



TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MARCH 15, 2017

9:45 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

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. PRESENTATIONS

A. Flagler Memorial Bridge Update

Geoffrey Parker, P.E., New Millennium Engineering

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF AGENDA

VIII. PUBLIC HEARINGS

IX. RESOLUTIONS

- A. RESOLUTION NO. 38-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For 350 Worth Avenue, The Everglades Club (Main Lounge Ceiling Renovation) And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

John S. Page, Director of Planning, Zoning & Building

- B. RESOLUTION NO. 39- 2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Breakers Hotel, One South County Road (South Ocean Tower Renovations) And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

John S. Page, Director of Planning, Zoning & Building

X. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. VARIANCE #25-2016 The application of Maura Ziska, Manager of Barnacle PB LLC; relative to property commonly known as **221 Oleander Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant requests a variance to allow construction of a new 2,930 square foot, two story residence on a lot with a depth of 56 feet in lieu of the 100 foot minimum required and a lot area of 4,200 square feet in lieu of the 10,000 square foot minimum; a variance to allow lot coverage to be 41.6% in lieu of the 30% maximum allowed; a variance to allow a front yard setback to be 13.5 feet in lieu of the 25 foot minimum; and a variance to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0] [Architectural Commission approved the Project at the February 22, 2017 meeting. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building

- b. VARIANCE #1-2017 The application of Rosemin Stanoytchev; relative to property commonly known as **157 Peruvian Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to build a two-story, 3,911 square foot (including the garage) single-family residence on a lot with an area of 6,250 square feet, in lieu of the 10,000 square foot minimum required, and a lot width of 50 feet, in lieu of the 75 foot minimum required. [Attorney: David E. Klein, Esq.][Architectural Commission deferred the project to its January 25, 2017 meeting.] [Architectural Commission deferred the Project to the March 22, 2017 meeting. Carried 7-0] **Request for Deferral to the April 12, 2017, Town Council Meeting Per Letter Dated February 28, 2017 from David E. Klein.**

John S. Page, Director of Planning, Zoning & Building

- c. SPECIAL EXCEPTION #28-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as **316 Seabreeze Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 2,700 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot west side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot east side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. Approved the project 5-2]

John S. Page, Director of Planning, Zoning & Building

- d. SPECIAL EXCEPTION #29-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as **320 Seabreeze Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a special exception with site plan review to allow the construction of a 2,713 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot east side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot west side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the

Project to the March 22, 2017 meeting. Carried 7-0] **Request for Deferral to the April 12, 2017, Town Council Meeting Per Letter Dated February 28, 2017 from Maura Ziska.**

John S. Page, Director of Planning, Zoning & Building

- e. SPECIAL EXCEPTION #30-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach (Tom Bradford, Town Manager); relative to property commonly known as **340 Seaview Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to approval to allow a new two-story 33,810 square foot Recreation Center for the Town of Palm Beach that will include a new athletic field, parking lot, gymnasium, tennis pro shop, multi-purpose room, fitness center with locker rooms, concession area, classrooms, offices and new maintenance building, new tennis backboard, new scoreboard. A second special exception request is to allow for a rebound wall to be constructed on the north side of the new maintenance building. The following variances are being requested in order to construct the new community center: 1) A west side yard setback of 10 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 2) A north side yard setback of 8 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 3) A street rear yard setback for the new parking lot on Royal Palm Way of 4 feet in lieu of the 35 foot minimum required for properties that are in excess of 20,000 square feet; 4) an east side yard setback of 4 feet in lieu of the 30 foot minimum required for the new parking lot on Royal Palm Way for properties that are in excess of 20,000 square feet; 5) a height of 27 feet in lieu of the 22 foot maximum allowed; 6) an overall height of 35 feet in lieu of the 30 foot maximum allowed; 7) a vertical distance to the top of beam of 30.75 feet in lieu of the 26 foot maximum distance allowed from the crown of street to top of beam; 8) landscaped open space of 43% in lieu of the 55% minimum required for properties that are in excess of 20,000 square feet; 9) parking lot interior landscaped open space of 5% in lieu of the 10% minimum required; 10) to allow signage on the proposed scoreboard which would exceed the maximum signage allowed (of one for each street frontage); 11) to allow three (3) air-conditioning units to be on the roof that is in excess of the 4 foot maximum allowed. The proposed A/C units will be 5 feet tall plus the height of the stand. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property with existing parking or Option B. Carried 4-3] [Architectural Commission deferred the Project to the March 22, 2017 meeting. Carried 7-0] **Request for Deferral to the April 12, 2017, Town Council Meeting Per Letter Dated February 28, 2017 from Maura Ziska.**

John S. Page, Director of Planning, Zoning & Building

- f. SPECIAL EXCEPTION #1-2017 WITH SITE PLAN REVIEW AND VARIANCE The application of Robert A. Toohey; relative to property commonly known as **319 Seaspray Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of 3,981 square foot, two-story single family residence on three platted lots which combined creates a lot that is 75 feet in width in lieu of the 100-foot minimum required and 9,187 square feet in area in lieu of the 10,000 square foot minimum required. The applicant is also requesting a variance to allow construction of a new residence on a lot that is 75 feet in width which will have a one-car garage in lieu of the two-car garage required for lots 75 feet or more in width. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1] [Architectural Commission approved project 4-3 at the February 22, 2017 meeting.]

John S. Page, Director of Planning, Zoning & Building

- g. 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: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the April 26, 2017 meeting. Carried 7-0] **Request for Deferral to the May 10, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

John S. Page, Director of Planning, Zoning & Building

- h. 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. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the April 26, 2017 meeting. Carried 7-0] **Request for Deferral to the May 10, 2017, Town Council Meeting Per letter Dated January 26, 2017 from Maura Ziska.**

2. New Business

- a. VARIANCE #9-2017 The application of David and Zoya Soane; relative to property commonly known as 130 Brazilian Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance for cubic content ratio ("CCR") to construct a two story 499 square foot addition to the rear of the landmarked residence that will result in a CCR of 4.31 in lieu of the 4.11 existing and the 3.97 maximum allowed. The addition is a one story with an open balcony above. [Attorney: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the landmark property. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building

- b. SPECIAL EXCEPTION #4-2017 WITH SITE PLAN REVIEW The application of Alex Gilmurray, Chief Financial Officer of The Breakers Palm Beach, Inc.; relative to property commonly known as **1 S. County Rd.**, described as lengthy legal description on file; located in the PUD-A Zoning District. The applicant is requesting a special exception with site plan review approval for the following modifications to The Breakers Hotel: Diesel fuel tank at engine room service court. Add 3,000-gallon diesel fuel tank on concrete slab just north of service court in previously-approved engine room expansion area on the north side of the main hotel. This fuel tank is 18.16 feet long, 5.91 feet wide and 5.91 feet high. Its purpose is to provide fuel to the new emergency generator. Front Lawn Service Buildings. Two one-story accessory buildings, known as pavilions will be constructed on the front/croquet lawn. The south building (755 square feet) will be utilized to plate food for outdoor events and the north building (446 square feet) will contain restrooms to serve the area. The lawn is located southwest of the hotel. While The Breakers has been using the lawn for events and functions for many years, Town Council approval is required to continue using the lawn for events. [Attorney: James M. Crowley, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to subject landmark property. Carried 6-1]

John S. Page, Director of Planning, Zoning & Building

- c. SPECIAL EXCEPTION #5-2017 The application of 305 Concepts, LLC ("Coyo Taco"); relative to property commonly known as **340 Royal Poinciana Way, Ste. 337A**, described as lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting a special exception approval to operate a 3,260 square foot (196 square feet of open standing

area, 2,103 square feet of dining and taqueria, and 961 square feet of support), 80 seat restaurant, which will feature Mexican cuisine. The proposed restaurant will be located in the southwest corner of the Royal Poinciana Plaza (formerly “Edwards” salon). The proposed hours of operation are as follows: Sunday through Thursday – Lunch and Dinner – 11 a.m. to 1 a.m. Friday and Saturday – Lunch and Dinner – 11 a.m. to 2 a.m. The existing 2,130 square foot retail space attributed to seating accounts for only 7 parking spaces. The subject tenant space can only support 21 seats based on the off-street parking requirements and principle of equivalency determination. The special exception request is also to allow the transfer of 59 seats grandfathered from the former McCarty’s restaurant in the Plaza to this proposed restaurant. This would leave a maximum of 92 seats that could be used at the former McCarty’s restaurant tenant space. [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

3. Other

XI. ORDINANCES

A. First Reading

1. ORDINANCE NO. 8-2017 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, At Article VI, District Regulations, Sections 134-1107, 134-1157, 134-1207 And 134-1302, Permitted Uses, By Conditionally Allowing Storage Facilities In The C-TS, C-WA C-OPI And C-B Commercial Zoning Districts Related To Permitted Or Special Exception Uses In The Same Zoning District In Which The Storage Facility Is To Be Located; By Creating A New Section 134-1760 Which Provides For Conditions In Which Said Storage Facility Is Permitted; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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John S. Page, Director of Planning, Zoning & Building

2. ORDINANCE NO. 9-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach’s Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives And Policies Within The Plan Based On The Town’s Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

John S. Page, Director of Planning, Zoning & Building

XII. ANY OTHER MATTERS

XIII. 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.