TOWN OF PALM BEACH

Planning, Zoning & Building Department

SUMMARY OF THE ACTIONS TAKEN AT THE DEVELOPMENT REVIEW TOWN COUNCIL MEETING HELD ON WEDNESDAY JUNE 13, 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

VI. APPROVAL OF AGENDA

ACTION: THE FOLLOWING CHANGES WERE MADE TO THE AGENDA

ITEM VII.A.1. ARCOM APPEAL: 446 NORTH LAKE WAY WAS WITHDRAWN

ITEM VII.C.1.a., Z-17-00058 SPECIAL EXCEPTION WITH SPR WAS DEFERRED TO JULY 11, 2018

ITEM VII.C.1.b., Z-17-00066 MODIFIED SITE PLAN REVIEW WAS DEFERRED TO AUGUST 15, 2018

ITEM VII.C.1.c., Z-18-00084 VARIANCES WAS DEFERRED TO JULY 11, 2018

ITEM VII.C.1.d., Z-18-00093 SPECIAL EXCEPTION WITH SPR AND VARIANCES WAS WITHDRAWN

ITEM VII.C.2.a., Z-18-00094 SPECIAL EXCEPTION WITH SPR AND VARIANCES WAS DEFERRED TO JULY 11, 2018

ITEM VII.C.2.b., Z-18-00096 VARIANCES WAS DEFERRED TO JULY 11, 2018

ITEM VII.C.2.c., Z-18-00097 SITE PLAN REVIEW WAS DEFERRED TO JULY 11, 2018

ITEM VII.C.2.f., Z-18-00100 VARIANCES WAS DEFERRED TO JULY 11, 2018

VII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal 446 North Lake Way

ACTION: WITHDRAWN

B. Time Extensions and Waivers

1. Waiver of Town Code Section 42-199, For Extended Working Hours
Royal Poinciana Project – Testa's

ACTION: APPROVED WITH CONDITIONS

2. Waiver of Town Code Section 42-100, For Extended Working Hours
at the Breakers Golf Course

ACTION: APPROVED WITH CONDITIONS

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] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 4-3. The Landmarks Commission deferred this project to the May 16, 2018 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the June 13, 2018 Town Council Meeting Per Letter Dated April 16, 2018 from Maura Ziska

ACTION: DEFERRED TO THE JULY 11, 2018 MEETING

b. Z-17-00066 MODIFIED SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at 313 1/2 WORTH AVE SUITE: SITE, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front façade was too modern and fit into the area, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design.. They all agreed that accessibility at the entrance was necessary. The Architectural Commission deferred the project for one month to the May 23, 2018 meeting. Carried 6-1.]

ACTION: DEFERRED TO THE AUGUST 15, 2018 MEETING

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 May 23, 2018 meeting. Carried 7-0.]

ACTION: DEFERRED TO THE JULY 11, 2018 MEETING

d. Z-18-00093 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The application of PALM V ASSOCIATES LIMITED PARTNERSHIP(BURT HANDELSMAN), Applicant, relative to property located at 240 WORTH AVE SUITE: 200, legal description on file, is described below. Site Plan Review with Special Exception is being requested to make modifications and improvements to the southeast area of the courtyard (Unit 200) by reconstructing an exterior staircase to access the second floor and roof which will require the following variances: 1) Lot coverage of 79.1% in lieu of the 78.7% existing and the 35% maximum allowed in the C-WA Zoning District; and 2) Rear yard setback of 4.9 feet in lieu of the 10 foot minimum required in the C-WA Zoning District. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property with the condition that extra extension to the roof is removed. Carried 7-0.]

ACTION: WITHDRAWN

e. Z-17-00046 SPECIAL EXCEPTION Iberiabank: Town Serving Confirmation; 180 Royal Palm Way

ACTION: APPROVED

2. New Business

a. Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) 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 National Geodetic Vertical Datum ("NGVD"□) in lieu of 17.4 feet NGVD 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] [The Architectural Commission deferred the project to the May 23, 2018 meeting. Carried 7-0.] Request for Deferral to the June 13, 2018 Town Council Meeting Per Letter Dated May 1, 2018 from M. Timothy Hanlon

ACTION: DEFERRED TO THE JULY 11, 2018 MEETING

b. 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 N OCEAN WAY, legal description on file, is described below. Construction of a 1,809 square foot, two story, guesthouse on a lot having an area of 29,145 square feet, thereby requiring front and rear yard setbacks and building height plane provisions to comply with those provisions of the R A Zoning District despite the fact that that the subject property is located in the R B Zoning District. In connection with the proposed construction, the following variances are being requested: a. Section 134 843(a)(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. b. Section 134 157 (6): A request for a variance for the proposed guesthouse with a rear yard street side setback (west side of the property) of 30 feet in lieu of the 35 foot minimum required in the R A Zoning District. c. Section 134 843(a)(7): A request for a variance for the proposed guest house with a building height plane (west side of the property) of 30 feet in lieu of the 38 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 deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] Request for Withdrawal Per Letter Dated June 6, 2018 from David E. Klein

ACTION: DEFERRED TO JULY 11, 2018 MEETING

c. 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 deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated May 31, 2018 from David E. Klein

ACTION: DEFERRED TO JULY 11, 2018 MEETING

d. 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]

ACTION: DEFERRED TO JULY 11, 2018 MEETING

e. Z-18-00099 VARIANCE(S) Zoning District: R C Medium Density Residential The application of Bryan Donahue, PLA (for GAMBILL BEN S. - owner), Applicant, relative to property located at 353 CHILEAN AVE, legal description on file, is described below. Modification to Variance # 57-94 to increase the approved wall height from 7.5' to 10' along the north property line in lieu of the maximum code allowed height of 6' as measured from the crown of road in the street side yard setback for the west 25' of wall, and the maximum code allowed 7' as measured from the adjacent grade in the rear yard setback for the remaining portion of the wall. [Applicant's Representative Bryan Donahue]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

f. 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 deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter dated June 5, 2018 from Maura Ziska

ACTION: DEFERRED TO THE JULY 11, 2018 MEETING

g. Z-18-00103 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R B Low Density Residential The application of SAILFISH CLUB OF FLORIDA INC, Applicant, relative to property located at 1338 N LAKE WAY SUITE: SITE, legal description on file, is described below. 1. A request for special exception approval with site plan review to allow the following modifications to the Sailfish Club property: Expand kitchen 505 square feet to the east into existing service area (wall and parapet roof will be extended); create a 157 square foot walkway from existing parking lot to existing electrical room and new generator room for service access. Pool deck renovation to include: replace existing pool deck floor with new floor finishes, eliminate cabanas and replace with new locker rooms, new cabanas, youth recreation rooms and seating area, add covered walkway from north side of pool deck to south side of pool deck, awnings to the west side of the pool deck and north side of existing pool deck between existing terrace and dining area (see roof plan), add a 704 square foot sun deck on the southwest side of the pool deck; Install 150 KW generator in a 325 square foot building on east side of the building; Replace wood shake roof with new roof to match existing. 2. A variance is being requested to allow a decrease in landscaped open space to 19.2 % in lieu of the 20.1 % existing and 45% minimum required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project. Carried 7-0.]

ACTION: APPROVED AS MODIFIED TO ELIMINATE SIDEWALK

VIII. ORDINANCES

A. First 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: APPROVED

IX. ANY OTHER MATTERS

A. Stop Work Order Under 3-Strike Rule 223 Orange Grove Road
ACTION: APPROVED WITH CONDITIONS

B. Discussion of the Lot Split Administrative Approval Process in Chapter 110, Subdivisions, in the Code of Ordinances

ACTION: NONE

X. ADJOURNMENT