

PLANNING AND ZONING BOARD
Special Meeting
November 16, 2022
5:30 pm
247 Edwards Lane / Palm Beach Shores, FL 33404

Chairman Jerald Cohn
Vice Chairman Tim Blash

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

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

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m99ee300c5ece7380f45e3d0ee82cd6a0>

Meeting number: 2639 042 5258 Password: 1116 Join by phone +1-408-418-9388 United States Toll
Access code: 2639 042 5258

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll call

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

3. ACTION ITEMS:

- a. **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.

4. PUBLIC COMMENT:

5. DISCUSSION ITEMS:

None

6. ADJOURNMENT:

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission 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 ensure 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.



Lobby Area	04 one bedroom units.
2nd.- 6th. Floor	20 units with 3 bedrooms
Total:	20+04=24 units
Parking provided with 03 ADA parking	
Required.	44.
Provided	48 underground & 3 above ground

DRAWING INDEX	
G-000	COVER SHEET
A-001	BASEMENT
A-002	SITE PLAN (1ST FLOOR PLAN)
A-003	2ND - 6TH FLOOR PLAN
A-004	ROOF PLAN
A-005	SECTIONS
A-006	ELEVATION
A-007	ELEVATION



5755 DUPREE DRIVE
ATLANTA, GA. 30327 404.503.5000



D'Antonio International

Issue Dates:	
#	DATE
	ISSUE
	2022.03.10
	2022.09.11

Project:

Condominium
Complex

123 S Ocean Ave.
Palm Beach Shores,
Florida 33404

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SCHEMATIC DESIGN


Sheet Title:

COVER SHEET

Job Number:	22008	G-000
Scale:	1/8" = 1'-0"	
Drawn:		
Checked:		
Date:	2022.09.11	

NOT RELEASED FOR
CONSTRUCTION

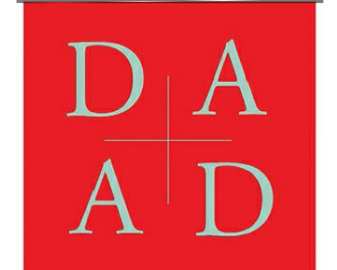


 **BASEMENT**
SCALE: 1/8" = 1'-0"
(49 CAR PARKING) ALL CARS HAVE ELECTRIC CHARGING

EV CHARGING FOR ALL CARS



5755 DUPREE DRIVE
ATLANTA, GA. 30327 404.503.5000



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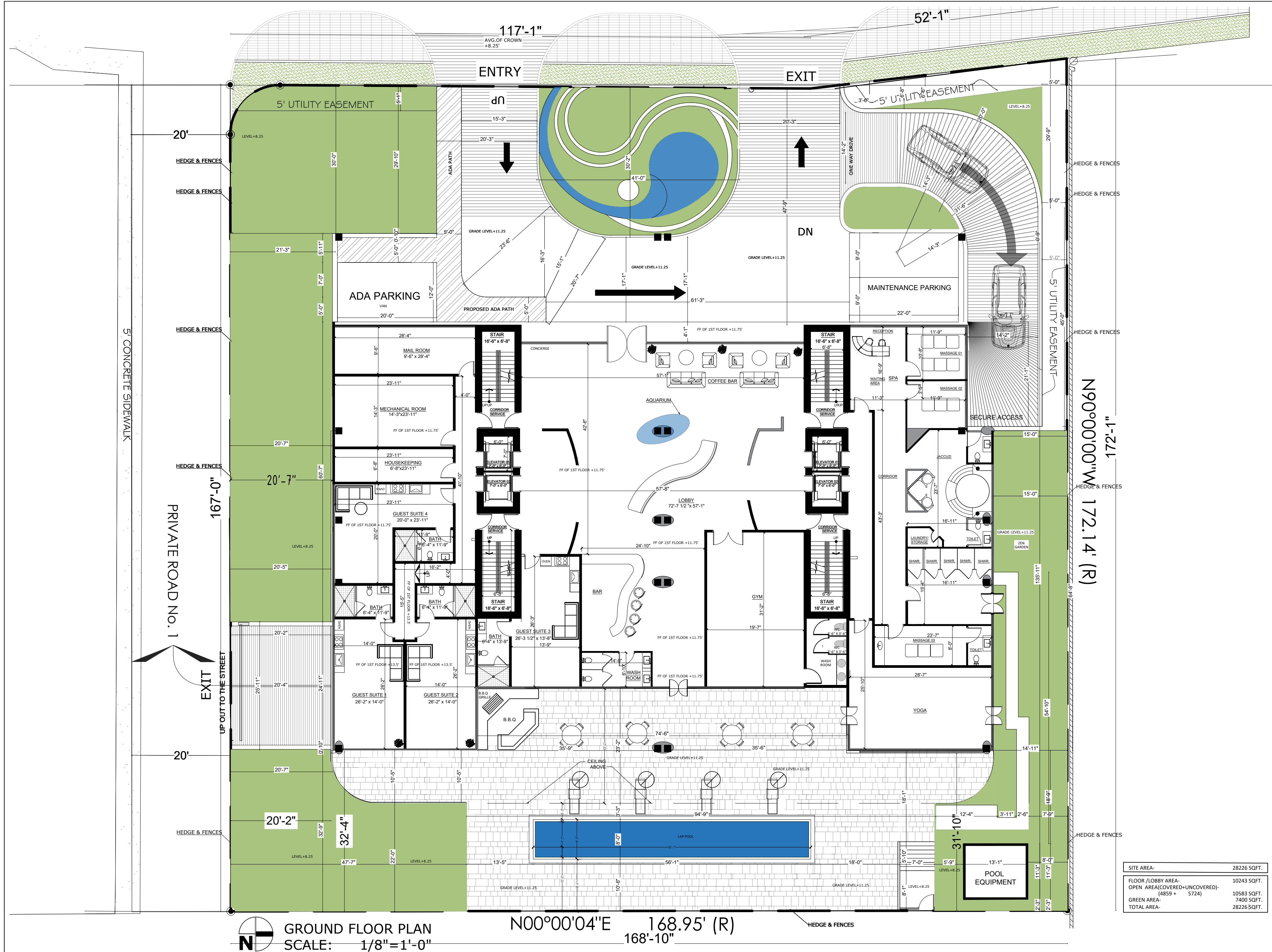
Sheet Title:

BASEMENT

Job Number:	22008
Scale:	1/8" = 1'-0"
Drawn:	
Checked:	
Date:	2022.09.11

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A-101



GROUND FLOOR PLAN
SCALE: 1/8"=1'-0"

N00°00'04"E 168.95' (R)
168'-10"

SITE AREA-	28226 SQFT.
FLOOR /LOBBY AREA-	10243 SQFT.
OPEN AREA(COVERED+UNCOVERED)-	4859 + 5724
GREEN AREA-	10583 SQFT.
TOTAL AREA-	7400 SQFT.

PFVS

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ATLANTA, GA. 30327 404.503.5000

DAD

D'Antonio International

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	ISSUE
	2022.03.10
	2022.09.11

Project:

Condominium Complex

123 S Ocean Ave.
Palm Beach Shores,
Florida 33404

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SCHEMATIC DESIGN

Sheet Title:

SITE PLAN
(1ST FLOOR PLAN)

Job Number:	22008
Scale:	1/8" = 1'-0"
Drawn:	
Checked:	
Date:	2022.09.11
NOT RELEASED FOR CONSTRUCTION	

A-102



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ATLANTA, GA. 30327 404.503.5000



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Issue Dates:
DATE
2022.03.10
2022.09.11

Project:

Condominium Complex

123 S Ocean Ave.
Palm Beach Shores,
Florida 33404

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SCHEMATIC DESIGN

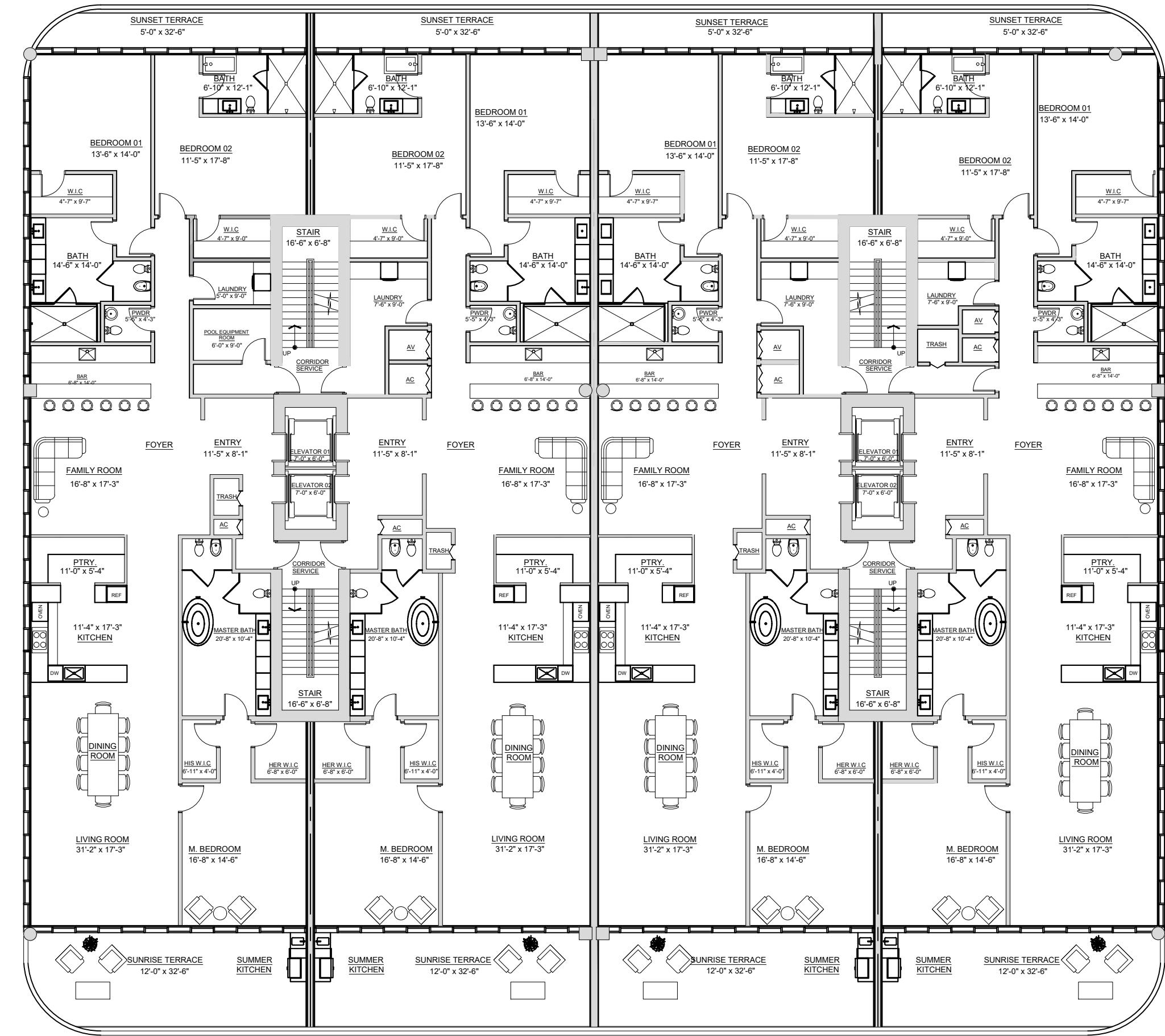
Sheet Title:


2ND -6TH
FLOOR PLAN

Job Number: 22008
Scale: 1/8" = 1'-0"
Drawn:
Checked:
Date: 2022.09.11

NOT RELEASED FOR
CONSTRUCTION

A-103



 2ND -6TH FLOOR PLAN
SCALE: 1/8"=1'-0"

PROJECT DATA
Stair ,Lift and
Cooling Tower

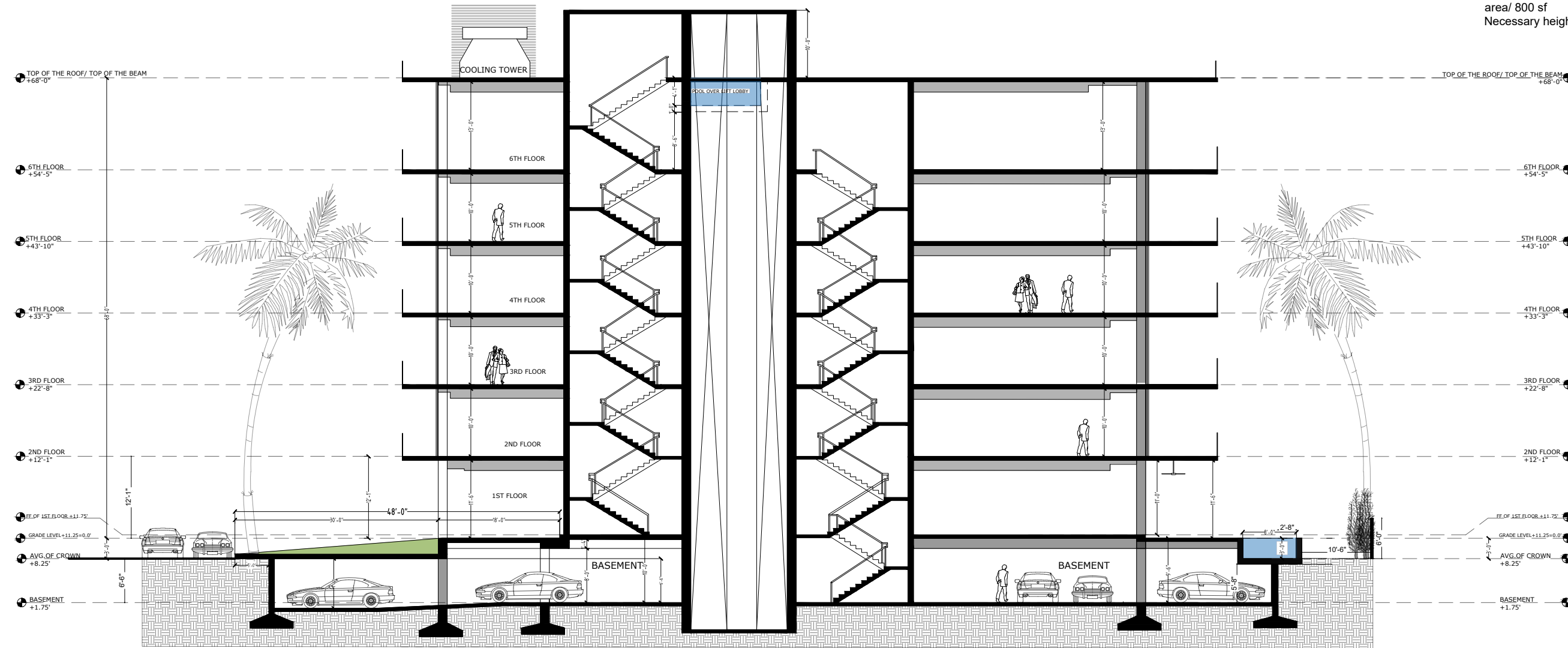


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ATLANTA, GA. 30327 404.503.5000

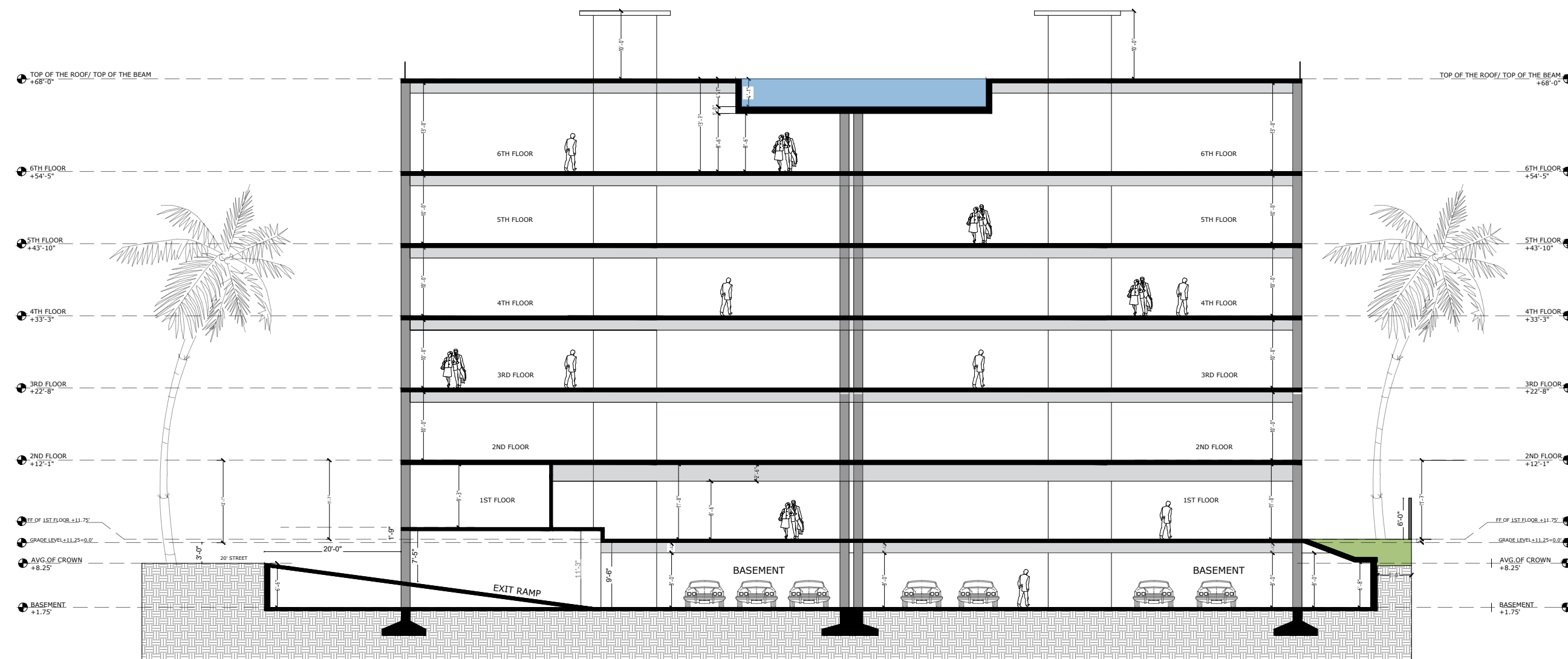


D'Antonio International

PROJECT ELEVATION DATA	REQUIRED/ALLOWED	PROVIDED
Average Mean Elevation/ Crown of the Road		8.25 NAVD 88
Grade Elevation.		11.25 NAVD 88
First Floor Elevation	Grade Plus 1/2 Ft.	11.75 NAVD 88
Building Height	68 Ft. From grade	68 Ft.
Roof Structures pf. 8.3.e	5% of total roof area/ 800 sf Necessary height	800 SF 10 ft+/-



SECTION OF THE BUILDING: 01
SCALE: $\frac{3}{32}$ " = 1'-0"



SECTION OF THE BUILDING: 02
SCALE: $\frac{3}{32}$ " = 1'-0"

Issue Dates:	
#	DATE
	ISSUE
	2022.03.10
	2022.09.11

Project:

Condominium Complex

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Palm Beach Shores,
Florida 33404

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SCHEMATIC DESIGN

Sheet Title:

SECTIONS

Job Number:	22008
Scale:	$\frac{1}{8}$ " = 1'-0"
Drawn:	
Checked:	
Date:	2022.09.11

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A-105



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ATLANTA, GA. 30327 404.503.5000



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Issue Dates:
DATE
ISSUE

2022.03.10
2022.09.11

Project:

Condominium Complex

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SCHEMATIC DESIGN

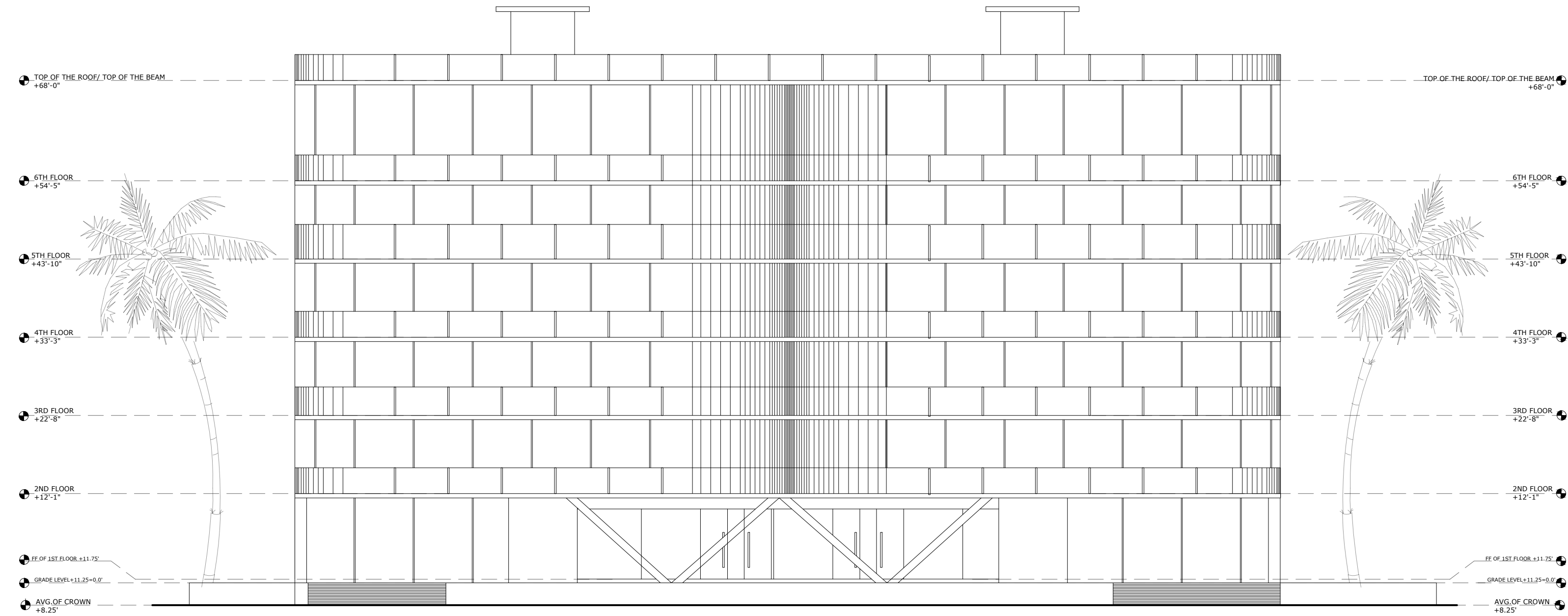
Sheet Title:

ELEVATION

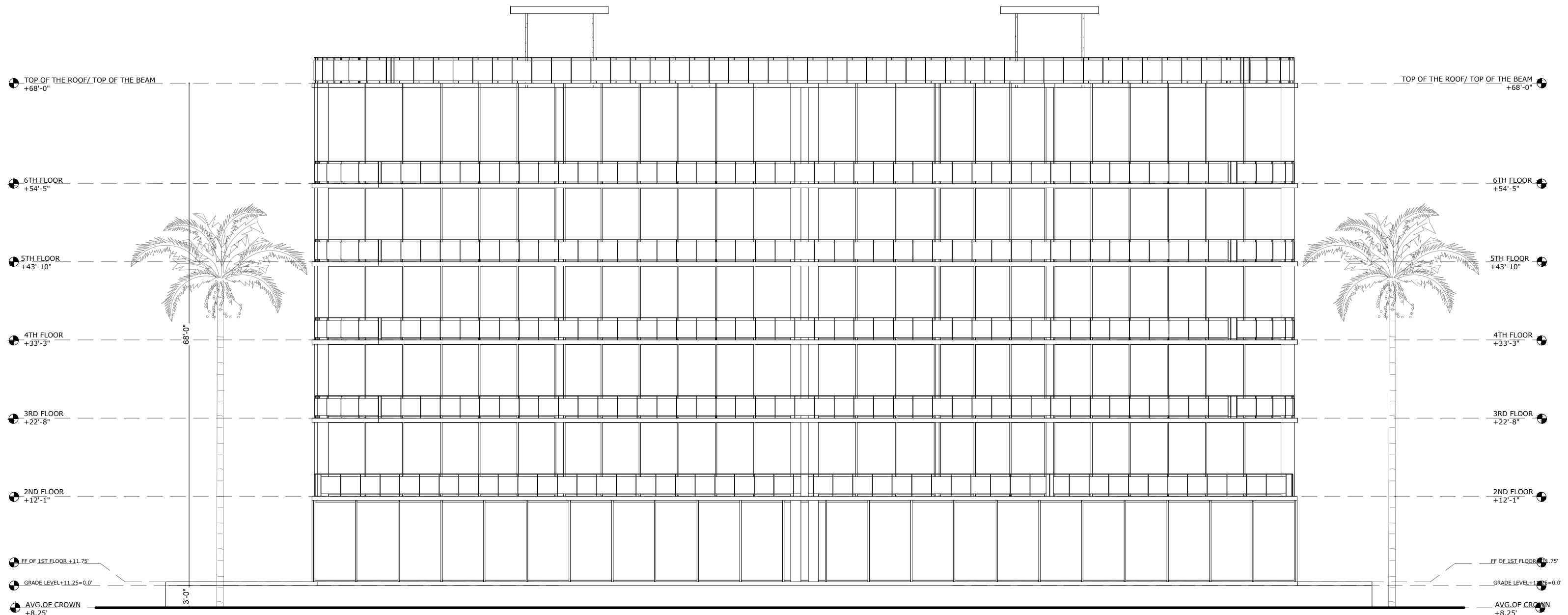
Job Number: 22008
Scale: 1/8" = 1'-0"
Drawn:
Checked:
Date: 2022.09.11

NOT RELEASED FOR
CONSTRUCTION

A-106



FRONT/WEST ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



5755 DUPREE DRIVE
ATLANTA, GA. 30327 404.503.5000



D'Antonio International

Issue Dates:
DATE
ISSUE

2022.03.10
2022.09.11

Project:

Condominium Complex

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Palm Beach Shores,
Florida 33404

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SCHEMATIC DESIGN

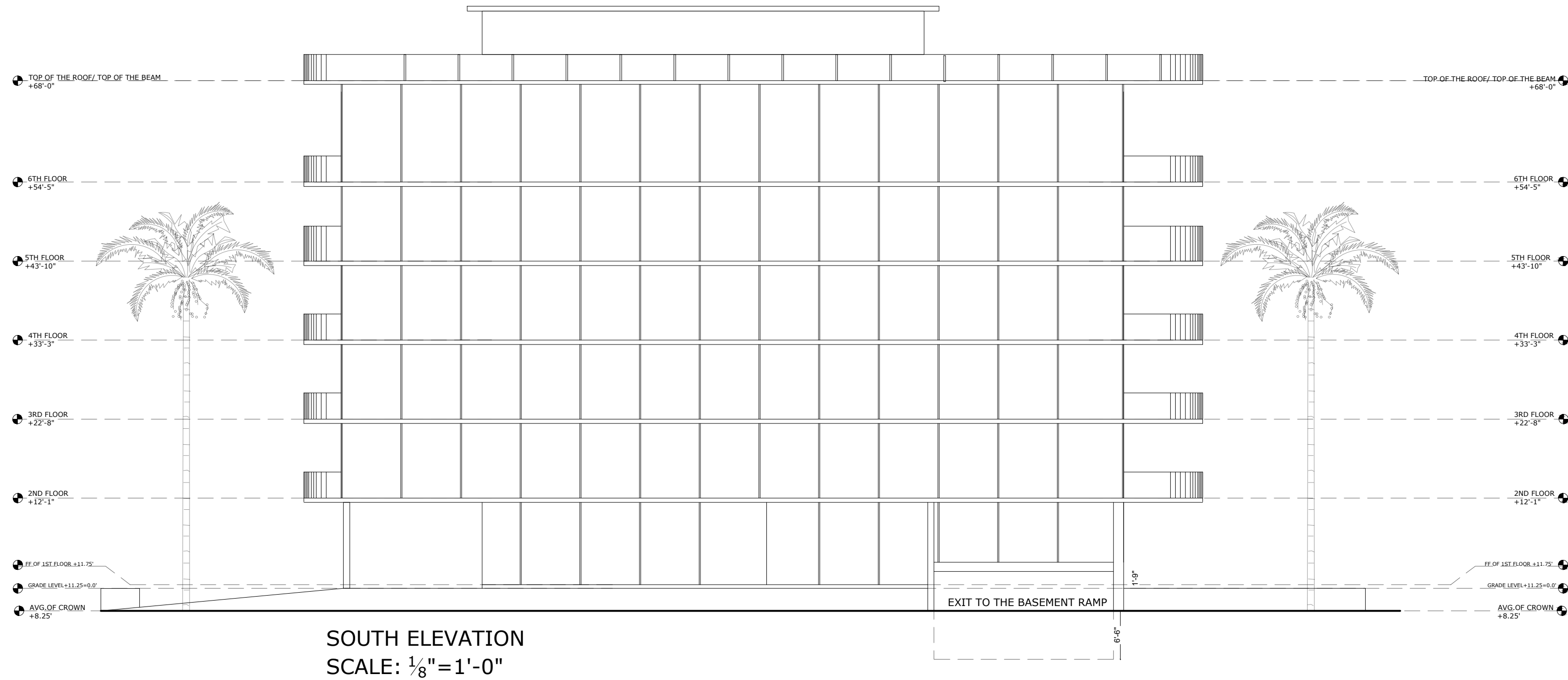
Sheet Title:

ELEVATION

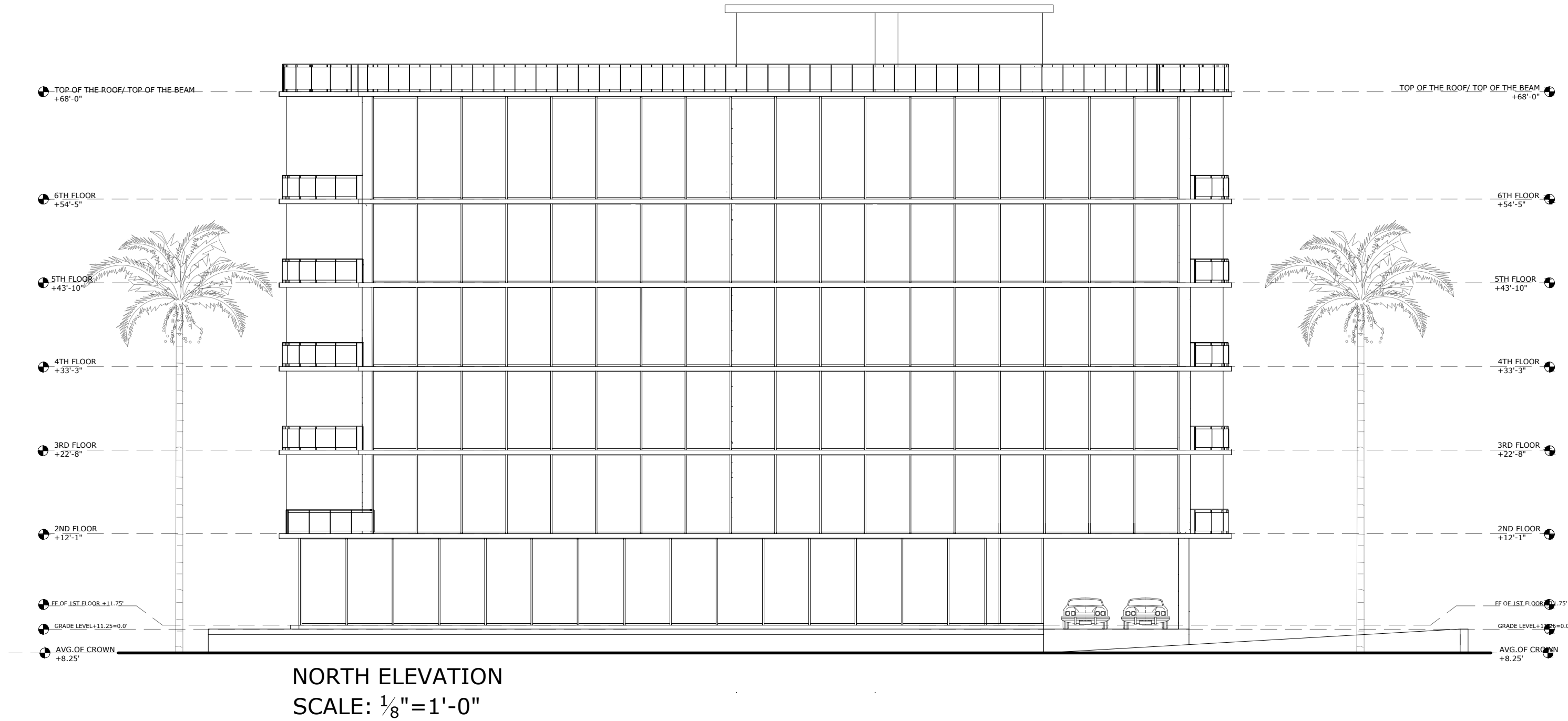
Job Number: 22008
Scale: 1/8" = 1'-0"
Drawn:
Checked:
Date: 2022.09.11

NOT RELEASED FOR
CONSTRUCTION

A-107



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



Top of Beam Height Variance Request

DEVELOPMENT APPLICATION

TOWN OF PALM BEACH SHORES
247 EDWARDS LANE
PALM BEACH SHORES, FL 33404
(561) 844-3457

OWNER/APPLICANT: Kannega Glades, LLC

PROJECT ADDRESS: 123 South Ocean

APPLICATION NO.: _____ SUBMITTAL DATE: November 16, 2022

TYPE OF APPROVAL(S) REQUESTED (Check box(es) ☒)

ADMINISTRATIVE APPEAL		SITE PLAN MODIFICATION (14-62)	
ARCHITECTURAL AND AESTHETIC REVIEW (Pf. 14-86)		SITE PLAN REVIEW (14-62)	
COMPREHENSIVE PLAN AMENDMENT (Pf. 17.3(B))		SPECIAL EXCEPTION (Pf. 15.8)	
PLAT APPROVAL		VARIANCE (Pf. 15.4)	X
REZONING (Pf. 17.3(B))		ZONING TEXT AMENDMENT (Pf. 17.3(B))	

	PROPERTY OWNER(S)	APPLICANT (If different than Owner(s))
NAME:	Kannega Glades, LLC	N/A
ADDRESS:	3930 Coral Ridge Drive Pompano Beach, FL 33065	
PHONE:	561-596-0563	
EMAIL:	deepak@atlanticnowfl.com	

	AGENT (If different than Owner(s))	CURRENT OCCUPANT (If different than Owner(s))
NAME:	Charles Millar - Atwell	N/A
ADDRESS:	11770 US Highway 1 Suite 308 East PBG, FL 33408	
PHONE:	772-486-1977	
EMAIL:	cmillar@atwell-group.com	

	PLANNER	DEVELOPER
NAME:	See Agent	See Property Owner
ADDRESS:		
PHONE:		
EMAIL:		

	ARCHITECT	LANDSCAPE ARCHITECT
NAME:	D/Antonio International	RVi - Ray Lopez
ADDRESS:		120 S. Orange Ave. Suite 200B Orlando, FL
PHONE:	404-242-1538	
EMAIL:	daadintl@gmail.com	rlopez@rviplanning.com

	SURVEYOR	ATTORNEY
NAME:	Longitude Survey	Charles Edgar, Esq.
ADDRESS:		
PHONE:		
EMAIL:		

	ENGINEER (USE ADD'L. SHEET FOR MULTIPLE ENGINEERS)	
NAME:	Kimmy Phan, P.E. - Atwell	
ADDRESS:		
PHONE:		
EMAIL:		

OWNER ACKNOWLEDGMENT & CERTIFICATION

I (We) affirm and certify that I (We) understand and will comply with all provisions and regulations of the Town of Palm Beach Shores, Florida. I (We) understand that if this Application is approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Palm Beach Shores and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive Plan and Zoning Ordinance. I (We) further certify that all statements and diagrams submitted herewith are true and accurate to the best of my (our) knowledge and belief. Further, I (We) understand that this Application and attachments become part of the Official Records of the Town of Palm Beach Shores, Florida and are not returnable. I (We) acknowledge that no permit will be issued before all fees associated with Application are paid.

1. Owner acknowledges and understands that the fee for site plan review, architectural/aesthetic review, variance, special exception, rezoning, etc. *may not cover all review costs*. A final statement of any outstanding costs (covering advertising costs, legal, architectural and other consultant costs) will be sent to the applicant upon completion of the review process. Owner accepts financial responsibility for all costs incurred as a result of this Application.
2. A construction schedule is required of all developers during the development process. The Planning and Zoning Board must approve your proposed construction schedule.
3. The Town requires payment of impact fees for floor area added during the development, re-development or renovation of a property. These impact fees will be used to pay for capital improvements relative to Fire Protection, Police Protection, Parks & Recreation and Public Buildings. Impact fees must be paid to the Town before a Certificate of Occupancy will be issued.
4. Roll-off dumpsters for construction/demolition debris and solid waste must be rented through the Town's contracted solid waste hauler, Waste Management.
5. Final as-built plans must be submitted to the Town in digital form, preferably in PDF format.

By signing below, I acknowledge that I have read and understand the five (5) items listed above.

Signature of Owner

Date

Kannega Glades, LLC

Printed Name of Owner

STATE OF FLORIDA
PALM BEACH COUNTY:

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 21 day of JUNE, 2022.

by PAOLA SERRANO who is personally known to me or has produced DL (type of identification) as identification.

PAOLA SERRANO
(Name - type, stamp or print clearly)

(Signature)

NOTARY'S SEAL

Page 3 of 14

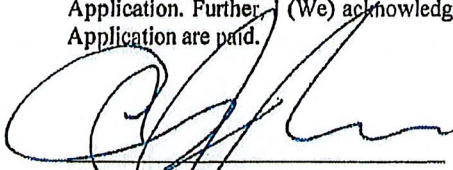


**AUTHORIZATION OF AGENT & ACKNOWLEDGEMENT OF
FINANCIAL RESPONSIBILITY**

Consent to an agent is required from the property owner(s) and contract purchaser, if applicable, if the property owner(s) or contract purchaser does not intend to attend all meetings and public hearings and submit it person all material pertaining to the Application. Consent to a firm shall be deemed consent for the entire firm, unless otherwise specified.

This form shall serve as consent for the agent identified below to prepare or have prepared all documents for the Application affecting property I (We) have an ownership interest in.

I (We) hereby designate and authorize the below-signed person to act as my (our) agent in regard to this Application and accept financial responsibility for any costs incurred by the agent as a result of this Application. Further, I (We) acknowledge that no permit will be issued before all fees associated with Application are paid.


Signature of Owner or Trustee
AGENT

7-27-22

Date

**STATE OF FLORIDA
PALM BEACH COUNTY:**

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this 27th day of July 2022 by Charles Millar who is personally known to me or has produced _____ (type of identification) as identification.

Laurie Strangle
(Name - type, stamp or print clearly)

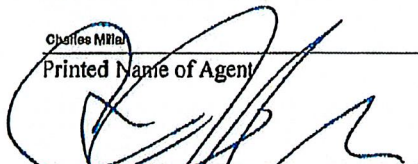
Laurie Strangle
(Signature)

NOTARY'S SEAL



Laurie Strangle
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG358433
Expires 11/13/2023

Agent Information:

Charles Millar
Printed Name of Agent

Signature of Agent

Atwell

Name of Firm

7-27-22

Date

Tabular data showing compliance with all lot coverage, floor area, building height, grade and landscaping requirements must be provided on all submitted plans (Town Code § 14-62).

PROJECT NAME: 123 South Ocean Ave

PROJECT ADDRESS: 123 South Ocean Ave

PROJECT LEGAL DESCRIPTION: Lots 616 & 617 Plat of Palm Beach Shores PB 23, PG 29

*** All boxes must be completed, use N/A where appropriate ***

GENERAL DATA	CODE REQUIREMENT	EXISTING	PROPOSED
COMPREHENSIVE PLAN DESIGNATION: (SF-5, MF-21, MF-30, MF-42, P, ROS)	None	MF-42	MF-42
LAND USE: (Residential, Commercial, Recreational, Marina, Public, etc.)	None	Residential	Residential
ZONING DISTRICT: (A, B, C, D, P, ROS, designated at Pf. 3.1, Zoning Ordinance)	None	D	D
FLOOD ZONE CATEGORY:	None	X	X
LOT COVERAGE, LANDSCAPING & PARKING	CODE REQUIREMENT	EXISTING	PROPOSED
TOTAL LOT SIZE: (sq. ft.) .65 acres / 28,244 sq. ft.	None	.65 acres / 28,244 sq. ft.	.65 acres / 28,244 sq. ft.
TOTAL COVERAGE OF A LOT BY BUILDINGS: (Pf. 5.4, 6.4, 7.5 or 8.5, Zoning Ordinance)	24%	31%	39.1%
TOTAL LANDSCAPE COVERAGE: (Pf. 5.4.3, Zoning Ordinance)	N/A for D	N/A for D	N/A for D
OFF-STREET PARKING: (Pf. 5.13, 6.12, 7.13 or 8.14, Zoning Ordinance)	48 parking spaces	N/A	48 parking spaces
SETBACKS	CODE REQUIREMENT	EXISTING	PROPOSED
FRONT YARD: (Pf. 5.5, 6.6, 7.7 or 8.7, Zoning Ordinance)	See Attached Chart		
REAR YARD: (Pf. 5.6, 6.7, 7.9 or 8.9, Zoning Ordinance)			
SIDE YARD: (Pf. 5.7, 6.8, 7.8 or 8.8, Zoning Ordinance)			

Setbacks	Required	Proposed	Variance	Existing Conditions Legal Non-Conforming
V-1 Front Yard	40 feet	29.4 feet	10.6 feet	24 feet Existing Bldg.
V-2 Rear Yard	70 feet	21.8 feet	48.2 feet	24.5 feet Existing Bldg.
V-3 Side Yard	18 feet	15 feet	3 feet	20.5 feet Existing Bldg.
V-4 Lot Coverage	24 % Max.	39.1% Max.	15.1%	31% Existing Bldg.
V-5 Top of Beam	63 feet	68 feet	5 feet	Not Applicable (Pf.8.3.b.)

FLOOR AREA	CODE REQUIREMENT	EXISTING	PROPOSED
FIRST FLOOR AREA (sq. ft.):	None	10,214 sq. ft.	11,086 sq. ft.
SECOND FLOOR AREA (sq. ft.): (Pf. 5.4.2, Zoning Ordinance)	N/A	10,214 sq. ft.	11,086 sq. ft.
TOTAL FLOOR AREA (sq. ft.): (Pf.2.23, Zoning Ordinance)	None	40,858 sq. ft.	88,086 sq. ft.
FLOOR AREA RATIO: (Pf. 5.4.2, Zoning Ordinance)	N/A	N/A	N/A
DWELLING UNIT DENSITY: (Pf. 6.5, 7.6 or 8.6, Zoning Ordinance)	42 DU/AC	50+	24 DU/AC
IMPERVIOUS AREA	NET INCREASE	EXISTING	PROPOSED
BUILDING FIRST FLOOR AREA (sq. ft.):	872 sq. ft.	10,214 sq. ft.	11,086 sq. ft.
OTHER IMPERVIOUS AREA (sq. ft.): (Decks, Patios, Walkways, Driveways, Pool Deck & Pool Surface Areas)	-9,608 sq. ft.	18,099 sq. ft.	8,491 sq. ft.
TOTAL IMPERVIOUS AREA (sq. ft.):	-4,939 sq. ft.	26,571 sq. ft.	21,632 sq. ft.
ELEVATIONS	CODE REQUIREMENT	EXISTING	PROPOSED
GRADE ELEVATION (NAVD): (Pf. 4.6, Zoning Code)	3 ft. above crown	11.5	11.75
ESTABLISHED 1 ST FLOOR ELEVATION (NAVD): (Pf. 4.6, Zoning Code)	< 7ft. above crown	11.5	11.75
MEAN CROWN OF ROAD ELEVATION (NAVD):	None	8.25	8.25
BUILDING HEIGHT	CODE REQUIREMENT	EXISTING	PROPOSED
TOTAL BUILDING HEIGHT (NAVD): (Pf. 5.2, 6.2, 7.3 or 8.3, Zoning Ordinance)	68 ft. from grade	Not Available	68 ft. from grade
TOP OF BEAM HEIGHT (NAVD): (Pf. 5.2, 6.2, 7.3 or 8.3, Zoning Ordinance)	68 ft. from grade	Not Available	68 ft. from grade
ROOF PITCH: (Pf. 5.2, 6.2 or 7.3, Zoning Ordinance)	N/A - Flat Roof	Not Available	Flat Roof @ 68 feet
FLAT ROOF PERCENTAGE: (Pf. 5.2, Zoning Ordinance)	5%	Not Available	5% or 800 sq. ft.

JUSTIFICATION STATEMENT

Provide a summary of the proposed project, describing in detail the construction, phasing and proposed development to occur as part of this application (attach additional sheets if needed):

See Attached

Note: Construction Schedule is due as part of site plan review and before building permit issuance. (Town Code §14-63). A signed and notarized contract (signed by owner) must be provided before building permit issuance. (Town Code §14-108).

Provide an estimate of construction costs:

Describe the existing improvements located on the subject property (attach additional sheets if needed):

Provide a project history for the subject property, including any prior development approvals filed within the last year in connection with the subject property. Please include the date of previous site plan approval by the Planning and Zoning Board for this property (attach additional sheets if needed):

Provide the justification, special reasons, or basis for the approval of this application. Explain why this application is consistent with good planning and zoning practice, will not be contrary to the Town's Comprehensive Development Plan, and will not be detrimental to the promotion of public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and safety of the Town. Additionally, all standards set forth in the Town Code of Ordinances for Special Exceptions, Variances, Administrative Appeals, etc. must be addressed. (attach additional sheets if needed):

Provide any other pertinent information related to the subject property to support the proposed request.

REQUEST FOR ARCHITECTURAL AND AESTHETIC REVIEW

Please be advised that pursuant to Sec. 14-86 and 14-87 of the Town Code of Ordinances, the Town Planning and Zoning Board uses the following criteria in order to complete its Architectural and Aesthetic Review. Each criteria must be addressed by the applicant prior to the application being processed.

1. Relationship of building to site: (Explain transition from streetscape; placement of parking and service areas; and compatibility of building height and scale with site):

N/A

2. Relationship of building and site to adjoining area(s): (Explain how structures and landscaping are consistent with established neighborhood character and will enhance the surrounding area. Include description of architectural style, as well as textures, materials and colors to be utilized):

3. Landscape and site treatment: (Explain how landscaping, exterior lighting and other site elements will be used to enhance architectural features, buffer the mass of buildings as appropriate, and enhance the privacy of the owner and neighbors. Describe the use of native species and xeriscaping as appropriate.):

4. Building design: (Explain proposed building design and style, and how components such as roofs, windows, doors, eaves and parapets are balanced in proportion to each other; address harmoniousness of colors, visual interest and compatibility):

Please provide all documentation and/or samples necessary to address all architectural review criteria as applicable. Attach additional pages as necessary.

REQUEST FOR SITE PLAN MODIFICATION

1. Previously approved (Original) site plan information:

a. Original Project Name: N/A

b. Original Site Plan Application No.: _____

c. Original Site Plan Approval Date: _____

d. List of all other relevant information on file with original application: _____

2. Requested Modification(s): _____

Please provide all documentation necessary to describe the proposed modification and to explain the reason(s) for the proposed modification(s), including a survey, if applicable. Attach additional pages as necessary.

REQUEST FOR VARIANCE

The Applicant is requesting a variance from the Town Code Section(s) Sec. Pf.8.3 b. to permit the following:

See Attached

Please be advised that a variance from the terms of the Zoning Code shall not be recommended by the Planning and Zoning Board, nor granted by the Town Commission, unless the Applicant is able to demonstrate the following:

1. Explain the special conditions and circumstances which exist that are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or building in the same zoning district:

2. Explain how the special conditions and circumstances that exist do not result from the actions of the Applicant:

3. Explain how the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Code and would work unnecessary and undue hardship on the Applicant:

4. Explain how the variance requested is the minimum variance that will make possible a reasonable use of the land, building or structure:

5. Explain how the granting of the requested variance will not confer on the Applicant any special privilege that is denied by the Zoning Code to other lands, structures, or buildings in the same zoning district:

6. Explain how the grant of the requested variance will be in harmony with the general intent and purpose of the Zoning Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

The burden of meeting the standards as set forth above is upon the Applicant. Please provide all documentation necessary to prove your case, including a survey, if applicable. Attach additional pages as necessary.

REQUEST FOR SPECIAL EXCEPTION

The Applicant is requesting a special exception pursuant to Town Code Section(s) _____ to permit the following:

N/A

A Special Exception shall not be recommended by the Town Planning and Zoning Board, nor granted by the Town Commission, unless the Applicant is able to demonstrate the following:

1. Explain how all structures will be separated from adjacent and nearby uses by appropriate screening devices:

2. Explain whether or not excessive vehicular traffic will be generated on surrounding residential streets:

3. Explain whether or not a vehicular parking or traffic problem is created:

4. Explain where on the site appropriate drives, walkways and buffers will be installed:

5. Explain how the proposed use will make a substantial contribution to the neighborhood environment and will not infringe on the rights of properties in the vicinity:

6. Explain how the proposed use will not endanger, restrict or impair public safety:

The initial burden of meeting the standards as set forth above is upon the Applicant. Please provide all documentation necessary to prove your case, including a survey, if applicable. Attach additional pages as necessary.

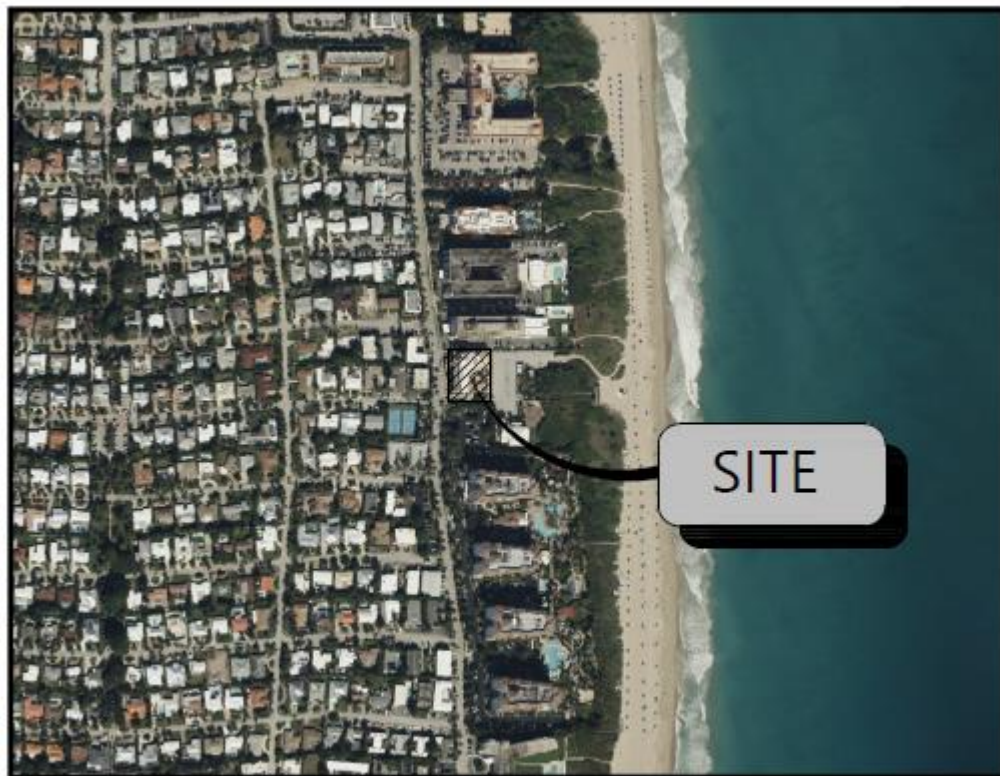


CONSULTING. ENGINEERING. CONSTRUCTION.

123 SOUTH OCEAN AVENUE PROJECT NARRATIVE & JUSTIFICATION

**Submitted for Planning & Zoning Board
Special Meeting – November 16, 2022
Top of Beam Variance – Section Pf.8.3 b.**

123 SOUTH OCEAN LOCATION MAP & AERIAL:



AERIAL MAP

N.T.S.

123 SOUTH OCEAN PURPOSE AND INTENT:

The 123 South Ocean Multi-Family Project (“123 South Ocean”) is proposed and intended to comply with all applicable provisions as contained within the Town of Palm Beach Shores, Code of Ordinances, Appendix A, Zoning, Ordinance. Specifically, the 123 South Ocean will demonstrate compliance with the applicable and relative standards pursuant to Sections I to XXII.

123 SOUTH OCEAN COMPLIES WITH ADOPTED LEVELS OF SERVICE (“LOS”):

The 123 South Ocean project is consistent with and in compliance with Concurrency standards. Said consistency and compliance categories are noted below:

1. Sanitary sewer.
2. Potable water
3. Solid waste.
4. Roads.
5. Drainage.
6. Recreation and open space.
7. Public schools.

OVERALL PROJECT SITE DATA:

Property Control Number: 54-43-42-27-04-000-6160

Project Acreage: 0.65± Ac

On-Site Soils: Per USDA NRCS Soil Survey of Orange County, Mapped As Urban Land (50) For All Parcels

Dwelling Unit Density: 0.65 Ac * 42 Du / Ac = 27 Units
Existing: 50 Hotel Units
Proposed: 24 Multifamily Units (4 One Bedroom Units & 20 Three Bedroom Units)

Total Building Footprint: 11,086 Sf

Total Floor Area: 88,841 Sf

Total Building Height: 68'

Total Off-Street Parking: 48 Provided Parking Spaces
(1.25 For 1 Bedroom, 1.5 For 2 Bedroom, Addition 0.5 For Each Additional Bedroom)

Road Right-Of-Way & Posted Speed Limits: S. Ocean Ave - 50' (25 Mph)

Setbacks:	<u>Code Requirement</u>	<u>Proposed</u>
	Front: 40'	29.4'
	Rear: 70'	21.8'
	Side (N): 18'	15'
	Side (S): 18'	20.5'

Impervious Area:	Existing 26,571	Proposed 21,632
Jurisdiction:	Town of Palm Beach Shores	
Zoning:	Zoning District D	
Adjacent Zoning:	North -	Zone D
	East -	Zone ROS
	South -	Zone D
	West -	Zone B (Across the Street)
FEMA Flood Map:	Located In Zone X	
Existing FLUPM:	Multi-Family Residential & Motel/Hotel 42 Units/Net Acre	
Proposed FLUPM	Multi-Family Residential Motel/Hotel 42 Units/Net Acre	

123 SOUTH OCEAN APPLICATION REQUESTS:

1. Architectural and Atheistic Review
2. Site Plan Review
3. Variances
4. Platting

JUSTIFICATION STATEMENT:

The 123 South Ocean will provide a new and enhanced “infill” and “redevelopment” project to the Town of Palm Beach Shores. The project is intended to be developed in one (1) phase and estimated construction costs will hover in the range of \$82,000,000 with sales estimated in the range of \$125,000,000.

The .65-acre site notes the original hotel was constructed in approximately 1966 and consisted of 24 units (4 One Bedroom & 20 Three Bedroom). The total square footage (Source: PBC Property Appraiser) notes 35,178 square feet. The site is currently in the process of demolition.

The 123 South Ocean project:

- Is consistent with and in compliance with the Town’s Comprehensive Land Use Plan once the FLUPMA is adopted.
- Meets the purpose and intend of the Town’s requirements and standards.
- Promotes and protect the public’s health, safety and welfare.
- Provides a value-added project to the Town.

- Increases the Town's ad valorem tax base.
- Promotes a high-quality residential project.
- Removes a long-standing eyesore.
- Promotes a coordinated effort to upgrade the Town's beachfront park.

EXISTING SITE CONDITION:



PROPOSED SITE CONDITION:



TRAFFIC:

The original facility provided 50 residential rental units. The 123 South Ocean project will be limited to approximately 24 upscale residential units. Therefore, there's a net reduction in traffic impacts.

ARCHITECTURAL AND AESTHETIC REVIEW STANDARDS:

123 South Ocean will be in complete compliance with Division 5, as noted by the following renderings. Moreover, consistency is offered to:

- Relationship of Building to Site
- Relationship of Building and Site to Adjoining Areas
- Landscape and Site Treatment
- Building Design

123 South Ocean will improve and maintain the unique residential character of the Town of Palm Beach Shores. 123 South Ocean proposes to preserve stability and harmony in the exterior appearance of this new structure through architectural design and features to promote and protect the health, safety and welfare of the community while maintaining property values within the Town.



ARCHITECTURAL AND AESTHETIC REVIEW EXAMPLES:



DRAINAGE ANALYSIS:

The water quality treatment volume calculations and Contech system stage-storage calculations are provided in the appendix to the submitted preliminary drainage report. Based on these calculations, 4,570 CF of treatment volume will be required. The exfiltration system has been sized with 34" pipes. The proposed exfiltration system will be located to the east of the property on the parking lot adjacent to the site, and will tie into an existing stormwater system, which ultimately outfalls to tide. A storm model was performed using ICPR to ensure that the post development runoff does not exceed the pre-development runoff, and to ensure that the proposed exfiltration system will not flood during the 25-year 72-hour SFWMD design storm.

The proposed drainage facility is completely underground and will not be seen on the surface.

VARIANCES:

Below are the five (5) essential project variances needed. Variances one (1) through four (4) have been previously recommend for approval on October 26, 2022. Variance number five (5) is an added variance for the Top of Beam Height.

Setbacks	Required	Proposed	Variance	Existing Conditions Legal Non-Conforming
V-1 Front Yard	40 feet	29.4 feet	10.6 feet	24 feet Existing Bldg.
V-2 Rear Yard	70 feet	21.8 feet	48.2 feet	24.5 feet Existing Bldg.
V-3 Side Yard	18 feet	15 feet	3 feet	20.5 feet Existing Bldg.
V-4 Lot Coverage	24 % Max.	39.1% Max.	15.1%	31% Existing Bldg.
V-5 Top of Beam	63 feet	68 feet	5 feet	Not Applicable (Pf.8.3.b.)

The site has existed (platted) for approximately 71 years. The constriction for the old hotel was completed in 1966. The 56-year-old building has outlived its useful life. It's an eyesore. The unique and special features of the site justify variances due to the exclusive location and configuration. Moreover, due to the exclusivity and rareness of the site, the five (5) variance requests must be combined. The project does not work without all five (5) variances combined into one (1) request:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure, or buildings in the same zoning district.

The characteristics of the lot size, location and the existing non-conforming structure trigger the need for these requested infill and redevelopment variances. This is one, if not the only parcel in the "D"

district that does not extend to the mean high-water line. This site is also extremely small for the “D” district.

With respect to the Top of Beam height variance. This standard of the D District is over 15 years old. (Ordinance O-4-07 – March 19, 2007). The purpose and intent of that criteria was to limit the crown of a pitched roof to no more than five (5) feet above the top of the beam. 123 South Ocean is designed as a flat roof structure. Therefore, the building height and the top of the beam are located at no more than 68 feet from the grade elevation.

2. The special conditions and circumstances do not result from the actions of the applicant for variance.

The owner purchased the lot in the “as is” condition. The lot size, location and existing conditions require special consideration to the unique site conditions for the setback variances. Without the variances, the project fails.

The special conditions and circumstances regarding the Top of Beam height variance are derived from the original intent of Ordinance O-04-07 to restrict the height of a pitched roof. The Top of Beam, when this project is completed, will not be seen from any elevation or view. The Top of Beam and building height will be one in the same at 68 feet from the grade elevation.

3. Literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Code and would work unnecessary and undue hardship on the applicant.

The property’s existing hardship (shape, size, existing structure and configuration) necessitates the setback variances to provide for the needed residential “infill” and “redevelopment project. This request is a reasonable petition and will not negatively impact the Town’s public health, safety or welfare.

By limiting the Top of Beam for a flat roof structure, Section P.f.8.3.b. unintentionally reduces the building height by five (5) feet creating and unnecessary and unintended hardship by applying the literal interpretations of the D district.

4. The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested variances (setbacks) allow for a fair and reasonable use of the property. The site does not permit an alternative design. The variance requests will not have a negative impact to the surrounding uses and will promote the residential character the Town is seeking.

To achieve a true flat roof structure, allowing the building height and Top of Beam to be located at the same point of measurement, is the minimum variance needed for this structure (and project) to be a success as a flat roof and not a pitched roof facility.

5. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, buildings, or structures in the same zoning district.

The variance request (setbacks) is consistent and in compliance with the Town's applicable Land Development documents and guidelines. The requests are compatible with the surrounding neighborhood and will not have a negative impact to same.

All variance requests stand alone on their own merits. The Top of Beam variance is a reasonable use of the lot and a fair request given the intent of the LDRs. The Top of Beam variance will not be observed, noticed or known by the traveling or passing public once the building is complete. The five (5) foot variance request will be internal to the building's structural components.

6. The grant of the variance will be in harmony with the general intent and purpose of this Zoning Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The variance requests meet and Town's purpose and intent for "infill" and "redevelopment" value-added projects. At no point, will the public's health, safety or welfare be at risk should these setback variances be granted.

The Top of Beam variance request of only five (5) feet will allow the flat roof structure to meet the purpose and intent of the D district. Upon project completion, the building will be constructed at a maximum building height of 68 feet. The Top of Beam will be completely hidden inside the condo.

PLATTING:

The parcels were created by the Town of Palm Beach Shores original plat. The applicant proposes to legally bind the two (2) platted parcels (which are now one (1) by way of a Unity of Title. This is a very common legal mechanism to combine platted parcels without the lengthy and costly replating process.

CONSISTENT AND COMPLIANCE:

The 123 South Ocean project is consistent and in compliance with the followings:

- **Density and Intensity:**

The Project will not exceed the density and intensity limits for the Future Land Use designation of the property as set forth in the Future Land Use Element of the Comprehensive Plan.

- **Buffers:**
The Project will provide landscaped separation strip along all property lines abutting a residential use or zone or as needed.
- **Recreation:**
The Project will provide internal recreation and amenity areas per the applicable code requirements.
- **Design:**
The Project designs the residential units to be located away from busy roadways or are shielded from traffic noise by solid fencing and landscaping.
- **Resident Safety:**
The Project design and site layout and landscaping provides for the safety and privacy of residents.
- **Resident Outdoor Space:**
The Project outdoor space is located conveniently for the use of residents and provides facilities for their enjoyment.
- **Circulation:**
The Project is easily accessible to vehicles, bicycles, and pedestrians.
- **Unified Concept:**
The Project is designed as one (1) concept and is not isolated from the surrounding community but is an integral part of the community

123 SOUTH OCEAN SUMMARY AND DEMONSTRATED NEED:

In summary, the 123 South Ocean ("The Project") project offers the following:

- The PDP is consistent with, and in compliance with, the Town's Comprehensive Land Use Plan when the FLUPMA is adopted.
- The Project meets the purpose and intend of the Town's standards.
- The Project promotes and protects the public's health, safety and welfare.
- The Project variances (all five (5)) are essential and justified.
- The Project provides a value-added improvement to the Town.

- The Project meets a housing need and demand.
- The Project increases the Town's ad valorem tax base.
- The Project provides a high-quality multi-family project.
- The Project preserves and highlights the natural features of the property.
- The Project removes a dilapidated structure which is a Town eyesore.
- The Project is coordinating with the Town to improve and upgrade the Town's beachfront park.
- The Project provides for an identity and privacy for future residents but does not create a development that is isolated from the surrounding community.
- The Project's variances are fair and reasonable requests.

Therefore, based upon the foregoing data and analysis, The Project is justified and can be approved with the requested five (5) variances.

PROJECT DEVELOPMENT TEAM:



D'Antonio International



Open the Outdoors