



TOWN OF PALM BEACH

Summary of the Actions Taken at the Development Review
Town Council Meeting
Held on January 11, 2023

- 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. COMMUNICATION FROM CITIZENS – 3 MINUTE LIMIT PLEASE
- VI. APPROVAL OF AGENDA

ACTION: APPROVED, AS AMENDED

VII. CODE REVIEW

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

Code Review Update Including a Discussion Regarding Limiting the Number of Restaurants Based on Location and Area

Sean Suder, Zone Co.

ACTION: NONE

VIII. DISCUSSION ITEMS

- A. TIME CERTAIN: 10:45 AM

Native Landscape Discussion

**ACTION: MOTION CARRIED WITH THE FOLLOWING CONDITIONS:
(1) TO ACCEPT THE FIVE RECOMMENDATIONS FROM THE**

PRESERVATION FOUNDATION, WHICH INCLUDES EXPANDING THE INSTITUTE OF REGIONAL CONSERVATION'S 33480 LIST TO THE ORGANIZATION'S STATE-WIDE LIST, ELIMINATING THE PALM CATEGORY AND ABSORBING PALMS INTO THE TREE OR SHRUB CATEGORY, SEPARATING THE VINE CATEGORY FROM GROUNDCOVERS AND MOVING IT TO SHRUB CATEGORY, CHANGING THE CALCULATION FOR GROUNDCOVERS FROM PLANT COUNT TO AREA, CLARIFYING WHEN THE ORDINANCE IS TRIGGERED BY DEFINING "REDEVELOPMENT" AS 50% OR MORE OF GREENSPACE AREA, (2) TO UTILIZE BOTH THE INSTITUTE FOR REGIONAL CONSERVATION'S LIST AS WELL AS THE FLORIDA NATIVE PLANT SOCIETY LIST FOR A PERMISSIBLE CATALOG OF NATIVE PLANT SPECIES; (3) THERE WILL BE THREE CATEGORIES OF NATIVE PLANTING MATERIALS; (4) A 30% NATIVE LANDSCAPING MATERIAL WILL BE REQUIRED; (5) THIS ITEM WILL RETURN TO THE TOWN COUNCIL IN FOUR (4) MONTHS FOR REEVALUATION.

B. Demolitions and the Related Screening of Construction Projects

ACTION: THERE WAS A CONSENSUS OF THE TOWN COUNCIL TO RECOMMEND PLANNING, ZONING AND BUILDING DIRECTOR WAYNE BERGMAN TO DEVELOP A PLAN TO BEGIN HOLDING PRE-DEMOLITION/CONSTRUCTION MEETINGS WITH CONTRACTORS AND OWNERS, PZB STAFF WILL DEVELOP A PLAN FOR DUMPSTERS AND SCREENING TO PROTECT THE NEIGHBORS DURING DEMOLITION AND CONSTRUCTION FOR THE TOWN COUNCIL'S REVIEW, THE TOWN COUNCIL WOULD LIKE TO REVIEW VIBRATION MONITORING FOR PILE DRIVING AND DYNAMIC COMPACTION DURING CONSTRUCTION

IX. RESOLUTIONS

- A. Resolution No. 005-2023: A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For the Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

ACTION: APPROVED

- B. Resolution No. 006-2023: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 205 Jamaica Lane Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designation Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach. [The owner objected to the Landmark Designation at the December 21, 2022, Landmarks Preservation Commission meeting.]

ACTION: DENIED

X. DEVELOPMENT REVIEW

A. Appeals

1. Appeal of ARCOM Decision RE: ARC-22-241, 624 Island Drive
ACTION: DEFERRED TO FEBRUARY 15, 2023

B. Time Extensions and Waivers

2. Time Extension for 150 Worth Avenue
ACTION: APPROVED WITH THE CONDITION THAT THE PLANNING, ZONING AND BUILDING DIRECTOR WAYNE BERGMAN WOULD HANDLE ANY VERIFIABLE ISSUES
3. Time Extension for 225 Worth Avenue (Gucci)
ACTION: APPROVED WITH THE CONDITION THAT THE PLANNING, ZONING AND BUILDING DIRECTOR WAYNE BERGMAN WOULD HANDLE ANY VERIFIABLE ISSUES
4. Time Extension for 266 Colonial Lane
ACTION: APPROVED

C. 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 Commission deferred the project to their December 16, 2022, Architectural Commission meeting.] [This item shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]
ACTION: DEFERRED TO FEBRUARY 15, 2023
- b. **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 project to the January 25, 2023 meeting.] [This item shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]
ACTION: DEFERRED TO FEBRUARY 15, 2023
- c. **ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO) - VARIANCES** The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall

building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application. [This item shall be deferred to the February 15, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.]

ACTION: DEFERRED TO FEBRUARY 15, 2023

- d. **ZON-22-140 (ARC-22-216) 248 COLONIAL LN (COMBO)SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for development of a lot which is deficient in lot depth and lot area in the R-B zoning district and for variances (1) to eliminate the two-car garage enclosure requirement, (2) to locate a generator in a setback which is higher than allowed from neighboring grade and (3) to not completely screen a generator with a masonry wall, in conjunction with the construction of a new two-story residence. The Architectural Review Commission will perform design review of the application. [The Architectural Review Commission deferred this project to the December 16, 2022 meeting. Carried 7-0.] [This item shall be deferred to the February 15, 2023, Town Council meeting pending review by the Architectural Review Commission.]

ACTION: DEFERRED TO FEBRUARY 15, 2023

- e. **ZON-22-147 (ARC-22-225) 201 EL VEDADO RD (COMBO) - VARIANCES** The applicants, Perri and Robert Bishop, have filed an application requesting Town Council review and approval for a variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Architectural Commission will perform design review of the application. [The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission deferred the project to the December 16, 2022, meeting for a restudy of the gate. Carried 7-0.] [This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]

ACTION: DEFERRED TO FEBRUARY 15, 2023

- f. **ZON-22-151 (ARC-22-234) 760 N OCEAN BLVD - PALM BEACH COUNTRY CLUB (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE.** The applicant, Palm Beach Country Club, Inc. (Robert Schlager, President), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to a previously approved Special Exception use (private golf club) in the R-A zoning district including Variance to exceed the maximum projection permitted for a new skylight. 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 replacement of the windows and doors with the applicant returning for a restudy of the south terrace, railings, elevator and skylight to the December 16, 2022, meeting. Motion carried 6-1.] [The Architectural Review Commission approved this project at the December 16, 2022, meeting. Motion Carried 4-2.]

ACTION: APPROVED

- g. **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. [This project was deferred to the January 11, 2023, Town Council meeting.] [This project has been withdrawn by the applicant.]

ACTION: WITHDRAWN

2. **New Business**

- a. **ZON-22-123 (COA-22-042) 218 PHIPPS PLZ (COMBO) - VARIANCES** 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 of variances for (1) the flood resistant construction requirements from Chapter 50-114 of the Florida Building Code, (2-4) reduced building setback requirements in the south and west yards, (5) reduced garage parking requirements, and (6) reduced mechanical equipment (pool heater) setback requirements in the north yard in conjunction with the renovation of and addition to an existing detached rear accessory structure, the construction of a new pergola, and side wide landscape and hardscape improvements for a Landmarked property. The Landmarks Preservation Commission will perform the design review component of the application. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances (2-6) will not cause negative architectural impacts to the subject landmarked property. Carried 7-0. A second motion approved variance 1, based on Chapter 50, Sections 116 and 117 with a condition relating to a utility easement. Carried 7-0.] [The Landmarks Preservation Commission approved this project as presented at the December 21, 2022, meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- b. **ZON-22-129 (ARC-22-187) 441 AUSTRALIAN AVE (COMBO) - VARIANCES** The applicant, John and Ginny Collett, has filed an application requesting town council review and approval for development of a new two-story single-family structure, requiring variances for (1) developing a lot deficient in area in the RC zoning district, (2) developing a lot deficient in width in the RC zoning

district, and (3) to reduce the required front yard landscaped open space, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. [This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]

ACTION: DEFERRED TO FEBRUARY 15, 2023

- c. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO) - VARIANCES** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage and to exceed the maximum amount of Cubic Content Ratio (CCR) in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new skylight. The Architectural Commission will perform design review of the application. [This project was denied at the December 16, 2022, Architectural Review Commission.]

ACTION: DEFERRED TO FEBRUARY 15, 2023

- d. **ZON-23-003 (ARC-22-242) 1030 S OCEAN BLVD (COMBO) - VARIANCES** The applicant, Martin L. Edelman as Trustee of the 1030 South Ocean Trust dated March 24, 2022, has filed an application requesting Town Council review and approval for a Variance to reduce the required vehicular queue backup of 18'-0" on a street closer than allowed for the installation of two new vehicular driveway gates. The Architectural Commission will perform design review of the application. [This project was denied at the December 16, 2022, Architectural Review Commission and will not move forward.]

ACTION: WITHDRAWN FROM AGENDA

- e. **ZON-23-006 139 N COUNTY RD - OUTDOOR PROMOTIONAL EVENTS - THE PARAMOUNT THEATRE - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, WEG Paramount LLC (Lester Woerner), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for Outdoor Promotional Events in the open-air courtyard of the Paramount Theatre, an existing three-story commercial building.

ACTION: DEFERRED TO FEBRUARY 15, 2023

- f. **ZON-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO) - VARIANCES** The applicant, 246 Everglade LLC, has filed an application requesting town council review and approval for site modifications including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. The Architectural Commission will perform design review of the application. [This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]

ACTION: DEFERRED TO FEBRUARY 15, 2023

- g. **ZON-23-013 (ARC-22-231) 7 LA COSTA WAY (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, La Costa Way Trust (Cooper Andrew TR), has filed an application requesting Town Council review and approval variances (1) for a reduced 2nd story street rear-yard setback for a new second story roof top terrace, (2) a variance to provide deficient landscape open space, and (3) a variance to exceed 2-story lot coverage maximum, all as part of a renovation to an existing nonconforming one-story residence. The Architectural Commission will perform design review of the application. [This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]

ACTION: DEFERRED TO FEBRUARY 15, 2023

- h. **ZON-23-014 (ARC-22-243) 302 SEABREEZE AVE (COMBO) - SITE PLAN REVIEW AND VARIANCE** The applicant, Sean Rooney, has filed an application requesting town council review and approval for development of a new two-story single-family structure on a parcel, comprised of platted lots, which is deficient in lot width and lot area in the R-B zoning district requiring Site Plan Review, and a variance to provide one garage parking spot in lieu of the two required. The Architectural Commission will perform design review of the application. [This project shall be deferred to the February 15, Town Council meeting pending Architectural review.]

ACTION: DEFERRED TO FEBRUARY 15, 2023

- i. **ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds. [This project shall be deferred to the February 15, 2023, Town Council meeting pending Landmarks Preservation review.]

ACTION: DEFERRED TO FEBRUARY 15, 2023

XI. ANY OTHER MATTERS

ACTION: CONSENSUS TO HOLD A DISCUSSION REGARDING NOTICE TO NEIGHBORS AND NOTICE LANGUAGE FOR DEVELOPMENT REVIEW PROJECTS AT FEBRUARY 15, 2023 MEETING

XII. ADJOURNMENT