DEM requirements, and to acknowledge the Town's current CRS classification.

ORDINANCE NO. 010-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 50, Floods, By Amending Article III, Definitions And Article IV, Flood Resistant Development, To Provide For Accessory Structures In Flood Hazard Areas And To Specify Elevation Of Manufactured Homes In Flood Hazard Areas; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

XI. ANY OTHER MATTERS

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.