

TENTATIVE:  
SUBJECT TO  
REVISION



**REVISED**

8:31 am, Sep 06, 2020

# TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

## TOWN COUNCIL MEETING DEVELOPMENT REVIEW

**Meeting to be Held Electronically**

**Click here to participate:**

<https://zoom.us/j/96207579765>

**AGENDA for SEPTEMBER 9, 2020**

**9:30 AM**

## **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**

Gail L. Coniglio, Mayor  
Margaret A. Zeidman, President  
Bobbie Lindsay, President Pro Tem  
Julie Araskog  
Lew Crampton  
Danielle H. Moore

### **II. INVOCATION AND PLEDGE OF ALLEGIANCE**

### **III. COMMENTS OF MAYOR GAIL L. CONIGLIO**

#### IV. COMMENTS OF TOWN COUNCIL MEMBERS

#### V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

#### VI. APPROVAL OF AGENDA

#### VII. DEVELOPMENT REVIEWS

##### A. Time Extensions and Waivers

1. Time Extension of Construction for 225 Worth Avenue
2. Time Extension of Construction for 247 Worth Avenue
3. Time Extension of Construction for 243B Worth Avenue
4. Time Extension of Construction for 313 and 313.5 Worth Avenue

##### B. Variances, Special Exceptions, and Site Plan Reviews

###### 1. Old Business

- a. **Z-19-00236 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jennifer J. Naegele, Applicant, relative to property located at **70 MIDDLE RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 3 story landmarked residence located in the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested: 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required. 2) Sec. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed. 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed. 4) Sec. 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition. 5) Sec. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Foundation Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented with the condition that the homeowner voluntarily grants the utility easement. Carried 7-0] **Request for Deferral to the October 14, 2020 Meeting per Email Dated September 1, 2020 from Jennifer Naegele.**

- b. **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with a condition relating to landscape. Carried 7-0.]
- c. **Z-20-000262 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-D(2) High Density Residential The application of The Ambassador Hotel Cooperative Apartments Corp., A Florida Corporation (Richard Schlesinger, President), Applicant, relative to property located at **2730 S OCEAN BLVD**, legal description on file, is described below. The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into

the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission deferred this project to the October 28, 2020 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the November 13, 2020 Meeting per Letter Dated August 31, 2020 from Maura Ziska.**

- d. **Z-20-00265 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of Carlos Musso, Sr., Applicant, relative to property located at **110 SEAGATE RD**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Motion carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]
- e. **Z-20-00268 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of The Society of the Four Arts, Inc. (c/o Dr. Philip B. Rylands, President and CEO), Owner, relative to property located at **100, 101, 102 and 103 FOUR ARTS PLAZA, 240 COCOANUT ROW, AND 434 SEASPRAY AVE**, legal description on file, is described below. Section 134-890(9) - The Society of the Four Arts (Applicant) requests a modification to the existing nonprofit cultural center Special Exception (legally described in Exhibit A-1), to allow the addition of a 0.56-acre property (legally described in Exhibit A-2) located at 434

Seaspray Avenue (“Site”), into Applicant’s campus. The Site is developed with a single family house and accessory structures. The Applicant proposes to relocate its President/CEO’s living quarters from the third floor of the John E. Rovensky Building (“Building”) to the Site. The intent is to renovate and reconfigure the vacated 2,105 square foot (sq. ft.) living quarters to create a meeting room, archive space and storage spaces, in accordance with the Proposed Floor Plan (“Plan”).

**Consideration of Proposed Amendment to the Declaration of Use Agreement for the Society of the Four Arts.**

[Applicant’s Representative: Harvey E Oyer III Esq]

**2. New Business**

- a. **Z-20-00269 VARIANCES** Zoning District: R-B Low Density Residential The application of John Criddle and Franny Frisbie, Applicant, relative to property located at **143 REEF RD**, legal description on file, is described below. The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one story building. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 105 degrees in lieu of the 100 degrees maximum allowed. [Applicant’s Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]
- b. **Z-20-00270 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Steve Johnson, Applicant, relative to property located at **1284 N LAKE WAY**, legal description on file, is described below. Section 134-843(7): The applicant is proposing a 60 square foot staircase addition to the north side of the house that will have an 11.5 foot north side yard setback in lieu of the 15 foot minimum required. [Applicant’s Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]
- c. **Z-20-00271 VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of Bradley Park Owner, LLC, (Applicant), relative to property located at **280 SUNSET AVE**, legal description on file, is described below. Pursuant to Section 134-1113(7)(b), the applicant is requesting a variance to

allow a rear setback of 2 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to affix a generator exhaust pipe to the south facade of the existing non-conforming hotel structure. The applicant is also requesting a rear setback of 0 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to accommodate an elevated kitchen hood that is affixed to the south facade of the existing hotel structure. The kitchen hood encroaches 2 inches into the alley to the south of the hotel structure, and an encroachment easement has been obtained from the adjacent property owner for the purpose of utilizing the alley for mechanical equipment. [Applicant's Representative: James M. Crowley Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

- d. **Z-20-00272 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Mr. and Mrs. Mark Sanderson, Applicant, relative to property located at **2315 IBIS ISLE RD**, legal description on file, is described below. The applicant is proposing to construct a new 6,898 square foot two-story home. The following variances are being requested: 1. Section 134-893(5): The applicant is requesting a variance for a front yard setback of 3.5 feet in lieu of 30 feet minimum required for a two-story residence. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 154 degrees in lieu of the 100 degrees maximum allowed for a two-story residence. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-1.] [The Architectural Review Commission approved the project with a few architectural features returning to the September 23, 2020 meeting. Carried 7-0.]
- e. **Z-20-00274 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Laetitia M. Perais-Han and Ben Han, Applicants, relative to property located at **61 MIDDLE RD**, legal description on file, is described below. The applicant is proposing a new 317 square foot pool pavilion to the rear of the property, a 198 square foot awning and an 86 square foot porch addition to the rear of the landmarked residence. The following variances are being requested: 1) a north side yard setback of 8.4 feet in lieu of the 15 foot minimum required; 2) a rear yard setback of 12 feet in lieu of the 15 foot minimum required; 3) a lot coverage of 26% in lieu of the 25% maximum allowed; 4) a landscaped open space of 45% in lieu of the 50% minimum required. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation:

Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

- f. **Z-20-00275 VARIANCE(S)** Zoning District: R-A Estate Residential The application of 171 Via Bellaria LLC (Dan Swanson, Manager), relative to property located at **171 VIA BELLARIA**, legal description on file, is described below. Section 134-843 (7): The Applicant is proposing a new 9,416 square foot two story residence on Via Bellaria that would have a building height plane setback of 37 feet in lieu of the required minimum setback ranging from 51.2 to 69.5 feet. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the September 23, 2020 meeting. Carried 6-1.] **Request for Deferral to the October 14, 2020 Meeting per Letter Dated August 31, 2020 from Maura Ziska.**
- g. **Z-20-00276 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of 1742, LLC (Anthony Lomangio, Manager), Applicant, relative to property located at **1742 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(a) and (b) Special Exception with Site Plan Review to allow the construction of a new 9,604 square foot, two-story residence on an unplatted non-conforming lot that has an area of 19,918 square feet in lieu of the 20,000 square feet minimum and a depth of 97.52 in lieu of the 150 foot minimum depth required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the September 23, 2020 meeting. Carried 7-0.] **Request for Deferral to the October 14, 2020 Meeting per Letter Dated August 31, 2020 from Maura Ziska.**
- h. **Z-20-00277 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Robert and Barbara Satterfield, Applicants, relative to property located at **200 EVERGLADE AVE SUITE: A-2**, legal description on file, is described below. Site Plan Review and variance request to add a third story addition by enclosing a balcony on the south side on a non-conforming three-story multi-family building. The variances being requested are to enclose the balcony are as follows: 1. Section 134-948(8)c: A third story addition where only two stories maximum is allowed. 2. Section 134-948(8)c: A building height of 26.5 feet in lieu of the 23.5 foot maximum allowed. [Applicant's Representative: David E. Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 7-0.]

[The Architectural Review Commission approved the project as presented. Carried 7-0.]

- i. **Z-20-00278 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 346 Seaspray Avenue Trust dated May 9, 2020 (Guy Rabideau, Trustee), Applicant, relative to property located at **346 SEASPRAY AVE**, legal description on file, is described below. Applicant is proposing a 161 square foot addition to the existing loggia (which will be enclosed into a/c space); an 877 square foot two story addition to the northeast side of the property for a new garage and an upper level studio; and a 443 square foot pool loggia addition to the east side of the property. The following variances are being requested: Section 134-893(11): to allow a lot coverage of 30.3% in lieu of the 26.1% existing and the 30 percent maximum allowed in the R-B Zoning District. Section 134-893(13): to allow a cubic content ratio ("CCR") of 4.23 in lieu of the 3.57 existing CCR and the 4.11 CCR maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances, including the flood plain variance, will not cause negative architectural impact to the subject property. Motion carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]
- j. **Z-20-00279 SITE PLAN REVIEW** Zoning District: R-D(2) High Density Residential The application of The Cove Condominium Association, Inc., Applicant, relative to property located at **2784 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting site plan approval to install a 250 kW generator that will be located within an existing building. The proposed exhaust and towers are located on the front of the building (east elevation). Site plan review is required pursuant to 134-1729(2) (c) because the generator's output exceeds 100kW. [Applicant's Representative: James M. Crowley Esq] [The Architectural Review Commission approved the minor project as presented. Carried 7-0.]
- k. **Z-20-00281 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-D(2) High Density Residential and R-C Medium Density Residential The application of CH HOTEL, LLC (Andrew and Sarah Wetenhall and Family), relative to property located at **135 HAMMON AVE, 152 HAMMON AVE, AND 155 HAMMON AVE**, legal description on file, is described below. Request for a modification to the previously approved Special Exception for the Colony hotel use to allow the relocation of the previously held events on the west side of the ballroom building to the new east garden. The use of the garden area east of the ballroom building shall be primarily used as a pre-function space such as wedding ceremonies and cocktail receptions -all to be used in conjunction with the ballroom building that was approved by the Town Council In 1986. The Colony Hotel is



requesting the following terms to be approved: 1) All pre-function events or ceremonies in the garden will be concluded by 10:00 p.m. 2) There shall be only background music allowed or live music of no more four instruments. 3) There shall be no DJ music 4) Microphone use shall be allowed for officiant for wedding services or an individual making remarks. 5) The hotel will agree to install a custom designed in-ground sound system to abate noise. 6) The hotel will install a mutually agreeable privacy/landscape buffer along the eastern property line.  
[Applicant's Representative: Maura Ziska Esq]

## VIII. ORDINANCES

### A. Second Reading

1. ORDINANCE 12-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Town Code Of Ordinances, Article III, Certificate Of Appropriateness, Division 1, Generally, Section 54-71, Required, Subsection (f), Removing The Value Threshold For Minor Projects; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

## IX. ANY OTHER MATTERS

- A. Request to Suspend Annual Town-Serving Submittal Required for a Limited Number of Businesses and Clubs in the Town
- B. Discussion of the Planning & Zoning Commission's request to review zoning regulations for commercial and retail businesses
- C. Conflicts of Interest for ARCOM and LPC Commissioners and ARCOM Vacancy

## X. ADJOURNMENT

- Note 1:** 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 2:** 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 3:** 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 4:** 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.