

# TOWN OF PALM BEACH

Information for Town Council Meeting on: January 12, 2022

---

To: Mayor and Town Council

From: Wayne Bergman, Planning, Zoning & Building Director

Re: Consideration of an Application of Blossom Way Holdings, LLC, to Replat Lots 1-6; Relocate the 8 foot wide Pedestrian Beach Access Easement to the North Side of Proposed Lot 6; Eliminate the Limited Access Easement (LAE) along the East Side of South Ocean Boulevard; Abandon the Private Road Known as Blossom Way, in the Replat of the Blossom Estate; and to Create a Pedestrian Beach Access Easement Across the North Property Line of Property Currently Known as 60 Blossom Way

Date: January 3, 2022

---

## **STAFF RECOMMENDATION**

Staff recommends that the Town Council require the applicant to replat the subject property as it is intended to be redeveloped.

## **GENERAL INFORMATION**

The applicant originally applied in December 2019 to replat a portion of the Replat of the Blossom Estate subdivision consisting of 6 platted residential lots; the Blossom Way private right-of-way; the Limited Access Easement; and another acquired unplatted piece of property known as 60 Blossom Way on the east side of South Ocean Boulevard. The original replat was to create two large platted lots that fronted onto South Ocean Boulevard; move the pedestrian beach access easement to the north side of the proposed replat that incorporated property known as 60 Blossom Way; and abandon Blossom Way and the Limited Access Easement (L.A.E.) along South Ocean Boulevard. The applicant was intending to build two large estate homes on those two lots.

The replat application was postponed for some time to fulfill consent requirements, including written authorization from all property owners within the subdivision. It was subsequently determined by the Town Attorney that the last outstanding written authorization from all property owners within the plat was not necessary as Blossom Way and the platted beach access easement are dedicated to the Homeowners Association. The Association has provided written consent.

When this was rescheduled to be placed on the Council agenda, the applicant revised the proposed replat to simply eliminate the road (Blossom Way) and the L.A.E., and incorporate the abandoned road into the existing 6 lots. The proposed replat no longer includes the unplatted piece of property known as 60 Blossom Way. The applicant is still intending to

only build two large estates by replatting without the road and land locking three lots. The intent is to simultaneously combine the newly platted lots with two unity of title agreements to create the two large estates.

The applicant does not want to follow staff's recommendation to replat the subject property into the two larger lots as originally submitted. The reasoning is that there are no specific subdivision regulations that require access to platted lots and that by unifying newly platted lots accomplishes the same outcome. The Town Attorney has also opined that this method of platting is acceptable provided that unity of title agreements are entered into to create two lots after the property is replatted.

However, staff asserts that this is not good land planning practice. The purpose of platting a property is to ensure that platted lots comply with zoning regulations and create necessary easements and roads to service those lots. While the applicant has received consent for all of the utilities for the replat, Section 110-128 of the Code requires a minimum 5 foot wide easements be reserved at the rear or side of all newly platted lots for utilities and drainage. The Code also requires dedication language on the face of the replat. The proposed replat does not provide those required easements. Staff recommends that the Council require the applicant to replat the property into the two large lots as intended to be developed and provide the required easements. In the alternative, the applicant can seek a variance from the requirements of Chapter 110 for the easements and dedication language.

cc: Kirk Blouin, Town Manager  
Jay Boodheshwar, Deputy Town Manager  
James Murphy, Asst. Director, Planning, Zoning & Building  
Paul Castro, Zoning Manager  
John Randolph, Town Attorney