



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 9, 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. COUNCIL DISCUSSION ITEMS

- A. Staff Update on Recent Planning & Zoning Commission Reviews of Outdoor Seating, Marginal Docks, and Dimension Waivers (Landmark Incentives)
- B. Discussion of Zoning Code Review and Possible Study Items
- C. Update on Filling Lots During Development and Options to Limit Fill
- D. Continued Discussion – ARCOM Project Designation Manual – Signage

VIII. DEVELOPMENT REVIEWS

A. Appeals

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00211 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-PC Planned Center The application of 305 Concepts Palm Beach, LLC d/b/a Coyo Taco, Applicant, relative to property located at **340 ROYAL POINCIANA WAY SUITE: M337**, legal description on file, is described below. On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement, which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested. The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with the Town Serving requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be presented to the Town Council during the public hearing on this application. [Applicant's Representative: James M. Crowley Esq]
- b. **Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN**

REVIEW AND VARIANCE(S) Zoning District: C-WA Worth Avenue The application of 125 WORTH PARTNERS LLC (CENTURY INNOVATION LLC, MANAGER, BY ROBERT FRISBIE, AUTHORIZED SIGNATORY), applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below.

MODIFIED DESCRIPTION This is a pending application that is being modified to reduce the number and intensity of variances being requested; to relocate certain mechanical equipment from the east side of the property to the west side in order to address neighbor concerns; to provide additional data regarding compliance with the Worth Avenue Design Guidelines; and to clarify that the existing fourth story roof structure and structural columns will not be demolished as part of the proposed additions onto the fourth story. The application has eliminated a request to increase overall height by 12 feet and to eliminate a request for increased second story lot coverage. The application as modified requests Site Plan approval for the revitalization, renovation and expansion of the 45 year old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally in order to meet the standards for renovation as set forth in the Worth Avenue Design Guidelines. The application addresses how the project meets the Worth Avenue Design Guidelines in Exhibit "G". The applicant is requesting to demolish a portion of the existing fourth story and expand its footprint to add four residential units, which are permitted above the first floor subject to a finding that the project meets the Worth Avenue Design Guidelines. Existing structural columns and roof structure will remain, and the proposed addition will be lower in height than the existing fourth story roof. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a fourth story addition. The existing building is four stories but the existing fourth story is proposed to be expanded. 2. Per Section 134-2182(b), a special exception to allow for on site shared parking, based on the professional shared parking analysis which has been provided. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing floor area at a height of 51 ft. 7 in., which is the height of the existing roof structure. The proposed fourth floor addition will be 49 ft. 7 in. in height, but staff has determined that a variance is required because the new addition is greater than the 40 ft. allowed under the use of the Worth Avenue Design Guidelines incorporated by reference in Chapter 134 of the Code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by expanding floor area at an overall building height of 52 ft. 3 in. , which is lower than the 52 ft. 7 in. existing but higher than the 40 ft. maximum allowed by the Worth Avenue Design

Guidelines. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 12,663.5 square feet from 3,448.75 square feet existing. An open fourth story trellis of 6,322.8 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,335 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1 ft. 10 in. for portions of the building in lieu of the 5 ft. existing and the 5 ft. minimum required on the private property. The sidewalk is required to be a minimum of 10 ft. wide and this proposal is a minimum of 8 ft. 2 in. in the area where the sidewalk is only 1 ft. 1 in. wide on private property, in lieu of the 5 ft. minimum required by code. 7. Per Section 134-1163(9)b., variance for lot coverage of 63% on the first floor in lieu of the 57% existing and the 35% maximum allowable in order to relocate mechanical equipment from the east side of the property to the west. 8. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 30% maximum allowable by code. 9. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building length at the east end of the building from 201 ft. 8 in. to 246 ft. in lieu of the 150 ft. maximum permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] [The Architectural Review Commission deferred this project to their June 23, 2021 Meeting. Carried 6-1.]

- c. **Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R A Estate Residential The application of 1015 SOUTH OCEAN LLC (MAURA ZISKA, MANAGER), applicant, relative to property located at **1015 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134 840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two story residence on a non conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required In the R A Zoning District. 2) Section 134 843(a)(5): A request for a variance to allow a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R A Zoning District. 3) Section 134 843(a)(9): A request for a variance to allow a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R A Zoning District. 4) Section 134 843(a)(6)b: A request for a variance to allow an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R A Zoning District. 5) Section 134 843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as

16.8 feet (one story element) to 29.25 feet (two story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element) minimum required by Code in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq]
[Architectural Review Commission Recommendation:
Implementation of the proposed variances will cause negative architectural impacts to the subject property. Carried 6-1.] [The Architectural Review Commission denied the project at the May 26, 2021 meeting. Carried 5-2.] _

- d. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq]

- e. **Z-20-00318 REPLAT** Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, relative to property located at **1265 S OCEAN BLVD**, legal description on file, is described below. An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision. [Applicant's Representative: Maura Ziska Esq] **The Applicant requested and staff recommends to remove the project from the agenda.**

- f. **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 their June 23, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 14, 2021 Meeting**

- g. **Z-21-00341 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of GRETCHEN S. JORDAN, AS TRUSTEE OF THE GRETCHEN S. JORDAN 1998 TRUST DATED NOVEMBER 18, 1998, applicant, relative to property located at **273 TANGIER AVE**, legal description on file, is described below. The Applicant is proposing to enclose a 432 square foot balcony on the second floor in the rear of the residence in order to create an office. This will require the following variance to be requested: Section 134-893(13): a cubic content ratio of 4.1 in lieu of 3.9 existing and the 3.93 maximum allowed 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 7-0.] [The Architectural Review Commission approved the project as presented with a condition related to the architecture. Carried 6-1.]
- h. **Z-21-00343 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R- A Estate Residential The application of 130 ALGOMA LLC (LEE FENSTERSTOCK, MANAGER), applicant, relative to property located at **130 ALGOMA RD**, legal description on file, is described below. Section 134-229, Section 134-329, and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new, two-story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 feet in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing nonconforming garage. 2) Section 134-843(7): to allow the building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required. [Applicant's

Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the June 23, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 14, 2021 Meeting**

- i. **Z-21-00345 VARIANCE(S)** Zoning District: R-A Estate Residential The application of PAUL A. KRASKER, AS TRUSTEE OF THE 720 SOUTH OCEAN BOULEVARD LAND TRUST DATED SEPTEMBER 20, 2020, applicant, relative to property located at **720 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting approval to renovate and construct additions to the north side of the landmarked residence known as "El Salono" to include a new 486 square foot pool cabana and a 1,159 square foot second and third story addition. The following variances are being requested: 134 843(8): a north side yard setback ranging from 2.6 feet to 5.9 feet for the 2nd and 3rd story additions in lieu of the 15 foot minimum required in the R-A Zoning District. 134-843(8): a north side yard setback of 4.9 feet for the pool cabana in lieu of the 15 foot minimum required in the R-A Zoning District. 134-843(10): a building height of 26.33 for the proposed 3rd story addition in lieu of the 25 foot maximum allowed in the R-A Zoning District. Section 134-844: A request for variance to construct a 3rd story addition where only two stories is the maximum allowed in the R-A Zoning District under the existing zoning code. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission deferred this project to the June 16, 2021 meeting. Carried 7-0.]
- j. **Z-21-00346 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of PALM BEACH COUNTRY CLUB INC (ROBERT SCHLAGER, PRESIDENT), applicant, relative to property located at **760 N OCEAN BLVD**, legal description on file, is described below. Section 134-890(5): Modification to a previously approved private club which is a special exception use in a residential zoning district by adding a paddle ball court on the Fairview Road property owned by the Palm Beach Country Club. Section 134-1759: A request for Special Exception Approval with Site Plan Review to allow construction of a paddle ball court that will be enclosed and screened by landscaping. (Backboard requires Special Exception Approval). [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project as presented. Carried 5-2.]

2. New Business

- a. **Z-21-00347 VARIANCE(S)** Zoning District: R-B Low Density

Residential The application of PETER MENKES & ALLISON MENKES, applicants, relative to property located at **135 WELLS RD**, legal description on file, is described below. Section 134-1728: A request for a variance to allow the relocation of two additional air conditioning condenser units in addition to the one existing in the equipment yard for a total of three air conditioning units in the west side yard setback and north rear yard setback in lieu of the two pieces of equipment allowed in these setbacks in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

- b. **Z-21-00348 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of FDPB HOLDING COMPANY LLC (ADAM SELIGMAN, AUTHORIZED PERSON), applicant, relative to property located at **102 FLAGLER DR**, legal description on file, is described below. Section 134-1608(b): A request for a variance to expand the existing basement by 374 square feet that will have a 7.4 foot north side yard setback in lieu of the 12.5 foot minimum required. [Applicant's Representative: Maura Ziska Esq]
- c. **Z-21-00349 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of STEPHEN LIVADITIS (CONTRACT PURCHASER), applicant, relative to property located at **200 BAHAMA LN**, legal description on file, is described below. Section 134-893(b): Site Plan Review to allow the construction of a 5,856 square foot two story, single family residence on a non conforming platted lot that is 90.17 feet in depth in lieu of the 100 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their July 28, 2021 meeting. Carried 7-0.] **Staff Recommends Deferring the Project to the August 11, 2021 Meeting.**
- d. **Z-21-00350 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of CATHY BRIENZA AND WILLIAM INGRAM (212 NIGHTGALE TRL) & VICTORIA AND WILLIAM JOHNSON (217 LA PUERTA WAY) (APPLICANT IS THE CONTRACT OWNER), applicants, relative to property located at **217 LA PUERTA WAY & 212 NIGHTINGALE TRL**, legal descriptions on file, is described below. The applicant owns 212 Nightingale Trail and is under contract to purchase 217 La Puerta in order to combine the two properties to construct a new one story guest house with a new pool on the La Puerta parcel. The residence at 212 Nightingale will remain as is. Once combined, the lot would have an area of 25,162 square feet and a depth of 251.5 feet and thus the development of the lot is subject to the front and rear yard

setbacks in the R-AA District. The following variance is being requested: Section 134-893(7): To allow a new one story guest house to have a 25 foot street rear yard setback in lieu of the 35 foot minimum required in the R-B Zoning District for lots over 20,000 square feet. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with two architectural changes to return to the Commission on June 23, 2021. Carried 6-1.]

- e. **Z-21-00351 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of SCOTT & ESTHER CARMILANI, applicant, relative to property located at **236 VIA LAS BRISAS**, legal description on file, is described below. A request to enclose an existing 441 square foot pergola and an existing 137 square foot loggia with permanent roof structures that would require the following variances: 1) Section 134-893(13): A cubic content ratio of 4.48 in lieu of the 4.0 existing and the 3.89 maximum allowed in the R-B Zoning District. 2) Section 134-893(11): A lot coverage of 28.6% in lieu of the 25.7% existing and the 25% maximum allowed in the R B Zoning District for lots over 20,000 square feet. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]

- f. **Z-21-00352 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-PC Planned Center The application of MARISSA COLLECTIONS PALM BEACH, INC (JAY HARTINGTON, CEO), APPLICANT, relative to property located at **340 ROYAL POINCIANA WAY, SUITE: M337**, legal description on file, is described below. Pursuant to Section 134 1259, the Applicant is requesting special exception approval for a new boutique retail store called "Marissa Collections" at Suite M337 of the Royal Poinciana Plaza, which will replace the existing retail operation. Special exception approval is required because the Gross Leasable Area (GLA) of the tenant space is 3,040 square feet, which is greater than the 3,000 SF of GLA that is permitted by right in the C PC zoning district. Marissa Collections will be Town Serving as explained in the attached Town Serving statement. [Applicant's Representative: Jamie Crowley Esq] [The Landmarks Preservation Commission approved the awning and door change request as well as endorsed the proposed signage request. Carried 7-0.]

- g. **Z-21-00353 SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of TODD GLASER, applicant, relative to property located at **1080 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(b): Request for Site Plan Review to allow the construction of a 9,485 square foot two story, single family residence on a non conforming platted lot that is 17,567 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the June 23, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 14, 2021 Meeting**
- h. **Z-21-00354 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential The application of LISA L. PAOLOZZI, applicant, relative to property located at **160 CHILEAN AVE**, legal description on file, is described below. Section 134-229, Section 134-329 and Section 134-893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage on a lot with a width of 50 feet in lieu of the 100 foot minimum required and an area of 8,000 square feet in lieu of the 10,000 square foot minimum required in the R-B Zoning District. Additionally, the applicant is proposing to construct one story additions totaling 950 square foot that will require the following variances to be requested: Section 134-893(7): to allow a 4.7 foot east side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District. Section 134-893(7): to allow a 5.2 foot west side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the June 23, 2021 meeting. Carried 7-0.] **Staff Recommends a Deferral to the July 14, 2021 Meeting**
- i. **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)

- j. **Z-21-00357 VARIANCE(S)** Zoning District: R-B Low Density Residential / B-A Beach Area The application of MAURA ZISKA, AS TRUSTEE OF THE 230 NORTH OCEAN TRUST DATED JULY 9, 2020, applicant, relative to property located at **230 N OCEAN BLVD**, legal description on file, is described below. Section 134-893(13). A request for a variance to add two pergola structures located in the back yard totaling 619.6 square feet which will result in a cubic content ratio ("CCR") of 4.395 In lieu of 4.14 existing CCR and the 4.15 maximum CCR allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances 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.]
- k. **Z-21-00358 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: B-A Beach Area The application of 1540SOCEANLLC (STEVEN KIRSCH, MANAGING DIRECTOR), applicant, relative to property located at **1540 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(b): Request for a Special Exception with Site Plan Review to allow the construction of a 10,284 square foot two story, single family residence on a non conforming platted lot that is 16,151 square feet in area in lieu of the 20,000 square foot minimum required; 145.53 feet In depth in lieu of the 150 foot minimum depth required; and 112.53 feet in width in lieu of the 125 foot minimum depth required in the R-A Zoning District. Section 134-2: a variance to allow a point of measurement of 21.42 ft NAVD in lieu of the 18.87 ft NAVD maximum allowed for the building height plane calculation. [Applicant's Representative: Maura Ziska Esq]
- l. **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 variances will cause negative architectural impacts to the subject property. Carried 6-1.] [The Architectural Review Commission denied the project at their May 26, 2021 meeting. Carried 6-1.]

IX. ORDINANCES

A. Second Reading

1. Proposed ordinance to provide a fee modification to all Business Tax Receipts in accordance with State law.

- ORDINANCE 04-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43 Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

2. Proposed ordinance to amend Chapter 18 to provide uniform public notice requirements for Architectural Review Commission applications.

- ORDINANCE 06-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 3, Procedure And Requirements; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

3. Proposed ordinance to amend Chapter 54 to provide uniform public notice requirements for Landmark Preservation Commission applications.

ORDINANCE 07-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect; Sections 54-93 And 54-94; And Amending Article IV, Designation Procedure, Section 54-162; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict;

Providing For Codification; And Providing An Effective Date.

4. Proposed ordinance to amend Chapter 134 to provide uniform public notice requirements for Town Council zoning relief applications.

ORDINANCE 08-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article II, Administration, Division 4, Special Exceptions, Variances, And Dimensional Waivers, Sections 134-172 Through 134-174, And At Article III, Site Plan At Section 134-328; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

5. Proposed ordinance to amend Chapter 134, Zoning, to modify the use categories of restaurants, bars, and nightclubs and minor modifications to other food and beverage uses in the C-TS, C-WA, C-OPI, C-PC, and C-B districts.

ORDINANCE 12-2021 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, As Follows: At Article VI, District Regulations, Sections 134-1107, Permitted Uses, By Eliminating "Restaurants, Excluding Formula Restaurants As Defined In Section 134-2 And Bar/Lounges" As A Permitted Use In The C-TS Zoning District; At Section 134-1109, Special Exception Uses By Adding "Restaurants, Excluding Formula Restaurants As Defined In Section 134-2 And Bars/Lounges" As Special Exception Uses In The C-TS Zoning District; At Section 134-1157, Permitted Uses, By Eliminating "Retail Specialty Foods, Including Incidental Sale Of Prepared Food For Takeout" As A Permitted Use In The C-WA Zoning; At Section 134-1159, Special Exception Uses, By Adding "Retail Specialty Foods, Including Incidental Sale Of Prepared Food For Takeout" As A Special Exception Use In The C-WA Zoning District; At Section 134-1207, Permitted Uses, By Eliminating "Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted" As A Permitted Use In The C-OPI Zoning District; At Section 134-1209, By Adding "Dining Rooms When Not More Than More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising Permitted" As A Special Exception Use In The C-OPI Zoning District; At Section 134-1257, Permitted Uses, By Eliminating The Lettering Identifying Permitted Uses And Replacing With Numbering And Eliminating "Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted" And "Retail Specialty Foods, Including Incidental Sale Of Prepared Foods For Takeout" As Permitted Uses In The C-PC Zoning District; At Section 134-1259, Special Exception Uses, By Adding "Dining Rooms When Not More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising To Be Permitted" As Special Exception Use In The C-PC Zoning District; At Section 134-1302,

Permitted Uses, By Eliminating “Dining Rooms And Drinking Places When Not More Than 15 Percent Of The Gross Floor Area Of The Structure; No Exterior Or External Advertising To Be Permitted” As A Permitted Use In The C-B Zoning District; At Section 134-1304, Special Exception Uses, By Adding “Dining Rooms When Not More Than 15 Percent Of The Gross Floor Area Of A Building; No Exterior Or External Advertising To Be Permitted” As A Special Exception Use In The C-B Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

6. Proposed Amendment to the Town Code to Exempt ARCOM Member Architects from Conflict of Interest Regulations

- ORDINANCE 09-2021 An Ordinance Of The Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulations, Article III, Architectural Review, Division 1, Generally Section 18-170; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

7. Proposed Amendment to the Town Code to Exempt Landmarks Preservation Commission Member Architects from Conflict of Interest Regulations

- ORDINANCE 10-2021 An Ordinance Of The Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Article II, Landmarks Preservation Commission, Section 54-38(b); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

X. 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.