



TOWN OF PALM BEACH

Summary of the Actions Taken at the Development Review Town Council Meeting Held on October 13, 2021

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR DANIELLE H. MOORE
- IV. COMMENTS OF TOWN COUNCIL MEMBERS

ACTION: RECONSIDERATION OF MOTION FROM 10/12 MEETING ON COVID OUTDOOR SEATING. ADDED UNDER ANY OTHER MATTERS.

ACTION: ADD DISCUSSION REGARDING RECONSIDERATION OF SATURDAY CONSTRUCTION HOURS UNDER ANY OTHER MATTERS.

- V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
- VI. APPROVAL OF AGENDA

ACTION: APPROVED AS AMENDED

- VII. PRESENTATIONS

- A. Presentation by Donovan Rypkema - Landmarks Report

ACTION: NONE

- VIII. DISCUSSION ITEMS

- A. Overview of Incremental Code Reform and Review of Possible Zoning Topics

ACTION: STAFF TO RETURN TO THE NOVEMBER 10,

2021 MEETING WITH FURTHER ZONING STUDY

IX. DEVELOPMENT REVIEWS

A. Appeals

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

ACTION: DEFERRED TO NOVEMBER 10, 2021

B. Time Extensions and Waivers

1. Time Extension Update - 1960 S. Ocean Blvd.

ACTION: NONE

2. Time Extension Request - 200 Worth Avenue, Ferragamo

ACTION: APPROVED WITH THE FOLLOWING CONDITIONS: NO WORK WILL BLOCK THE SIDEWALKS, ALL PARKING (BOTH INGRESS AND EGRESS) WILL OCCUR ON THE APPLICANT'S LOT AND ANY ISSUES THAT ARISE WILL BE HANDLED BY THE DIRECTOR OF PLANNING, ZONING AND BUILDING.

3. Time Extension Request - 150 Worth Avenue, Esplanade

ACTION: APPROVED WITH CONDITION THAT ANY ISSUES THAT ARISE WILL BE HANDLED BY THE DIRECTOR OF PLANNING, ZONING AND BUILDING.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** 160 ROYAL PALM WAY Consideration of the Construction Management Agreement Staff Recommends Deferral to the November 10, 2021 Meeting

ACTION: DEFERRED TO NOVEMBER 10, 2021

- b. **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 SOCEANBLVD**, 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.] Staff Recommends a Deferral to the November 10, 2021 Meeting

ACTION: DEFERRED TO NOVEMBER 10, 2021

- c. **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]

ACTION: APPROVED WITH THE FOLLOWING CONDITIONS: THE APPLICANT MUST APPLY FOR A CAFÉ PERMIT ONCE THE COVID OUTDOOR SEATING HAS EXPIRED, COVID OUTDOOR SEATING MUST FOLLOW THE OUTDOOR CAFÉ SEATING REGULATIONS, AND THE OUTDOOR LIGHTING MUST IMMEDIATELY BE APPROVED BY ARCOM. THE VARIANCE FOR THE PARKING REQUEST WAS WITHDRAWN ON THE FLOOR BY THE ATTORNEY.

- d. **Z-21-00333 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 04TST101NIGHTINGALE LLC, applicant, relative to property located at 101 NIGHTINGALE TRL, legal description on file, is described below. Section 134 893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 In lieu

of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the October 27, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the November 10, 2021 Meeting

ACTION: DEFERRED TO NOVEMBER 10, 2021

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

ACTION: DEFERRED TO DECEMBER 15, 2021

- f. **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 approved the project at the September 29, 2021 meeting. Carried 7-0.]

ACTION: APPROVED WITH THE A CONDITION RELATING TO THE UTILITY EASEMENT AND THE CONDITION THAT THE EAST GATE MUST SWING INTO THE PROPERTY AND NOT ONTO PARK PROPERTY.

- g. **Z-21-00356 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town Serving Commercial The

application of BUCCAN (SAM SLATTERY), relative to property located at 350 S COUNTY RD SUITE: 100, legal description on file, is described below. Section 134-1109 and Section 134 1112: Modification to a previously approved special exception use with site plan approval for the sandwich take out counter business for Buccan Restaurant to request the following: (a) to install two (2) new awnings to match existing awnings; (b) to modify the storefront to include a new door in the existing opening; (c) to modify an interior floor plan of the sandwich shop (no seats are being proposed); (d) to modify the hours of operation to be 7:00 AM to 3:00 PM (previously approved were 11:00 AM 3:00 PM) [Applicant's Representative: Maura Ziska Esq] Staff Recommends Deferral to the November 10, 2021 Meeting

ACTION: DEFERRED TO NOVEMBER 10, 2021

- h. **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 deferred this project to the October 27, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the November 10, 2021 Meeting

ACTION: DEFERRED TO NOVEMBER 10, 2021

- i. **Z-21-00371 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of MICHAEL S. ARLEIN, TRUSTEE OF THE 267 DUNBAR ROAD TRUST DATED 10/07/20, APPLICANT, relative to property located at 267 DUNBAR RD, legal description on file, is described below. Site Plan Review to allow the construction of a new two story 7,552 square foot single

family residence on a non conforming platted lot which is 98.5 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project at the September 29, 2021 Meeting. Carried 6-1.]

ACTION: APPROVED WITH THE A CONDITION RELATING TO THE UTILITY EASEMENT

- j. **Z-21-00374 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JORDAN AND KRISTIN BENNETT GRAY, APPLICANTS, relative to property located at 224 LA PUERTA WAY , legal description on file, is described below. The applicant Is requesting four variances In order to build a two story addition which includes a 315 square foot one story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony and two bathrooms. The requested variances are a for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R B Zoning District; an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony; an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor; and an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the October 27, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the November 10, 2021 Meeting

ACTION: DEFERRED TO NOVEMBER 10, 2021

- k. **Z-21-00383 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MICHAEL T FRIES & MICHELLE R MALONE, Applicants, relative to property located at 146 SEASPRAY AVE , legal description on file, is described below. Request a variance to expand nonconforming 2-story accessory building in the rear of the property by adding a 128 square foot one story cabana/office addition that would result in a 5.6 foot rear yard setback in lieu of the 10 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.] Request for Deferral to the November 10, 2021 Meeting Per Maura Ziska, Esq.

ACTION: DEFERRED TO NOVEMBER 10, 2021

1. **Z-21-00385 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of 239 MONTEREY ROAD LLC (Louis Capano, Jr., Manager), Applicant, relative to property located at 223 MONTEREY RD, legal description on file, is described below. The lot is non conforming in area: 9,000 square feet in lieu of the 10,000 square feet required in the R-B Zoning District; and in width: 90 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. Request to demolish the existing one story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences and construct a new 3,902 square foot single family two-story home on a non conforming lot (overall size and width) meeting all applicable Town codes. The request includes a driveway, pool/spa, hardscape and landscape, including an emergency generator and civil storm water and grading. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the October 27, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the November 10, 2021 Meeting

ACTION: DEFERRED TO NOVEMBER 10, 2021

2. **New Business**

- a. **ZON-21-001 VARIANCE(S) 620 N LAKE WAY** The applicant, Robert Lazarowitz and Cobey Rapaport, have filed an application for the construction of a new one-story residence elevated to 12' NAVD, including variances (1) to exceed by 1.5' the maximum building height for a one story structure, (2) to exceed by 3.5' the maximum overall building height, (3) to exceed the maximum allowable cubic content ratio (CCR), (4) to exceed by 3% the maximum allowable lot coverage for a one-story structure, and (5) to eliminate required landscape screening of parking in the front yard. [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 at the September 29, 2021 meeting. Carried 6-1.]

ACTION: APPROVED WITH THE A CONDITION RELATING TO THE UTILITY EASEMENT

X. **ANY OTHER MATTERS**

1. Reconsideration of Outdoor Seating

ACTION: CONTINUE COVID OUTDOOR SEATING THROUGH MEMORIAL DAY, 2022; ALL OUTDOOR FURNITURE MUST BE BROUGHT IN EVERY NIGHT; AFTER 2 VIOLATIONS, OUTDOOR SEATING WILL BE REVOKED BUT CAN BE APPEALED TO THE TOWN COUNCIL.

2. Discussion on Saturday Construction Hours

ACTION: STAFF TO RETURN TO NOVEMBER 9, 2021 MEETING WITH A REVISED ORDINANCE THAT REMOVES THE GEOGRAPHICAL AREA SOUTH OF SLOAN'S CURVE

XI. ADJOURNMENT