

CANCELLED DUE TO HURRICANE IRMA

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

SEPTEMBER 13, 2017 **CANCELLED**

9:30 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. RESOLUTIONS

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of the decision from the Architectural Review Commission at the meeting of August 23, 2017.
2. Appeal of Administrative Decision that Demolition of a Nonconforming Pool Cabana Exceeded Demolition of More Than Fifty (50) Percent by Cubic Footage

B. 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 deferred the project to the September 27, 2017 meeting. Carried 7-0]
- b. **SITE PLAN REVIEW #2-2017** The application of JDC Florida Properties LLC (Stuart Kapp, Manager); relative to property commonly known as **12 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 6,958 square foot two-story, single family residence on a non-conforming platted lot which is 15,102 square feet in area in lieu of the 20,000 square foot minimum area required; 106.67 in width in lieu of the 125 foot minimum required; and 100.17 feet in depth in lieu of the 150 foot minimum required. [Architectural Commission deferred the project to the August 23, 2017 meeting. Carried 7-0] **Request for Withdrawal per Email Dated August 28, 2017 from the Office of Architect Patrick Segraves**
- c. **Z-17-00005 VARIANCE** Zoning District: R-B Low Density Residential The application of CAMPANA PB TRUST, Owner, relative to property located at **120 CANTERBURY LN**, legal description on file, is described below. The applicant is proposing to add a 495 square foot second story addition for a guest suite above the existing one story guest suite (which will be

converted to a garage) and a 69 square foot 2 story stair addition that will be out of the setback. Because the property is in excess of 20,000 square feet a variance is being requested to have a 15.2 east side yard setback in lieu of the 26 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission approved the architecture but deferred the landscaping to the September 27, 2017 meeting. Carried 4-3] **Request for Deferral to October 11, 2017 Town Council Meeting Per Letter Dated August 28, 2017 from Maura Ziska**
John S. Page, Director of Planning, Zoning & Building

- d. **Z-17-00017 VARIANCE** Zoning District: R-A Estate Residential The application of OLD KAPOK LLC, Owner, relative to property located at **8 S LAKE TRL**, legal description on file, is described below. The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition to the south side of the existing cabana that will have a front yard setback of 33.8 feet in lieu of the 35 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Landmarks Preservation Commission deferred the project to the September 15, 2017 meeting. Carried 7-0.] **Request for Deferral to the October 11, 2017 Town Council Meeting Per Letter Dated August 28, 2017 from Maura Ziska**
- e. **Z-17-00018 VARIANCE** Zoning District: R-B Low Density Residential The application of 130 DOLPHIN ROAD LLC, Owner, relative to property located at **130 DOLPHIN RD**, legal description on file, is described below. The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home. Adding a second story to an existing one story home causes the existing lot coverage of 32% to exceed the 30% maximum allowed for a two story residence in the R-B Zoning District. The variance request is for the lot coverage to be 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. The Architectural Commission approved the project as presented. Carried 5-2.]

2. New Business

- a. **Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS 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. 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 C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. [Applicant's Representative: Maura Ziska, Esq]
- b. **Z-17-00023 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of GULBRANDSEN ALLISON K &, Owner, relative to property located at **211-217 EMERALD LN**, legal description on file, is described below. PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 211 & 217 EMERALD LN. The applicant owns two adjacent properties in the R-B Zoning District and wishes to combine the properties to create a garden with accessory structures. Once combined, the resulting lot would have an area in excess of 20,000 square feet (29,000 square feet) and a width in excess of 200 feet. The following variances are being requested: 1) To allow a new one story tea house on the garden parcel to have a 12.5 foot east side yard setback in lieu of the 30 foot minimum setback required for lots with an area in excess of 20,000 square feet and a width in excess of 200 feet. 2) To allow the existing house to remain with the current west setbacks of 28.2 feet for the garage/guest house and 25.1 feet for the main house that become non-conforming once the lots are combined and the resulting lot area is in excess of 20,000 square feet and the resulting lot width is in excess of 200 feet. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. The Architectural Commission partially approved the project and deferred the remaining item to the September 27, 2017 meeting. Carried 7-0.] **Request for Deferral to the October 11, 2017 Town Council Meeting Per Letter Dated August 28, 2017 from Maura Ziska**
- c. **Z-17-00024 VARIANCE(S)** Zoning District R-C Medium Density Residential The application of KAUPE SANDRA T, Owner, relative to property located at **266 ATLANTIC AVE**, legal description on file, is described below. The owner is proposing to renovate an existing one-story residence that was constructed in 1920 which will require the following variances: 1. A request to allow construction of a 592.5 square foot one story addition for a master bedroom and covered porch and covered front entry that will result in a lot coverage of 34.3 % in lieu of the 22.52%

existing and the 30% maximum allowed in the R-C Zoning District.

2. A request to allow a front yard setback to be 14.67 feet in lieu of the 25 foot minimum required in the R-C Zoning District to allow for a covered entry over the existing steps. 3. A request to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District to allow for the master bedroom addition. 4. A request to allow a swimming pool on the east side of the property with a 6.67 foot west side yard setback in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. The Architectural Commission approved the project as presented. Carried 6-1.]

d. **Z-17-00025 SITE PLAN REVIEW WITH VARIANCE(S)**

Zoning District: R-C Medium Density Residential The application of MOSSANEN B & S, Owner, relative to property located at **100 SUNRISE AVE SUITE: PH 7**, legal description on file, is described below. 1. A site plan modification with variances to allow five (5) retractable awning totaling 615 square feet over the terrace on the seventh floor of a seven-story condominium building. 2. A variance request to allow the awning at a height of 60 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. 3. A variance request to allow the awning on the existing seventh floor penthouse of a seven-story building in lieu of the two story building maximum allowed in the R-C Zoning District. 4. A variance to allow the awning at an overall height of 61.96 feet in lieu of the 26 1/2 foot maximum allowed in the R-C Zoning District for a flat roof. 5. A front yard setback of 54.5 feet in lieu of the 122.11 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property. The Architectural Commission approved the project as presented. Carried 7-0.]

e. **Z-17-00026 SITE PLAN REVIEW** Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC, Owner, relative to property located at **1265 S OCEAN BLVD**, legal description on file, is described below. A request for Site Plan Review to install two generators, both 250 KW in size, that are proposed to be located in a 3,168 square foot accessory building on the northwest corner of the property. [Applicant's Representative: Maura Ziska Esq] **Request to Withdraw Project Per Letter Dated August 2, 2017 from Maura Ziska**

f. **Z-17-00027 SITE PLAN REVIEW WITH VARIANCE(S)**

Zoning District: R-AA

Large Estate Residential The application of SANDERS ALICE &, Owner, relative to property located at **615 N COUNTY RD**, legal description on file, is described below. A variance to allow the construction of a new 25,792 square foot two story residence with a point of measurement for height and overall height to be 23.42 National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review and variance will not cause negative architectural impact to the subject property. The Architectural Commission deferred the project to the September 27, 2017 meeting. Carried 7-0.]

3. Other

- a. Proposed Staff Initiated Study Items
- b. Proposed Zoning Text Amendment Applications from Up Markets to 1) Study Code Changes to Allow Property Identification Signage and 2) Study Code Changes to Allow Outdoor Promotional Activity Related to Businesses in the Planned Center Zoning District (C-PC)

IX. ORDINANCES

A. First Reading

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.