



TOWN OF PALM BEACH

Planning, Zoning & Building Department

SUMMARY OF THE ACTIONS TAKEN AT THE DEVELOPMENT REVIEW TOWN COUNCIL MEETING HELD ON WEDNESDAY, AUGUST 15, 2018

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

ACTION: THE FOLLOWING CHANGES WERE MADE TO THE AGENDA

ITEM VIII.A.1.a., Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES WAS DEFERRED TO SEPTEMBER 12, 2018

ITEM VIII.A.1.d., Z-18-00084 VARIANCES WAS DEFERRED TO OCTOBER 10, 2018

ITEM VIII.A.1.g., Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES WAS DEFERRED TO SEPTEMBER 12, 2018

ITEM VIII.A.2.e., Z-18-00118 SPECIAL EXCEPTION WAS DEFERRED TO SEPTEMBER 12, 2018

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS

VII. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. Z-18-00110 SPECIAL EXCEPTION Zoning District: C-WA Worth Avenue The application of WILSON 150 WORTH LLC, Applicant, relative to property located at 150 WORTH AVE SUITE: SITE, legal description on file, is described below. A request for special exception approval is being requested to allow outdoor promotional events as a permitted special exception use in the C WA Zoning District for town serving outdoor promotional events at the Esplanade Building in the central courtyards. The proposed hours of operation will align with the store and restaurant hours to be Sunday through Thursday 7:00 AM to 10:00 PM and Friday and Saturday 7:00 AM to 11 :00 PM. Examples of outdoor promotional events is attached hereto as Exhibit "D".

[Applicant's Representative: Maura Ziska Esq] Consideration of a proposed Declaration of Use Agreement.

ACTION: APPROVED

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at 323 CHILEAN AVE, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [The Landmark Preservation Commission deferred this project for one month to the August 20, 2018 meeting. Carried 7-0.] Request for Deferral to the September 12, 2018 Town Council Meeting Per Letter Dated August 2, 2018 from Maura Ziska

ACTION: DEFERRED TO THE SEPTEMBER 12, 2018 MEETING

b. Z-17-00061 SPECIAL EXCEPTION Zoning District: C-PC Planned Center The application of SPIEGEL SIDNEY TR # 31520371, Owner, relative to property located at 340 ROYAL POINCIANA WAY legal description on file, is described below. A request for Special Exception approval is being filed in connection with the Ordinance considered at Planning & Zoning Commission on October 17th and Town Council on December 13th, 2017. The Ordinance provides that outdoor promotional events are permitted as a special exception use in the C-PC district and this request seeks Special Exception approval for Town Serving outdoor promotional events at The Royal Poinciana Plaza in the central courtyards. The proposed hours of operation align with approved outdoor dining hours, 8am-10pm Sunday through Thursday and 8am-11pm Friday and Saturday. [Applicant's Representative: James M. Crowley Esq] Review of Outdoor Promotional Events as required by condition of approval by Town Council on February 14, 2018.

ACTION: NONE

c. Z-17-00066 MODIFIED SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at 313 1/2 WORTH AVE SUITE: SITE, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front façade was too modern and fit into the area, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design. They all agreed that

accessibility at the entrance was necessary. [The Architectural Review Commission conditionally approved this project at their June 27, 2018 meeting. The condition of approval was that the proposed pedestal is changed back the fountain and obelisk previously proposed. Carried 4-3.]

ACTION: APPROVED WITH CONDITIONS

d. Z-18-00084 VARIANCE(S) The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at 901 N OCEAN BLVD, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried 7-0.] Request for Deferral to the October 10, 2018 Town Council Meeting Per Letter Dated August 2, 2018 from Maura Ziska

ACTION: DEFERRED TO THE OCTOBER 10, 2018 MEETING

e. Z-18-00097 SITE PLAN REVIEW Zoning District: R B Low Density Residential The application of 232 Bahama Lane, LLC (Manager of 232 Bahama Lane, LLC: Manager I, LLC. Manager of Manager I, LLC: E. Llwyd Ecclestone, Jr.), Applicant, relative to property located at 232 BAHAMA LN, legal description on file, is described below. Site Plan Review to allow the construction of a 4,300 square foot, two story, single-family house on a non conforming platted lot, which is 90 feet in depth in lieu of the 100 foot depth required in the R B Zoning District. [Applicant's Representative David E. Klein Esq] [The Architectural Review Commission approved the project at the July 25, 2018 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

f. Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at 235 SUNRISE AVE SUITE: CM 23, legal description on file, is described below. A request for a variance and a special exception to expand a non conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] If approved, consideration of proposed Declaration of Use Agreement.

ACTION: DEFERRED TO SEPTEMBER 12, 2018 MEETING AND RESOLUTION OF FIRE / CODE ENFORCEMENT ISSUES

g. Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: B-A Beach Area The application of 1178 OCEAN LLC, Applicant, relative to property located at 1178 N OCEAN BLVD SUITE:BEACH CABANA, legal description on file, is described below. The Applicant seeks to reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic

footage, is being demolished (per Code Section 134 417). To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feet allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8 1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a setback of 5' 3 1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at +/- 6' 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code. [Applicant's Representative: Francis X. J. Lynch] [The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried 7-0.] Request for Deferral to the September 12, 2018 Town Council Meeting Per Letter Dated August 1, 2018 from Francis Lynch

ACTION: DEFERRED TO SEPTEMBER 12, 2018 MEETING

2. New Business

a. Z-18-00114 SITE PLAN REVIEW The application of FBDD Property Corp., President: Francesco Blanco, Applicant, relative to property located at 168 SEABREEZE AVE, legal description on file, is described below. Site Plan Review to allow the construction of a 3,644 square foot, two-story, single family house on a non-conforming platted lot which is 92 feet in width in lieu of the 100 foot width required in the R-B Zoning District. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission approved the project at the July 25, 2018 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

b. Z-18-00115 VARIANCE(S) The application of Sean Healey, Applicant, relative to property Located at 6 VIA LOS INCAS, legal description on file, is described below. Applicant is proposing to construct a 2,170 square feet second story addition over the existing first floor for a master bedroom suite and terrace and demolish an existing pool cabana and awning and replace it with a smaller 348 square foot cabana that will require the follow variances: 1) a cubic content ratio ("CCR") of 5.29 in lieu 5.21 existing and the of the 3.81 maximum allowed in the R-B Zoning District. 2) Allow the existing lot coverage to remain non-conforming at 31.9% in lieu of the 32.9% existing and the 25% maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property.] [The Architectural Review Commission approved the project at the July 25, 2018 meeting. Carried 6-1.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

c. Z-18-00116 VARIANCE(S) The application of Margaretta Taylor, Applicant, relative to property located at 120 EL BRILLO WAY, legal description on file, is described below. Applicant is proposing to construct a 75 square foot exterior staircase along the east side of the residence that will require a variance to be requested to increase the lot coverage from 29% to 29.3% in lieu of the 25% maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Motion carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

d. Z-18-00117 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The application of Bryan Donahue, Insite Studios Inc. on behalf of the Society of the Four Arts, Inc., Applicant, relative to property located at 101 FOUR ARTS PLZ SUITE: SCULPTURE GARDEN, legal description on file, is described below. 1. Request for special exception approval to modify the approved site plan to add a sculpture to the sculpture garden 2. Request for site plan review to modify the Society of The Four Arts "Sculpture Garden" to add a sculpture 3. Variance to allow the installation of a sculpture in the "Sculpture Garden" which is 14' 2" high including a 2' 6" high base (14' 2" total height) in lieu of the 12' maximum allowed. [Applicant's Representative: Bryan Donahue] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 7-0.

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

e. Z-18-00118 SPECIAL EXCEPTION The application of 210 Miraflores Drive LLC, Manager: Michael Belisle, Applicant, relative to property located at 210 MIRAFLORES DR, legal description on file, is described below. Special Exception and Site Plan Review to allow the construction of a 4,381 square foot, two-story, single family house on a non-conforming lot, comprised of a portion of a platted lot, which is 90 feet in width in lieu of the 100 foot depth required in the R-B Zoning District. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried unanimously, 6-0.] Request for Deferral to the September 12, 2018 Town Council Meeting Per Letter Dated July 26, 2018 from David Klein

ACTION: DEFERRED TO SEPTEMBER 12, 2018 MEETING

f. Z-18-00119 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The application of Sailfish Club of Florida, Inc., Applicant, relative to property located at 1338 N LAKE WAY SUITE: SITE, legal description on file, is described below. A request for special exception approval with site plan review to allow a 16 foot by 40 foot temporary kitchen trailer to be located in the existing handicapped parking spaces adjacent to the west of the Club main entrance. The temporary kitchen trailer is necessary to service the Club while it is renovating their kitchen. The timeframe for the temporary kitchen will be May 2019 until November 2019. The following variance is being requested in conjunction with this application: 1) A variance request to temporarily remove the ability to use four (4) parking spaces for the months of May 2019 through November 2019 to create a further non-conformity of 113 parking spaces in lieu of the 118 existing. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH THE CONDITION OF PROOF OF REQUIRED NOTICE

g. Z-18-00120 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The application of Acqua PB, LLC d/b/a Acqua Café (Arlene Desiderio, Principal), Applicant, relative to property located at 2875 S OCEAN BLVD SUITE: SITE, legal description on file, is described below. A request for special exception with site plan approval pursuant to Condition #2 in the original 1980 approval to construct the existing building on the subject property (Special Exception #25-80). The condition requires any use other than an office and professional services to obtain Town Council approval. This request is to allow a 2,684 square foot restaurant in suites 102 and 103 (to be combined with an outdoor patio) with 92 seats (50 indoor and 42 outdoor). Special exception approval is required for outdoor seating. The hours of operation are proposed to be:

Lunch 11:00 AM to 4:00 PM daily, Dinner 5:00 PM to 9:00 PM Sunday to Thursday; 5:00 PM to 10:00 PM Friday and Saturday. The following variance is being requested: 1) A variance request to provide zero (0) additional off-street parking spaces in lieu of the 28 additional parking spaces that would be required using the principle of equivalency calculation for the proposed restaurant with 92 seats. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH THE CAVEAT THAT SEATS INDOOR/OUTDOOR ARE LIMITED TO 50 DURING LUNCH; AND THAT THE APPLICANT RETURN TO AUGUST 14, 2019 MEETING

h. Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S) The application of 456 South Ocean LLC (Dave Frisbie, Manager), Applicant, relative to property located at 456 S OCEAN BLVD SUITE: SITE, legal description on file, is described below. A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY AGREEMENT. THE TOWN COUNCIL HAS DIRECTED THE ZONING ADMINISTRATOR TO WRITE A LETTER TO THE FLORIDA DEPARTMENT OF ENVIRONMENT PROTECTION STATING THAT THE APPLICANT IS IN COMPLIANCE WITH ZONING

ACTION: SITE PLAN REVIEW DEFERRED TO THE SEPTEMBER 12, 2018 MEETING

i. Z-18-00122 VARIANCE(S) The application of Roger K. Taylor, Applicant, relative to property located at 671 ISLAND DR, legal description on file, is described below. A variance request to construct a 60.5 square foot platform to connect the property to the existing boat lift that will require the following variances: 1) To have a 12.25 foot south riparian setback in lieu of the 25 foot minimum setback required for a landing dock; and 2) To have an 8.25 foot setback from the property line in lieu of the 6 foot maximum allowed for a landing dock. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

j. Z-18-00124 VARIANCE(S) The application of Hunter and Melissa Beebe, Applicant, relative to property located at 1050 N OCEAN BLVD, legal description on file, is described below. The applicant would like to modify the previously approved Variance # 3-2016 to rotate the pool cabana and swimming pool which would require the following variance: 1) a rear street yard setback of 15.3 feet for the 790 square foot one story pool cabana in lieu of the 35 foot minimum required for a lot in excess of 20,000 square feet and with a depth of 164.81 feet in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

k. Z-18-00125 VARIANCE(S) The application of Lori Jayne Monogramming, Lori Jayne, Inc., PEMS Partnership, Ltd., Applicant, relative to property located at 301 S COUNTY RD, legal description on file, is described below. 134-1107. Applicant requests variance to operate two retail stores at 301 and 304 S. County Rd. containing 4,622 total square feet under common ownership within the C-TS District and separated by 71.1 feet in lieu of 1,500 feet required. [Applicant's Representative: Tim Hanlon Esq]

ACTION: APPROVED

VIII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 15-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Future Land Use Map And Related Data And Analysis Within The Future Land Use Element By Changing The Future Land Use Designation From "Recreation" To "Multi-Family Moderate Density (Maximum 6 Du/Gross Palm Beach Acre)" For A 0.3-Acre Piece Of Private Property (Commonly Know As "Kaplan Park") That Is Located On The Southwest Corner Of The Intersection Of Hammon Avenue And South Ocean Boulevard, Which Has An Address Of 456 South Ocean Boulevard; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED

IX. ANY OTHER MATTERS

X. ADJOURNMENT