TOWN OF PALM BEACH

Planning, Zoning & Building Department

SUMMARY OF THE ACTIONS TAKEN AT THE DEVELOPMENT REVIEW TOWN COUNCIL MEETING HELD ON WEDNESDAY, JULY 11, 2018

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

ACTION: THE FOLLOWING CHANGES WERE MADE TO THE AGENDA

ITEM VII.A.1.a., Z-18-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES WAS DEFERRED TO AUGUST 15, 2018

ITEM VII.A.1.b., Z-18-00073 SITE PLAN REVIEW WAS WITHDRAWN

ITEM VIIA.1.c., Z-18-00084 VARIANCES WAS DEFERRED TO AUGUST 15, 2018

ITEM VII.A.1.f., Z-18-00097 SITE PLAN REVIEW WAS DEFERRED TO AUGUST 15, 2018

ITEM VII.A.2.k., Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES WAS DEFERRED TO AUGUST 15, 2018

ITEM IX.B.1. ORDINANCE 14-2018 WAS ADDED

VII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-C Medium

Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [The Landmark Preservation Commission deferred this project to the July 18, 2018 meeting at the request of the architect. Carried 7- 0.]
ACTION: DEFERRED TO THE AUGUST 15, 2018 MEETING

b. **Z-18-00073 SITE PLAN REVIEW** Zoning District: R B Low Density Residential The application of PALAMAD LLC, Owner, relative to property located at **305 MADDOCK WAY**, legal description on file, is described below. Section 134 843(b) An application for a Site Plan Review to construct new two story 9,141 s.f. residence, swimming pool and pool cabana on a platted non conforming lot with a lot width of 25 feet in lieu of the 100 foot minimum required in the R-B Zoning District. [Applicant's Representative: Peter Broberg] [The Landmark Commission withdrew this project at the June 20, 2018 meeting at the request of the attorney for the owner. Carried 7-0.]

ACTION: WITHDRAWN

c. **Z-18-00084 VARIANCE(S)** The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission deferred the project for one month to the July 25, 2018 meeting. Carried 7-0.]

ACTION: DEFERRED TO THE AUGUST 15, 2018 MEETING

d. **Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: B-A Beach Area The application of 916 SOUTH OCEAN BOULEVARD LLC (BRIAN STOCK, MANAGER), Applicant, relative to property located at **916 S OCEAN BLVD**, legal description on file, is described below. 1. 134-227 and 134-1474. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 2. 134-843(a)(7) and 134-843(a)(10). Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet North American Vertical Datum ("NAVD") in lieu of 17.56 feet NAVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Motion carried 6-1.] [The Architectural Review Commission approved the project with conditions relating to the architecture only at the June 27, 2018 meeting.
Carried 4-3.]
ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

e. **Z-18-00096 VARIANCE(S)** Zoning District: R B Low Density Residential The application of Thomas J. Harrington, as Trustee of the 1558 NORTH OCEAN WAY REALTY TRUST u/a/d March 3, 2017 and Thomas J. Harrington, as Trustee of the 1558 NORTH OCEAN WAY REALTY TRUST u/a/d March 2, 2017, Applicant, relative to property located at **1558 NOCEAN WAY**, legal description on file, is described below. Construction of a spa and water feature on a lot having an area of 29,145 square feet, thereby requiring the front yard setback to comply with those provisions of the R-A Zoning District despite the fact that the subject property is located in the R-B Zoning District. In connection with the proposed construction, the following variance is being requested: Section 134-843(0)(5): A request for a variance for the existing house with a front yard setback (east side of the property) of 32 feet in lieu of the 35 foot minimum required in the R-A Zoning District. [Applicant's Representative David E.Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances for the rear yard setback and building height plane will cause negative architectural impact to the subject property; and implementation of

the proposed variance for the existing home will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Review Commission approved the project at the June 27, 2018 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

f. **Z-18-00097 SITE PLAN REVIEW** Zoning District: R B Low Density Residential The application of 232 Bahama Lane, LLC (Manager of 232 Bahama Lane, LLC: Manager I, LLC. Manager of Manager I, LLC: E. Llwyd Ecclestone, Jr.), Applicant, relative to property located at **232 BAHAMA LN**, legal description on file, is described below. Site Plan Review to allow the construction of a 4,300 square foot, two story, single-family house on a non conforming platted lot, which is 90 feet in depth in lieu of the 100 foot depth required in the R B Zoning District. [Applicant's Representative David E. Klein Esq] [The Architectural Review Commission conditionally approved the architecture but deferred the landscaping to the July 27, 2018 meeting. Carried 6-1.]

ACTION: DEFERRED TO THE AUGUST 15, 2018 MEETING

g. **Z-18-00098 VARIANCE(S)** Zoning District: R B Low Density Residential The application of GRISWOLD ALEXANDER H., Applicant, relative to property located at **249 MONTEREY RD**, legal description on file, is described below. The subject property is 21,200 square feet in total area. The applicant is requesting a variance to split the lot, which would result in a non conforming east side yard setback for the existing house. The two resulting lots would have the following areas: East lot - 10,200 square feet; and the West lot 11,000 square feet. Both parcels would exceed the minimum area requirement in the R B Zoning District, which is 10,000 square feet. All improvements will be removed from the East lot and the following variances are being requested in order to split the properties and return the West lot back to its previous condition: 1. An east side yard setback of 10.67 feet in lieu of the 15 foot minimum required in the R B Zoning District for the two story portion of the house. 2. An east side yard setback of 10.67 feet in lieu of the 12.5 foot minimum required in the R B Zoning District for the one story portion of the house. [Applicant's Representative Maura Ziska Esq] [The Architectural Review Commission approved the project at the June 27, 2018 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

h. **Z-18-00100 VARIANCE(S)** Zoning District: R A Estate

Residential The application of Nedim Soylemez (contract purchaser), Applicant, relative to property located at **1030 S OCEAN BLVD**, legal description on file, is described below. 1. Request for a variance to allow the construction of a new 13,049 square foot two-story residence with a point of measurement of 17.17 feet North American Vertical Datum ("NAVD") in lieu of the 15.16 foot NAVD maximum allowed for the (i) overall building height and (ii) building height. 2. A request to have a building height plane setback 53.16 feet in lieu of the 69 foot minimum setback required for the gable end pediment architectural feature. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Review Commission approved the project at the June 27, 2018 meeting. Carried 5-2.]
ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

2. **New Business**

a. **Z-18-00101 SITE PLAN REVIEW** Zoning District: R- D(2) High Density Residential The application of Patrician of Palm Beach Condo Apartments Inc. (Richard J. Brzeczek, President), Applicant, relative to property located at **3450 S OCEAN BLVD SUITE: SITE**, legal description on file, is described below. Site Plan Modification Application to install a 564 sq. ft. canopy on pool deck.
[Applicant's Representative: Jeremy Shir Esq]
ACTION: APPROVED WITH APPLICATION AS PRESENTED

b. **Z-18-00104 SPECIAL EXCEPTION** Zoning District: C-TS Town Serving Commercial The application of Ocean Sandwiches, Inc. (Michael R. Cohen, President) Applicant, Owner, relative to property located at **363 S COUNTY RD SUITE: A**, legal description on file, is described below. Section 134 1111(b) An application for a Special Exception to add 8 outdoor seats to Ocean Sandwiches, which is a merchant retail take out only business. The proposed seats would be in the courtyard area in front of the store. See Exhibit "D" for conditions. [Applicant's Representative: Peter Broberg] [Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]
ACTION: APPROVED WITH CONDITION OF ANNUAL BUSINESS TAX RECEIPT RENEWAL

c. **Z-18-00105 SPECIAL EXCEPTION** Zoning District: C-TS

Town Serving Commercial The application of Pizza Al Fresco, LLC, Applicant, relative to property located at **14 VIA MIZNER**, legal description on file, is described below. Special Exception to modify existing Special Exceptions (Nos. 3 2006, 4 2012 and 10 2013) to move six (6) bar seats from their existing interior location to a new interior bar location. No new seats are to be added. [Applicant's Representative: Tim Hanlon Esq]

ACTION: APPROVED

d. **Z-18-00106 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-A Estate Residential The application of Francesco Galesi, as Trustee of the Francesco Galesi Revocable Trust, Applicant, relative to property located at **19 GOLFVIEW RD,** legal description on file, is described below. 1. Applicants request site plan approval to construct a 491 square foot one room addition on a platted lot that is 130' deep in lieu of the 150' minimum required and with a lot area of 17,165 square feet in lieu of 20,000 square feet minimum required in the R-A district. 2. Applicants request a variance to permit construction of a one room addition in the street side yard with a setback of 27.5' in lieu of 35' minimum required in the R-A district. [Applicant's Representative: Tim Hanlon Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

e. **Z-18-00107 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Keith and Linda Beaty, Applicant, relative to property located at **395 CARIBBEAN RD**, legal description on file, is described below. A variance request to construct a decked boat lift that will have a 22.4 foot setback from the seawall in lieu of the 6 foot maximum allowed when west of the U.S. Pierhead Line. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

f. **Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at **235 SUNRISE AVE SUITE: CM 23**, legal description on file, is described below.
A request for a variance and a special exception to expand a non conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use

to the condominium hotel. [Applicant's Representative: Maura Ziska Esq]

ACTION: DEFER TO AUGUST 15, 2018 MEETING FOR COMPLETION OF DECLARATION OF USE AGREEMENT WHICH WILL INCLUDE HOURS OF OPERATION; AND PENDING CODE ENFORCEMENT ISSUES ON THE HOTEL ARE ADJUDICATED AND RESOLVED

g. **Z-18-00109 SPECIAL EXCEPTION** Zoning District: C-WA Worth Avenue The application of Hai House Palm Beach (Manuel Bornia, Principal), Applicant, Owner, relative to property located at **150 WORTH AVE SUITE: 234**, legal description on file, is described below. A request for special exception approval to operate a new restaurant at 150 Worth Avenue Suite 234, called "Hai House Palm Beach", which will replace the previous restaurant "Costa". The new restaurant will occupy the same square footage (5,243) and have the same number of total seats (151) and outdoor seats (14) as the prior restaurant. The applicant agrees to be bound by all existing conditions of approval (see attached Exhibit "F"). [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH THE FOLLOWING CONDITIONS: COMPLIANCE WITH ALL CONDITIONS OUTLINED IN THE PAST FOR RESTAURANTS; AND SUBMITTAL OF TOWN SERVING DOCUMENTATION TO BE REVIEWED BY TOWN COUNCIL 1 YEAR FROM OPENING

h. **Z-18-00110 SPECIAL EXCEPTION** Zoning District: C-WA Worth Avenue The application of WILSON 150 WORTH LLC, Applicant, relative to property located at **150 WORTH AVE SUITE: SITE**, legal description on file, is described below. A request for special exception approval is being requested to allow outdoor promotional events as a permitted special exception use in the C WA Zoning District for town serving outdoor promotional events at the Esplanade Building in the central courtyards. The proposed hours of operation will align with the store and restaurant hours to be Sunday through Thursday 7:00 AM to 10:00 PM and Friday and Saturday 7:00 AM to 11 :00 PM. Examples of outdoor promotional events is attached hereto as Exhibit "D". [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH THE FOLLOWING CONDITIONS: COMPLETION OF DECLARATION OF USE AGREEMENT; AND RESOLUTION OF FIRE SAFETY CODE ISSUES

i. **Z-18-00111 VARIANCE(S)** Zoning District: R-A Estate Residential The application of OLD KAPOK LLC (Robb Turner), relative to property located at **8 S LAKE TRL**, legal description on file, is described below. A variance request to allow

a jacuzzi/spa (and related equipment) to the north of the existing pool cabana/gym that will have a front yard setback of 2.75 feet in lieu of the 35 foot minimum required in the R A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

ACTION: DENIED

j. **Z-18-00112 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C- TS Town Serving Commercial The application of EVERGLADES CLUB INC, Applicant, relative to property located at **347 WORTH AVE SUITE: SITE**, legal description on file, is described below. A request for special exception approval with site plan review to install a 750 KW generator within a 525 square foot second floor addition and add a 256 square foot one story addition at ground level to construct an electrical equipment building to support the generator. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

ACTION: APPROVED

k. **Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEWAND VARIANCE(S)** Zoning District: B-A Beach Area The application of 1178 OCEAN LLC, Applicant, relative to property located at **1178 NOCEAN BLVD SUITE: BEACH CABANA**, legal description on file, is described below. The Applicant seeks lo reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134 417).To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feel allowed by Special Exception. To permit
the construction of a beach house with a depth dimension of 24' 8 1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21',
existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a setback of 5' 3 1/2", existing and proposed, in lieu of a

minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at+/ 6' 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code. [Applicant's Representative: Francis X. J. Lynch] [The Architectural Review Commission deferred the project for one month to the July 25, 2018 meeting. Carried 7-0.] ACTION: DEFERRED TO THE AUGUST 15, 2018 MEETING

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 11-2018 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 Modifying Building, Height Of (Applicable Only In The R-B Districts) To Correct The Definition's Intent And Building Height Of, Corner Lot To Correct A Scriveners Error Which Inadvertantly Eliminated Language In The Definition Related To The Definition's Applicability To The R-B Zoning District; Article II, Administration, Section 134-172, Hearing Procedure, Section 134-328, Review By Director Of Planning, Zoning And Building Or His/Her Designee And Section 134-330. Action By Town Council; Deviations; Time Limit For Beginning Work, To Increase The Notice Requirements For Special Exceptions, Variances And Site Plan Reviews That Are An Intensification Of Use Or For Off-Street Parking Variances; To Require The Legal Notices To Be Mailed By The Applicant; And To Allow 36 Months To Commence Work By The Issuance Of A Building Permit Related To The Zoning Application; Section 134-532, Public Hearings, To Add A 300 Foot Mailing Notice And Legal Advertising Requirement For PUD Applications; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

ACTION: ADOPTED

IX. ANY OTHER MATTERS

A. First Reading

1. ORDINANCE NO. 14.2018 An Ordinance of the Town Council of The Town of Palm Beach, Palm Beach County, Florida Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II< Employee Benefits, Division 2, Retirement System; Amending Section 82-57, Board of Trustees; Administrative Duties; Investment of Retirement System Assets;

Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date
ACTION: APPROVED

X. ADJOURNMENT