



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

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

FROM: Jennifer Hofmeister-Drew, AICP
Planner III

SUBJECT: ZON-22-107 (COA-22-037)R1 2185 S OCEAN BLVD (COMBO)

MEETING: APRIL 4, 2023

ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)— SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for modifications to a previously approved Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) specifically to include the addition of two pickleball courts and the renovation and alteration of an existing lifeguard station into the approved site plan including variances to reduce setback requirements and to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application.

Applicant: Town of Palm Beach
Professional: Raymond Jungles, Inc, Fairfax, Sammons and Partners, LLC, and Kimley-Horn and Associates, Inc.
Representative: Harvey E. Oyer, III, Shutts and Bowen, LLP, and the Preservation Foundation of Palm Beach

THE PROJECT:

The applicant has submitted plans, entitled "PHIPPS OCEAN PARK", as prepared by Raymond Jungles, Inc., Fairfax, Sammons and Partners, LLC, and Kimley-Horn and Associates Inc., dated March 10, 2023.

The subject property consists of approximately 20.2 acres and is located at the intersection of South Ocean Boulevard and Ibis Way. Phipps Ocean Park maintains 1,203 feet of ocean frontage. The property has a Future Land Use designation of Recreation with a Zoning classification of Low Density Residential (R-B).



Site Data			
Future Land Use	Recreation	Lot Size (SF)	896,700 SF
Zoning District	R-B	Base Flood Elevation	Required: 8 feet Existing: NC Proposed: NC
C-O-R	4.72' NAVD	Flood Zone	Zone X, Zone AE8, and Zone VE-10
Lot Coverage	Required: 269,010 SF (30%) Existing: 15,455 SF (1.72 %) Proposed: 23,181 SF (2.59%)	Zero Datum for point of measurement	P317 – Elevation=17.13” NAVD88
Surrounding Properties / Zoning			
North	2100 Condo at Sloan's Curve/Planned Unit Development (PUD-B) and Beach Area (BA) Zoning District		
South	Reef Condo/Medium Density Residential (R-C) Zoning District		
East	Atlantic Ocean/Beach Area (BA) Zoning District		
West	Ibis Isle Subdivision/ Low Density Residential (R-B) and R-C Zoning Districts		

BACKGROUND:

At the November 16, 2022, Landmark Preservation Commission (LPC) meeting, LPC approved the Certificate of Appropriateness for Phipps Ocean Park Master Plan located at 2185 South Ocean Boulevard with the following conditions made part of the Development Order:

1. Applicant *recommended* to study a 30-foot landscape buffer between the sports courts and neighboring properties and consider a north – south pedestrian sidewalk.
2. Final design of the proposed playground equipment shall be reviewed as a Staff Level Application.
3. The Ocean Bulkhead Variance shall apply to all structures proposed east of the 150 ft. Ocean Bulkhead setback line.

Additionally, the LPC recommended approval of the Special Exception with Site Plan Review and the associated variances.

Subsequently, at the December 13, 2022, Town Council meeting, the Town Council, after hearing all testimony, approved (5-0) the following special exception with site plan review in accordance with Section 134-229 and Section 134-329, items 1-11, as amended with the direction to defer the decision on the pickleball court to the February 14, 2023, Town Council meeting:

1. A Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) in the Low Density Residential (R-B) Zoning District.

Additionally, the following nine (9) Variances were approved (5-0), in accordance with 134-201 of the Town's zoning code:

- **VARIANCES 1 - 5:** Variance requests to reduce the ocean bulkhead setback requirement from 36.25 feet to 111.4 feet in lieu of the 150-foot setback required for proposed structures.
- **VARIANCE 6:** Pavilion #1: Variance request to allow an increase in height and overall height for the one-story beach pavilions by 1.4 feet to 15.4 feet in lieu of the maximum 14 feet.
- **VARIANCE 7:** Pavilion #2: Variance request to allow an increase in height and overall height for the one-story beach pavilions by 1.4 feet to 15.4 feet in lieu of the maximum 14 feet.
- **VARIANCE 8:** Pavilion #3: Variance request to allow an increase in height and overall height for the one-story beach pavilions by 1.5 feet to 15.5 feet in lieu of the maximum 14 feet.
- **VARIANCE 9:** Coastal Restoration Center: Variance request to allow an increase in building height by 0.5 feet to 14.5 feet in lieu of the maximum 14 feet and overall height for the one-story by 6.1 feet to 28.1 feet in lieu of the maximum 122 feet.

At the February 14, 2023, Town Council meeting, the applicant presented options for the number and location of the pickleballs courts to the Town Council. After deliberation and public input, the Town Council approved two (2) pickleball courts, which require variances to the front yard setback and the height for the fence surrounding the courts. Town Council directed staff to proceed with the variance requests.

Subsequently, a request to modify the design of the lifeguard station that conforms with the roof design of the remaining approved structures within the Phipps Ocean Park Master Plan. The proposed roof style exceeds the maximum building height in the R-B zoning district and the lifeguard station is seaward of the Town's Bulkhead Line setback requirement for new structures.

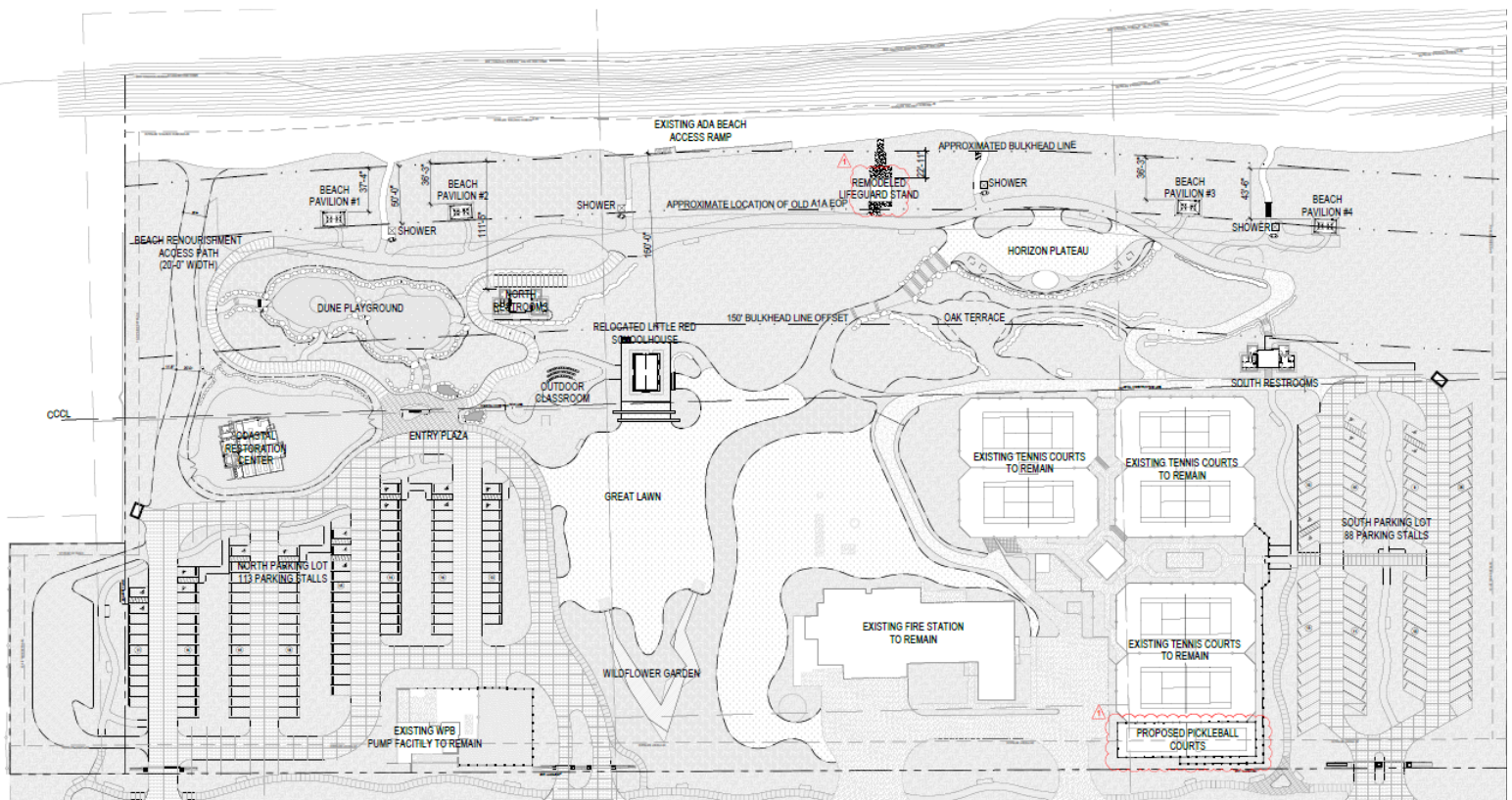
STAFF ANALYSIS

Zoning

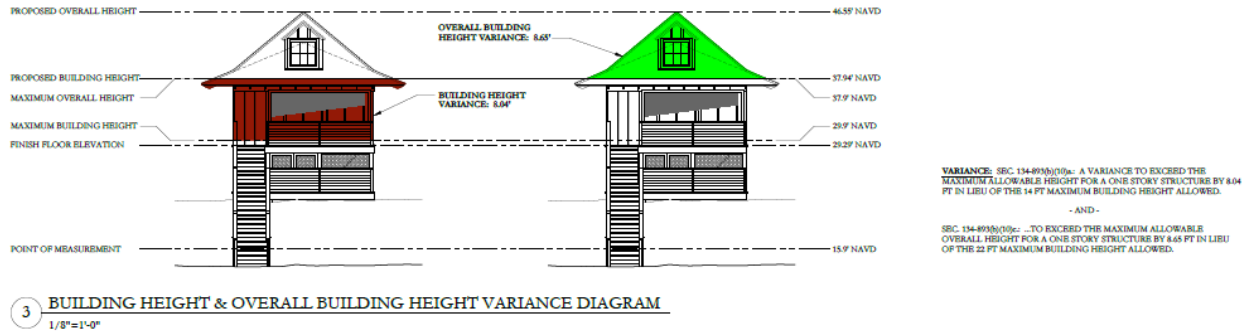
Below is a summary of the subject application with regards to Zoning Code compliance and variance requests.

The table below details the variance requests associated with the subject application.

Code Section	Required	Proposed
Section 134-1702	No structure of any nature that is to be constructed on land situated southward of Southern Boulevard (State Road No. 80) shall be constructed closer than 150 ft. from the designated ocean bulkhead line.	Variance 1: To allow a reduction in the ocean bulkhead line from 150 ft. to 22.9 ft. for a Lifeguard Station (- 127.1 ft.)

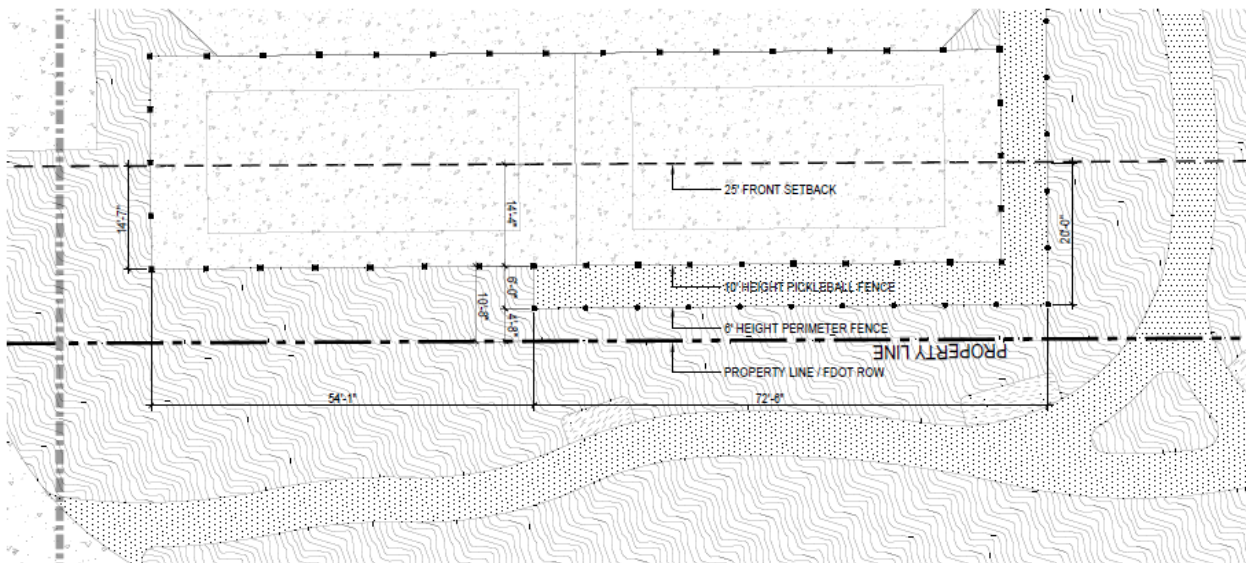


Section 134-893(b)(10)	Height and overall height for one-story buildings, the maximum building height is 14 ft.	Variance 2: To allow an increase in the building height from 14 ft. to 22.04 ft. (+ 8.04 ft.) and overall height from 22 ft. to 30.65 ft. (+ 8.65 ft.) for a Lifeguard Station.
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Section 134-1759(b)	Tennis courts or shuffleboard courts and similar accessory uses, not enclosed by a structure, may be constructed within yard areas, except the required front yard.	Variance 3: A variance to permit a pickleball court within the required front yard with a 10.67 ft. setback, in lieu of the 25 ft. setback required; where tennis courts, shuffleboard courts and similar uses are prohibited. (- 14.33 ft.).
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Section 134-1667(a)	All fences located in a front setback area shall not exceed six feet in height.	Variance 4: A variance to permit a fence in the required front yard to be 10 ft. in height, in lieu of the 6 ft. maximum height allowed, as required to enclose proposed pickle ball courts. (+ 4 ft.).
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Pursuant to Chapter 54, Historical Preservation, it is the purpose and intent of the LPC to enforce as a matter of public policy, the protection, enhancement, and perpetuation of properties of special, notable, aesthetic, or architectural character or historic interest or value in the interest of health, prosperity, safety, and general welfare of the people residing within and around the Town. Chapter 54 applies to the Phipps Ocean Park application with regard to the renovation and relocation of the Landmarked Schoolhouse structure, which was approved on December 13, 2022. Additionally, the criteria specified in Code Section 54-122, which speaks to new construction. As proposed, the new construction under review includes the proposed Coastal Restoration Center (CRC), new bathrooms, and new beach pavilions. Below are the standards the LPC has been directed to take into consideration for application compliance.

Sec.-54-122

- (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
 - (1) The height, the gross volume, and the proportion between width and height of the facade;
 - (2) The proportions and relationships between doors and windows;
 - (3) The rhythm of solids to voids created by openings in the facade;
 - (4) The materials used in the facade;
 - (5) The texture inherent in the facade;
 - (6) The colors, pattern and trim used in the facade; and
 - (7) The design of the roof.
- (b) Existing rhythm created by existing building masses and space between them should be preserved.
- (c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.
- (d) A new street facade should blend directionally with other buildings with which it is visually related, which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
- (e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

At the March 22, 2023, LPC public meeting, the Commission approved the overall design of the project (7-0) in accordance with the aforementioned criteria and recommended the approval of the proposed variances (7-0).

WRB/JGM/JHD