



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 12, 2014

9:30 AM

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
Robert N. Wildrick, President
William J. Diamond, President Pro Tem
Richard M. Kleid
Michael J. Pucillo
Penelope D. Townsend

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

(Another opportunity will be offered immediately after the lunch break, if a lunch break is taken.)

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. **RESOLUTION NO. 41-2014** 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 153 Cocoanut Row 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.

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

- B. **RESOLUTION NO. 42-2014** 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 337 Brazilian 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.

Request for Deferral to the April 9, 2014, Town Council Meeting Per Letter Dated March 3, 2014, from Guy Rabideau.

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

VIII. RESOLUTIONS

- A. **RESOLUTION NO. 43-2014** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order To Murphy Stillings, LLC, For Historic Preservation Services Related To The Establishment of Royal Poinciana Way Historic District In An Amount Not To Exceed \$15,000.

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

- B. **RESOLUTION NO. 44-2014** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for 235 Sunrise Avenue 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 and Building

- C. **RESOLUTION NO. 45-2014** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for 252 El Bravo Way 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 and Building

- D. **RESOLUTION NO. 46-2014** 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 (Kitchen Renovation, Phase II) 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 and Building

- E. **RESOLUTION NO. 47-2014** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for 319 El Vedado Road 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 and Building

IX. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Denial of Demolition Permit for 440 Royal Palm Way Per Letters Dated February 24, 2014, from M. Timothy Hanlon and February 25, 2014, from Raymond M. Masciarella, II. [Attorneys: Raymond Masciarella, II and Timothy Hanlon]

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

B. Time Extensions and Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 1480 North Lake Way Per Letter Dated February 20, 2014 from Maura Ziska.

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

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #2-2014 WITH SPECIAL EXCEPTION

The application of Ambassador Hotel Co-Op (Bill Whitehead, Manager); relative to property commonly known as **2730 South Ocean Blvd.**; described as AMBASSADOR HOTEL CO-OP APTS INC COMMON AREA A/K/A 23-44-43, N 216 FT OF S 385 FT OF N 3000 FT OF FRAC SEC LYG BET ELY R/WLI OF SR A-1-A & ATLANTIC OCEAN; located in the R-D (2) Zoning District. The applicant is requesting a Site Plan Review to renovate the exterior walkways of the West Building by increasing the width of the walkways by 16 inches (717.6 sq. ft. total) and upgrading the railing using glass barriers. The new railing will be continued to the pool deck. In addition, the façade of the West Building will be improved providing for more articulation and architectural features incorporating Moderno elements. The height of the West Building is currently 44.9 feet (existing nonconforming) and is proposed to be increased to 49.9 feet. (62.6 feet maximum allowed) (Sec. 134-229, Sec. 134-1060(8)(d) and Sec. 134-1064). The lot coverage of the West Building totals just 5.6% of the overall lot coverage of the site (27.47%) and would increase to 5.22% of overall lot

coverage with the proposed renovations. [Attorney: Neil M. Schiller]

Deferred from the February 12, 2014, Town Council Meeting

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

2. New Business

- a. **VARIANCE #9-2014** The application of Rick and Marie Wackenhut; relative to property commonly known as **930 South Ocean Boulevard**; described as Lengthy legal description on file; located in the R-A Zoning District. The existing residence is a Palm Beach Historic Landmark. The applicant is proposing modifications to the existing pool cabana structure. The plan is to raise the floor of the existing structure approximately 3 feet to be above the pool deck (it currently is below the deck with the steps down to access the structure), add 124 square feet to the east side of the existing pool cabana, and add a second floor for a total square footage of 1,320 for the renovated pool cabana. The following variances are requested: to raise the floor and add a second floor to the existing pool cabana and replace the flat roof with a pitched roof which will expand the height and overall height on the existing non-conforming side setback of 2.9 feet in lieu of the 15 foot minimum required; and, for the same modifications to the existing pool cabana with a rear setback of seven (7) inches in lieu of the 15 foot minimum required in the R-A Zoning District. [Attorney: Maura Ziska] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmarked property. Carried 7-0]

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

- b. **VARIANCE #10-2014** The application of K. Prescott Low and Susan T. Low; relative to property commonly known as **242 Jungle Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The applicants request permission to install a 60kw Generac QT060 generator in the northwest corner of their property with a front yard setback of 6 feet 8 inches in lieu of 35 foot minimum required. [Attorney: M. Timothy Hanlon]

Request for Deferral to the April 9, 2014, Town Council Meeting Per Letter Dated March 4, 2014, from M. Timothy Hanlon.

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

- c. **VARIANCE #11-2014** The application of John David Corey; relative to property commonly known as **426 Australian Avenue**; described as Lot 43 and 44, Block 5 of ROYAL PARK ADDITION, according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. A variance is

requested to allow construction of a new 3,750 square foot two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 6,250 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District. [Attorney: Maura Ziska]

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

- d. **VARIANCE #12-2014** The application of Reinhard Brandner; relative to property commonly known as **315 Eden Road**; described as W 15.5 ft of Lot 41 & 42, Eden Properties; located in the R-B Zoning District. A variance is requested to allow a 185.2 sq. ft. cabana addition (for a total 305.2 sq.ft.) to be set back 5 feet 2 inches in lieu of the 10 foot minimum allowed. [Attorney: Peter Broberg]

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

- e. **VARIANCE #13-2014** The application of Matthew McCormick and Chadwick Hoeft; relative to property commonly known as **218 Via Linda**; described as Lot 22 ALLARD SUBDIVISION, according to the Plat thereof as recorded in Plat Book 23, Page 186, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. A variance is requested to construct a 216 square foot, one story addition to the southwest corner of the existing residence with a 5.3 foot west side yard setback to match the existing house setback in lieu of the 12.5 foot minimum required in the R-B Zoning District. [Attorney: Maura Ziska]

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

- f. **SPECIAL EXCEPTION #2-2014** The application of Marion Hugh and Penelope Antonini; relative to property commonly known as **920 South Ocean Boulevard**; described as Lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a special exception to build a new 500 square foot beach cabana on the ocean parcel which has a frontage of 167 feet and is across the street of the main residence. [Attorney: Maura Ziska]

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

- g. **SITE PLAN REVIEW #3-2014 WITH VARIANCES** The application of Capital Construction & Development, Inc. (Josh McAlees, President); relative to property commonly known as **215 Brazilian Avenue**; described as Lot 5 and the West 84 feet of Lot 6, Block E of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a Site Plan Review to construct a two-story, four (4) unit, townhouse building with associated swimming pools and hardscape. Each unit will be approximately 5,300 square feet under air with basement garages. The

following variances are proposed: to allow horizontal overlapping between individual dwelling units that is not permitted under the townhouse regulations; and, to not provide a 20 foot access to the interior of the block which is required under the townhouse regulations. [Attorney: Maura Ziska]

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

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 5:00 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 5:00 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:** A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

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.