



TOWN OF PALM BEACH

Summary of the Actions Taken at the Development Review Town Council Meeting Held on September 14, 2022

- 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
- V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
- VI. APPROVAL OF AGENDA
ACTION: APPROVED, AS AMENDED
- VII. PRESENTATIONS
 - A. Code Review Update with Sean S. Suder, ZoneCo
TIME CERTAIN - 10:00 A.M.
ACTION: NONE
- VIII. DISCUSSION ITEMS
 - A. Update on House Bill 423
John C. Randolph, Town Attorney
ACTION: NONE
 - B. Consider Resolution No. 122-2022, Opposing House Bill 423
ACTION: APPROVED, AS AMENDED
- IX. DEVELOPMENT REVIEWS
 - A. **Declaration of Use Agreements**
 1. **ZON-22-070 (COA-22-026) 241 SEAVIEW AVE. (COMBO)**
- MODIFICATION TO DECLARATION OF USE AGREEMENT

ACTION: DEFERRED TO OCTOBER 12, 2022, WITH DIRECTION TO RETURN WITH A REVISED DECLARATION OF USE AGREEMENT.

B. Time Extensions and Waivers

1. Time Extension for 175 Worth Avenue

ACTION: APPROVED TIME EXTENSION UNTIL DECEMBER 20, 2022 WITH THE FOLLOWING CONDITIONS: IF EXTRA TIME IS NEEDED, AN ADDITIONAL SEVEN (7) BUSINESS DAYS SHALL BE ALLOWED IN JANUARY 2023, THE WORKING HOURS SHALL BE 9 A.M. TO 6 P.M., MONDAY THROUGH FRIDAY, ALL WORK SHALL STOP OVER THE THANKSGIVING, CHRISTMAS, AND NEW YEAR HOLIDAYS, AND IF ANY VERIFIABLE COMPLAINTS ARE RECEIVED, WAYNE BERGMAN HAS THE ABILITY TO STOP ALL WORK.

2. Time Extension for 150 Worth Avenue

ACTION: APPROVED TIME EXTENSION UNTIL THE END OF 2022, WITH THE EXCEPTION THAT ALL WORK SHALL STOP OVER THE THANKSGIVING, CHRISTMAS, AND NEW YEAR HOLIDAYS.

C. Variances, Special Exceptions, and Site Plan Reviews

1. **Old 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 September 28, 2022 meeting. Carried 7-0.) Item shall be deferred to the October 12, 2022 meeting pending ARCOM decision.

ACTION: DEFERRED TO OCTOBER 12, 2022

- b. ZON-22-100 (COA-22-035) 800 S COUNTY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, ANN DESRUISSEUAX, has filed an application requesting Town Council review and approval for site plan review for the installation of a generator over 100 kW with associated building, and variances (1) to reduce the required east front yard setback, (2) to reduce the required north side yard setback, (3) to exceed the maximum lot coverage allowed, (4) to decrease the minimum required landscape open space, (5) to place a cooling tower within a required side yard, and (6) to place an 150 kW generator in the required front and side yard. The Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 6-0.] [The Landmarks Preservation Commission approved the project at their July 20, 2022 meeting. Carried 6-0.]

[The Town Council requested a landscape plan with less hardscape and the neighbors to work out differences regarding a wall between property at their August 10, 2022, meeting.]

ACTION: DEFERRED TO OCTOBER 12, 2022

- c. **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.] [The Architectural Review Commission deferred the project to their September 28, 2022, meeting. Carried 7-0.] Item shall be deferred to the October 12, 2022 meeting pending ARCOM decision.

ACTION: DEFERRED TO OCTOBER 12, 2022

- d. **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. [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.]

ACTION: APPROVED

- e. **ZON-22-078 (ARC-22-123) 231 BRADLEY PL (COMBO) – SPECIAL EXCEPTION AND SITE PLAN REVIEW AND VARIANCES** The applicant, Bradley Palm LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review allow a single-tenant occupied office containing approximately 5800SF GLA on the second floor of an existing two story office building, and Variances (1) to eliminate 1 of the required 22, 18 of which are existing parking spaces, (2 and 3) to reduce the required rear (east) and side (north) setback to accommodate exterior design modifications and (4) to exceed the maximum allowable lot

coverage in order to accommodate additions to the two-story office structure. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission deferred the project to the September 28, 2022 meeting. Carried 7-0.] Item will be deferred pending Architectural Review Commission action and the Town Council portion of the application will be re-noticed to include an additional variance, requested by the applicant.

ACTION: DEFERRED TO OCTOBER 12, 2022

- f. **ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred this item to the September 28, 2022, meeting. Carried 7-0] Item shall be deferred to the October 12, 2022 meeting pending ARCOM decision.

ACTION: DEFERRED TO OCTOBER 12, 2022

- g. **ZON-22-105 (ARC-22-148) 150 SEMINOLE AVE (COMBO) – VARIANCES** The applicant, James Lansing and Haviva D. Langenauer, as Trustee of the Haviva D. Langenauer Trust u/a/d/8/10/92, has filed an application requesting Town Council review and approval for variances (1) to maintain an existing nonconforming rear yard setback of 4.9 ft and (2) to maintain an existing nonconforming side-yard setback of 5.1 ft, related to the renovation of an existing nonconforming single family residence with more than 50% demolition of a nonconforming structure as part of a renovation. The Architectural Commission will perform design review of the application. [The Architectural Commission deferred the project to the September 28, 2022. Carried 7-0] Item shall be deferred to the October 12, 2022 meeting pending ARCOM decision.

ACTION: DEFERRED TO OCTOBER 12, 2022

2. New Business

- a. **ZON-22-101 (ARC-22-136) 980 S OCEAN BLVD (COMBO)– SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, 980 South Ocean (Emma), LLC; 980 South Ocean (Ian), LLC; 980 South Ocean (Jane), LLC (JANE HOLZER), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of a new two-story residence on non-conforming portions of platted lots that is 120 feet in width where 125 foot minimum is required, and 19,409

square feet in lot area where 20,000 square foot minimum is required, in the R-A Zoning District. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred this item to the September 28, 2022, meeting with the request to restudy the elements discussed by the Commissioners.]

ACTION: APPROVED

- b. **ZON-22-103 (ARC-22-144) 164 SEMINOLE AVE (COMBO)— VARIANCES.** The applicant, JPBK PROPERTIES #2 LLC (James Held), has filed an application requesting Town Council review and approval for Variances (1) to exceed the maximum angle of vision and (2) to allow a generator on the roof a building for a new one-story single-family residence with related landscape and hardscape improvements. The Architectural Commission will perform design review of the application. [The 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 with a condition related to the architecture. Carried 7-0]

ACTION: APPROVED

- c. **ZON-22-108 (ARC-22-161) 335 COCOANUT ROW (COMBO)—VARIANCES.** The applicant, N & R 335, LLC (Robert F. Kassatly), has filed an application requesting Town Council review and approval for Variances (1-2) to reduce the lot area and lot width from the minimum size requirements in the R-C zoning district, (3-4) to reduce both side (east) and (west) setback and (5) to reduce the minimum landscape open space requirement, in order to allow for the construction of new two-story residence on a substandard sized lot. 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 7-0] [The Architectural Review Commission approved this project as presented. Carried 7-0]

ACTION: APPROVED WITH CONDITIONS RELATING TO A UTILITY EASEMENT, AND THAT THE APPLICANT WILL WORK WITH STAFF TO ADD MORE GREENSPACE.

- d. **ZON-22-111 239 S COUNTY RD STE 2A AND 1D-SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW** The applicant, Palm Beach Club Services LLC (Franck Savoy, COO), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review to allow a professional office (4,875 SF) in excess of 3,000 SF in the C-TS district in an existing two-story office building.

ACTION: DEFERRED WITH A DIRECTION TO STAFF TO WORK WITH THE APPLICANT TO DEVELOP A

DECLARATION OF USE AGREEMENT FOR THIS FACILITY, USING A PROCESS THAT INVOLVES BOTH THE OWNERSHIP OF THE FACILITY AND THE RESIDENTS OF THE NEIGHBORHOOD AND PRESENT IT TO THE TOWN COUNCIL AT THEIR JANUARY 11, 2023 MEETING.

- e. **ZON-22-123 (COA-22-042) 218 PHIPPS PLZ (COMBO) - VARIANCE** The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, dated May 30, 2007, has filed an application requesting Town Council review and approval for a variance to reduce the required west rear yard setback, in conjunction with the construction of a new two-story accessory structure. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission deferred this item to the September 21, 2022 meeting. Carried 7-0.] Item shall be deferred to the October 12, 2022 meeting pending LPC decision.

ACTION: DEFERRED TO OCTOBER 12, 2022

- f. **ZON-22-112 350 WORTH AVE—SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, the Everglades Club Inc (Scott Lese GM), has filed an application requesting Town Council review and approval for Special Exception With Site Plan Review to allow the private Club which is a special exception use to renovate the existing tennis courts and to install seven (7) new tennis court lights, including variances (1) to exceed the maximum height allowed for tennis court lighting and (2) to reduce the required height of landscaping screening required for tennis court and lighting.

ACTION: APPROVED WITH THE CONDITION THAT THE NEW LIGHTS WILL BE TURNED OFF BY 9:00 P.M.

- g. **ZON-22-114 977 S OCEAN BLVD-SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW** The applicant, 195 Pheston Associates Palm Beach LLC (Charles Holzer Mgr), has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception with Site Plan Review to allow the construction of a below grade storage and mechanical space on a non-conforming lot.

ACTION: APPROVED WITH THE FOLLOWING CONDITIONS: THE PROPOSED EIGHT (8) FOOT BASEMENT WILL NOT BE USED AS LIVING SPACE, THE ELEVATION AT THE NE CORNER OF 977 S OCEAN BLVD WILL BE AND REMAIN AT 11.00 FEET NAVD, THE PROPOSED SEAGRAPE HEDGES RUNNING FROM WEST TO EAST ALONG THE NEIGHBOR'S WALL WILL CONTINUE TO THE END OF THE NE CORNER OF THE PROPERTY AND THE NEW SEAWALL AT A HEIGHT THAT IS TALLER THAN THE NEIGHBOR'S WALL AT THE NE CORNER OF THE PROPERTY, ANY EXISTING PALMS IN THE NE CORNER OF THE PROPERTY WILL REMAIN IN PLACE, AND THE PROPOSED SEAGRAPES TO BE PLANTED ON THE BEACH ARE 18" IN HEIGHT.

- h. **ZON-22-117 288 S COUNTY RD - SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCE**
 The applicant, La Goulue Palm Beach (Ed Carter), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for outdoor café seating (28 seats) on the public right-of-way in conjunction to an existing restaurant; including a variance request in order to provide 4 ft of unobstructed sidewalk where 5 ft is required within the sidewalk along Royal Palm Way.
ACTION: APPROVED SPECIAL EXCEPTION AND SITE PLAN REVIEW, WITH THE CONDITION THAT THE SITE PLAN BE REVISED TO SHOW 5 FEET OF FREE SIDEWALK AND THAT THE MOST EASTERN TABLE WILL BE REMOVED FROM THE PLANS. THE VARIANCE PORTION OF THE APPLICATION WAS DENIED, DUE TO LACK OF HARDSHIP AND THAT IT DID NOT MEET THE INTENT OF THE CODE.
- i. **ZON-22-119 (COA-22-041) 209 PHIPPS PLZ (COMBO) - VARIANCES** The applicant, 209 Phipps Plaza LLC (Greg and Francine Purcell), has filed an application requesting Town Council review and approval for a variance to reduce the required front yard setback variance for the installation of a 2nd floor awning. Landmarks Preservation Commission will perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance 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.]
ACTION: APPROVED
- j. **ZON-22-125 (ARC-22-115) 233 BAHAMA LN (COMBO) - SITE PLAN REVIEW AND VARIANCES** The applicants, Richard and Lori Jabara, have filed an application requesting Town Council review and approval for Site Plan Review for a structure on a nonconforming lot deficient in required depth in the R-B zoning district and variances (1) to maintain landscape open space below current requirements and (2) to reduce the required rear (north) setback to construct a new landing; related to the renovation of an existing nonconforming residence with more than 50% demolition. The Architectural Commission will perform the design review of the application. [Architectural Review Commission: 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.]
ACTION: APPROVED WITH THE CONDITION THAT THE APPLICANT CONSIDER ADDING MORE GREENSPACE.
- k. **ZON-22-130 400 ROYAL PALM WAY 3rd FLOOR-SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Kinsale Partners LLC (Tom Quick, Managing Partner), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review

for a bank and financial institution on the third floor of an existing four-story office building with a drive thru facility in the in the C-OPI office district, including a variance to not provide 6 parking spaces required with the change of use from office to bank.

ACTION: APPROVED

1. **ZON-22-133 425 SEABREEZE AVE - VARIANCE** The applicant, Marion M. Murphy as Trustee of the Timothy Henry Murphy 2021 Irrevocable Trust dated 10,'28,'21, has filed an application requesting Town Council review and approval for a Variance from Chapter 50, Floods for the required floor elevation of 5.92 feet North American Vertical Datum ("NAVD") in lieu of the 7-foot NAVD minimum required, for a two-story Landmarked structure. Landmarks Preservation Commission approved the COA application (COA-21-007).

ACTION: APPROVED WITH A CONDITION RELATING TO THE UTILITY EASEMENT

- m. **ZON-22-134 225 EL PUEBLO WAY-VARIANCE** The applicant, 255 El Pueblo LLC (Averell Mortimer, Manager), has filed an application requesting Town Council review and approval for a Variance from Chapter 50, Floods for the required floor elevation of 5.8 feet North American Vertical Datum ("NAVD") in lieu of the 7-foot NAVD minimum required, for a two-story Historically significant structure. Landmarks Preservation Commission approved the HSB application (HSB-22-009).

ACTION: APPROVED

X. ORDINANCES

A. **First Reading**

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

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

ACTION: APPROVED ON FIRST READING

2. Proposed Ordinance to amend Chapter 50, Floodplain Variances

ORDINANCE NO. 016-2022 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 II, Flood Damage Prevention, Division 7, Variances and Appeals, at Sections 50-110, 50-111, 50-112, 50-116 and 50-117; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

ACTION: APPROVED ON FIRST READING

XI. ANY OTHER MATTERS

ACTION: ADD DISCUSSION ABOUT THE POSSIBILITY OF LIMITING THE NUMBER OF RESTAURANTS IN A ONE BLOCK AREA TO THE OCTOBER 12, 2022 MEETING

XII. ADJOURNMENT