



TOWN OF PALM BEACH

Planning, Zoning & Building Department

SUMMARY OF THE ACTIONS TAKEN AT THE DEVELOPMENT REVIEW TOWN COUNCIL MEETING HELD ON WEDNESDAY MARCH 21, 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 AND TOWN MANAGER
- V. COMMUNICATIONS FROM CITIZENS
- VI. APPROVAL OF AGENDA

ACTION: THE FOLLOWING CHANGES WERE MADE TO THE AGENDA

ITEM VIII.A.1., ARCOM APPEAL WAS DEFERRED TO APRIL 11, 2018

ITEM VIII.B.1.a., SITE PLAN REVIEW #1-2017 WAS DEFERRED TO APRIL 11, 2018

ITEM VIII.B.1.d., Z-17-00042 SITE PLAN REVIEW WAS DEFERRED TO APRIL 11, 2018

ITEM VIII.B.2.b., Z-18-000-68 SITE PLAN REVIEW WAS DEFERRED TO APRIL 11, 2018

ITEM VIII.B.2.e., Z-18-000-71 SPECIAL EXCEPTION WITH SPR WAS DEFERRED TO APRIL 11, 2018

ITEM VIII.B.2.f., Z-18-000-72 SITE PLAN REVIEW WAS DEFERRED TO APRIL 11, 2018

ITEM VIII.B.2.g., Z-18-00073 SITE PLAN REVIEW WAS DEFERRED TO MAY 9, 2018

VII. PUBLIC HEARINGS

A. RESOLUTION NO. 23-2018 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 137 Seaspray 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.

ACTION: DESIGNATION REPORT APPROVED

ACTION: APPROVED

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal 446 North Lake WAY

ACTION: DEFERRED TO THE APRIL 11, 2018 MEETING

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as 235 Via Vizcaya., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission deferred the project for one month to the March 28, 2018 meeting. Carried 7-0] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 14, 2018 from Francis Lynch

ACTION: DEFERRED TO THE APRIL 11, 2018 MEETING

b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as 218 Miraflores Dr., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 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. The Architectural Commission approved the project at the February 28, 2018 meeting. Carried 6-1.]

ACTION: DEFERRED TO THE APRIL 11, 2018 MEETING

c. Z-17-00034 SITE PLAN REVIEW Zoning District: R B Low Density Residential. The application of SHULMAN ALAN L, Owner, relative to property located at 377 N LAKE WAY, legal description on file, is described below. Site Plan Review to allow the construction of a 7,465 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

d. Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at 1700 S OCEAN BLVD, legal description on file, is described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application: 1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the March 28, 2018 meeting. Carried 7-0.] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 13, 2018 from Maura Ziska

ACTION: DEFERRED TO THE APRIL 11, 2018 MEETING

e. Z-17-00052 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: RB Low Density Residential The application of CARLSON GUSTAV TRUST &, Owner, relative to property located at 280 ORANGE GROVE RD, legal description on file, is described below. 1) Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage and raising the finished floor elevation of the house to 7.5 NGVD on a lot with a width of 75 feet in lieu of the 100 foot minimum required In the R-B Zoning District and an area of 8,156.25 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. 2) A variance is being requested to allow the construction of a 116 square foot one story addition for a bathroom/bedroom that is proposed to have a 5.4 foot west side yard setback in lieu of the 12.5 foot minimum setback required for a one story structure. 3) A variance is being requested to allow the existing residence to remain non-conforming with no garage provided. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 meeting Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

f. 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 April 18, 2018 meeting to allow staff to obtain a peer review of the structural engineering report submitted by the applicant. Carried 7-0.]

ACTION: DEFERRED TO THE MAY 9, 2018 MEETING

g. Z-17-00059 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-B Low Density Residential The application of REGALBUTO JASON, Owner, relative to property located at 160 SEABREEZE AVE, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The applicant is also planning to enclose an existing staircase in the guest house garage located in the rear of the property. The following variances are being requested in conjunction with this application: 1) a cubic content ratio ("CCR") of 5.74 in lieu of the 4.235 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41 % in lieu of the 30 % maximum allowed in the R-B Zoning District for a two story residence. 3) on east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet in lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one-story covered terrace. 6) a landscaped open space of 42.6% in lieu of the 45% minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural 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 Commission approved the architectural portion of the project at the January 24, 2018 meeting. Carried 5-2. The Architectural Commission conditionally approved the landscape portion of the project at the January 24, 2018 meeting. Carried 7-0. All approval conditions are related to the architecture and landscape only.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT AND SUBJECT TO LANDSCAPE OPEN SPACE APPROVAL

h. Z-17-00060 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: C-OPI Office, Professional and Institutional The application of JHD ASSOCIATES LLC, Owner, relative to property located at 230 ROYAL PALM WAY SUITE: SITE, legal description on file, is described below. *PLEASE NOTE: THIS PROJECT ENCOMPASSES 230 AND 240 ROYAL PALM WAY* 1) Site Plan Review to allow the construction of three (3) carport awnings totaling 6,359 square feet to provide covered parking for 38 parking spaces in the existing parking lot behind the building. The following variances are being requested to allow construction of the awnings: a) lot coverage of 40.2% in lieu of the 24.3% existing and the 25% maximum allowed in the C-OPI Zoning District. b) rear yard setback of 5.17 feet in lieu of the 10 foot minimum required In the C-OPI Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances and site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as amended at the February 28, 2018 meeting, with the awnings on the west and south perimeter spaces only. Carried 7-0.]

ACTION: APPROVED PERIMETER COVERED PARKING WITH CONDITION RELATING TO UTILITY EASEMENT

i. Z-17-00063 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of ROSS CAROLYN H EST, Owner, relative to property located at 201 SANFORD AVE, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,699 square foot two-story, single family residence on a portion of a platted lot which is 98.47 feet in width in lieu of the 100 foot minimum required In the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq] [The Architectural Commission approved this project at the February 28, 2018 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

j. Z-17-00054 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE 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: B 3, legal description on file, is described below. 1) Special Exception with Site Plan Review is being requested to modify a previous approval (which granted Bice Ristorante 46 outdoor seats) to increase the number of outdoor seats from 46 to 82 (an additional 36 seats) for the seasonal months of November through April only. 2) A variance is being requested to provide zero (0) on-site parking spaces in lieu of the required 12 parking spaces that would be required for the additional 36 seats. [Applicant's Representative: Maura Ziska Esq] Consideration of Proposed Declaration of Use Agreement

ACTION: ACCEPTED DECLARATION OF USE AGREEMENT

k. MODIFIED Z-17-00066 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 facing façade was too modern, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design, 4) Whether the retractable awnings were appropriate, 5) The height of the pergolas. They all agreed that accessibility at the entrance was necessary.

ACTION: DEFERRED TO THE ARIL 11, 2018 MEETING

2. New Business

a. Z-18-00067 VARIANCE(S) Zoning District: R C Medium Density Residential The application of SADECA REALTY LLC, Owner, relative to property located at 138 ROOT TRL SUITE: SITE, legal description on file, is described below. Request a variance to allow a seventeen (17) foot wide sliding driveway gate with a 2.58 foot setback from the edge of pavement in lieu of the 18 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmark Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0]

ACTION: APPROVED

b. Z-18-00068 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R B Low Density Residential The application of 1280 NORTH LAKE WAY LLC, Owner, relative to property located at 1280 N LAKE WAY, legal description on file, is described below. 1. Site Plan Review to allow the construction of a 7,431 square foot two story, single family residence on a non conforming platted lot which is 87.95 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. 2. A variance request to allow the two story residence with a point of measurement of 8.5 feet North American Vertical Datum ("NAVD") for cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required when determining cubic content ratio on lots abutting the Lake Trail. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred this project for one month to the March 28, 2018 meeting for restudy. Carried 7-0.] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 13, 2018 from Maura Ziska

ACTION: DEFERRED TO THE APRIL 11, 2018 MEETING

c. Z-18-00069 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-D(2) High Density Residential The application of ALBERT ULF L, Owner, relative to property located at 425 WORTH AVE SUITE: PH C, legal description on file, is described below. A site plan modification request with variances to allow a 58 square foot addition to the laundry room and a 815 square foot trellis addition on the penthouse level of an existing six story building in the R D(2) Zoning District. The following variances are being requested to allow the additions: 1. allow a building height for the additions to be 58.5 feet (to match existing) in lieu of the 35 foot maximum allowed. 2. allow the additions to the existing 6th floor penthouse in lieu of the 3 story maximum allowed. 3. allow a front yard setback of 60.0' for the addition on the north side in lieu of the 117 foot minimum required (height of existing building x number of street yards). 4. allow a front yard setback of 22.7' for the trellis on the south side in lieu of the 126.5' minimum required (height of existing building x number of street yards). 5. allow a side yard setback of 46.5' for the trellis in lieu of the 58.5 foot minimum required (due to height of existing building). [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 meeting. Carried 7-0.]

ACTION: APPROVED SUBJECT TO CONDITION RELATING TO UTILITY EASEMENT AND LETTER FROM CONDOMINIUM ASSOCIATION

d. Z-18-00070 SITE PLAN REVIEW Zoning District: R D(2) High Density Residential The application of WINTHROP HOUSE COND, Owner, relative to property located at 100 WORTH AVE SUITE: SITE, legal description on file, is described below. Request for Site Plan Review to remove and place existing planters on the 5th floor rooftop/sundeck of the condominium building. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

e. Z-18-00071 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: B A Beach Area The application of TRAVERSE NORMAN &, Owner, relative to property located at 1744 S OCEAN BLVD, legal description on file, is described below. 1. Request a special exception to permit the construction of a +/- 75 foot tunnel for pedestrian access under South Ocean Boulevard to connect the house to the beach parcel on the east side of South Ocean Boulevard.

The application proposes to divert traffic onto the applicant's property so there will not be a need to close the road. 2. A variance to allow the tunnel and associated stairs to have a setback of 47.25 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 13, 2018 from Maura Ziska

ACTION: DEFERRED TO THE APRIL 11, 2018 MEETING

f. Z-18-00072 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R A Estate Residential The application of SHADOWBROOK LAND TRUST &, Owner, relative to property located at 110 VIA VIZCAYA, legal description on file, is described below. Site Plan Review to allow the construction of a 5,084 square foot two story, single family residence on a non conforming lot which is 100 feet in width in lieu of the 125 foot minimum width required; 100 feet in depth in lieu of the 150 foot minimum required and 10,000 square feet in area in lieu of the 20,000 square foot minimum required in the R A Zoning District. The following variances are being requested in conjunction with this application: 1. A variance request to have a building height plane setback of 30 feet in lieu of the 45.81 foot setback required for a building that is 22' feet 6 5/8" inches tall. 2. A variance for lot coverage to be 28% in lieu of the 25% maximum allowed in the R A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred this project to the March 28, 2018 meeting. Carried 7-0.] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 13, 2018 from Maura Ziska

ACTION: DEFERRED TO THE APRIL 11, 2018 MEETING

g. 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 deferred this project to the April 18, 2018 meeting to allow staff to obtain a peer review of the structural engineering report submitted by the applicant. Carried 7-0.]

ACTION: DEFERRED TO THE MAY 9, 2018 MEETING

IX. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 04-2018 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 Creating A Definition For Tow-Away Signs; At Article II, Administration, Section 134-38 By Increasing And Creating Additional Fees For Land Development Services; Section 134-145 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261 Creating An Initial Review Procedure For Zoning Text Amendments; At Article IV, Nonconformities, Section 134-417, Enlargement, And 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Creating A New Demolition Threshold, Including Additional Provisions For Alterations And Repairs And Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At Article VI, District Regulations, Sections 134-788, 134-838 And 134-888, Accessory Uses, And

Sections 134-789, 134-839 And 134-889, Prohibited Uses By Creating Regulations To Conditionally Allow Construction Related Employee Off-Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In The R-Aa, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846 And 134-893, Exceptions To Height Limitations, By Allowing Solar Material On Roofs Of Buildings Provided There Is Either Architectural Commission Or Landmark Preservation Commission Approval In The R-Aa, R-A And R-B Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception Uses And At Article VIII, Supplementary District Regulations, Section 134-1698, Structures, Signs And Landscape Material West Of Lake Trail, By Allowing Essential Services West Of Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches Terraces And Covered Patios In The R-B Zoning District Are Allowed An Additional 5% Cubic Content; At 134-895, Same, Exceptions From Yard Regulations, By Modifying The Provision To Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is Not Counted In The Cubic Content Ratio Calculations; At Article VIII, Supplementary District Regulations, Section 134-1607, Permitted Exceptions, By Allowing Solar Material On The Roof Of A Building Or Structure In All Other Zoning Districts Other Than R-Aa, R-A And The R-B Zoning Districts Provided That Said Material Is Approved By The Architectural Commission Or Landmark Preservation Commission; Section 134-1757, Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools; Section 134-1759, Tennis, Shuffleboard And Racquetball Courts, By Reordering The Existing Regulations To Eliminate Redundant Language; At Article XI, Signs, Adding Sections 134-2410 And 134-2449 By Creating Regulations For Tow-Away Signs In Residential And Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating Regulations Allowing Governmental Signs In All Residential And Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

ACTION: DEFERRED TO THE APRIL 11, 2018 MEETING

X. ANY OTHER MATTERS

- A. A discussion took place on the land use ordinance.
- B. A discussion took place on communications from citizens on deferred items.

XI. ADJOURNMENT