



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 11, 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
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
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. APPROVAL OF AGENDA

VIII. PUBLIC HEARINGS

- A. RESOLUTION NO. 05-2017 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 **201 El Brillo Way** 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

- B. RESOLUTION NO. 06-2017 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 **130 Chilean 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

IX. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for One Year Time Extension, Site Plan Review No. 1-2016 with Special Exception, Palm House Hotel, 160 Royal Palm Way

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

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

2. New Business

- a. **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]
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.]
John S. Page, Director of Planning, Zoning & Building
- c. **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.]
John S. Page, Director of Planning, Zoning & Building
- d. **VARIANCE #3-2017** The application of Mark and Nancy Gilbert; relative to property commonly known as **323 Chilean Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The subject property is a Palm Beach Historic Landmark designed and built in 1924. The existing finished floor

is at 5.25 NGVD and the property currently does not have a garage. The applicant is proposing to lift the house to meet the FEMA requirement of 7.5 NGVD and construct a 60.26 square foot addition to create a new 2 car garage that will have a 7.28 foot west side yard setback in lieu of the 10 foot minimum required. [Attorney: Maura Ziska, Esq.][Landmarks 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 & Building

- e. **VARIANCE #4-2017** The application of Kevin and Lisa McGovern; relative to property commonly known as **224 S. Ocean Blvd.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a new 446 square foot, one story detached, one car garage which would require the following variances: 1) a street side yard setback of 12.5 feet in lieu of the 18 foot minimum required for a corner lot and 2) a cubic content ratio ("CCR") of 6.16 in lieu of the 5.82 existing and the 3.94 maximum allowed. [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]

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

X. ORDINANCES

A. Second Reading

1. **ORDINANCE NO. 24-2016** 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 I, In General, Section 134-2, Definitions And Rules Of Construction By Adding Definitions For Medical Marijuana Treatment Center, Medical Marijuana Dispensary And Cannabis Cultivation; Article VI, District Regulations, Section 134-1109, Special Exception Uses, By Prohibiting Medical Marijuana Or Providing Said Use As A Special Exception In The C-Ts Zoning District Should The State Preempt Said Prohibition; At Article VIII, Supplementary District Regulations, Section 134-1731, Outdoor Lighting, By Providing Regulations For Light Trespass; At Article VIII, Supplemental District Regulations, By Creating Division 16, "Reasonable Accommodation Procedures", Section 134-2112, Reasonable Accommodation Procedures, By Providing For Reasonable Accommodation Procedures Pursuant To The Fair Housing Amendments Act And Title II Of The American's With Disabilities Act; At Article VIII, Supplementary District Regulations By Creating A Division 17, "Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries", Section 134-2113, Prohibition, And Section 2114, Development Standards, By Prohibiting Medical Marijuana Treatment Centers, Medical Marijuana Dispensaries Marijuana Cultivation And Creating Regulations For Medical Marijuana

Treatment Centers And Medical Marijuana Dispensaries Should State Law Preempt Said Prohibition In The Town Of Palm Beach; Division 16 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

2. ORDINANCE NO. 25-2016 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places*, At Article I, In General, By Adding Section 106-5 Use Of Medical Marijuana On Public And Semi-Public Property, Prohibiting The Smoking Of Marijuana On Rights-Of-Way, Parks, Playgrounds, Recreational Facilities, Public Buildings, Beaches Or Other Property Owned And Controlled By The Town Of Palm Beach; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

A. First 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

2. ORDINANCE NO. 2-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach's Comprehensive Plan By Amending Policy 2.3.1 By Changing The Town-Serving Threshold Requirement For Businesses Within The Commercial Planned Center (C-PC) Zoning District From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; 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

3. ORDINANCE NO. 3-2017 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, By Modifying Sections 134-1257, Permitted Uses And 134-1259, Special Exception Uses In The C-PC Zoning District, To Increase The Maximum Gross Leasable Area Of

Commercial Uses To Demonstrate Town-Serving From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; 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

XI. ANY OTHER MATTERS

- A. Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to the Town's Comprehensive Plan (TIME CERTAIN 11:00 a.m.)

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

- B. Stop Work Order Under 3-Strike Rule
232 Emerald Lane

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

XII. ADJOURNMENT

XIII. 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.