

PLANNING AND ZONING BOARD
Regular Meeting
January 25, 2023
6:30pm
247 Edwards Lane / Palm Beach Shores, FL 33404

Chairman Jerald Cohn
Vice Chairman Tim Blash

Member Kevin Banks
Member Tony Lembo
Member Steve Smith
Alternate Member Tom Martin
Alternate Member Weston Gracida

Town Attorney Mitty Barnard
Josh Nichols, Zoning Official
Rob Rennebaum, Engineer
Town Clerk Jude M. Goudreau

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m51fc7f7bd377717456bf0a86f75dd1fc>

Meeting number: 2633 939 4632

Password: 0125

Join by phone: +1-408-418-9388 United States Toll

Access code: 2633 939 4632

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll call

2. APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

3. CONSENT AGENDA:

- Approval of the November 16, 2022 Planning & Zoning Board Meeting Minutes.
- Approval of the November 30, 2022 Planning & Zoning Board Meeting Minutes.
- Approval of the December 21, 2022 Planning & Zoning Board Meeting Minutes.

4. ACTION ITEMS:

None

5. PUBLIC COMMENT:

6. DISCUSSION ITEMS:

- a. Discussion of Code revision regarding artificial turf (*by Zoning Official Josh Nichols*).

7. ADJOURNMENT:

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

**PLANNING AND ZONING BOARD
SPECIAL MEETING
MINUTES
November 16, 2022**

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Chairman Jerald Cohn. The meeting was held in the Commission Chambers of Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

Town Clerk Jude Goudreau called the roll, and those present were Chairman Jerald Cohn, Member Steven Smith, Member Tony Lembo, Member Kevin Banks and Alternate Weston Gracida. Also present were the Town Attorney Mitty Barnard and Zoning Official Josh Nichols.

2. APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

MOTION: Member Kevin Banks made a motion to approve the meeting agenda as written.

SECOND AND VOTE: Member Tony Lembo seconded the motion, which passed unanimously by those present.

3. ACTION ITEMS:

- a. SPM22-11/AAR22-11,** Kannega Glades LLC, Owner of 123 Ocean Avenue 101, requests Site Plan Modification **VAR22-03,** Kannega Glades LLC, Owner of 123 Ocean Avenue 101, requests Variance Review to allow for a variance from Pf. 8.3 to allow for the top of beam to be at 68 feet where Town Code limits the beam height to 63 feet measured from the grade elevation, a variance of 5 feet.

Applicants were sworn in by Town Attorney Mitty Barnard.

MOTION: Member Tony Lembo made a motion to recommend approval of VAR22-03.

SECOND AND VOTE: Alternate Weston Gracida seconded the motion. Motion carried 4 - 1 with Member Kevin Banks dissenting.

4. PUBLIC COMMENT: None

5. DISCUSSION ITEMS: None

6. ADJOURNMENT:

MOTION, SECOND AND VOTE: Member Kevin Banks moved to adjourn the meeting with Member Steven Smith seconding the motion, which passed unanimously. The meeting was adjourned at 6:09 p.m.

APPROVED this ____ day of _____, 2022.

ATTEST:

Jude Marie Goudreau, Town Clerk

Jerald Cohn, Chairman

(Seal)

**PLANNING AND ZONING BOARD
REGULAR MEETING
MINUTES
November 30, 2022**

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Jerald Cohn. The meeting was held in the Commission Chambers of Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

Town Clerk Jude Goudreau called the roll, and those present were Chairman Jerald Cohn, Vice Chairman Tim Blash, Member Tony Lembo, and Member Kevin Banks. Also present were the Town Attorney Mitty Barnard, Town Engineer Rob Rennebaum, and Zoning Official Josh Nichols.

2. APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

MOTION: Member Kevin Banks made a motion to approve the meeting agenda as written.

SECOND AND VOTE: Vice Chairman Tim Blash seconded the motion, which passed unanimously by those present.

3. CONSENT AGENDA:

Approval of the October 26, 2022, Planning and Zoning Board Meeting Minutes.

Approval of the October 26, 2022, Local Planning Agency Meeting Minutes.

MOTION: Member Kevin Banks made a motion to approve the consent agenda as written.

SECOND AND VOTE: Vice Chairman Tim Blash seconded the motion, which passed unanimously by those present. 4-0

4. ACTION ITEMS:

- a. **SPM22-11/AAR22-11**, Kannega Glades LLC, Owner of 123 Ocean Avenue 101, requests Site Plan Modification and Architectural and Aesthetic Review to demolish the existing building and construct an 88,841 square foot, 6-story building with twenty-four (24) upscale residential units with associated depressed/underground parking, pool and pool deck, and associated landscaping on the property.

The Applicants were sworn in by Attorney Mitty Barnard. The Applicants provided a slide show and video of the proposed site. Kathleen McGrahan commented on the extermination of rodents prior to removing the existing building. Ray Woloszak questioned the maturity of the trees being planted. Mark Ward questioned the age of the trees at the time of the planting.

MOTION: Member Kevin Banks made a motion to approve SPM22-11/AAR22-11 with the following conditions seventeen (17) conditions;

1. Final engineering plans and calculations must be submitted with the Building Permit application package.
2. Site to be graded to ensure that no stormwater runoff flows to adjacent properties.
3. Engineer shall be responsible for insuring the drainage improvements are completed in substantial accordance with the approved plan.
4. Prior to C.O., Engineer to provide final signed and sealed as-builts and Engineer's Certification that the drainage improvements and grading have been completed in substantial accordance with the approved plan.
5. Upon receipt of final Certification from Engineer, Town Engineer to visit site and insure conformance of Town requirements prior to issuance of final C.O.
6. Prior to issuance of a building permit, revise sheet A-101 to depict required handicapped spaces.
7. Prior to issuance of a building permit, revise Development Application pg. 7 and plans to reflect 51 spaces as shown (rather than 48 as noted).
8. Prior to issuance of a building permit, revise Development Application pg. 7 to reflect grade elevation of 11.25 (rather than 11.75 as noted).

9. Prior to issuance of a building permit, revise Site Plan and applicable support documents to indicate the location for dumpster and enclosure which is readily accessible to the Town's solid waste franchisee pursuant to Code Section 38-3.
10. Prior to issuance of building permit, revise all plans and elevations to reflect no more than 5% architectural features above roof height including safety railings.
11. Prior to issuance of a building permit, record approved Plat.
12. Prior to issuance of a building permit, record approved Memorandum of Understanding.
13. Prior to issuance of a building permit, record approved Drainage Easement and Maintenance Agreement.
14. Prior to issuance of a building permit, prepare and submit an Access and Use Easement Agreement for Private Road No. 1 to be approved in form by the Town Attorney prior to recording.
15. Prior to issuance of a building permit, provide Town with recorded condominium covenants and conditions as approved by the Town Attorney.
16. Prior to issuance of a building permit, provide the Town with the revised roof plan showing the revised railings/safety barriers.
17. Prior to issuance of a building permit, provide the Town with an updated landscape plan depicting revised landscaping to provide code compliant visibility triangles at the egress onto Private Road No. 1.

SECOND AND VOTE: Member Tony Lembo seconded the motion, which passed unanimously by those present.4-0.

5. PUBLIC COMMENT: None

6. DISCUSSION ITEMS:

- a. Discussion of code revision to address pool dewatering *(by Chairman Jerald Cohn)*.

The Board discussed potential code revisions and directed staff to bring back samples and recommendations.

7. ADJOURNMENT:

MOTION, SECOND AND VOTE: Member Kevin Banks moved to adjourn the meeting with Vice Chair Tim Blash seconding the motion, which passed unanimously. The meeting was adjourned at 7:36 p.m.

APPROVED this ____ day of _____, 2022.

ATTEST:

Jude Marie Goudreau, Town Clerk

Jerald Cohn, Chairman

(Seal)

**PLANNING AND ZONING BOARD
REGULAR MEETING
MINUTES
December 21, 2022**

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Jerald Cohn. The meeting was held in the Commission Chambers of Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

Town Clerk Jude Goudreau called the roll, and those present were Chairman Jerald Cohn, Vice Chairman Tim Blash, Member Steven Smith, and Member Kevin Banks. Also present were the Town Attorney Mitty Barnard, Town Engineer Rob Rennebaum, and Zoning Official Josh Nichols.

2. APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

MOTION: Member Kevin Banks made a motion to approve the meeting agenda as written.

SECOND AND VOTE: Member Steven Smith seconded the motion, which passed unanimously by those present.

3. ACTION ITEMS:

- a. SPR22-17/AAR22-17**, NCJ Partners, LLC, as Owner of the vacant lot on Sandal Lane (131) with PCN 54-43-42-27-04-000-3430, requests Site Plan and Architectural & Aesthetic Approval to construct a new single-story residence with pool, pool deck and associated landscaping on the property.

MOTION: Member Kevin Banks made a motion to approve SPR22-17/AAR22-17 with the following eight (8) conditions;

1. Drainage and grading plan and drainage calculations shall be submitted to the Town Engineer for approval prior to building permit issuance;
2. Yard areas/site to be graded to ensure that no stormwater runoff flows to adjacent properties;
3. Engineer shall be responsible for insuring the drainage improvements are completed in substantial accordance with the approved plan;
4. Prior to C.O., Engineer to provide final signed and sealed certification that the drainage improvements and grading have been completed in substantial accordance with the approved plan;
5. Upon receipt of final Certification from Engineer, Town Engineer to visit site and insure conformance of Town requirements prior to issuance of final C.O.;
6. No discharge from pool dewatering will be permitted to leave the site unless directed by hose to an existing catch basin. Contractor to insure no water from dewatering operations is allowed to stand on Town roads;
7. Applicant shall provide a complete set of revised application documents and plans in paper and electronic form prior to building permit issuance; and
8. Applicant shall revise the Landscape Plan and all applicable plans to depict the agreed to modifications to the onsite landscaping which include moving the fence along Atlantic Avenue further inside the property boundary to accommodate the proposed hedge on the outside of the fence but within the property boundary, the installation of three (3) Sabal palms within the 10' Town Strip along Atlantic Avenue and buffering of the FPL transformers with landscaping.

SECOND AND VOTE: Member Steven Smith seconded the motion, which passed unanimously by those present.4-0

4. PUBLIC COMMENT:

5. DISCUSSION:

- a.** Discussion of code revision to address pool dewatering (*by Chairman Jerald Cohn*).

The Board discussed the proposed revisions and directed staff to bring back proposed revisions.

b. Discussion of Code Revision for Zoning District “D” beam height (*by Chairman Jerald Cohn*).

The Board discussed the proposed revisions and directed staff to bring back proposed revisions.

6. ADJOURNMENT:

MOTION, SECOND AND VOTE: Member Kevin Banks moved to adjourn the meeting with Vice Chair Tim Blash seconding the motion, which passed unanimously. The meeting was adjourned at 7:36 p.m.

APPROVED this ____ day of _____, 2022.

ATTEST:

Jude Marie Goudreau, Town Clerk

Jerald Cohn, Chairman

(Seal)

ORDINANCE NO. O-1-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING ORDINANCE. AT PF. 8.3. BUILDING HEIGHT., TO ELIMINATE THE TOP OF BEAM RESTRICTION FOR BUILDINGS IN ZONING DISTRICT D; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, currently Pf. 8.3 of the Town Code establishes both a maximum building height and maximum top of beam for buildings constructed in Zoning District D; and

WHEREAS, unlike the other Zoning District, there are no roof pitch requirements and flat roofs are not prohibited or limited within Zoning District D; and

WHEREAS, the current top of beam restriction discourages the use of modern building design and architecture; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores believes these amendments to the Town's Zoning Code are in the best interest of the health, safety and welfare of the Town, its citizens, and all those doing business with the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Appendix A. Zoning Ordinance. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section VIII. District D Regulations., Pf. 8.3.- Building height. To eliminate the top of beam restriction for buildings in Zoning District D; providing that Pf. 8.3. shall hereafter read as follows:

Pf. 8.3. - Building height.

- a. The maximum height of any building in this district that does not utilize underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure shall be sixty-six (66) feet ~~and the top of the beam shall not exceed sixty-one (61) feet~~ measured from the grade elevation.

- b. The maximum height of any building in this district that utilizes underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure shall be sixty-eight (68) feet ~~and the top of the beam shall not exceed sixty-three (63) feet~~ measured from the grade elevation.
- c. No building shall have more than six (6) stories.
- d. The maximum height of any accessory building in this district shall be fifteen (15) feet.
- e. Roof structures for housing elevator machinery, stairwell enclosures, tanks, skylights, chimneys, ventilating fans, receiving antennas, air conditioning equipment and non-habitable architectural features shall be permitted above the applicable height limit. Such structures shall not be greater in height and area than required to house such equipment, and such architectural features shall comply with section 14-87, Review criteria for architectural and design features. The total roof area of such roof structures shall not be greater than five (5) percent of the roof area of the building on which they are erected. Under no circumstances shall such roof structure be used or equipped for storage or habitation of any kind. All roof structures shall be shown on the original building plans submitted for approval.

Section 2: Each and every other section and subsection of Appendix A. Zoning Ordinance. shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of February, 2023.

SECOND AND FINAL READING this ____ day of March, 2023.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Jude Goudreau, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney

PLANNING AND ZONING BOARD
Sitting as the
Local Planning Agency
Regular Meeting
January 25, 2023
Immediately following the Planning and Zoning Meeting.
247 Edwards Lane / Palm Beach Shores, FL 33404

Chairman Jerald Cohn
Vice Chairman Tim Blash

Member Kevin Banks
Member Tony Lembo
Member Steve Smith
Alternate Member Tom Martin
Alternate Member Weston Gracida

Town Attorney Mitty Barnard
Josh Nichols, Zoning Official
Rob Rennebaum, Engineer
Town Clerk Jude M. Goudreau

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m51fc7f7bd377717456bf0a86f75dd1fc>

Meeting number: 2633 939 4632

Password: 0125

Join by phone: +1-408-418-9388 United States Toll

Access code: 2633 939 4632

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll call

2. APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

3. MISCELLANEOUS BUSINESS:

a. ORDINANCE NO. O-1-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING ORDINANCE. AT PF. 8.3. BUILDING HEIGHT., TO ELIMINATE THE TOP OF BEAM RESTRICTION FOR BUILDINGS IN ZONING DISTRICT D; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. PUBLIC COMMENT:

5. ADJOURNMENT:

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

PLANNING AND ZONING BOARD
Sitting As
Town Infrastructure Surtax Citizen Oversight Committee
Regular Meeting
January 25, 2023
Immediately following the Local Planning Agency Meeting.
247 Edwards Lane / Palm Beach Shores, FL 33404

Chairman Jerald Cohn
Vice Chairman Tim Blash

Member Kevin Banks
Member Tony Lembo
Member Steve Smith
Alternate Member Tom Martin
Alternate Member Weston Gracida

Town Attorney Mitty Barnard
Josh Nichols, Zoning Official
Rob Rennebaum, Engineer
Town Clerk Jude M. Goudreau

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m51fc7f7bd377717456bf0a86f75dd1fc>

Meeting number: 2633 939 4632

Password: 0125

Join by phone: +1-408-418-9388 United States Toll

Access code: 2633 939 4632

1. **CALL TO ORDER:**
 - a. Roll call
2. **APPROVAL OF MEETING AGENDA:** (Additions, substitutions, deletions)
3. **MEETING AGENDA:**
 - a. Discussion of the 2021-2022 Town Infrastructure Surtax Expenditure Report
4. **PUBLIC COMMENT:**
5. **ADJOURNMENT:**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

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Town of Palm Beach Shores
Discretionary Sales Tax PBC

Accumulated (unspent) Discretionary Sales Tax as of 9/30/17	\$ 49,955.01
Accumulated (unspent) Discretionary Sales Tax as of 9/30/18	\$ 119,434.60
Accumulated (unspent) Discretionary Sales Tax as of 9/30/19	\$ 207,613.87
Accumulated (unspent) Discretionary Sales Tax as of 9/30/20	\$ 291,486.47
Accumulated (unspent) Discretionary Sales Tax as of 9/30/21	\$ 387,432.10

Current Year Receipts:

Date of Receipt	Period	
11/29/2021	October 2021	\$ 7,419.45
12/27/2021	November 2021	\$ 7,715.47
1/27/2022	December 2021	\$ 8,353.45
2/18/2022	2021 Q4 adjustment	\$ 4,579.19
2/28/2022	January 2022	\$ 10,259.20
3/28/2022	February 2022	\$ 8,235.02
4/27/2022	March 2022	\$ 8,675.62
5/13/2022	2022 Q1 adjustment	\$ 5,196.87
5/27/2022	April 2022	\$ 9,654.39
6/24/2022	May 2022	\$ 8,844.21
7/27/2022	June 2022	\$ 8,288.80
8/5/2022	2022 Q2 adjustment	\$ 4,626.41
8/24/2022	July 2022	\$ 8,071.54
9/26/2022	August 2022	\$ 7,617.71
10/27/2022	September 2022	\$ 8,097.09
11/7/2022	2022 Q3 adjustment	\$ 4,758.40
Total current year receipts		\$ 120,392.82

Current Year Expenditures:

\$ -

Accumulated (unspent) Discretionary Sales Tax as of 9/30/22	\$ 507,824.92
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