



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

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

SUBJECT: ZON-22-005 (COA-21-017)
720 S OCEAN BLVD

MEETING: January 12, 2022

ZON-22-005 (COA-21-017) 720 S OCEAN BLVD (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, 720 South Ocean Boulevard Land Trust (Paul A Krasker, Trustee), has filed an application requesting Town Council review for a Special Exception with Site Plan Review for the construction of a beach cabana structure, swimming pool, and related site work East of S Ocean Blvd in the Beach Area Zoning District.

LANDMARKS NOTICE

COA-21-017 (ZON-22-005) 720 S OCEAN BLVD (COMBO). The applicant, 720 South Ocean Boulevard Land Trust (Paul A Krasker, Trustee), is requesting approval of a Certificate of Appropriateness for the demolition of an existing beach cabana and associated hardscape and the construction of a new beach cabana, pool, and hardscape and landscape improvements east of South Ocean Boulevard, and hardscape and landscape alterations west of South Ocean Boulevard. The Special Exception with Site Plan Review portion of the application will be reviewed by Town Council.

Applicant: 720 S Ocean Blvd Land Trust (Paul A. Krasker, Trustee)
Professional: MP Design & Architecture / Nievera Williams Design
Representative: Maura Ziska, Esq.

HISTORY:

At the June 2021 meeting, the LPC approved Certificate of Appropriateness COA-022-2021 for renovations and additions to the structure on the main parcel and made a positive recommendation to Town Council on variances related to the proposal, pursuant to Z-21-00345 on August 11, 2021 that included to include a new 486 square foot pool cabana and a 283 square foot second story addition. The third story variance requests to add onto the nonconforming third story, building height and third story north side yard setback variances were withdrawn from the original request. Approved variances:

1. A north side yard setback ranging from 2.6 feet to 5.9 feet for the 2nd story addition in lieu of the 15 foot minimum required.
2. A north side yard setback of 4.9 feet for the pool cabana in lieu of the 15 foot minimum required.

At the December 22, 2021 LPC meeting, an application for the construction of a beach cabana structure was approved (7-0) for the application, pursuant to COA-21-017. While the overall location, size and configuration of the beach cabana was approved as proposed, but Commission deferred the overall final design details and architectural treatment of the exterior for review and approval at the February 16, 2022 LPC meeting. This does not preclude the item from being acted upon for the Special Exception request by Town Council.

THE PROJECT:

The applicant has submitted plans, entitled "720 S. OCEAN BLVD", as prepared by **Nievera Williams Design**, dated November 01, 2021.

The following is the scope of work:

- Demolition of existing beach cabana and associated hardscape on beach parcel
- Proposed construction of a new cabana, pool, and associated hardscapes on beach parcel
- Proposed plantings on beach parcel
- Hardscape and landscape adjustments to main parcel

The following Special Exceptions with Site Plan Review is required to complete the project:

- Sec. 134-840: Special Exception with Site Plan Review to allow the construction of a 437 square foot beach cabana in the R-A/B-A Zoning District.

Site Data			
Zoning District	R-A Estate Residential B-A Beach Area	Lot Size (sq ft)	53578
Future Land Use	SINGLE-FAMILY	Total Building Size (sq ft)	437 Sq. Ft. (Cabana)
C-O-R	17' NAVD	Flood Zone	VE 10' NAVD (Beach Parcel)
Finished Floor Elevation	15.25' NAVD	Max Fill	N/A
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	25% max	28.1%	N/C
Building Height	8' max	N/A	8'
Overall Building Height	12' max	N/A	11'-2"
Point of Measure	N/A	N/A	15.25' NAVD
Landscape Open Space (LOS)	50% min	37.66%	42.9%
Native Plant Species %	25% min	N/A	29%
Cubic Content Ratio (CCR)	N/A	N/A	N/A

*If value is not applicable, N/A

*If value is not changing, N/C

Surrounding Properties / Zoning	
North	1926 Single-Family Residence (Attached)
South	1925 Single-Family Residence

East	Atlantic Ocean
West	1930 Single-Family Residence

SPECIAL EXCEPTION CRITERIA SEC. 134-229

The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.
- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
- (6) The use will comply with all elements of the comprehensive plan.
- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.
- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.
- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition,

adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

- (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

SITE PLAN REVIEW CRITERIA SEC. 134-329

Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.
- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.
- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.
- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.
- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.
- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.
- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **cabana use** is **consistent** with the **SINGLE-FAMILY** designation of the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the Town code. The proposal was unanimously approved by the Landmarks Preservation Commission.

STAFF ANALYSIS

The application is for review new beach cabana and accompanying pool, along with minor improvements to the hardscape and planting plan on the main parcel. There are no modifications to the main house structure as part of this application. One beach house structure is permitted with a special exception review by Town Council. The proposed beach house structure has been oriented to minimize impact on the neighbors, including views. Staff has no concerns with the proposal.

While the overall location, size and configuration of the beach cabana was approved by LPC as proposed, but Commission deferred the overall final design details and architectural treatment of the exterior for review and approval at the February 16, 2022 LPC meeting. This does not preclude the item from being acted upon for the Special Exception request by Town Council.