TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, APRIL 13, 2016

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO
ACTION: NONE

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
ACTION: NONE

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
ACTION: NONE

VII. APPROVAL OF AGENDA
ACTION: THE FOLLOWING AMENDMENTS WERE MADE:

- **APPROVAL FOR USE OF PAR 3 GOLF COURSE CLUBHOUSE MAINTENENACE AND IMPROVEMENT RESERVES FOR MULTIPLE PROPOSED PROJECTS IN AN AMOUNT NOT TO EXCEED $116,600 (DEFERRED FROM APRIL 12, 2016) WAS ADDED UNDER ANY OTHER MATTERS.**
- **ITEM NO. X.B.1.a. SITE PLAN REVIEW #8-2015 WITH VARIANCE WAS WITHDRAWN.**
- **ITEM NO. X.B.1.c. SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW AND VARIANCES WAS WITHDRAWN.**
- **ITEM NO. X.B.2.a. SPECIAL EXCEPTION #09-2016 WITH SITE PLAN REVIEW WAS DEFERED TO THE MAY 11, 2016, MEETING.**

ACTION: APPROVED AS AMENDED ABOVE

VIII. PUBLIC HEARINGS

A. RESOLUTION NO. 57-2016 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 215 Garden 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 & Building
ACTION: DENIED

IX. RESOLUTIONS

A. RESOLUTION NO. 58-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For 330 Island Road, And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V of The Code of Ordinances of The Town of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED

B. RESOLUTION NO. 59-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For 350 Worth Avenue, The Everglades Club (Main Hall Foundation Renovation) And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V of The Code of Ordinances of The Town of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED

X. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction per Town Code Chapter 18, Section 18-237, 1071 N. Ocean Boulevard
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED TIME EXTENSION, CONSTRUCTION IS TO BE COMPLETED NO LATER THAN AUGUST 19, 2016.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. 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 April 27th meeting. Carried 7-0.]
Deferred from the December 9, 2015, January 13, 2016, February
10, 2016, and March 9, 2016, Town Council Meetings.
Request for Withdrawal Per Letter Dated April 4, 2016, from M. Timothy Hanlon.
John S. Page, Director of Planning, Zoning & Building - ***Withdrawn***

b. SPECIAL EXCEPTION #08-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of 280 NCR, LLC; 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 a Special Exception with site plan review to allow the construction of a 7,205 square foot two-story single family residence 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 width in the R-B Zoning District. In connection with the proposed construction, the following three variances are being requested: to construct a two-story house with a second story street side yard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required; to construct a two-story house with an angle of vision of 133 degrees in lieu of the 116 degrees maximum allowed; and, to construct a two story addition with a second story street side yard setback (east side of the property) of 20 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Attorney: Guy Rabideau, Esq.]
[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0]
Deferred from the March 9, 2016, Town Council Meeting.
ACTION: DEFERRED TO THE MAY 11, 2016, TOWN COUNCIL MEETING.
John S. Page, Director of Planning, Zoning & Building

c. SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW AND VARIANCES The application of Robert and Denise Benedickson; relative to property commonly known as 222 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 approval to demolish an

existing 2,444 square foot residence with a 800 square foot garage and build it back in the same location with a proposed total square footage of 3,802 on a non-conforming platted lot which is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 minimum required in the R-B Zoning District. The following variances are being requested: to allow a west side yard setback of 11.33 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for a one story section of the house; to allow a west side yard setback of 8.33 feet in lieu of the 12.5 foot minimum required for the proposed covered entry for the front door; to allow an east side yard setback of 9.67 feet in lieu of the 15 foot minimum required for the proposed second story of the house; and to allow a lot coverage to be 31% in lieu of the 30% maximum allowed; to allow a cubic content ratio to be 6.11 in lieu of the 4.38 maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Denied deferral request by the applicant and removed the item from the agenda. Carried 5-2 with Messrs. Gruss and Sammons opposed.]
Deferred from the February 10, 2016, and March 9, 2016, Town Council Meetings
Request for Withdrawal Per Letter Dated March 24, 2016 from Maura A. Ziska.
John S. Page, Director of Planning, Zoning & Building - ***Withdrawn***

2. New Business

a. 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 April 27th meeting. Motion carried 7-0.] **Request for Deferral to the May 11, 2016 Town Council Meeting pending Architectural Commission Approval.**
John S. Page, Director of Planning, Zoning & Building – ***Deferred to the May 11, 2016, meeting.***

b. VARIANCE #03-2016 The application of Hunter and Melissa Beebe; relative to property commonly known as 1050 No. Ocean Blvd., described as lengthy legal description on file; located in the R-B Zoning District. The applicant's property is bounded by three streets: North Ocean Blvd., Via Marila and Laurian Ln. The

property is 33,598 sq ft in total and is two platted buildable lots. The applicant has no immediate plans to divide the property but wants to build on the west half with a residence that would meet code as if it was a single lot (except for the accessory structures proposed on the east half which includes a swimming pool, deck and one story cabana). In order to achieve this plan, the following variances are being requested: a west side setback of 15.08 feet in lieu of the 28 foot minimum required for a lot with a width of 201.06 feet, and, a rear street yard setback of 15.2 feet for the garage and 18.7 feet for the playroom in lieu of the 35 foot minimum required for a lot in excess of 20,000 sq.ft and with a depth of 164.81 feet. [Attorney: Maura Ziska, Esq.]
[Architectural Commission Recommendation: Implementation of the proposed west side yard variance will cause negative architectural impacts to the subject property. Carried 4-3 with Messrs. Sammons, Small and Ives opposed. Implementation of the proposed rear variance will not cause negative architectural impacts to the subject property. Carried 5-2 with Mr. Sammons and Ms. Grace opposed.]
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED WITH A CONDITION THAT PALM TREES BE PLANTED ON THE NEIGHBORING PROPERTY LOCATED AT 1060 NORTH OCEAN BLVD.

c. VARIANCE #05-2016 The application of Joseph and Susan Meyer; relative to property commonly known as 225 Seaspray Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to demolish a 706 sq. ft. one story guest house in the rear of the landmarked property and construct a new 819 square foot two story garage addition to the main house in the same general location. The following variances are being requested: a rear yard setback of 4.5 feet in lieu of the 1.1 foot existing setback and the 15 foot minimum required in the R-b Zoning district for a two story structure; and, a west side yard setback of 7 feet in lieu of the 6.31 existing setback and the 15 foot minimum required for a two story structure. [Attorney: Maura Ziska] [Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 5-2 with Mr. Silvin and Ms. Hufty opposed.]
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED WITH A CONDITION THAT THE NEW CONNECTION BETWEEN THE EXISTING HOME AND THE PROPOSED GARAGE REMAIN A PERMANENT STRUCTURE INTO PERPETUITY.

3. Other

a. Proposed Declaration of Use Agreement for Royal Poinciana Plaza Related to Special Exception #6-2016, Proposed Sant Ambroeus Restaurant, 340 Royal Poinciana Way
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED WITH A CONDITION THAT THE APPLICANT SUBMITS THE APPROPRIATE AFFIDAVITS WITH RESPECT TO THE 1979 AGREEMENT.

b.

c. VARIANCE #04-2016 The application of Blossom Way Holdings, LLC; relative to property commonly known as Blossom Way, described as lengthy legal description on file; located in the R-AA Zoning District. A request for a variance in conjunction with a proposed partial abandonment of the Blossom Way cul-de-sac. The proposed partial abandonment would relocate the cul-de-sac to the north of its existing location and is proposed to have a radius of 40 feet in lieu of the 50 foot minimum required. [Attorney: Maura Ziska, Esq.]
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED

(i) Subdivision Modification-Request by Maura Ziska, Attorney for Blossom Way Holdings, LLC, Property Owner for Lots 104, Replat of Blossom Estate Subdivision, to Approve a Proposed Sixth Amendment to the Blossom Estate Subdivision Agreement
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED INCLUDING DIRECT ACCESS ONTO SOUTH OCEAN BLVD. FROM LOT 4.

(ii) RESOLUTION NO. 45-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating, Abandoning, and Rededicating a Portion of an Existing Private Right-of-Way Known as Blossom Way, in the Town of Palm Beach, Florida.
H. Paul Brazil, P.E., Director of Public Works
ACTION: APPROVED

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 4-2016 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; Article IV, Nonconformities, Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134-446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134-893, Lot, Yard And Area Requirements-Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134- 948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134-1729, Generators And Swimming Pool Equipment, To Require A Concrete Block Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete Block Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134-2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front–Lit Signs From The Special Exception Requirement; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
John S. Page, Director of Planning, Zoning and Building
ACTION: APPROVED

XII. ANY OTHER MATTERS

The Following Item was Deferred from the April 12, 2016, Meeting and Added to the Agenda:

A. APPROVAL FOR USE OF PAR 3 GOLF COURSE CLUBHOUSE MAINTENANCE AND IMPROVEMENT RESERVES FOR MULTIPLE PROPOSED PROJECTS IN AN AMOUNT NOT TO EXCEED $116,600
Beth Zickar, Director of Recreation
ACTION: APPROVED FUNDING FOR REPLACEMENT OF THE

COUNTER TOPS IN THE MENS AND WOMENS RESTROOM, REPLACE THE PINEWOOD FLOORS ON THE FIRST AND SECOND FLOOR OF THE CLUBHOUSE WITH PORCELIN STONE WOOD TILE, IMPROVEMENTS IN THE SCREENING FOR THE EXTERIOR OF THE OLD CLUBHOUSE AND A 10% CONTINGENCY FUND.

XIII. ADJOURNMENT