



**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

JANUARY 13, 2016

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
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Danielle H. Moore
Penelope D. Townsend
Robert N. Wildrick

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. APPROVAL OF AGENDA

VIII. PUBLIC HEARINGS

- A. **RESOLUTION NO. 04-2016** 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 122 Kings Road 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. 05-2016** 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 123 Kings Road 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

- C. **APPLICATION TO RELOCATE PEDESTRIAN BEACH ACCESS EASEMENT WITHIN THE REPLAT OF THE BLOSSOM ESTATE SUBDIVISION** The application of Blossom Way Holdings, LLC, a Delaware limited liability company, by and through its counsel, Maura Ziska, at Kochman & Ziska, PLC, owner of 20, 30, 40 and 50 Blossom Way, requesting the abandonment of an existing pedestrian access easement located on the north five feet of Lot 3, of REPLAT OF THE BLOSSOM ESTATE, commonly known as 30 Blossom Way and simultaneously dedicating a new beach access easement on north five feet of Lot 1, of REPLAT OF THE BLOSSOM ESTATE, commonly known as 50 Blossom Way. The Town Staff is proposing that said easement also provide access to the State of Florida and the Town of Palm Beach for sand and turtle nesting monitoring. [Maura Ziska, Esq.]

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

- D. **RESOLUTION NO. 06-2016** A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Providing For The Abandonment of The Existing Pedestrian Access Easement On The North Five Feet of Lot 3, And Dedicating A New Pedestrian Access Easement On The North Five Feet Of Lot 1, Replat of The Blossom Estate As Recorded In Plat Book 54, Pages 127 And 128, Palm Beach, Florida, At The Request of Blossom Way Holdings, LLC.

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

IX. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. Consideration of a Construction Management Agreement for Redevelopment of the Testa's site (Site Plan Review #13-2014 with Special Exceptions and Variances (Modified), **221 & 231 Royal Poinciana Way, 214 & 216 Sunset Avenue**, all previously approved) [Attorney: Francis X. J. Lynch]
Deferred from the June 10, 2015, July 15, 2015, August 11, 2015, October 14, 2015, and December 9, 2015 Town Council Meetings
Request for Deferral to the February 10, 2016, Town Council Meeting Per Letter Dated December 23, 2015, from Francis X.J. Lynch

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

- b. **SPECIAL EXCEPTION #31-2015 WITH SITE PLAN REVIEW** The application of The Breakers Palm Beach, Inc.; relative to property commonly known as **1 South County Rd.**, described as lengthy legal description on file; located in the PUD-A Zoning District. The Applicant is requesting a Special Exception approval with site plan review approval for the following projects at the Breakers: Front Lawn Service Buildings: construction of two pavilions on the front lawn west of the hotel and south of the main entrance. The north pavilion (446 sq. ft. of air conditioned space) will house restrooms, while the south pavilion (710 sq. ft. of air conditioned space) will be used for the staging of food service for guests who are attending weddings and similar events that occur on that lawn and may occur on a more regular basis in the future. There will be no intensification of use because The Breakers requested that indoor space be reserved as back-up when outdoor space is in use in case of inclement weather. Ponce Loading Dock Expansion: enclosure of additional space between the Ponce Ballroom addition and the South Tower of the hotel. This space will provide services for events on the Ocean Lawn. It will include new food service equipment and a unisex bathroom. This enclosure will add 1,261 sq. ft. of air conditioned space. An awning will also be constructed over part of the remaining open corridor. Mediterranean Courtyard Service Elevator: addition of service elevator in the southeastern corner of the Mediterranean Courtyard to facilitate direct access for food service for events in the Courtyard. Currently, staff must negotiate multiple levels to get tables, food, etc. in and out of this area. Emergency generator: approval of a 900 KW generator in the new engine room on the north side of the hotel in lieu of the 600 KW generator which was approved in September of 2015. An engineering re-evaluation resulted in a recommendation for a larger generator. [Attorney: James M. Crowley, Esq.] [Landmark Commission Recommendation: Deferred consideration of the variances related to the two proposed pavilions on the front lawn, west of the hotel and south of the main entrance, to the November 18th meeting. Carried 7-0]

Deferred from the December 9, 2015, Town Council Meeting
Request for Withdrawal Per Letter Dated December 7, 2015, from James M. Crowley, Esq.

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

- c. **SITE PLAN REVIEW #8-2015 WITH VARIANCE** The application of 201 Debra Lane, LLC (Juan M. Naveja Diebold, Manager); relative to property commonly known as **201 Debra Ln.**, described as lengthy legal description on file; located in the R-B Zoning Districts. The Applicant seeks Site Plan approval to construct a 3,814 square foot two story home on a platted lot that is 98.55 feet deep in lieu of the 100 foot minimum required and 91.61 foot wide in lieu of the 100 foot minimum required. A variance is requested to permit installation of a pool in the street side yard with a setback of 6.25 feet in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon] [Architectural Commission Recommendation: Deferred the project to

the requested deferral to the January 27th meeting. Carried 7-0]
Deferred from the December 9, 2015, Town Council Meeting
Request for Deferral to the February 10, 2016, Town Council Meeting Per Letter Dated January 4, 2016 from M. Timothy Hanlon.

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

- d. **SPECIAL EXCEPTION #32-2015 WITH VARIANCE** The application of Café Via Flora; relative to property commonly known as **240, 250 Worth Ave. and 256 Worth Ave.**, described as lengthy legal description on file; located in the C-WA Zoning District. The Applicant is requesting a Special Exception approval to modify a previously approved special exception for the restaurant by expanding the restaurant outdoor seating into the Via to the west. There are currently 36 outdoor seats of which only 24 are dedicated to the restaurant and 12 are dedicated to the public. The restaurant is requesting an additional 33 outdoor seats to be added into the Via to the west of the restaurant for a total of 83 seats (of which 71 would be dedicated to the restaurant and 12 would be dedicated to the public). A variance is being requested to have zero (0) off-street parking spaces in lieu of the 11 off-street parking spaces that are required for the 33 additional seats being requested. [Attorney: Maura Ziska, Esq.]

Deferred from the December 9, 2015, Town Council Meeting

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

2. New Business

- a. **SITE PLAN REVIEW #1-2016 WITH SPECIAL EXCEPTION** The application of Cary Glickstein, Receiver; relative to property commonly known as **160 Royal Palm Way**, described as lengthy legal description on file; located in the C-B Zoning District. The Applicant is requesting Site Plan Review and Special Exception approval for modification to hotel approved plans to comport with previous approvals with exception of minor changes to improve service areas and access to those areas via stairs and elevators. The intent of the following proposed site plan changes is to address and secure the Town's approval for certain improvements that (A) are already partially constructed, (B) will improve the function of the hotel, but (C) will not increase the intensity of the use of the Property or require any additional variances of any nature: 1. Complete construction of Function Room and pool area consistent with plans previously approved by the Town. 2. Demolish partially constructed bathrooms on west side of Function Room and complete construction in area immediately adjacent to the southeast corner of the Function Room per plans previously approved by the Town. 3. Demolish partially constructed walkway, stairs and elevator in so far as it provides access to roof above Function Room; 4. Demolish approximately 1,140 square feet of office space in area previously approved as service corridor and laundry space. 5. Demolish partially constructed enclosures of portions of the basement garage on both east and west side of the Property, to restore 5 required off street parking spaces. 6. Completion of partially constructed stair

and elevator from basement to third floor on North side of the hotel building and demolish partially constructed elevator extension to roof top. 7. Restore guest room area on third floor which was converted to private dining over-looking the second floor dining room. 8. Demolish partially constructed partial wall in the Function Room kitchen. 9. Construction of new access stairs from the basement kitchen area to the lobby dining room. 10. Construct new stairs, elevator and dining area on the second floor dining room. 11. Construct redesigned mezzanine dining room stairs. 12. Construct opening on the east side of the Function Room wall identified as the state. 13. No reduction of condo-hotel units. The condo-hotel units remain at 79 units. 14. Remove infill framing at exterior walkways on east elevation (installed subsequent to staff's identification of non-approved construction). [Attorney: Jacqueline S. Miller, Esq.]

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

- b. **SPECIAL EXCEPTION #02-2016 WITH SITE PLAN REVIEW** The application of Maura Ziska, Esq., Attorney in Fact; relative to property commonly known as **1021 No. Ocean Blvd.**, described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to allow the construction of a new two-story residence consisting of a 8,202 sq. ft. non-habitable underground basement/garage, 14,061 sq. ft. first and second floor habitable space, and, 2,317 sq. ft. of outdoor covered areas for a total of 25,198 sq. ft. on a non-conforming lot which is 100 feet in width in lieu of the 125 foot minimum width required in the R-A Zoning District. The subject property is part of two platted lots. [Attorney: Maura Ziska, Esq.]

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

- c. **VARIANCE #01-2016** The application of David and Kathleen Moran; relative to property commonly known as **265 Orange Grove Rd.**, described as lengthy legal description on file; located in the R-B Zoning District. A variance request to allow the construction of a 59 sq. ft. one story addition on the west side of the residence for a master bedroom bathroom with a west side yard setback of 6.1 feet in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.]

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

- d. **VARIANCE #02-2016** The application of M. Timothy Hanlon, as Trustee of the 240 Banyan Land Trust; relative to property commonly known as **240 Banyan Rd.**, described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting a variance approval to allow the construction of a one-story Guest House containing approximately 875 sq. ft. with a front yard setback of 20 feet in lieu of the 35 feet minimum required. [Attorney: M. Timothy Hanlon, Esq.]

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

X. ORDINANCES

A. First Reading

1. **ORDINANCE NO. 31-2015** 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; Article I, In General; Section 134-2, Definitions And Rules Of Construction, So As To Amend The Definitions Of *Sign Institutional, Sign Menu And Sign Official Traffic*; Further Amending Chapter 134, At Article XI, Signs, So As To Amend And Restate Article XI In Its Entirety As Set Forth In Exhibit "A" Attached Hereto; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
Deferred from the December 9, 2015, Town Council Meeting
John S Page, Director of Planning, Zoning and Building

XI. ANY OTHER MATTERS

- A. Chez L' Epicier Restaurant, 288 South County Road, Consideration of Town-Serving Documentation and Review of Valet Parking Operations, Exception No. 22-2014
John S. Page, Director of Planning, Zoning and Building
- B. **SPECIAL EXCEPTION #01-2016** The application of Chez L'Epicier (Veronique Deneault); relative to property commonly known as **288 So. County Rd.**, described as lengthy legal description on file; located in the C-TS Zoning District. In October 2014, the Town Council granted Chez L'Epicier approval to operate a 4,454 square foot, 138 seat restaurant. The proposed hours of operation were approved to be: Dinner Wednesday through Sunday 3 p.m. to midnight; Brunch and Dinner Saturday and Sunday 10:30 a.m. to midnight; occasional special events may occur during the weekdays or on a Monday or Tuesday night, not to last past midnight. The Applicant is requesting a Special Exception approval to modify the Declaration of Use Agreement to serve dinner Monday and Tuesday, in addition to the previously approved hours. [Attorney: Maura Ziska, Esq.]
John S. Page, Director of Planning, Zoning & Building

XII. 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: 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.