

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 9, 2022

To: Mayor and Town Council

From: Wayne Bergman, Planning, Zoning & Building Director

Re: Z-20-00318, 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 31, 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. While the Town Attorney had previously determined that the last outstanding written authorization from all property owners within the plat was not necessary, there remains a question as to whether that authorization is needed or not, the homeowners 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 proposed replat is attached. The

applicant is still intending to only build two large estates by replatting without the road and land locking three lots. The proposed beach access easement is on the north side of the proposed replat and runs through the unplatted piece of property owned by the applicant. The proposed beach access easement for that piece of property is attached. The intent is to simultaneously combine the newly platted lots with two unity of title agreements to create the two large estates.

A second revised replat was filed following the January 12, 2022 Council meeting. The newest replat now includes the required easements for utilities and drainage on the side or rear of the proposed six lots. This addition satisfies Section 110-128, Easements, in Chapter 110, Subdivisions, and removes the need for any variances from Chapter 110.

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. The applicant has received consent for all of the utilities for the replat, and as stated above, has now provided the required easements. Staff, however, continues to recommend 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. Prior to the proposed replat being executed and recorded, the applicant will be required to enter into a developers agreement to ensure removal of all infrastructure and existing improvements related to the changes made in the replat and provide a letter of credit to ensure that work is completed.

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

