



**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-22-020 (COA-22-004) 8 S LAKE TRAIL

MEETING: February 09, 2022

**ZON-22-020 (COA 22-004) 8 SOUTH LAKE TRAIL (COMBO)—SPECIAL EXCEPTION.**

The applicant, The Lakeside Trust dated November 19, 2020 (Patrick Emans, Trustee), has filed an application requesting Town Council review and approval for a Special Exception Request approval for driveway gates on a dead end street which do not provide the required vehicle stacking area between pavement and gate. The Landmarks Preservation Commission will perform the design review portion of the application.

**LPC NOTICE:**

**COA-22-004 (ZON-22-020) 8 SOUTH LAKE TRAIL (COMBO).** The applicant, The Lakeside Trust dated November 19, 2020 (Patrick Emans, Trustee), has filed an application requesting a Certificate of Appropriateness approval for the installation of driveway gates and columns. Town Council will review the Special Exception portion of the application.

Applicant: The Lakeside Trust dated November 19, 2020 (Patrick Emans, Trustee)  
Professional: Ferguson & Shamamian Architects  
Representative: Maura Ziska, Esq.

**HISTORY:**

- COA-049-2014: 11/24/14 landscape and hardscape improvements and new pool pavilion.
- COA-21-002: 09/24/21 architectural changes approved.
- COA-21-002: 10/20/21 landscape changes approved.

At the January 19, 2022 LPC meeting, an application was approved (7-0) for the installation of driveway gates, pursuant to COA-22-004.

**THE PROJECT:**

The applicant has submitted plans, entitled "ADDITIONS AND ALTERATIONS TO 8 SOUTH LAKE TRAIL", as prepared by **Ferguson & Shamamian Architects**, dated 12/06/2021.

The following is the scope of work for the existing two-story residence:

- The installation of two sliding gates.

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

- Sec. 134-1668. - Gateposts and gates located in front, street side and rear street yard areas. Gateposts not exceeding three feet in any horizontal dimension may be erected and/or constructed in connection with the erection and/or construction of a wall, fence, or in connection with an existing or proposed hedge. Such gateposts and gates shall not exceed a height of two feet above the maximum wall height permitted in this division. If gates are to be erected at driveway entrances, the gates must be provided with a minimum driveway area in front of and perpendicular to the gates of nine feet wide by 18 feet deep, as measured from the street pavement. For a property with a driveway located on a cul-de-sac or dead-end street, the required setback may be reduced provided it is approved as a Special Exception by the Town Council under the standards of sections 134-227 through 134-233.-

East gate: 12.58 feet in lieu of the 18 foot minimum required;

West gate: 15.95 feet in lieu of the 18 foot minimum required.

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Site Data			
<b>Zoning District</b>	R-A Estate Density Res.	<b>Lot Size (sq ft)</b>	82,701 SF
<b>Future Land Use</b>	SINGLE-FAMILY	<b>Total Building Size (sq ft)</b>	1182 SQ FT (Footprint)
<b>C-O-R</b>	N/A	<b>Flood Zone</b>	N/A
<b>Finished Floor Elevation</b>	N/A	<b>Max Fill</b>	N/A
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	N/A	N/A	N/A
Building Height	N/A	N/A	N/A
Overall Building Height	N/A	N/A	N/A
Front Yard Open Space:	45% OF FRONT YARD (8125 SF)	69.6% (12,565 SF)	Same
Landscape Open Space (LOS)	50% (41,350 SF)	70% (58,146 SF)	70% (58,290 SF)
Native Plant Species %	N/A	N/A	N/A
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	2008 Two-story single-family residence
South	2012 Two-story single-family residence
East	1978 One-story single-family residence
West	Lake Worth Lagoon



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**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

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**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **application** 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 inconsistent with the following sections of the Town code:

- Sec. 134-1668.

East gate: 12.58 feet in lieu of the 18 foot minimum required;

West gate: 15.95 feet in lieu of the 18 foot minimum required.

**STAFF ANALYSIS**

The applicant is proposing to install to sliding gates at the motor court entrance directly off Primavera Avenue for security which will have the following setbacks from the street pavement. The east gate will provide 12.58' of backup and the west gate will provide 15.95' where 18' is required. Since the site is located off of a cul-de-sac, the required setback may be reduced provided if approved as a Special Exception request to be reviewed by Town Council. Staff has no concerns with the application and was approved unanimously by the LPC.