



REVISED

7:01 pm, Oct 19, 2020

TOWN OF PALM BEACH

Planning, Zoning & Building Department

SUMMARY OF ACTIONS TAKEN AT THE
DEVELOPMENT REVIEW TOWN COUNCIL MEETING
HELD ON
WEDNESDAY, OCTOBER 14, 2020

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR GAIL L. CONIGLIO
- IV. COMMENTS OF TOWN COUNCIL MEMBERS

ACTION: APPROVED THE RECONSIDERATION OF MOTION PASSED AT OCTOBER 13, 2020 MEETING REGARDING 800 S COUNTY ROAD AND TO BE PLACED UNDER IX. ANY OTHER MATTERS, E FOR FURTHER DISCUSSION

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

ACTION: APPROVED AS AMENDED WITH A ONE MONTH DEFERRAL GRANTED TO 70 MIDDLE ROAD

- VII. DEVELOPMENT REVIEWS

A. Appeal

1. Appeal of ARCOM Decision Regarding 110 Seagate Road

ACTION: GRANTED WITH DIRECTION THAT PROJECT MUST GO BACK TO ARCOM SO THEY CAN CONSIDER CRITERIA 4, 6 AND 8 OF THE TOWN CODE, SECTION 18-205.

B. Time Extensions and Waivers

2. Time Extension of Construction for 210 Worth Avenue

ACTION: APPROVED WITH CONDITIONS

3. Time Extension of Construction for 259 Worth Avenue

ACTION: APPROVED WITH CONDITIONS

C. Variances, Special Exceptions, and Site Plan Reviews

1. **Old Business**

- a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of Charles “Rusty” Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district. 2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet 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 the proposed residence to have a rear setback of 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134- 1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10- foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [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 this project as presented. Carried 7-0]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- b. **Z-19-00236 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jennifer J. Naegele, Applicant,

relative to property located at **70 MIDDLE RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 3 story landmarked residence located in the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested: 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required. 2) Sec. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed. 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed. 4) Sec. 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition. 5) Sec. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Foundation 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 with the condition that the homeowner voluntarily grants the utility easement. Carried 7-0] Email Dated October 6, 2020 from Jennifer Naegele Requesting Deferral to the May 2021 Meeting.

ACTION: DEFERRED TO NOVEMBER 13, 2020

- c. **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134- 8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3)

Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [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 relating to landscape. Carried 7-0.]

ACTION: APPROVED WITH CONDITION THAT IF VERIFIABLE ISSUES ARISE, SEPARATION DISTANCE MUST GO TO FROM 4 FEET TO 5 FEET BELOW ROOF OF 128 SEASPRAY AVENUE; IN THE EVENT HEDGE IS NOT MAINTAINED, IT WOULD BE A CODE ENFORCEMENT ISSUE; SHOULD 128 SEASPRAY AVENUE BE DEMOLISHED IN THE FUTURE, THE CONDITION OF 131 SEASPRAY AVENUE WILL BE VOID

- d. **Z-20-00265 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of Carlos Musso, Sr., Applicant, relative to property located at **110 SEAGATE RD**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Motion carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

ACTION: DEFERRED TO NOVEMBER 13, 2020

- e. **Z-20-00269 VARIANCES** Zoning District: R-B Low Density Residential The application of John Criddle and Franny Frisbie, Applicant, relative to property located at **143 REEF RD**, legal description on file, is described below. The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one story building. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 105 degrees in lieu of the 100 degrees

maximum allowed. [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. Motion carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.] Request for Deferral to the November 13, 2020 Meeting per Letter Dated October 7, 2020 from Maura Ziska.

ACTION: DEFERRED TO NOVEMBER 13, 2020

- f. **Z-20-00275 VARIANCE(S)** Zoning District: R-A Estate Residential The application of 171 Via Bellaria LLC (Dan Swanson, Manager), relative to property located at **171 VIA BELLARIA**, legal description on file, is described below. Section 134-843 (7): The Applicant is proposing a new 9,416 square foot two story residence on Via Bellaria that would have a building height plane setback of 37 feet in lieu of the required minimum setback ranging from 51.2 to 69.5 feet. [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 6-1.] [The Architectural Review Commission approved the project as presented. Carried 5-2.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- g. **Z-20-00276 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of 1742, LLC (Anthony Lomangio, Manager), Applicant, relative to property located at **1742 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(a) and (b) Special Exception with Site Plan Review to allow the construction of a new 9,604 square foot, two-story residence on an unplatted non-conforming lot that has an area of 19,918 square feet in lieu of the 20,000 square feet minimum and a depth of 97.52 in lieu of the 150 foot minimum depth required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- h. **Z-20-00281 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-D(2) High Density Residential and R-C Medium Density Residential The application of CH HOTEL, LLC (Andrew and Sarah Wetenhall and Family), relative to property located at **135 HAMMON AVE, 152 HAMMON AVE, AND 155 HAMMON AVE**, legal description on file, is described

below. Request for a modification to the previously approved Special Exception for the Colony hotel use to allow the relocation of the previously held events on the west side of the ballroom building to the new east garden. The use of the garden area east of the ballroom building shall be primarily used as a pre-function space such as wedding ceremonies and cocktail receptions -all to be used in conjunction with the ballroom building that was approved by the Town Council In 1986. The Colony Hotel is requesting the following terms to be approved: 1) All pre-function events or ceremonies in the garden will be concluded by 10:00 p.m. 2) There shall be only background music allowed or live music of no more four instruments. 3) There shall be no DJ music 4) Microphone use shall be allowed for officiant for wedding services or an individual making remarks. 5) The hotel will agree to install a custom designed in-ground sound system to abate noise. 6) The hotel will install a mutually agreeable privacy/landscape buffer along the eastern property line.
[Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITIONS

2. New Business

- a. **Z-20-00282 VARIANCE(S)** Zoning District R-B Low Density Residential The application of Mr. and Mrs. Terwilliger, Applicants, relative to property located at **202 PLANTATION RD**, legal description on file, is described below. The applicant is proposing to renovate the two-story single family residence by constructing a 425 square foot master bedroom addition and replacement of a 183 square foot open air trellis with a 183 square foot covered porch. The following variances are being requested: 1. Section 134-893(6): an angle of vision of 114 degrees in lieu of 108 degrees existing and 108 degrees maximum allowed. 2. Section 134-893(13): a cubic content ratio of 3.99 in lieu of 3.83 existing and 3.94 maximum allowed.
[Applicant's Representative: Maura Ziska Esq] Request for Deferral to the November 13, 2020 Meeting per Letter Dated September 29, 2020 from Maura Ziska.

ACTION: DEFER TO NOVEMBER 13, 2020

- b. **Z-20-00283 VARIANCE(S)** Zoning District R-B Low Density Residential The application of Road PB LLC (Robert Caulfield, Sole Proprietor), Applicant, relative to property located at **117 EL MIRASOL**, legal description on file, is described below. Section 134-2: A variance request to allow construction of a new 8,707 square foot two story residence with a point of measurement (for cubic content ratio, building height, and building overall height) of 13.5 feet North American Vertical Datum ("NAVD") in lieu of the 11.79 foot NAVD point of measurement required by the Town Code. [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 one item to return to the October 28, 2020 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- c. **Z-20-00284 VARIANCE(S)** Zoning District R- B Low Density Residential The application of James T. Bowler, Jr., Applicant, relative to property located at **243 and 251 KENLYN RD**, legal description on file, is described below. Sec. 134-893(b)(1)(b) - A variance to allow a side set back of 15.2 ft. on the East side and 10 ft. on the West side in lieu of the 26 ft. minimum required for lots in excess of 169 ft. in width in the R-B District. [Applicant's Representative: Peter S. Broberg Esq]

ACTION: APPROVED WITH CONDITION THAT A KITCHEN AGREEMENT WILL BE REQUIRED

- d. **Z-20-00285 VARIANCE(S)** Zoning District C-TS Town-Serving Commercial The application of Nest Seekers (Eddie Shapiro, CEO), Applicant, relative to property located at **326 S COUNTY RD**, legal description on file, is described below. Section 134-1107(2): Request for a variance to allow a 1173 square foot real estate office (Nest Seekers) at 326 South County Road (previously Rapunzel's clothing store) which is on the first floor of the building where office use is only allowed on the second floor in the C-TS Zoning District. [Applicant's Representative: Maura Ziska Esq]

ACTION: WITHDRAWN

- e. **Z-20-00286 SPECIAL EXCEPTION** Zoning District: R-AA Large Estate Residential The application of Stephen A. Wynn, Applicant, relative to property located at **1960 S OCEAN BLVD**, legal description on file, is described below. Section 134- 1759(d): The applicant is proposing to construct a new Padel ball court on the northwest corner of the property which would require Special Exception with Site Plan Review approval since the proposal includes a 13.16 foot tall glass and net combination wall surrounding the court which is considered a rebound wall. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT AND THAT LANDSCAPE WILL MEET CODE

- f. **Z-20-00287 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Slope Trail Development LLC (Lee Fensterstock, Manager), Applicant, relative to property

located at **755 N LAKE WAY**, legal description on file, is described below. The Applicant is proposing to demolish more than 50% of the cubic footage of an existing 4,200 square foot, one story residence and raise the finished floor elevation and rebuild to meet the new FEMA requirement of 7 feet NAVD. The current residence has non-conforming setbacks and demolishing more than 50% cubic footage by replacing the roof requires the following variances to be requested: 1) Section 134-893(9): a rear yard setback of 7.33 feet in lieu of the 10 foot minimum required; 2) Section 134-893(5): a front yard setback of 24.5 in lieu of the 25 foot minimum required; 3) Section 134-893(7): a north side yard setback of 5 feet in lieu of the 15 foot minimum required; 4) Section 134-893(5): a street side yard setback of 24.83 feet in lieu of the 25 foot minimum required. [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 conditions. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- g. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-B Commercial The application of LR Palm House LLC (Ian Livingstone, Executive Chairman), Applicant, relative to property located at **160 ROYAL PALM WAY**, legal description on file, is described below. Section 134-1304 (5): Request to modify Site Plan Review # 1-2016 with Special Exception to change the approved use from condo-hotel to hotel; modify the previously approved site plan; and amend the conditions of approval in the Declaration of Use Agreement, as identified in the proposed Third Amendment to the Declaration of Use which is Exhibit "F") of this application. The proposed site modifications being requested as follows: Section 134-1304(5): The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. There is an East and West guest wing, and these wings are connected by a central core containing the Main Entrance and other partially completed public functions. A separate conference and events "Function Room" and partial pool deck was also constructed at the south east portion of the property. Section 134-227. 326 & 329 1729(2)(c): (Site Plan Review) The new owner/applicant is proposing new work for the hotel which includes the following site plan modifications: 1) Completion and conversion of guest rooms for a total of 79 keys. Two new presidential suites will be constructed within the building core, each with private outdoor balconies. 2) Completion of the lower level for back-of-house, administrative and

housekeeping functions for the hotel. The interior modifications for the lower level includes renovation of partially completed areas including kitchen, food storage, housekeeping, staff areas and hotel administrative offices. The owner is requesting an additional 148 SF to provide a new service stair from the lower level to support the Pool Area. Additional areas for renovation include spaces for MEP Infrastructure such as electrical, hot water, and elevator systems. The proposed modifications remove all Hotel Guest program areas from the lower level. The lower level renovation includes restoration of parking area for 60 parking spaces including three accessible parking spaces. Two parking spaces which includes on Van Accessible parking space is located behind the existing function room. All parking will be Valet only per the Declaration of Use Amendment Three. Total on-site parking provided is 62 spaces. 3) A new pool deck will be constructed adjacent to the existing Function Room, with various amenities that include chaise lounges and outdoor seating, shade umbrellas, toilets, a towel/concierge stand, open-air bar with enclosed pantry behind, water features, lush native plantings, and Event Lawn to be used as a pre-function space, or for small wedding and/or overflow sun bathing; 4) The first level lobby and public spaces will be completed to include fine dining and lobby bar, with 88 indoor seats as well as 36 outdoor seating facing the new pool deck. The second floor dining that was previously approved has been eliminated to make room for the reconfigured hotel suites which include the new presidential suites; 5) The Function Room construction will be completed and the seating plan in the Function Room is being revised to add 50 more seats for a total of 200 seats (the total overall number of seats throughout the hotel that was previously approved is being reduced from 336 to 324); 6) A small 556 square foot banquet prep kitchen is proposed to be constructed adjacent to and on the east side of the existing Function Room. 7) Replace a 250 RW generator in the basement with the same size that exists today. - Other exterior Improvements will include new third floor railings, re- painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors. Addition of a small 61 square foot pool service building; enclosing the 679 square foot function room pre-function space on the west side of the Function Room; addition of 588 square foot restroom for Function Room, addition of 556 square foot prep kitchen for Function Room and addition of 148 square foot stairwell to access Function Room prep kitchen. The following is a list of the proposed special exceptions and variances being requested for the hotel project: 1) Section 134-226 & 229: A special exception request to modify the approved special exception by converting from a condominium hotel to hotel use and make the site modifications and change to the conditions of approval as identified in this application. 2) Section 134-1305: A special exception request to allow 36 seats for outdoor dining on

the first floor on the north side of the pool deck; and 3) Section 134-1308(9): A variance for lot coverage to be 63.8% in lieu of the 62.8% existing and the 50% maximum allowed in the C-B Zoning District; 4) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel above the second floor where only a two story building is allowed in the C-B Zoning District; 5) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel with a height of 31.83 feet in lieu of the 25 foot maximum allowed; 6) Section 134-1669: A variance for the height of the wall enclosing the dumpster located at the southeast corner of the property to be 13.25 feet tall in lieu of the 7 foot maximum height allowed from the neighbor's grade; 7) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with a height of 33.58 feet in lieu of the 25 foot maximum allowed in the C-B Zoning District; 8) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with an overall height of 42 feet in lieu of the 35 foot maximum allowed in the C-B Zoning District; 9) Section 134-1669: A variance for the height of the wall along the rear property line to be 8.5 feet in lieu of the 7 foot maximum allowed from the neighbor's grade; 10) Section 134-1669: A variance for the height of the wall enclosing the existing chiller at the south west corner of the property to be 12 feet tall in lieu of the 7 foot maximum allowed from the neighbor's grade; 11) Section 134-1308(7): A variance for a rear yard setback for the chiller to be 2.25 feet in lieu of the 10 foot minimum required in the C-B Zoning District; 12) Section 134-1308(6): A variance for a west side yard setback for the chiller to be 5.8 feet in lieu of the 10 foot minimum required in the C-B Zoning District. [Applicant's Representative: Maura Ziska Esq] Request for Deferral to the November 13, 2020 Meeting per Letter Dated September 29, 2020 from Maura Ziska.

ACTION: DEFERRED TO NOVEMBER 13, 2020

- h. **Z-20-00290 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Ann DesRuisseaux, Applicant, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. The applicant is requesting a modification to the previously approved variances regarding the boathouse and instead of raising it in the same footprint and construct an addition, the applicant is requesting to demolish the boat house and rebuild it in the same footprint with the proposed 796 square foot addition at elevation 9 NAVD. The following variances are being requested: 1) 134-843(8): a north side yard setback of 5 feet for the newly constructed boat house with addition in lieu of the 30 foot minimum required; 2) 134- 843(8): a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the new boat house when

demolishing the rebuilding in the same footprint with a finished floor elevation at 9 NAVD thus increasing the height in the setback; 3) 134-843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the newly constructed boat house when raising the finished floor elevation to 9 NAVD thus increasing the height in the setback; 4) 134-843(9): a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the newly constructed boat house when raising the finished floor elevation to 9 NAVD thus increasing the height in the setback. [Applicant's Representative: Maura Ziska Esq] Request for Withdrawal per Letter Dated September 14, 2020 from Maura Ziska.

ACTION: WITHDRAWN

- i. **Z-20-00291 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Hi Mount LLC (Amy Zabetakis, Manager), relative to property located at **756 HI-MOUNT RD**, legal description on file, is described below. The applicant is proposing a new 8,327 square foot, two story residence on the subject property that will require the following variances: 1) Section 134-895(1): A chimney with a height of 13.56 feet in lieu of the 8.8 foot maximum allowed; 2) Section 134-8893(11): A lot coverage of 33% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District; 3) Section 134-1: The proposed sub-basement is under the confines of the building above it and also below the lowest grade of the public street (Hi Mount Road) in front of the lot, however, it is not completely underground. A variance is being requested to allow a proposed sub-basement where a portion is not completely underground as there is a substantial change of grade from Hi Mount Road to Lake Trail. 4) Section 134-1670(c): A height of the retaining wall along the north property line to be 11.03 at its maximum height in lieu of the 7 foot maximum allowed. 5) Section 134-1670(c): A retaining wall at the northwest corner of the house, in the side yard within 10 feet of the property line that is at 14 feet in height in lieu of the 10 foot maximum from adjacent grade. [Applicant's Representative: Maura Ziska Esq] Request for Deferral to the November 13, 2020 Meeting per Letter Dated September 29, 2020 from Maura Ziska.
ACTION: DEFERRED TO NOVEMBER 13, 2020

VIII. ORDINANCES

A. First Reading

1. **ORDINANCE 11-2020** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Infrastructure Element, As Well As The 10-Year Water Supply Facility Work Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED

IX. ANY OTHER MATTERS

- A. Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134 Zoning, Regarding Lot Fill, Mechanical Equipment and Off-Site Supplemental Parking.

ACTION: NO ACTION TAKEN ON LOT ELEVATION AND OFF-SITE SUPPLEMENTAL PARKING; AUTHORIZED STAFF TO DRAFT ORDINANCE ON MECHANICAL EQUIPMENT CHANGES.

- B. Possible Additional Landmark Incentives

ACTION: RECOMMEND STAFF TO PROCEED WITH CONCEPT

- C. ARCOM's Request to Consider Demolitions

ACTION: DEFER ENTIRE CONVERSATION TO THE DECEMBER 9, 2020 MEETING

- D. Waiver of Fees for Special Exception Zoning Applications to Eliminate the Annual Town-Serving Requirement that were Previous Special Exception Conditions of Approval for Thirteen Businesses in the Town

ACTION: APPROVED

- E. Reconsideration of the Decision by the Town Council to Reconsider the Previous Approval of Z-20-00261, Variance(s), for 800 S. County Rd.

ACTION: SPECIAL TOWN COUNCIL MEETING CALLED ON FRIDAY, OCTOBER 16, 2020 AT 9:00 A.M. TO CONTINUE DISCUSSION

X. ADJOURNMENT