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

FEBRUARY 15, 2017

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

Mayor Gail L. Coniglio
Julie K. Araskog
Richard M. Kleid
Bobbie Lindsay
Danielle H. Moore
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

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. PUBLIC HEARINGS

A. RESOLUTION NO. 24-2017 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 **132 Clarke 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.

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

VIII. RESOLUTIONS

A. RESOLUTION NO. 23-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To Zoning Items Under Study By The Town As Enumerated In Exhibit "A" Attached Hereto; Requiring That No Building Permits Be Issued Or Approvals Be Granted By The Department Of Planning, Zoning And Building During The Period That Zoning Is In Progress For Any Activity Or Project In Contravention Of Any Proposal Under Study; Providing An Effective Date.

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

IX. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. 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 deferred the Project to the January 25, 2017 meeting. Carried 7-0] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

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

b. 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 January 25, 2017 meeting. Carried 7-0] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

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

c. 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 February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 31, 2017 from Beth Zickar.**

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

d. 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 March 15, 2017, Town Council Meeting Per Letter Dated January 24, 2017 from David E. Klein.**

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

e. VARIANCE #2-2017 The application of Glen Dubin; relative to property commonly known as **1090 N. Lake Way**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to install a 10.75 foot tall sculpture in their backyard which would have a 11.08 foot setback in lieu of the 25 foot minimum setback required for structures over 4 feet tall on properties abutting the Lake Trail. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the project to its January 25, 2017 meeting.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3]

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

f. 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 deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per letter Dated February 3, 2017.**

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

2. New Business

a. SPECIAL EXCEPTION #2-2017 WITH SITE PLAN REVIEW AND VARIANCE The application of Edward Leevan, Manger; relative to property commonly known as **2842 S. Ocean Blvd**., described as lengthy legal description on file; located in the R-D(2)/Beach Area Zoning District. The applicant is requesting a special exception with site plan review to modify the site plan to allow a temporary tent over the parking lot that contains 40 parking spaces from March 30, 2017 to April 7, 2017 to allow for a conference to be hosted at the Tideline Ocean Resort & Spa. The following variance is requested: a) a variance request to temporarily eliminate the (40) required off street parking spaces for the dates identified. [Attorney: Maura Ziska, Esq.]

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

b. 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 February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

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

c. 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 February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per letter Dated January 26, 2017 from Maura Ziska.**

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

d. VARIANCE #5-2017 The application of Ann DesRuisseaux; relative to property commonly known as **1090 N. Ocean Blvd**., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to renovate a two-story residence with 994 square feet of one and two story additions increasing the residence from 6,141 square feet to 7,135 square feet total and require the following variances: 1) cubic content ratio ("CCR") of 4.99 in lieu of the 4.35 existing and the 3.96 maximum CCR allowed; 2) south side yard setback of 10 feet in lieu of the 12.5 foot minimum set back required for the proposed one story addition to the existing garage; 3) south side yard setback of 10 feet in lieu of the 15 foot minimum set back required for the proposed two story additions to expand and add to the upstairs bedrooms. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0]

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

e. VARIANCE #6-2017 The application of Charlotte L. Beers; relative to property commonly known as **82 Middle Road**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing the following additions onto the existing residence: 1) Construct a one story 35 square foot infill addition to an existing bathroom; 2) construct a one story 5 square foot infill addition to the kitchen; 3) construct a one story 192 square foot addition for a car port. The following variances are being requested to accomplish the above improvements: 1) Cubic content ratio ("CCR") of 6.05 in lieu of the 6.00 existing and the 4.02 maximum CCR allowed; 2) Lot coverage of 33.7% in lieu of the 31.3% existing and the 30% maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0]

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

f. VARIANCE #7-2017 The application of Maurice Pinsonnault; relative to property commonly known as **1632 S. Ocean Blvd**., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing a new 10,897 square foot two-story, single family residence which will require the following variances: 1) a request for a point of measurement of 22.5 NGVD ("National Geodetic Vertical Datum") in lieu of the 20.56 NGVD maximum allowed; 2) a request for a front yard setback (on Seagrape Circle) for the entry feature to be 33.5 feet in lieu of the 35 foot maximum required; 3) a request for the height of the retaining wall along the west property line to be 9 feet tall in lieu of the 6 and 7 foot maximum allowed; 4) a request to have a building height plan setback 50.33 in lieu of the 66.9 foot minimum setback required for the architectural features which include the gable roof and two chimneys; 5) a request to allow two chimneys at a height of 37 feet in lieu of the 35 foot maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the March 22, 2017 meeting. Carried 7-0] **Request for Withdrawal Per letter Dated February 6, 2017.**

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

g. VARIANCE #8-2017 The application of Maura Ziska, Trustee; relative to property commonly known as **101 El Brillo Way**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is renovating a Landmarked residence which includes a proposal to add a 7,873 square foot, two story addition with a basement to the west side of the residence for a new kitchen and guest wing and a 252 square foot two story addition to the east side of the residence to enlarge the existing office/den. The following variances are being requested: 1) a rear yard setback of 8.25 feet in lieu of the 15 foot minimum required for the guest wing addition on the west side of the residence (268 square feet is encroaching in the setback); 2) a rear yard setback of 10.33 in lieu of the 15 foot minimum required for the office/den addition to the east side of the residence (70 square feet is encroaching in the setback). [Attorney: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0]

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

3. Other

a. Stop Work Order Under 3-Strike Rule
146 Atlantic Avenue

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

A. Second Reading

1. ORDINANCE NO. 1-2017 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, As Follows: At Article VI, District Regulations, Section 134-1259, Special Exception Uses, By Allowing Outdoor Seating As A Special Exception Use In The C-PC Zoning District; Renumbering Existing Section 134-1260 And Subsequent Sections, And Creating A New Section 134-1260 In The C-PC Zoning District Titled "Stands, Seating Dining Area And Open Counters For Eating And Drinking"; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

X. ANY OTHER MATTERS

A. Planning & Zoning Commission Record & Report
Comprehensive Plan Update, Commercial Storage Use and Off-Street Parking

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

XI. ADJOURNMENT

XII. FUTURE MEETINGS

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.