



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, JUNE 15, 2016

- I. CALL TO ORDER AND ROLL CALL
- 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
ACTION: ITEM NO. IX.B.1.c., SPECIAL EXCEPTION #013-2016 WITH SITE PLAN REVIEW, WAS DEFERRED TO THE OCTOBER 12, 2016, MEETING
ACTION: APPROVED, AS AMENDED ABOVE
- VIII. RESOLUTIONS
 - A. RESOLUTION NO. 83-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Providing For The Vacation And Annulment of The Plat of Reef Estates, Plat Book 28, Page 55, Public Records of Palm Beach County, Florida; Providing An Effective Date.
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED
- IX. DEVELOPMENT REVIEWS
 - A. Appeals
 1. Appeal of Administrative Decision that Mackenzie Childs Cannot Operate a subordinate Accessory Use to a Permitted Principal Use in a Separate and Distinct Commercial Tenant Space from the Principal use.
John S. Page, Director of Planning, Zoning & Building
ACTION: DEFERRED INDEFINITELY

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. MODIFIED SPECIAL EXCEPTION #08-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of 280 N. County Rd., PB, LLC, a Florida limited liability company, Manager: Robert Shapiro; relative to property commonly known as 280 N. County Rd., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting to allow the instruction of a 7,205 square foot two-story single family residence and detached one-story pool cabana and garage on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required. The original application has been modified such that the garage has been moved towards the rear (north end) of the property, as requested by ARCOM, and the main house has been moved towards the front (south end) of the property in order to accommodate the garage and pool cabana. In connection with the proposed construction, the following two variances are being requested: (a) a request for a variance to construct a two-story house with a second story street sideyard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required, ~~(b) a request for a variance to construct a two-story house with a one-story street sideyard setback (east side of the property) of 21.5 feet in lieu of the 25 foot minimum required.~~ The original application included a variance request for an east side yard setback for the two-story portion. The plans have changes such that the request has been modified to a one-story portion. In addition, the angle of vision variance request on the original application is no longer necessary as per the change in plans. [Attorney: Guy Rabideau, Esq.]

[Architectural Commission Recommendation - Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1. Approve the project as amended by eliminating the loggia off of the kitchen, expanding the loggia off of the family room, adding an entry to the loggia from the kitchen, moving the house back close to 10 feet, putting at least one large shade tree on the corner of the property, and adding a shade tree on the east elevation to punctuate the long wall. Carried 4-3] *Deferred from the March 9, 2016, April 13, 2016, and May 11, 2016, Town Council Meeting.*

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

ACTION: THE 21.5 FOOT ONE STORY STREET SIDEYARD SETBACK VARIANCE REQUEST WAS WITHDRAWN BY THE APPLICANT

ACTION: APPROVED, AS AMENDED ABOVE AND SUBJECT TO THE CONDITIONS OUTLINED BY THE ARCHITECTURAL COMMISSION AT ITS LAST MEETING AND APPROVAL BY THE ARCHITECTURAL COMMISSION CHAIR

- b. SPECIAL EXCEPTION #09-2016 WITH SITE PLAN REVIEW The application of Patrick and Lisa McGowan; relative to property commonly known as 250 Esplanade Way, 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 3,700 sq. ft. two-story, single family residence on a portion of a platted lot which is 88 feet in width in lieu of the 100 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred the project to the May 25, 2016 meeting for further study. Carried 6-1.] *Deferred from the April 13, 2016, and May 11, 2016, Town Council Meeting.*

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

ACTION: APPROVED

- c. SPECIAL EXCEPTION #013-2016 WITH SITE PLAN REVIEW The application of Miradieu Auboura, PBC Capital Improvements Division; relative to property commonly known as 2882 S. Ocean Blvd., described as lengthy legal description on file; located in the CTS Zoning District. The applicant is requesting approval of an amendment to the Special Exception with Site Plan Review to reflect the revised beach access improvements along the northern boundary of the park. The proposal is to move the sidewalk back into the five (5) foot easement and place a six (6) foot high chain link fence and landscape material between the sidewalk and remainder of the park, as shown on the plans on the file in the Planning, Zoning and Building Department. The beach access will remain an unsecured/non-gated access point. [Attorney: Denise M. Nieman, Esq. and Audrey Wolf]

Deferred from the May 11, 2016, Town Council Meeting.

Request for Deferral to the October 12, 2016, Town Council

Meeting Per Letter Dated June 7, 2016, from Miradieu Aubourg.

John S. Page, Director of Planning, Zoning & Building – Deferred to the October 12, 2016, Meeting

2. New Business

- a. SITE PLAN REVIEW #06-2016 WITH VARIANCES The application of Craig Barreuther, Manager, Island House Condominium Association, Inc.; relative to property commonly known as 354 Chilean Ave., described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a Site Plan Review to allow the construction of a 1,116 sq. ft. carport/awning to provide covered parking for 10 parking spaces on the south side of the existing parking lot. The following variances are being requested to construct the awning: a) to allow lot coverage of 42.5% in lieu of the 39% existing and the 30% maximum allowed, b) to allow a rear yard setback of 1.95 feet in lieu of the 30 foot minimum required for a multi-family building. [Attorney: Maura Z proposed variance will not cause negative architectural impact to the subject property. Carried 7-0]

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

ACTION: APPROVED, SUBJECT TO PUBLIC WORKS DEPARTMENT APPROVAL AND EXECUTION OF UTILITY EASEMENT CONSENT FORMS PRIOR TO PERMIT ISSUANCE

- b. SITE PLAN REVIEW #07-2016 The application of Jane Goldman; relative to property commonly known as 1095 N. Ocean Blvd., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Site Plan Review to install a 184 KW generator that is proposed to be located in a 279 sq. ft. accessory building on the southwest area of the property below the pool terrace deck. [Attorney: Maura Ziska, Esq.]

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

ACTION: APPROVED

- c. SPECIAL EXCEPTION #14-2016 WITH SITE PLAN REVIEW The application of Everglades Club, Inc.; relative to property commonly known as 500 S. County Rd., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Special Exception approval with Site Plan Review to modify the existing Everglades Club property to add a 2,064 square foot one story addition to the northeast side of the existing golf pro shop which is located on the north side of the property and south of Golfview Road. The existing cart path and adjacent tee box shall be reworked to accommodate the new addition. [Attorney: Maura Ziska, Esq.]

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

ACTION: APPROVED

- d. SPECIAL EXCEPTION #15-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Harvey E. Oyer, Esq., on behalf of the Society of the Four Arts, Inc.; relative to property commonly known as 2 Four Arts Plaza, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a Special Exception approval with Site Plan Review to reconfigure the northern parking lot to construct 26 additional surface parking spaces (24 perpendicular, 2 parallel). There are currently 66 surface parking spaces located within the northern parking lot (affected area). The redesign of the northern lot will add 26 additional parking spaces for a total of 92 surface parking spaces within the northern parking lot (affected area). If approved, the Four Arts campus (west of Four Arts Plaza) would provide 181 permanent off-street surface parking spaces. The applicant operates a non-profit cultural use in the R-B zoning district by an existing Special Exception. The existing fence will remain in place located along the northern property line. As proposed and shown on the revised landscape plan, new and upgraded plant, shrub, and hedge material will be planted to provide the required buffering and screening from the adjacent property owners. The following variances are being requested to redesign the north parking lot: 1. To allow the landscape open space area

to be reduced from the existing ~~32.3%~~ ~~29.5%~~ to the proposed ~~29.8%~~ ~~25.5%~~ in lieu of 55% minimum landscape open space as required by code; 2. To reduce the driving isle width required for 90 degree parking spaces within the proposed redesigned northern parking lot to 24 feet in width in lieu of 25 feet in minimum width as required by code; 3. To reduce the street side yard setback for the redesigned northern parking lot to seven (7) feet in lieu of thirty-five (35) foot minimum as required by code; 4. To reduce the interior minimum parking area landscape open space for the redesigned northern parking lot to 5.2% in lieu of 10% minimum as required by code. [Attorney: Harvey E. Oyer, Esq.]

[Landmark Commission Recommendation - Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property with the caveat that two parking spaces on the north and two parking spaces on the South are used for landscaping. Carried 7-0]

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

ACTION: APPROVED SPECIAL EXCEPTION AND SITE PLAN REVIEW, SUBJECT TO THE SUBMITTAL OF REVISED PLANS

ACTION: AMENDED TWO SCRIVENER'S ERRORS IN THE FIRST VARIANCE REQUEST AS FOLLOWS: "...from the existing ~~32.3%~~ ~~29.5%~~ to the proposed ~~29.8%~~ ~~25.5%~~..."

ACTION: APPROVED VARIANCES, AS AMENDED ABOVE AND SUBJECT TO THE SUBMITTAL OF REVISED PLANS

- e. SPECIAL EXCEPTION #16-2016 WITH SITE PLAN REVIEW The application of Beach Club, Inc. (David Shaw, General Manager); relative to property commonly known as 755 N. County Rd., 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 modify the previously approved Special Exception #30-2015 with Site Plan Review as follows: 1) Global changes to the shape (design) of the landscape planter beds, resulting in an increase of overall landscape coverage. (previously approved 5,690 sq. ft., proposed 7,789 sq. ft.); 2) Global changes to the design of the Interactive Water Feature (no structure – as previously designed, water jets are now flush with the pool deck surface); 3) Reduction to area of circular pool entry (previously approved radius 18 feet, proposed radius 14 feet); 4) Decrease in covered dining area located on northeast side of the pool deck (previously approved 1,200 sq. ft., proposed 1,036 sq. ft.); 5) Increase in tiki bar area located on the northeast side of the pool deck (previously approved 745 sq. ft., proposed 799 sq. ft.); 6) Revision to site wall at south property line. Previously approved 6 ft tall privacy wall. Now proposed is a 10 ft tall retaining wall (7 ft tall on south neighbor's property) [Attorney: Maura Ziska, Esq.]

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

ACTION: APPROVED

- f. SPECIAL EXCEPTION #17-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Terry R. Taylor; relative to property commonly known as 780 S. Ocean Blvd., described as lengthy legal description on file; located in the B-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review to modify an existing 500 sq. ft. beach cabana with a 500 sq. ft. addition (1,000 sq. ft. total) in the Beach Area Zoning District. The following Variances are being requested in order to expand and modify the existing beach cabana: 1) to allow a front yard setback of 22.5 feet in lieu of the 35 ft minimum setback required; 2) to allow a 16.25 ft roof height in lieu of 16 ft maximum allowed, 3) to retain the existing 43 inch wall in lieu of a wall at the required height of 30 inches in the beach vista area. The vista is required to be 75% of the lot width in this case. [Attorney: Peter S. Broberg, Esq.]
[Landmark 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
ACTION: DEFERRED TO THE JULY 13, 2016, MEETING

3. Other

- a. Resident Concerns Regarding Large Home Character Changes in North End:

Refer Chapter 18 ARCOM Application Submittal Requirements to ORS

ACTION: APPROVED

Refer Chapter 134 ZONING Potential Code Changes to Planning & Zoning Commission.

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

ACTION: NONE

- b. RESOLUTION NO. 96-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress In Regard To The Matter of Housing For The Disabled Pursuant To The Federal Fair Housing Act; Directing That While Zoning In Progress Is In Effect That No Permits Shall Be Granted For Such Housing Within Any Zoning District In The Town Unless An Application Is Made For Reasonable Accommodations Pursuant To The Terms of the Ordinance ~~No. _____~~ Attached Hereto Which Is Currently Under Consideration By The ~~Town Council~~ Planning and Zoning Commission; Providing An Effective Date.

ACTION: AMENDED TITLE AND BODY TO REFLECT THE FACTS THAT THE ORDINANCE UNDER CONSIDERATION DOES NOT HAVE A NUMBER YET AND THAT IT IS

CURRENTLY UNDER CONSIDERATION BY THE PLANNING AND ZONING COMMISSION AND NOT THE TOWN COUNCIL

ACTION: APPROVED, AS AMENDED ABOVE

- i. Refer Potential Zoning Code Revision to the Planning & Zoning Commission.

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

ACTION: APPROVED

- c. Sea-Street Zoning Changes Updated Draft Ordinance

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

ACTION: THE TOWN COUNCIL PROVIDED THE FOLLOWING ADDITIONAL GUIDANCE TO STAFF RELATED TO THE DRAFT ORDINANCE:

- ADD A PROVISION RESTRICTING VARIANCES WHEN DEMOLISHING AND REDEVELOPING ON THE SAME, OR SUBSTANTIALLY THE SAME, FOOTPRINT
- ADD A PROVISION ADDRESSING ACCESSORY STRUCTURES
- DO NOT INCORPORATE COMBINED LOTS/HOUSE SIZE RESTRICTIONS
- WAIT UNTIL ALL PROPOSED MODIFICATIONS HAVE BEEN DISCUSSED, AND DIRECTION PROVIDED, BEFORE BRINGING THE FINAL ORDINANCE BEFORE THE TOWN COUNCIL

- d. Authorization to Refer Proposed Residential and Commercial Lighting Standards to the Planning and Zoning Commission for Study and Recommendations to Town Council.

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

ACTION: APPROVED

X. ORDINANCES

XI. ANY OTHER MATTERS

ACTION: STAFF WAS DIRECTED TO ADD A TIME CERTAIN ZIKA VIRUS PRESENTATION TO THE SEPTEMBER 13, 2016, TOWN COUNCIL MEETING AGENDA

XII. ADJOURNMENT

