

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

DECEMBER 13, 2017

9:45 AM

Town Council Meeting

Welcome!

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Richard M. Kleid, President
Danielle H. Moore, President Pro Tem
Julie Araskog
Bobbie Lindsay
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 210-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 142 Seaspray Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.
- B. RESOLUTION NO. 211-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 315 Seaspray Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

VIII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission denied the project at the September 27, 2017 meeting. Carried 4-3] **Request for Deferral to January 15, 2018 Town Council Meeting per Letter Dated November 7, 2017 from Francis Lynch**
- b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as **218 Miraflores Dr.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot

coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the January 24, 2018 meeting. Carried 7-0.] **Request for Deferral to February 14, 2018 Town Council Meeting per Letter Dated December 4, 2017 from Maura Ziska**

- c. **Z-17-00034 SITE PLAN REVIEW** Zoning District: R B Low Density Residential. The application of SHULMAN ALAN L, Owner, relative to property located at **377 N LAKE WAY**, legal description on file, is described below. Site Plan Review to allow the construction of a 7,465 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project to the January 24, 2018 meeting. Carried 7-0.] **Request for Deferral to February 14, 2018 Town Council Meeting per Letter Dated December 4, 2017 from Maura Ziska**

2. New Business

- a. **Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: CT-S Town-Serving Commercial. The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at **264 S COUNTY RD SUITE: SITE**, legal description on file, is described below. PLEASE NOTE: THIS PROJECT ENCOMPASSES BOTH 264 & 270 S COUNTY RD. 1. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the CT-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 118 seats, which is the same number of seats 264 Grill restaurant had. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m. 2. A request for a special exception to provide 68 night-time (after 5pm) supplemental off-site shared parking spaces at 230 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House. [Applicant's Representative: Maura Ziska Esq]
- b. **Z 17 00031 VARIANCE(S)** Zoning District: R A Estate Residential The application of SOLIMINE EMIL &, Owner, relative to property located at **830 S OCEAN BLVD**, legal description on file, is described below. A variance request to allow the construction of a 590 square foot two story infill addition for two guest bedrooms that will result in a lot coverage of 26.2% in

lieu of the 24.6% existing and the 25% maximum allowed.
[Applicant's Representative Maura Ziska Esq] **Request for Withdraw per Letter Dated October 25, 2017 from Maura Ziska.**

c. **Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S)**

Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at **1700 S OCEAN BLVD**, legal description on file, is described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application:

1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the January 24, 2017 meeting. Carried 6-0 with all in favor.] **Request for Deferral to February 14, 2018 Town Council Meeting per Letter Dated December 4, 2017 from Maura Ziska**

d. **Z-17-00043 VARIANCE(S)** Zoning District: R-B Low Density Residential. The application of HORGAN JAY C &, Owner, relative to property located at **322 CLARKE AVE**, legal description on file, is described below. The subject property is 33,082 square feet in total area. The applicant is requesting a variance to split the lot which would result in one lot with 85 feet of frontage on Clarke Avenue in lieu of the 100 foot minimum width required in the R-B Zoning District. The two resulting lots would have the following areas: 310 Clarke Avenue (east lot) - 15,198 square feet; and 322 Clarke Avenue (west lot) - 17,883 square feet. Both parcels would exceed the minimum area requirement in the R-B Zoning District, which is 10,000 square feet. All improvements will be removed from 310 Clarke Avenue and the following variances are being requested in order to split the properties and return 322 Clarke Avenue back to its previous condition: 1. To have an east side yard setback for the main house of 8 feet in lieu of the 15 foot minimum required in the R-B Zoning District; 2. To have an east side yard setback for the guest house/garage of 5.9 feet in lieu of the 15 foot minimum required in the R-B Zoning District; 3. To have a cubic content ratio of 4.55 in lieu of the 3.92 maximum allowed; 4. To have a landscaped

open space in the front yard of 29.2 % in lieu of the 40 % minimum required. 5. To allow the two story detached garage to remain on 322 Clarke Avenue once the lot is split and becomes less than 20,000 square feet which would only allow a one story accessory structure with a 15 foot height. [Applicant's Representative: Maura Ziska Esq] [Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the landmark property with the caveat to improve the variance for the landscape open space conditions in the front of the property. Carried 7-0.]

- e. **Z-17-00044 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: PUD-A Planned Unit Development A. The application of BREAKERS PALM BEACH INC, Owner, relative to property located at **1 S COUNTY RD SUITE: HOTEL**, legal description on file, is described below. This application requests Special Exception approval to expand the seating capacity of the existing Seafood Bar restaurant. More efficient internal space utilization will allow an additional 53 seats in the previously-approved 6,111 square foot restaurant, for a total of 230 seats. No additional restaurant square footage is requested. [Applicant's Representative: James M. Crowley Esq]
- f. **Z-17-00045 VARIANCE(S)** Zoning District: R-A Estate Residential. The application of TROPIN KENNETH G TRUST, Owner, relative to property located at **1695 N OCEAN WAY**, legal description on file, is described below. This application is a request to approve two side (north) setback variances for existing structures at 1695 North Ocean Way: the main house and the guest house. The applicant is proposing to combine the lots at 1565 and 1695 North Ocean Way into a single lot by Unity of Title, which causes the combined lot area to exceed 60,000 S.F., thereby increasing the side setback from a minimum of 15' to a minimum of 30'. Both the main house and the guest house, which meet existing setback requirements, will become nonconforming as a result of the lot combination. The main house setback is 15.1' in lieu of the 30' minimum required for lots over 60,000 S.F., and the guest house setback is 15.2' in lieu of the 30' minimum required for lots over 60,000 S.F. No further encroachments into the setback are requested or authorized pursuant to this application. [Applicant's Representative: James M. Crowley Esq]
- g. **Z-17-00046 SPECIAL EXCEPTION** Zoning District: C-TS Town-Serving Commercial. The application of PEMS PARTNERSHIP LTD, Owner, relative to property located at **180 ROYAL PALM WAY**, legal description on file, is described below. Section 134-1109(b) - A special exception request for approval to use the subject building totaling 13,559 square foot as a bank (IBERIABANK). The subject tenant space was most recently used as a Sabadell United Bank, N.A. branch office with

its customers and clients being more than 50% town persons in satisfaction of the requirements of Section 134-299(12).
[Applicant's Representative: Peter Broberg Esq]

- h. **Z-17-00047 VARIANCE(S)** Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at **224 S OCEAN BLVD**, legal description on file, is described below.
Construction of three dormers on existing third story.
1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable.
 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable.
 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The Architectural Commission deferred this project to the January 24, 2017 meeting. Carried 6-0 with all in favor.]

3. Other

IX. ORDINANCES

A. First Reading

1. ORDINANCE NO. 30-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Creating Definitions For An Outdoor Promotional Event Use And A Property Identification Yard Sign; At Article VI, District Regulations, Sections 134-1109, 134-1159 And 134-1259, Special Exception Uses, By Conditionally Allowing Outdoor Promotional Events As A Special Exception Use In The C-TS, C-WA And C-PC Commercial Zoning Districts; At Article VIII, Supplementary District Regulations, By Adding A Division 18, Outdoor Promotional Activities, Section 134-2115, Standards And Criteria For Outdoor Promotional Activities; At Article XI, Signs, By Modifying Section 134-2437, Building Identification, Business Identification Signs, By Adding "Property Identification Yard Signs" To The Title And Allowing Property Identification Yard Signs On Properties That Meet Certain Criteria In All Of The Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 3:30 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she 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 to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to

the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.