



TOWN OF PALM BEACH

SUMMARY OF ACTIONS TAKEN AT THE DEVELOPMENT
REVIEW TOWN COUNCIL MEETING HELD ON
WEDNESDAY, FEBRUARY 10, 2021

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

ACTION: APPROVED AS AMENDED

VII. RESOLUTIONS

- A. Resolution No. 014-2021 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 100 El Bravo Way 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 Designating 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.

ACTION: APPROVED

- B. Resolution No. 017-2021 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 127 Root Trail 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 Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The

ACTION: APPROVED

TIME CERTAIN: 10:00 A.M. (Addition from 2/9/21 meeting)

- C. Resolution No. 025-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2021-01, Retail Study for the Town of Palm Beach to Yard and Company in the Amount of \$94,500 and a Project Budget of \$113,000 and to Approve Source of Funding from Private Donations in the Amount of \$103,000.

ACTION: APPROVED WITH CONDITIONS THAT THE COMMENCEMENT OF THE WORK IS POSTPONED UNTIL THE FALL, DEPENDING ON THE PANDEMIC, AND THE TOWN OF PALM BEACH WOULD PAY FOR THE STUDY BY USING \$100,000 FROM THE CONTINGENCY FUND.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way
ACTION: DEFERRED TO MARCH 3, 2021

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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 LIVINGSTON, EXECUTIVE CHAIRMAN), applicant, relative to property located at **160 ROYAL PALM WAY**, legal description on file, is described below. The Town Council conditionally approved the Special Exceptions, Site Plan Review and Variances at the January 13, 2021 meeting. This application reflects additional variances to approve the remaining proposed elements related to the hotel and water feature, retaining walls to the south and east that will screen the hotel from residential properties, and to screen the staff service bar, pool restroom, and storage pantry. Following is a list of the proposed variance requests: 1) Section 134-1669: A variance for the height of the screening walls located at the southeast corner of the property and along the south property line behind the water feature, restroom building, staff service bar and pantry (and including the gate to service the transformer) to have a height ranging from 12.25 feet to 18.5' from the lowest grade in lieu of the 7 foot maximum height allowed; 2) Section 134-1308(7): A variance for a rear yard setback for the water feature to be 12.5 feet in lieu of the 15 foot minimum required in the C-B Zoning District; 3) Section 134-1308(7): A variance for a rear yard setback for the new pool restroom building to be 10 feet in lieu of the 15 foot minimum required in the C-B Zoning District. [Applicant's

Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project, while deferring the vehicular gate. Carried 7-0.]

ACTION: APPROVED WITH DEFERRAL OF DECLARATION OF USE AGREEMENT AND CONSTRUCTION MANAGEMENT AGREEMENT TO THE MARCH 3, 2021 MEETING

- b. **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 variances will not cause architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

ACTION: DEFERRED TO MARCH 3, 2021

- c. **Z-20-00293 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Elaine Hirsch, Applicant, relative to property located at **130 SUNRISE AVE, SUITE: PH 1**, legal description on file, is described below. A site plan modification with variances to allow a 365 square foot fixed awning over the terrace on the seventh floor of a seven story condominium building. The following variances are being requested: 1. Section 134-948(8): To allow the awning at a height of 61.5 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. Section 134- 948(8): To allow the awning at an overall height of 63.66 feet in lieu of the 26 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. Section 134-948(6): To allow a west side yard setback of 50.1 feet in lieu of the 61.5 foot minimum required. Section 134- 948(7): To allow a rear street yard setback of 106.5 feet in lieu of the 123.16 foot minimum required.

[Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter from Maura Ziska

ACTION: DEFERRED TO MARCH 3, 2021

- d. **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] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter from Maura Ziska

ACTION: DEFERRED TO MARCH 3, 2021

- e. **Z-20-00306 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of EDITH F. SCHAEFFER TRUST (EDITH F. SCHAEFFER, TRUSTEE), applicant, relative to property located at **1118 N LAKE WAY**, legal description on file, is described below. Section 134 417: The applicant is proposing to construct a 3, 153 square foot, second floor addition onto an existing one story home which will result in a demolition in excess of 50% of its cubic volume. The following variances are being requested: 1) Section 134 843(7): a 9.9 foot south side yard setback in lieu of the 15 foot minimum required In the R B Zoning District; 2) Section 134 843(7): a 10.29 foot north side yard setback in lieu of the 15 foot minimum required in the R B Zoning District. 3) Section 134 895(1): A chimney on the south side of the house with a height of 27.27 feet in lieu of the 19.5 foot maximum allowed. [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 6-1.] [The Architectural Review Commission
approved the project as presented with a condition related to the
truck logistics plan.

Carried 7-0.]

ACTION: REMAND PROJECT BACK TO THE ARCHITECTURAL REVIEW COMMISSION SO THAT A NEW HOME CAN BE DESIGNED WITHOUT VARIANCES WITH THE CONDITION THAT THE PROJECT IS RE-NOTICED TO THE NEIGHBORS AND THAT STAFF CONFIRMS NO VARIANCES ARE NEEDED IN THE NEW DESIGN.

- f. **Z-20-00307 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JOHN MENDELL & MARA RAPHAEL, applicant, relative to property located at **250 QUEENS LN**, legal description on file, is described below. 1) 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 on a lot with a width of 77 feet in lieu of the 100 foot minimum required; a depth of 94 feet in lieu of the 100 foot minimum required; and an area of 7,238 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 a 409 square foot one story master bedroom addition and add a cabana and swimming pool. The following variances are being requested: 2) Section 134 893(7): to allow a west side yard setback for the addition and to allow the house to remain non-conforming with both having a setback of 5.3 feet in lieu of the 12.5 foot minimum required. 3) Section 134 893(12): to allow the non-conforming landscape open space to remain at 28.5% in lieu of the 45% minimum required. 4) Section 134 1757: to allow a swimming pool with a 5.2 foot rear yard setback in lieu of the 10 foot minimum required. 5) Section 134 2179: To eliminate the requirement for the two car garage that is required for a demolition of more than 50% cubic footage of a house on a lot over 75 feet wide. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

ACTION: DEFERRED TO MARCH 3, 2021

- g. **Z-20-00308 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of SAMUEL LEHRMAN REVOCABLE TRUST U/A/D/ JUNE 19, 2008 (SAMUEL LEHRMAN, TRUSTEE), applicant, relative to property located

at **355 HIBISCUS AVE**, legal description on file, is described below. 1) Section 134 1729(1): A request for a variance to allow a 38 KW generator to be placed in the street side yard setback (Australian Avenue) at 5.6 feet in lieu of the 25 foot minimum required on a corner lot. 2) Section 134 1667: A request for a variance for the required wing wall for the generator located in the street side yard setback with a height of 8.58 feet above the crown of the road (on Australian Avenue) in lieu of the 6 foot maximum allowed. 3) Section 134 1667: A request for a variance for the required wing wall for the generator located in the rear yard setback at a height of 8.46 feet above the neighboring property owner's grade to the east in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project as presented with a condition relating to the landscape. Carried 5-2.]

ACTION: APPROVED MODIFIED APPLICATION MVOING GENERTOR 2 FEET FURTHER AWAY FROM STREET PROPERTY LINE WITH CONDITION RELATING TO UTILITY EASEMENT

- h. **Z-20-00310 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of 310 MEDITERRANEAN RD LLC (JOHN SHAW, MANAGER), applicant, relative to property located at **310 MEDITERRANEAN RD**, legal description on file, is described below. Sections 134-229, 134 329, and 134 843(b): Special Exception and Site Plan Review to allow the renovation of a two story, single family house, including raising the existing house to 7.0 ft NAVD and demolishing more than 50% of the house by cubic square footage, on a non-conforming lot, comprised of a portion of platted lots, which is 113.5 feet in depth in lieu of the 150 foot depth required in the R A Zoning District. In connection with the renovation, the following variances are being requested: 1) Section 134 843(a)(5): Request for redevelopment of a single family home with a front yard setback of 26.0 feet in lieu of the 35 foot minimum required. 2) Section 134 1757: Request for installation of a swimming pool with a rear setback of 4.0 feet in lieu of the 10 foot minimum requirement. 3) Section 134 843(a)(7): Request for redevelopment of the house with a building height plane setback ranging from 26.0 to 32.35 feet in lieu of the range of 30.5 to 43.0 feet minimum required. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter Dated January 29, 2021 from David Klein

ACTION: DEFERRED TO MARCH 3, 2021

- i. **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: DEFERRED TO MARCH 3, 2021

- j. **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]

ACTION: DEFERRED TO MARCH 3, 2021

2. **New Business**

- a. **Z-20-00313 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MATTHEW AND ALEXANDRA MURPHY, applicant, relative to property located at **113 ATLANTIC AVE**, legal description on file, is described below. Section 134 893(b)(13): Request for a variance to allow the construction of a 210 square foot awning on the east side of the existing residence and a 644 square foot awning on the west side of the existing residence which will result in a cubic content ratio of 4.499 cubic feet in lieu of 3.998 existing and the 4.148 maximum allowed. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter from Maura

Ziska

ACTION: DEFERRED TO MARCH 3, 2021

- b. **Z-20-00314 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of CASTELO, MANUEL J., Applicants, relative to property located at **1464 N OCEAN BLVD**, legal description on file, is described below. Section 134-893: Site Plan Review to allow the construction of a 4,140 square foot two story, single family residence on a non-conforming platted lot which is 9,770 in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District and 90 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 deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter from Maura Ziska

ACTION: DEFERRED TO MARCH 3, 2021

- c. **Z-20-00315 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of MARTIN V. KATZ AS TRUSTEE OF THE BRAZILIAN PB LAND TRUST DATED OCTOBER 14, 2020, Applicant, relative to property located at **237/239 BRAZILIAN AVE**, legal description on file, is described below. The applicant recently purchased the duplex located at 235/237 Brazilian Avenue and desires to combine the 2 units into one single family residence. The landscaped open space requirement for a single family residence in the R-C Zoning District is 45%. The existing (previously approved) landscaped open space is 30%. The applicant is requesting to keep the landscaped open space "as is" and is requesting the following variances: Section 134-948(11): A request for a variance to allow the landscaped open space to be 30% in lieu of the 45% minimum required when combining the two units from a duplex to a single family residence. Section 134-948(11): A request for a variance to allow the perimeter landscaped open space to be 33% in lieu of the 50% of the 45% minimum required when combining the two units from a duplex to a single family residence. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- d. **Z-20-00316 VARIANCE(S)** Zoning District: R-AA Large Estate Residential The application of ROBERT A. MERRIL, Applicant, relative to property located at **500 REGENTS PARK**, legal description on file, is described below. The applicant is undertaking the renovation of a landmark home and raising the finished floor of the residence and appurtenances to 9.0 feet NAVD, adding pergolas to the rear of the residence, and adding a bay window to the north of the residence. The following variances are being requested in order to raise the house above

the minimum flood elevation and add three additions as follows: 1) Section 134-793 (7): a building height plane of 33.3 feet in lieu of the 40.7 minimum required; 2) Section 134-793(8): a north side yard setback for the 286 square foot pergola to be 11 feet In lieu of the 30 foot minimum required; 3) Section 134-793(8): a south side yard setback for the 276 square foot pergola to be 11.66 feet in lieu of the 30 foot minimum required; 4) Section 134- 793(8): a north side yard setback for the 17.5 square foot bay window to be 28 feet in lieu of the 30 foot minimum required; 5) Section 134-793(11): a lot coverage of 41.3% in lieu of the 38% existing and the 25% maximum allowed to add the 2 pergolas to the rear of the house; 6) Section 134-1667: a height of the retaining wall/fence combination in the front yard setback of 9.7 feet in lieu of the 6 foot maximum allowed; 7) Section 134-1668: a height of the two piers to be 14.4 feet in lieu of the 8 foot maximum allowed; 8) Section 134-1667: to allow the piers in the front to not have a continuous 3 foot tall hedge in front of it. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- e. **Z-20-00317 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of 1063 N OCEAN BLVD LLC (KEVIN DIETERICH, MANAGER), Owner, relative to property located at **1063 N OCEAN BLVD**, legal description on file, is described below. The applicant is proposing a new 18,918 square foot, two story house on a nonconforming lot in the R-A zoning district. Special exception and site plan reviews are required pursuant to Section 134- 843(b) of the Town Code because the project is being proposed on a non-platted lot with a minimum lot width of approximately 118.87' in lieu of the 125' width required in the R-A zoning district. [Applicant's Representative: James Crowley Esq] [The Architectural Review Commission approved the project as presented. Carried 5-2.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT AND THAT THE TWO ATTORNEYS COME TO AN AGREEMENT FOR THE LANDSCAPED, NORTHERN BORDER

- f. **Z-20-00319 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of AUSTRALIAN OF PALM BEACH CONDOMINIUM (RICK HALLETT, MANAGER), Applicant, relative to property located at **429 AUSTRALIAN AVE**, legal description on file, is described below. The applicant

condominium is requesting a modification to their site plan to eliminate 400 square feet of landscaped open space from the northeast corner of their parking lot. The condominium sold a 20 foot by 20 foot parcel to their neighbor to the north so the neighbor could have room to install a generator. This results in two (2) variances being requested: 1) A variance to allow landscaped open space to be 27.1 % in lieu of the 28.3% existing and the 35% minimum required In the R C Zoning District. 2) A variance for an east side yard setback to the new property line of 6.8 feet in lieu of the 20 foot minimum required for multifamily use in the R- C Zoning District. [Applicant's Representative: Maura Ziska Esq]

ACTION: DENIED

- g. **Z-20-00320 VARIANCE(S)** Zoning District: R-A Estate Residential The application of THE LAKESIDE TRUST, DATED NOVEMBER 19, 2020 (PATRICK C. EMANS, TRUSTEE), Applicants, relative to property located at **8 S LAKE TRL**, legal description on file, is described below. Section 134 843(8): The applicant is requesting approval to demolish the existing 442 square foot dining room and construct a new 458 square foot dining room in the same general location with a 9.5 foot south side yard setback in lieu of the 15 foot minimum required in the R-A Zoning District. Section 134 843(5): The applicant is requesting approval to replace the flat roof of the north accessory building to a pitched roof. This will result in adding height to the building in the front yard setback. A variance is being requested to increase the height in the setback resulting in a front yard setback of 25.7 feet in lieu of the 35 foot minimum required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- h. **Z-20-00321 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of BROOKER DAVID E & CATHERINE E, Applicants, relative to property located at **127 ROOT TRL**, legal description on file, is described below. The applicant is undertaking a major renovation project on Root Trail that includes a proposed 2,351.05 two story addition with basement, car lift and loggia. The following variances are being requested in order to build the additions: 1) Section 134-948(5): a front yard setback of 1.1 feet in lieu of the 25 foot minimum required in the R-C Zoning District; 2) Section 134-948(6): a west side yard setback of 4.5 feet in lieu of the 10 foot minimum required in the R-C Zoning District; 3) Section 134-948(6): an east side yard setback of 1.1 feet in

lieu of the 10 foot minimum required in the R-C Zoning District; 4) Section 134-948(7): a rear yard setback of 3 feet in lieu of the 15 foot minimum required in the R-C Zoning District; 5) Section 134-948(9): a lot coverage of 49.24% in lieu of the 30% maximum allowed in the R-C Zoning District; 6) Section 134-948(11): a landscaped open space of 40.79% in lieu of the 45% minimum required in the R-C Zoning District; 7) Section 134-1728: allow two air conditioning units with a west side yard setback of 1.75 feet in lieu of the 5 foot minimum required; 8) Section 134-1668: to allow a sliding driveway gate with a 0.67 foot setback from the edge of pavement in lieu of the 18 foot minimum required. 9) Section 134-1757: to allow a 3.5 foot rear yard setback for the proposed swimming pool in lieu of the 10 foot minimum required; 10) Section 134-1757: to allow a 4 foot east side yard setback for the proposed swimming pool in lieu of the 10 foot minimum required [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- i. **Z-20-00322 SPECIAL EXCEPTION** Zoning District: C-TS Town Serving Commercial The application of FIRST HORIZON BANK (DEBRA L. VASILOPOULOS, MARKET PRESIDENT), Applicant, relative to property located at **180 ROYAL PALM WAY**, legal description on file, is described below. Section 134 1109(b): A special exception request for approval to use the subject building totaling 12,940 square feet as a bank (FIRST HORIZON BANK). The subject tenant space was most recently used as an IberiaBank branch office with it's customers and clients being more than 50% town persons in satisfaction of the requirements of Section 134-229(12).

[Applicant's Representative: Peter Broberg]

ACTION: APPROVED

- j. **Z-20-00323 VARIANCE(S)** Zoning District: R-A Estate Residential The application of DESRUISSEAU LAND TRUST U/A/D 12/6/19 (ANN DESRUISSEAU AND WILLIAM W. ATTERBURY, CO-TRUSTEES), Applicant, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. Without waiving any previous zoning approvals, the applicant is requesting to demolish and rebuild (replicate) the existing landmarked residence in generally the same location. The project includes raising the finished floor elevation of all of the new and existing structures to 9.0 feet NAVD. The proposed new two story residence will be 19,812.69 square feet, with a 3,398 square foot

guest house located at the northwest corner of the property. The plan also includes relocation of an existing 225 square foot cabana and relocation of the 145 square foot 2 story generator building. The following variances are being requested: 1) 134-843(8): a north side yard setback ranging from 5.29 feet to 5.75 feet for the new reconstructed guest house wing (previously referred to as the boat house) in lieu of the 30 foot minimum required; 2) 134- 843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the new reconstructed guest house wing; 3) 134-843(8): a rear yard setback ranging of 0 feet in lieu of the 15 foot minimum required for the new reconstructed main house; 4) 134-843(8): a north side yard setback of 21.13 to 21.67 feet for the 2 story generator building in lieu of the 30 foot minimum required; 5) 134-843(10): a height in the main residence and guest house to be 26.56 in lieu of the 25 foot maximum allowed; 6) Section 134-843(8): a south side yard setback for the main house addition ranging from 10.79 feet to 15.1 feet in lieu of the 30 foot minimum required. The previously granted variances in Z- 20-00261 for the accessory buildings and structures not associated with the main house, guest house wing and generator building remain unchanged and in effect and valid. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission deferred the project to the February 17, 2021 meeting. Carried 7-0.] Request for Withdrawal Per Letter from Maura Ziska

ACTION: WITHDRAWN

IX. ORDINANCES

A. **Second Reading**

1. ORDINANCE 01-2021 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 I, In General, Section 134-2, Amending The Definition Of Supplemental Parking To Allow Supplemental Off-Site Shared Parking In Underground Garages Without The Requirement Of First Meeting All On-Site Required Parking; At Article VI, District Regulations, Sections 134-1107, 134-1157 And 134-1207, Permitted Uses, In The C-TS, C-WA And C-OPI Commercial Zoning District To Allow Supplemental Off-Site Shared Parking In An Underground Parking Garage As A Permitted Use Provided That Said Parking Does Not Exceed 50 Percent Of The Parking Inventory In An Underground Garage And Providing A Sunset Provision For Said Use In Those Districts On March 13, 2024, Unless Extended Or Modified By The Town Council; At Article VI, District Regulations, Sections 134-1109, 134-1159 And 134-1209, Special Exception Uses To Cross Reference The Supplemental Parking Regulations In Sections 134-2177 And 134-2182, At Article IX, Off-Street Parking And Loading; Section 134-2177 Location Of Parking Spaces, And Section 134-2182, Location Of Parking Spaces, By Allowing Off-Site Supplemental Parking In An Underground Parking Garage As A

Permitted Use In The C-TS, C-WA And C-OPI Zoning Districts And Sunsetting The Provisions In This Ordinance On March 13, 2024, Unless Extended Or Modified By The Town Council; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: ADOPTED

X. ANY OTHER MATTERS

- A. ARCOM's Request to Consider Demolitions

ACTION: DEFERRED TO MARCH 3, 2021

- B. Discussion on Landmark Incentives

ACTION: DEFERRED TO MARCH 3, 2021

- C. Discussion on Permitted Uses versus Special Exception Uses

ACTION: THIS ITEM WILL BE SENT TO THE PLANNING AND ZONING COMMISSION TO DISCUSS THE WHETHER NIGHTCLUBS, BARS, RESTAURANTS AND LOUNGES SHOULD BE A SPECIAL EXCEPTION USE OR NOT ALLOWED IN THE CT-S ZONING DISTRICT. WHILE BEGIN STUDIED, THE PERMITTED USES SHALL BE DECLARED ZONING IN PROGRESS AND NO PERMITS SHALL BE GRATNED.

- D. Discussion on Outdoor Seating Regulations

ACTION: THIS ITEM WILL BE SENT TO THE PLANNING AND ZONING COMMISSION FOR DISCUSSION

XI. ADJOURNMENT