



TOWN OF PALM BEACH

Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT

PZ&B Staff Combination Memorandum: Landmarks Preservation Commission and Town Council

FROM: Wayne Bergman, MCP, LEED-AP *WLB*
Director PZ&B

SUBJECT: ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD—
Palm Beach Synagogue

MEETING: NOVEMBER 13, 2024, TC
NOVEMBER 20, 2024, LPC

ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD—PALM BEACH SYNAGOGUE (COMBO)—SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW AND VARIANCES.

The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting Town Council review and approval for three (3) Special Exceptions for 1) Churches, synagogues or other houses of worship, 2) two-stories in the C-TS zoning district and 3) square footage greater than 3,000 SF in the C-TS district with Site Plan Review requiring nine (9) variances due to demolition exceeding 50%, renovations, and building additions, for 1) reduction in the minimum required front yard setback and pedestrian walkway, 2) reduction in the minimum required overall landscape open space, 3) reduction in the minimum front yard landscape open space, 4) increase in the maximum permitted building length, 5) reduction to the on-site parking requirement, 6) elimination of the minimum required number of berths (off-street loading spaces), 7) increase of the maximum permitted gross building area, 8) reduction in the minimum required side yard setback, and 9) reduction in the minimum required rear yard setback for the landmarked property, for the construction of new one- and two-story additions to the two-story landmarked structure. The Landmarks Preservation Commission will perform the design review.

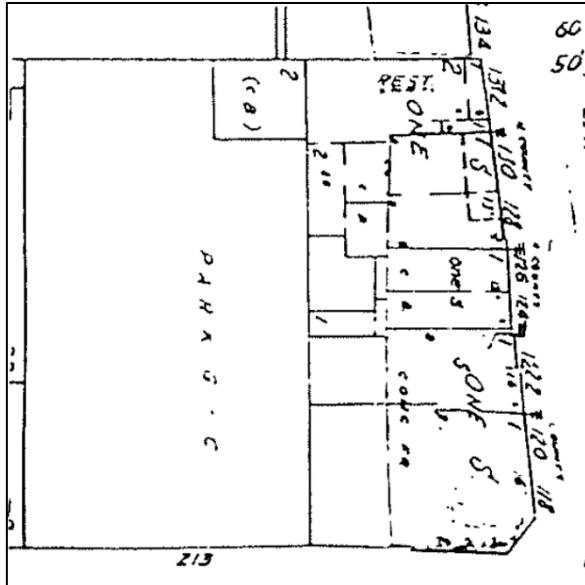
COA-24-0022 (ZON-24-0055) 120-132 N COUNTY RD - PALM BEACH SYNAGOGUE (COMBO).

The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting a Certificate of Appropriateness for review and approval of: demolition exceeding 50%, construction of new one- and two-story additions, renovations to the existing two-story building, and landscape & hardscape modifications including a new surface parking lot, requiring three (3) Special Exceptions with Site Plan Review, and nine (9) variances to reduce the minimum required front yard setback and the pedestrian walkway, reduce the minimum required overall landscape open space and front yard open space, increase the maximum permitted building length, reduce the on-site parking requirement, elimination of the on-site berths (loading spaces), increase the maximum permitted gross building area, reduce the minimum required side yard setback, and reduce in the minimum required rear yard setback for the landmarked property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: PALM BEACH ORTHODOX SYNAGOGUE INC
Professional: Bartholemew + Partners | Environmental Design Group
Representative: Harvey Oyer, Esquire

HISTORY:

The commercial buildings located at 120-132 North County Road were constructed between 1929 and 1935. These buildings were designed by the architect Bruce Kitchell. Only two (120 and 122 North County Road) of the five buildings were landmarked in 1992 and 1993. Of note, only thresholds of certain facades of the synagogue are landmarked (highlighted below in yellow). Specifically, only the east and south facades up to the ridge of the roof for 120 North County Road and only the east 10'-0" of the structure for 122 North County Road is landmarked.



Historic Parcel Configuration



Current Parcel Configuration

120 N County Rd (Landmarked)

The subject building was constructed in 1929 and designed by architect Bruce Kitchell. In 1993, portions of the building located at 120 North County Road was designated as a landmark. Specifically, only the east and south facades up to the ridge of the roof. As indicated in the designation report *“120 North County Road is a Romanesque structure designed of cast stone masonry in 1929. The “Keyite” Romanesque columns, as well as the other cast stone ornamentation were probably manufactured by Mizner Industries. This structure was designed with asymmetrical bays, six extending westward on Sunset Avenue, and five traveling*



northward on County Road. These are detailed by Romanesque columns and large, Gothic arched windows”.

122 N County Rd (Landmarked and unified with 120 N County Rd)

The subject building was constructed in 1929 and designed by architect Bruce Kitchell. In 1992, 122 North County was designed as a landmark. Particularly, the east 10 feet of the structure. As indicated in the designation report “122 North County Road is a Gothic structure, also designed by Kitchell in 1929. Considerably smaller than its Romanesque neighbor, 122 is, nevertheless, a purer example of its architectural type. Fabricated of hand carved, quarried coquina, the triple setback of the twin Gothic arches recalls the great cathedrals of Europe, while the simple entablature and the barrel clay tile roof balance this structure as a wholly Mediterranean design.”



124-126 N County Rd (Not Landmarked and unified with 120 N County Rd)

The subject building was constructed in 1932 and designed by architect Bruce Kitchell. Although 124-126 North County Road was not landmarked, the building was discussed in the designation report for 120-132 North County Road. As indicated in the designation report “The Neo-Gothic structure at (124-) 126 North County Road was intended to emulate 122, however, either by architectural eclecticism or by the owners’ financial constraints, this is a much simpler building. Again, employing twin Gothic arches, (124-) 126 was neither carved nor detailed like its sister structure.”



128-130 N County Rd (Not Landmarked and unified with 120 N County Rd)

The subject building was constructed in 1935 and designed by architect Bruce Kitchell. Although 128-130 North County Road was not landmarked, the building was discussed in the designation report for 120-132 North County Road. As indicated in the designation report “(128-) 130 North County Road was designed to offer two distinct store fronts to the pedestrian. Medieval in its design, this composition is unified by heavy banding above the windows, medieval lanterns, and by matching awnings.”



132 N County Rd (Not Landmarked)

The subject building was constructed in 1929 and designed by architect Bruce Kitchell. Although 132 North County Road was not landmarked, the building was discussed in the designation report for 120-132 North County Road. As indicated in the designation report “The structure at 132 North



County Road is considerably more of a standard Mediterranean Revival design, as found all over Palm Beach. Symmetrical, this stucco and barrel clay tile structure is detailed by a series of eave brackets, and by its slender, Composite columns.”

At the September 28, 2022, ARCOM meeting, the demolition of 132 North County Road (128-130 and 132 N County Rd) was approved with the condition that the front façade along North County Road remain temporarily until a new building is proposed and approved, pursuant to ARC-22-201. Subsequently, extensions of time were approved by ARCOM at the October 25, 2023, and May 29, 2024, meetings.



THE PROJECT:

The applicant has submitted plans, "The Palm Beach Orthodox Synagogue 120-132 N COUNTY RD", as prepared by **Bartholemew + Partners** and **Environmental Design Group**, received by the Town on October 11, 2024.

The applicant is requesting review and approval of the proposed new construction and alterations to the landmarked structure. The proposed scope includes:

- Expansion of the existing synagogue program from a two-story synagogue with 158 seats, to a 230-seat synagogue (+ 72 seats) in a 36,815 SF two-story building with surface parking (18 spaces).
- Removal of existing surface parking lot (34 spaces).
- Demolition of greater than 50% of the non-landmarked existing building.
- Preservation of the landmarked façade of the building.
- Ancillary spaces to the synagogue (social hall, kitchen, library, conference room, youth center, accessory offices, flex spaces, quiet room, storage spaces, etc.). See the floor plans included with the application submittal for all details.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

SPECIAL EXCEPTION REQUESTS + SITE PLAN REVIEW

1. **SITE PLAN REVIEW:** Section 134-1112: Site Plan Review for new building(s) which involves more than 2,000 SF of building floor area in the C-TS zoning district.
2. **SPECIAL EXCEPTION #1:** Special Exception for a building height of 2-stories in the C-TS zoning district.
3. **SPECIAL EXCEPTION #2:** Special Exception for Churches, synagogues or other houses of worship, for worship space for 230 seats/ patrons.
4. **SPECIAL EXCEPTION #3:** Section 134-1109(a)(11): Special Exception for permitted uses over 3,000 SF of gross leasable area (GLA) in the C-TS zoning district.

VARIANCE REQUESTS

1. **VARIANCE #1** Section 134-1113(5): A variance to reduce the minimum required front yard setback varying from 0.2' at its closest point along Sunset Avenue to 5'-0" along N County Rd in lieu of the required setback ranging from 5' to 8' and to reduce a portion of the pedestrian walkway to 7'-1" along Sunset Ave where 10' is required.
2. **VARIANCE #2** Section 134-1113(11): A variance to reduce the minimum required overall landscape open space by 15% to permit 10% in lieu of the required 25%.
3. **VARIANCE #3** Section 134-1113(11): A variance to reduce the minimum required front yard landscape open space to 18% along Sunset Ave and 15% along N County Road in lieu of the required 35%.
4. **VARIANCE #4** Section 134-1113(10): A variance to exceed the maximum building length of 150'-0" along Sunset Ave to allow for a building 173'-0" in length and along N County Road to allow for a building 172'-0" in length.
5. **VARIANCE #5** Section 134-2176(3): A variance to reduce the required parking spaces by 97 in order to provide 18 spaces in lieu of the required 115.
6. **VARIANCE #6** Section 134-1113(12): A variance to exceed the maximum floor area (gross building area) of 15,000 SF by 21,815 SF to allow a building with 36,815 SF.
7. **VARIANCE #7** Section 134-2211: A variance to eliminate the minimum required number of berths (off-street loading spaces) in order to not provide the one (1) required 12' x 25' loading space on site.
8. **VARIANCE #8** Section 134-1113(6): A variance to reduce the minimum required side yard (north) setback to 1.8' in lieu of the required setback of 7'-0".
9. **VARIANCE #9** Section 134-1113(7): A variance to reduce the minimum required rear yard (west) setback to 7' in lieu of the required setback of 13'-0".

Site Data			
Zoning District	C-TS	Future Land Use	COMMERCIAL
Lot Size (SF)	31,408 SF	Finished Floor	7' NAVD (synagogue)
Crown of Road	7.5' NAVD	Flood Zone	AE 6
Year Constructed	1929 - 1935	Architect	Kitchell
Landmark Designation	April 14, 1992 (122 N County Rd) February 9, 1993 (120 N County Rd)	Use:	Existing: Synagogue and vacant Proposed: Synagogue, office and classrooms
Synagogue	Existing: 158 seats Proposed: 230 seats (+ 72 seats)	Parking	Existing: 34 Proposed: 18 Required: 115 <i>Variance required</i>
Lot Coverage	Existing: 44.5% (13,774 SF) Proposed: 69.4% (21,793 SF) Permitted: 70% (21,980 SF)	Overall Building Height	Proposed: 27'-10"* Permitted: 30'-0" Flat/ 35'-0" Other roof types
Floor Area Gross floor area (GSF)	Existing: +/-19,297 SF Proposed: 36,815 SF Permitted: 15,000 SF <i>Variance required</i>	Overall Landscape Open Space (LOS)	Existing: 7% (2,240 SF) Proposed: 10% (3,152 SF) Required: 25% (7,852 SF) <i>Variance required</i>

Building Length	<u>N County Rd</u> Existing: 172'-0" Proposed: 172'-0" Permitted: 150'-0" Variance required <u>Sunset Ave</u> Existing: 74'-7" Proposed: 173'-0" Permitted: 150'-0" Variance required	Front Yard Open Space	<u>N County Rd</u> Existing: 0.5% (6 SF) Proposed: 15.2% (194 SF) Required: 35% (447 SF) Variance required <u>Sunset Ave</u> Existing: 10.6% (146 SF) Proposed: 18% (245 SF) Required: 35% (447 SF) Variance required
Surrounding Properties / Zoning			
North	One-story commercial / C-TS		
South	Two-story commercial / C-TS		
East	Surface parking lot (Paramount Theatre) / C-TS		
West	Two-story commercial / C-TS		

**Excludes dome feature.*

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Although a preliminary review of the project indicates that the proposed **application** appears **consistent** with the **COMMERCIAL** designation of the Future Land Use Map of the Comprehensive Plan, please consider the following Comprehensive Plan policies that address Town-Serving uses and the requirement for sufficient roadway capacity along with appropriate levels of service for Town roads:

FUTURE LAND USE ELEMENT

OBJECTIVE 2 - Maintain the character of the Town as a predominantly residential community having only the type and number of businesses and other support services necessary to meet the needs of Town residents.

POLICY 2.3 Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies. 2.3.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies:

a. "Town-serving" shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those in the "Commercial – Office, Professional & Institutional" (C-OPI) zoning district, which are not required to meet town-serving requirements) of 3,000 square-feet or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-feet or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition.

b. "Town persons" shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.

POLICY 2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small scale, retail, personal and professional/business services, and mixed commercial/

residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.

POLICY 2.4 To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

POLICY 2.5 Continue to enforce the provisions of the Town's Zoning Ordinance which are directed toward the encouragement of Town-serving commercial uses and the discouragement of those uses which are likely to attract patronage on a regional level.

POLICY 2.6 Page I - 27 The Town shall provide the amount, location, and type of on-street parking and street furniture, signage, beautification measures and traffic control that is sufficient to assure efficient functioning of the Town's business centers at Town-serving levels and shall require off-street parking as necessary.

TRANSPORTATION ELEMENT

OBJECTIVE 2 - Development permits for land uses provided for on the Future Land Use Map shall be issued only when there is sufficient roadway capacity to ensure that roadways affected by the development Page II-13 will operate at not less than the minimum levels of service standards set forth in this Element. Professionally accepted techniques shall be employed for measuring level of services for cars, trucks, and other vehicles as well as bikes and pedestrian for this purpose.

POLICY 2.1 The Town shall use the following two-way peak-hour, peak-season level of service (LOS) standards for facilities and segments listed below, effective one year from adoption of this Element. FACILITY OR SEGMENT "LOS"

- (1) SR A1A "E"*
- (2) Royal Poinciana Way "D"*
- (3) Coconut Row/Bradley Place from to "E" Seabreeze to north of Royal Poinciana Way*
- (4) Southern Boulevard "E"*
- (5) All other roadways "D"*

The Town will continue to work with the Florida DOT, Palm Beach County and the Palm Beach Metropolitan Planning Organization (MPO) for the purpose of determining an appropriate methodology for determining the level of service on roadways in the Town where there are no traffic signals. The purpose of this effort will be to develop a constrained roadway strategy for SR A1A and Southern Boulevard within the Town.

POLICY 2.2 Prior to the issuance of a development order or permit for new construction or redevelopment, the Town shall make and record a determination that: 2.2a The project provides for safe and convenient on-site traffic flow and vehicular parking. Consider needed motorized and non-motorized vehicle parking commensurate with the requirements of the Town's land development regulations; and 2.2b The traffic generation of the project will not

reduce the level of service on roadways in the Town to a level of service category lower than that established in this Plan.

POLICY 2.3 As needed the Town will review its adopted level of service standards to determine if modification, in response to changed conditions, is warranted.

POLICY 2.4 The Town shall maintain records regarding de minimus transportation impacts in order to determine if and when the 110% threshold of such impacts has been reached.

POLICY 2.5 For those projects that cannot meet the concurrency requirement for transportation, the Town's land development regulations include provisions for the use of "proportionate fair share mitigation for transportation facilities" consistent with Section 163.3180(16), Florida Statutes. Additionally, the regulations operate in a consistent manner with Palm Beach County's proportionate fair-share regulations.

Historic Preservation Element

GOAL

PRESERVE, PROTECT AND ENHANCE THE HISTORIC AND PREHISTORIC RESOURCES OF THE TOWN. THE TOWN SHALL PROTECT THE VISUAL APPEARANCE OF PALM BEACH THROUGH THE PERPETUATION OF PROPERTIES OF SPECIAL NOTABLE AESTHETIC, ARCHITECTURAL AND HISTORICAL SIGNIFICANCE.

STAFF ANALYSIS:

The subject property is a 31,408 SF (0.79 pb acre) corner parcel situated on the northwest intersection of Sunset Ave and N County Road, a prominent location in the C-TS (Commercial Town Serving) District. The site is currently improved with an existing two-story structure—the Palm Beach Synagogue—portions of which were designated a Palm Beach Landmark in 1992 and 1993, non-landmarked one-story commercial buildings, and a surface parking lot. Currently, the structures occupy the eastern portion of the unified site, and an existing 34-car parking lot occupies the western portion. The application includes substantial demolitions of site and structures, down to the slabs, the construction of one- and two-story additions, renovations to the existing two-story building to accommodate the expansive two-story synagogue with religious and educational offerings.



SITE PLAN REVIEW AND SPECIAL EXCEPTION, AND VARIANCE REQUESTS

Site Plan Review is required for new building(s) which involves more than 2,000 SF of building floor area in the C-TS zoning district. The applicant is proposing to demolish portions, and more

than 50% of the landmarked structures and construct new additions totaling nearly 37,000 SF of gross floor area of building in the C-TS Town-Serving Commercial district, requiring a site plan review by Town Council.

Special Exception #1 is for a building height of 2-stories in the C-TS zoning district. The existing landmarked building has two-story portions. The property to the west (Trevini building) is a two-story commercial building. The property to the northeast contains a three-story landmarked building (Paramount Theatre). The building to the south is a two-story commercial building, while the building to the north is a one-story commercial building. Two-story buildings are the urban makeup of the immediate area and would not be out of character with the immediate neighborhood.

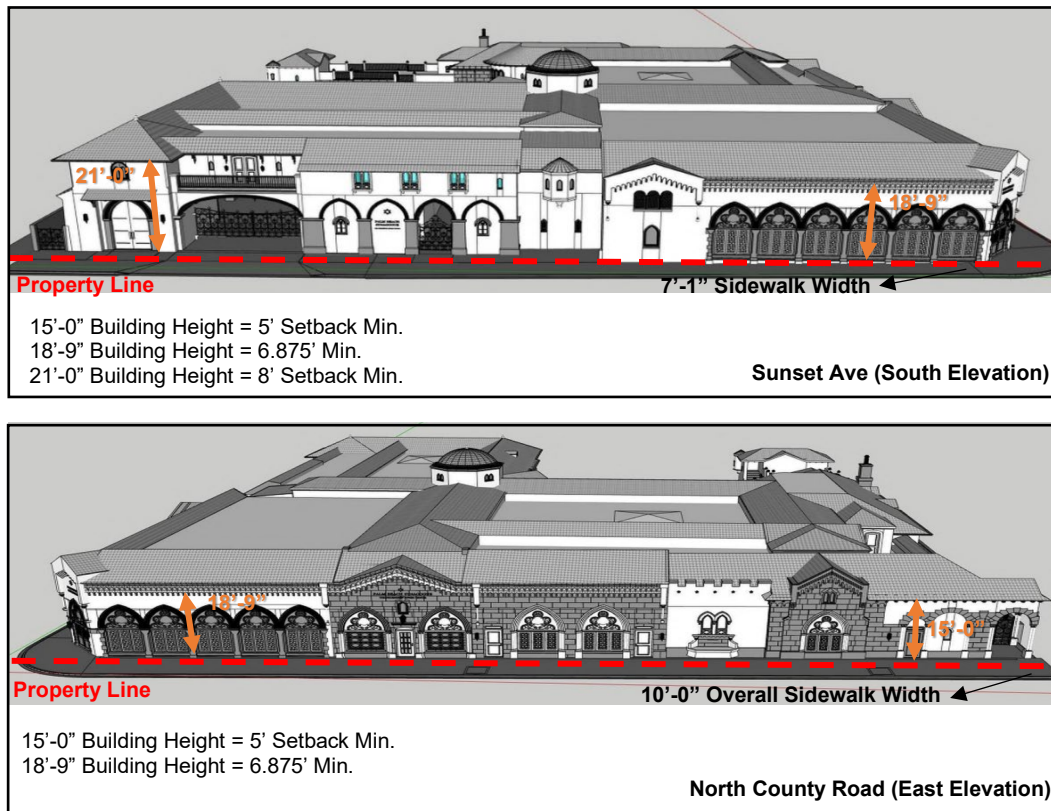
Special Exception #2 is for Churches, synagogues or other houses of worship, specifically for worship space for 230 seats/ patrons. The existing Palm Beach Synagogue has been in operations since 1999 for religious service, having obtained a Special Exception under SE 14-99 for 132 seats. The synagogue received another SE for an additional 26 seats in 2005, under SE 15-2005 for the current total of 158 seats. The applicant is proposing a brand new 36,815 SF religious facility. Within that the actual sanctuary portion of the program is proposed in the same location of the existing space, in southeast corner of the site, on the ground floor, but has been slightly enlarged in area to about 3,600 SF to accommodate the expanded and requested 230 seats, which is a 45.6% increase in seats/patrons from the existing service capacity.

Special Exception #3 is for permitted uses; or uses not specifically enumerated under permitted uses in section 134-1107 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 SF gross leasable area. The applicant is proposing a 36,815 SF religious facility, containing an approximately 3,600 SF service area (sanctuary area for 230 seats/patrons) on the ground floor, a 4,000 SF social hall also configured on the first floor, and other ancillary areas totaling approximately 14,293 SF (based on the proposed lot coverage), an approximately 4,000 SF of synagogue administrative office space on the second floor, and approximately 10,000 SF of education classrooms are also allocated on the second floor.

Variance #1 to reduce the minimum required front yard setback along Sunset Ave and N County Rd and reduce pedestrian walkway along Sunset Ave, the applicant is proposed a continuous pedestrian path of 10'-0" along N County Rd and 7'-1" along Sunset Ave (both measurements are taken to outside edge of curb). As previously mentioned, the application involves demolitions of structures greater than 50%, which the code requires that all new construction meet current zoning requirements. Due to the retention of the landmarked portions of synagogue certain nonconformities are sought to be retained, and therefore must be vetted through the variance process. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curbline and the building, not more than 5'-0" of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible.

For buildings in excess of 15'-0" in height, all minimum yard requirements are increased by one foot for each two feet of building height, or portion thereof, exceeding 15'-0". The landmarked facades are the primary architecturally significant elements of the structures that are required to be retained. The existing synagogue is sited at the corner with a nonconforming front (south) setback

of 0.2' along Sunset Avenue. Along N County Rd, the existing synagogue is sited with a setback of 5'-0" which is non-conforming for the portion of the facade that exceeds a height of 15'-0". The variance applies to the existing portion of the building which is landmarked and the new additions. The required front yard setback along Sunset Ave ranges from 6.875' to 8' based on the portions of the building that exceed 15'-0" in height. Likewise, along N County Rd the required setback ranges from 5' to 6.875'.



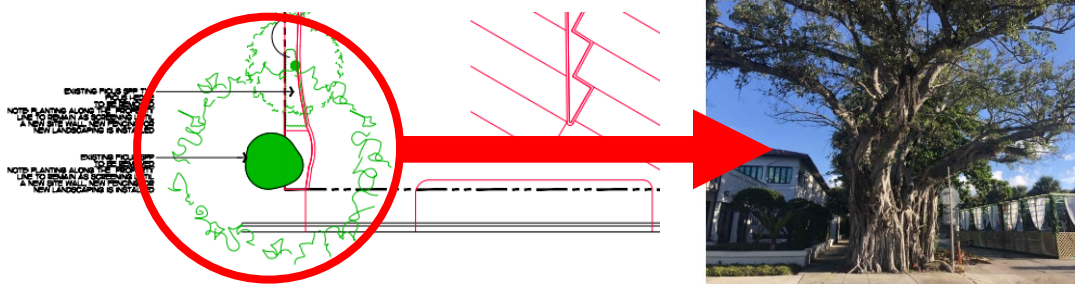
Variances #2 and 3 are requests to reduce the required overall landscape open space and front yard open space on the site on the Sunset Ave and N County Rd frontages. Due to the extent of the proposed impermeable surfaces which include the footprint of the proposed building, surface parking, covered parking, and walkways, there are limited opportunities for landscape open space.

As it pertains to **Variance #2**, to decrease the required overall landscape open space of 25% (7,852 SF) to allow 10.03% (3,152 SF) for the total landscaping. For reference, this amount improves the existing nonconformity by 3% from 7% to 10.03%.

As it pertains to **Variance #3**, a variance to reduce the minimum required front yard landscape open space. The site has a nonconforming front yard open space, and due to the amount of demolition exceeding 50%, all nonconforming elements must be vested. The retention of the existing façade of the corner synagogue landmarked building, creates challenges in meeting the required 25%. The applicant has provided green planting areas in those portions of the new construction fronting the roadways—most notably along Sunset Ave. The proposal does improve the legal non-conformity of front yard open space along the Sunset Ave frontage from 10.6% to 18.05% and along the N County Road frontage from 0.5% to 15.2%. Staff has no objections to variance #3, but perhaps the applicant can further study areas that additional green space can be

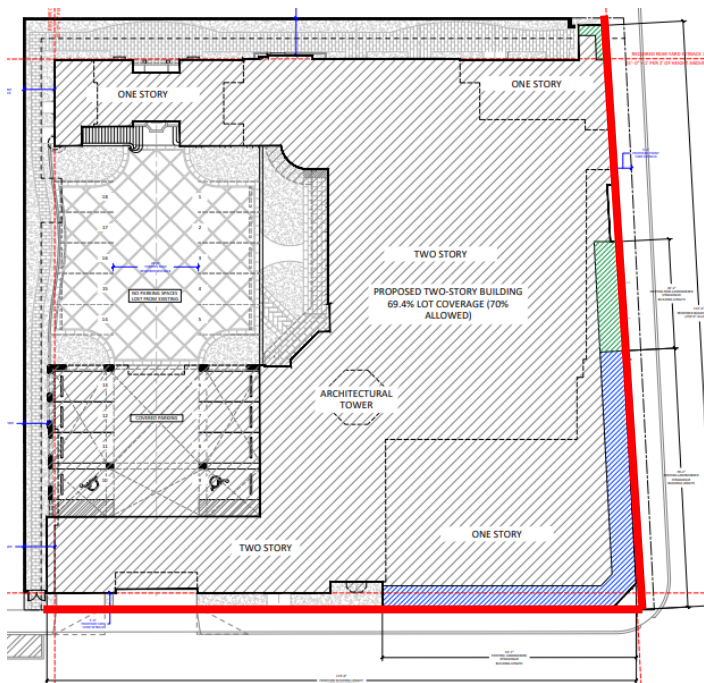
incorporated on site, particularly at the northeast edge along the new construction where the social hall is located by setting back the building in selected areas.

There is an existing specimen-sized Ficus tree proposed to be removed. It is located in the southwest corner of the site that falls within the existing granted easement. The trunk (and roots) straddle the subject property and the neighboring property to the west.



During review of this request, the owner was required to obtain consent from the adjacent neighbor to remove the tree, which they did. If the tree were to remain, the Public Works Department would need to confirm that the retention of the tree would not be in conflict with the Town-wide undergrounding project as it does fall within the easement. If the tree can be preserved, it would benefit resiliency efforts by conserving existing green infrastructure and not reducing the tree canopy. Additionally, the overall size of the structure could need to be reduced to preserve the tree and the overall landscape open space and front yard open space along Sunset Ave would increase.

Variance #4 requests to exceed the maximum building length of 150'-0" maximum building length permitted; the request pertains to both sides (east and south) for the proposal of alterations and substantial additions of the corner building of N County Road and Sunset Ave. Along N County Road, the existing landmarked synagogue building has a 76'-2" long frontage plus an additional 32'-2" of non-landmarked portion of the synagogue. The other structures (formerly occupied by Chez Jean-Pierre Bistro) has a 63'-8" long frontage. This structure was approved to be demolished and is proposed to be replaced by an attached new addition. The variance along the east (N County Road) is to exceed the allowance by 22'-0" for a total frontage of 172'-0". This will extend the building nearly the entire linear length (174') of the eastern side of the site which will provide for a continuous urban edge, an optimal urban condition along commercial main streets. For visual reference the landmarked portion of the proposal is highlighted in blue in the diagram to the right.



As the variance request pertains to the building along the Sunset Ave frontage. The existing

building has a building length of 74'-7" and the new additions will extend this by 87'-5" to a total length of 173'-0" along the south (Sunset Ave) of the site. And while this portion of the variance is not a vesting of the existing conditions, it too, creates a continuous architectural edge to the site and will screen the parking in the rear of the site. This elevation will be broken in two portions, by a 7'-0" wide pedestrian accessway that has been provided at the westernmost portion of the site and at the ground floor by a 25'-0" wide covered vehicular driveway also located at the western portion of the site. Overall, the new construction along both elevations of the building have been exceedingly designed to vary in detail, style, features, and changes in plane.

Variance #5 is to reduce the required parking spaces. Note that the application cannot avail itself of the Principle of Equivalency (PoE) program due to the extent of demolition for its grandfathered uses (synagogue and restaurant). The existing synagogue has a religious service capacity of 158 seats with a surface parking area for 34 parked cars. The total required parking for the proposal is 115 parking spaces. The applicant is proposing parking for 18 vehicles. The proposed synagogue alone requires 59 spaces at one space per four permanent seats in the main auditorium. It must be noted that the ground floor site plan also contains an approximately 4,000 SF "social hall" that is not reviewed for a parking requirement. The second floor has approximately 10,000 SF educational areas that would require 1 space for every 250 SF of floor area for a total of 40 spaces, and an additional amount of office space for an additional 16 spaces. As it relates to the use of vehicles and a synagogue use, according to the applicant, the nature of the specific religion greatly reduces the need for the required parking assumed under the zoning code's blanket "Houses of worship, theaters and auditoriums" one for every four seats under Section 134-2176. Within the Letter of Intent, "Orthodox Jews will not travel by car on Shabbat." This time begins at sunset on Friday and ending after dark on Saturday Further the applicant maintains that "198 households which are members of the synagogue live within one mile of the subject property. Many members currently walk to the synagogue." The code does not distinguish between the specific religion as it pertains to the parking requirement. The proposed synagogue has a sanctuary capacity of 230 seats (nearly 46% increase) but provides for only 18 parking spaces (a 47% decrease) over the prior conditions.

Variance #6 to exceed the maximum floor area (gross floor area) of the building of 15,000 SF by 21,815 SF in order to allow new construction at 36,815 SF; this translates to a floor area ratio (FAR) of 1.17. To note, this hypothetical floor area ratio (FAR) is greater than 1.0 because there is more building (area) than lot (area). Currently the zoning code does not use floor area ratio but assigns a maximum floor area (gross floor area) of a building to 15,000 SF for commercial properties regardless of lot size. For perspective, this requirement would translate to a FAR of 0.48 for this lot. In this regard, it is not best practice or proper zoning regulating to restrict size of floor areas of buildings without factoring in lot size, yet the Town's code does. With that, the existing buildings contain 19,297 SF of floor area, and the request is a nearly 180% increase over the existing and is over a 250% increase over the allowance, perhaps the applicant can further study areas to reduce the mass and overall SF of the buildings when viewed from the corner rights-of-way. Or remove portions of the building that could achieve a greater overall landscape open space and reduce the floor area of the structure. It must be noted that the second floor alone is almost at the maximum gross floor area of 15,000 SF.

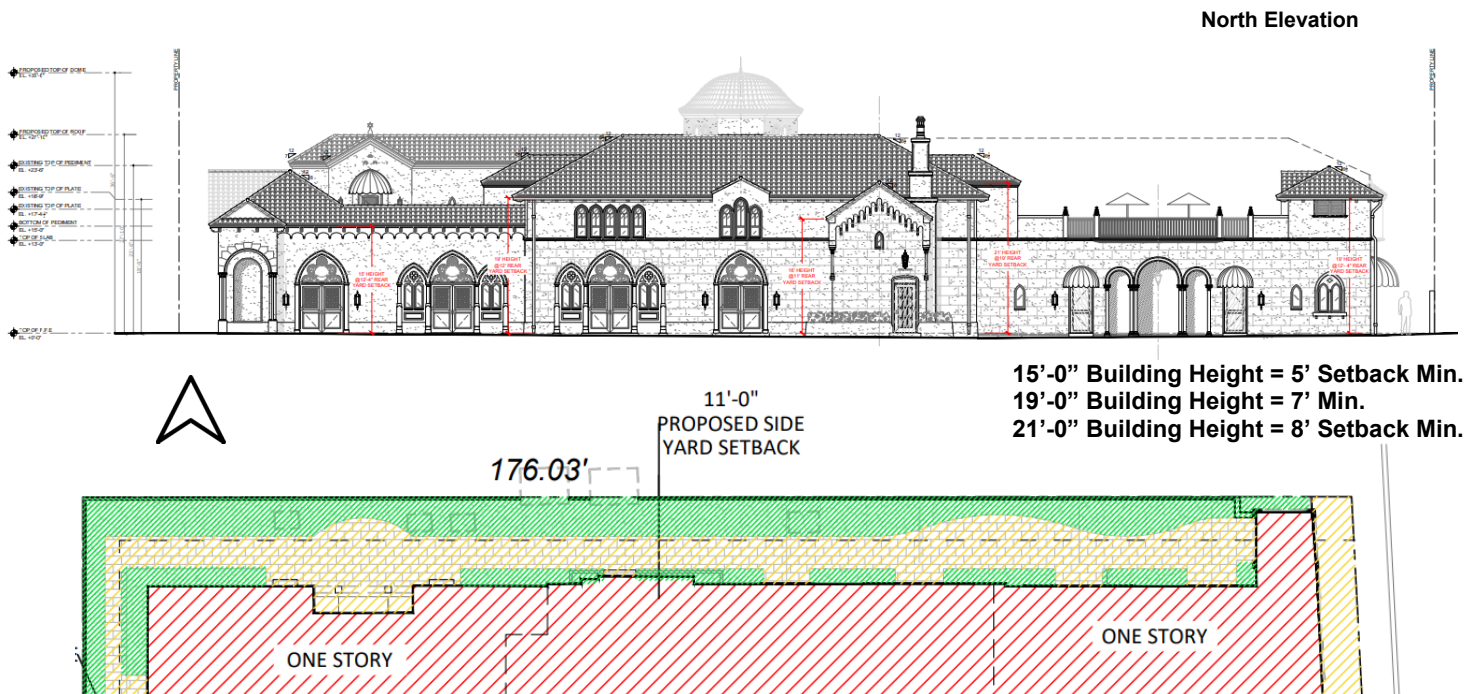
As it pertains to **Variance #7**, to not provide one required loading space for the religious facility, a request is made to grant this variance as the property has been in operation without one for nearly 100 years without a loading space. The code does require a minimum of two (2) dedicated loading berths (12' x 25') on-site for this sized program. If the site plan is approved, a non-dedicated on-site loading space can be provided for off-hours loading service that does not conflict with event operations and the proposed parking. Otherwise, the facility can utilize one of the existing

designated commercial loading spaces shown below located to the west of the subject property along Sunset Avenue.



Red Loading Zones are to the west of the site in front of 223 Sunset Avenue.

As it pertains to **Variances #8 and #9** to the reduced setback requirement along the two frontages. **Variance #8** to reduce the minimum required side yard (north) setback from 1.8' in lieu of the required setback of 8'. A portion of the non-landmarked façade on the northeast corner will be preserved. However, due to the overall demolition of the building greater than 50%, the existing setback of 1.8' in this area must be retested. The additions will provide a setback of 11 feet on the north side of the property. Since portions of the addition, exceed a height of 15 feet, an increased from the minimum 5-foot setback is required of one foot for each two feet of building height. Therefore, the variance will only impact the preserved section of the building. Based on building heights, the required setback ranges from 7' to 8'.



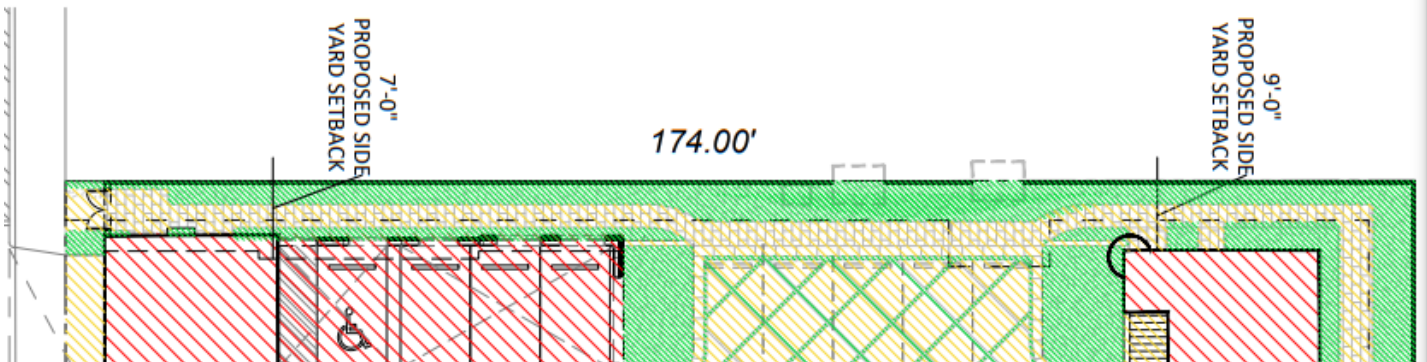
Variance #9 to reduce the minimum required rear yard (west) setback ranging from 7' in lieu of the required setback of 13'. The additions will provide a setback that ranges from 7' to 9'. An increased setback above 15 feet of height also applies to the rear setback areas, however, the

minimum setback here is 10 feet. Based on building heights, the required setback ranges from 12.166' to 13'.

West Elevation

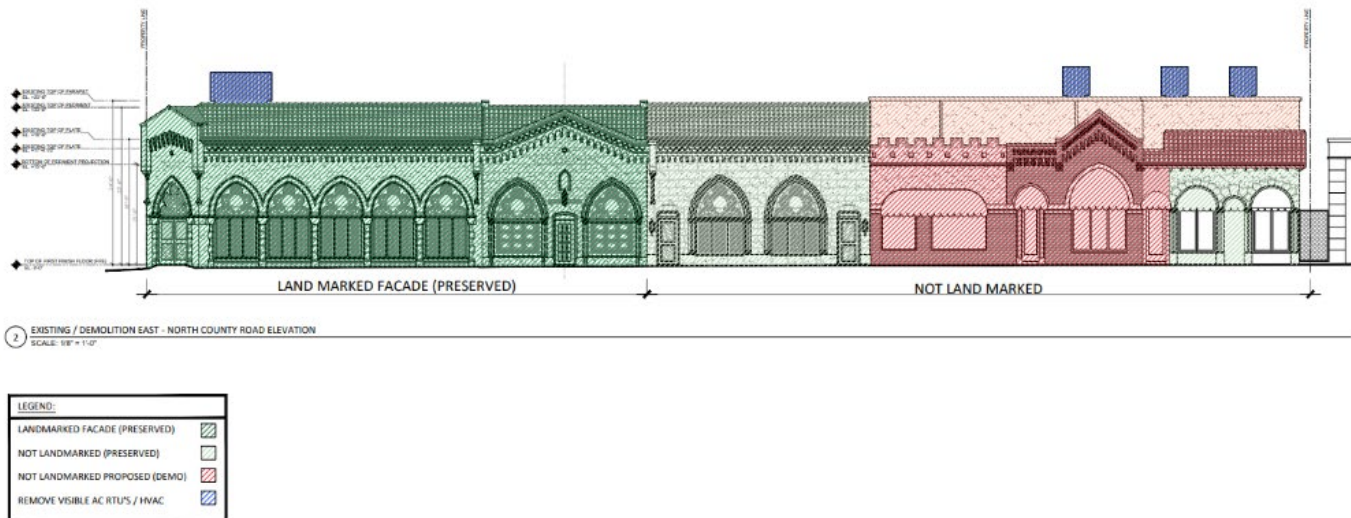


15'-0" Building Height = 10' Setback Min.
 19'-0" Building Height = 12' Min.
 19'-4" Building Height = 12.166' Min.
 21'-0" Building Height = 13' Setback Min.



In short, while the overall design of the proposal has been properly executed, based on the combination of certain variance requests, this appears to be a case of too much program being requested on this property. The proposal is for an immense facility that encompasses 36,815 SF of gross floor area. Yet, the 3,600 SF synagogue accounts for less than 10% of that amount—leaving over 30,000 SF of building to ancillary other areas such as social halls, faculty offices, and classrooms, lounges and flex spaces. And only provides for roughly 15% of the required parking. As proposed, staff would suggest a redesign of many components of the project to minimize the variance requests, lessen the overall size of the proposal, and reduce those threshold amounts where requested as enumerated above.

HISTORIC PRESERVATION



As outlined in the historic portion of this memorandum, only two (120 and 122 North County Road) of the five Kitchell buildings were landmarked, and only specific thresholds of their facades were protected. These buildings are significant historic resources in the Town of Palm Beach with a prominent location at the northwest corner of North County Road and Sunset Avenue. The proposal preserves the landmarked facades and portions of non-landmarked facades at 124-126, and 132 N County Rd. The proposal respects the landmark's architecture with articulation that sets the additions back on Sunset Avenue and steps back the majority of the second floor from the first-floor massing along North County Road. The fenestration pattern is well thought out. The additions utilize architectural features and materials in a manner that is complimentary to the existing synagogue as well as Palm Beach in general. Once again, from a design standpoint this proposal is a success.

TRAFFIC REVIEW

The applicant has submitted a Traffic Impact Statement, completed by Simmons & White. The Corradino Group has performed three (3) rounds of peer review. The latest peer review will be provided to the Mayor and Town Council.

The Comprehensive Plan provides for the various Levels of Service within the Town, and the Transportation Levels of Service are found in the Transportation Element. Chapter 30, Consistency and Concurrency Management Systems, codify these Levels of Service and require the identified Levels of Service for transportation (traffic), sanitary sewer, solid waste, drainage, potable water, and recreation / open space. In the case of transportation (traffic) concurrency, commercial redevelopment is exempt from concurrency determinations if there is no increase in the intensity of use of the property from that prior to redevelopment (Chapter 30, Section 30-74(a)(2)). Intensity of use is defined in Chapter 134, Section 134-172(4)(b) as "including, but not limited to, increased tenant square footage, increased seating, increased off-street parking demand, and increased hours of operation of a special exception use." As this Application appears to be meeting one or more of the listed intensities of use details found in 134-172(4)(b), this project is not exempt from traffic concurrency.

Simply stated, Chapter 30 provides the review process for development projects. This Application must comply with Chapter 30, as it is not exempt from the process. The segment of N County Rd

adjacent to the Palm Beach Synagogue property has a Level of Service designation of “D”. Knowing this, the question is whether the proposed changes place more vehicles into the available capacity of the roadway to a point that the existing Level of Service “D” would worsen to a Level of Service “E” or “F”? And if the introduction of additional vehicles into the available capacity of the roadway negatively affects the Level of Service to a lower designation, the Applicant must participate in the Proportionate Fair Share Program with the Town, required by and in a manner consistent with Florida Statute 163.3180.

CONCLUSION:

Approval, approval with conditions, or denial of the project will require multiple motions to be made by the Town Council. There are:

- three (3) separate Special Exception requests; and
- one (1) Site Plan Review;
- nine (9) Variance requests; and
- one (or more) Declaration of Use Agreement(s).

All of the requests can be approved or denied in whole, partially or individually.

WRB: JGM: JHD: FHM: AF