TOWN OF PALM BEACH

Planning, Zoning & Building Department

ACTIONS TAKEN AT THE DEVELOPMENT REVIEW TOWN COUNCIL MEETING HELD ON WEDNESDAY, DECEMBER 12, 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 DIRECTOR OF PLANNING, ZONING AND BUILDING

V. COMMUNICATIONS FROM CITIZENS

VI. APPROVAL OF AGENDA

ACTION: THE FOLLOWING CHANGES WERE MADE TO THE AGENDA:

- **ITEM IX.B.1.b., Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES WAS DEFERRED TO JANUARY 9, 2019**
- **ITEM IX.B.1.d., Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WAS DEFERRED TO JANUARY 9, 2019**
- **ITEM IX.B.1.f., Z-18-00146 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WAS DEFERRED TO JANUARY 9, 2019**

VII. PUBLIC HEARINGS

A. RESOLUTION NO. 197-2018 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 307 Brazilian 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: APPROVED

B. RESOLUTION NO. 198-2018 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 218 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: APPROVED

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction
   Per Town Code Chapter 18, Section 18-237
   200 Via Bellaria
   ACTION: APPROVED

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. 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] If approved, consideration of proposed Declaration of Use Agreement.
ACTION: DEFERRED TO THE JANUARY 9, 2019 MEETING

b. Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles Holzer, Applicant, relative to property located at 977 S OCEAN BLVD, legal description on file, is described below. 1) Special Exception with Site Plan Review to allow the construction of a 9,685 square foot two-story, single family residence on a non-conforming lot that is 77 feet in depth in lieu of the 150 foot minimum required In the R-A Zoning District and 13,662 square feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning District.

2) A request for a variance to allow the proposed swimming pool to have a 5 foot rear yard setback in lieu of the 10 foot minimum required and a 30 foot front yard setback in lieu of the 35 foot minimum required in the R-A Zoning District. 3) A request for a variance to allow a building height plane setback to be 35 feet in lieu of the 50 foot minimum setback required. [Applicant's Representative: Maura Ziska] [The Architectural Review Commission deferred this project to the December 14, 2018 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the January 9, 2019 Town Council Meeting per Letter Dated November 30, 3018 from Maura Ziska.
ACTION: DEFERRED TO THE JANUARY 9, 2019 MEETING

c. Z-18-00136 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Neil and Ann Corkery, Applicant, relative to property located at 120 CHILEAN AVE, legal description on file, is described below. Request a variance to construct a 7 foot by 30 foot swimming pool on the east side of the residence that will result in a 23.8% landscaped open space in lieu of the 32.3% existing and the minimum 45% required in the R-B district. [Applicant's Representative: Maura Ziska Esq]
ACTION: APPROVED

d. Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at 241 SEAVIEW AVE SUITE: SITE, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 4-1. The Landmarks Preservation Commission deferred the project to the December 19, 2018 meeting at the request of the attorney. Carried 7-0.]
ACTION: DEFERRED TO THE JANUARY 9, 2019 MEETING

e. Z-18-00142 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Ken and Claudia Silverman, Applicant, relative to property located at 830 S COUNTY RD, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 5,990 square foot two-story, single family residence on a non-conforming lot that is 139.99 feet in depth in lieu of the 150 foot minimum required. [Applicant's Representative: Maura Ziska Esq.] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the

subject property. Carried 7-0. The Architectural Review Commission approved the project at the November 28, 2018 meeting. Carried 4-3.]
ACTION: APPROVED WITH CONDITION RELATING TO UTIITY EASEMENT

f. Z-18-00146 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Harvey E. Oyer, III, Esq. on behalf of Mar-a-Lago Club, Inc., Applicant, relative to property located at 1100 S OCEAN BLVD, legal description on file, is described below. 1. The Applicant seeks approval of a Special Exception with Site Plan Review to add an accessory dock to the property in the approximate location of the prior historic dock. The dock is to be located at the northwest corner of the site and projects 25 feet from the existing seawall into the Lake Worth Lagoon. [Applicant's Representative: Harvey E Oyer III Esq] [The Landmarks Preservation Commission deferred this project to the November 16, 2018 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the January 9, 2019 Town Council Meeting per Letter Dated November 2, 2018 from Harvey Oyer
ACTION: DEFERRED TO THE JANUARY 9, 2019 MEETING

2. New Business

a. Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of Carriage House and JHD Associates, LLC, Applicant, relative to property located at 264 S COUNTY RD SUITE: BLDG 1, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 248 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 67 seats, which is the same number of seats 264 Grill restaurant had when owned by Peter Pullitzer in the 1970s. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m. A request for a special exception to provide 68 night-time (after 6pm) supplemental off-site shared parking spaces at 230/240 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House.Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of Carriage House and JHD Associates, LLC, Applicant, relative to property located at 264 S COUNTY RD SUITE: BLDG 1, legal description on file, is described below. [Applicant's Representative: Maura Ziska Esq]
ACTION: DEFERRED TO THE JANUARY 9, 2019 MEETING APPLICANT TO COME BACK WITH PROPOSED DECLARATION OF USE AGREEMENT

b. Z-18-00150 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Samuel Hunt III and Victoria

S. Hunt, Applicant, relative to property located at 400 CHILEAN AVE SUITE: 2, legal description on file, is described below. Site Plan Review to allow the construction of a 529 square foot carport/awning to provide covered parking for 2 parking spaces on the south side of the existing condominium. The following variances are being requested to construct the awning: a) to allow in a south side yard setback of 6.3 feet in lieu of the 10 foot minimum setback required in the R-C Zoning District. b) to allow a rear yard setback of 6.17 feet in lieu of the 10 foot minimum in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq]
ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT AND ARCHITECTURAL COMMISSION APPROVAL OF DESIGN

c. Z-18-00151 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Ray and Kim Celedinas, Applicant, relative to property located at 619 ISLAND DR, legal description on file, is described below. A variance request to construct an 84 square foot no profile personal watercraft lift to the south end of the existing marginal dock that will require the following variances: 1) to allow a 10 foot south riparian setback in lieu of the 25 foot minimum setback required; and 2) to allow the no profile personal watercraft lift to extend 7 feet west of the U.S. Pierhead line and the Town's Bulkhead line in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]
ACTION: APPROVED

d. Z-18-00152 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town-Serving Commercial The application of 336 PARTNERS INC (C. Orrico), Applicant, relative to property located at 336 S COUNTY RD, legal description on file, is described below. The applicant is the owner of two adjacent properties, 220 Brazilian Avenue, which contains a single family residence, and 336 South County Road, which is a commercial building that houses C.Orrico -a retail clothing store. In 1977 Lillian Rousseau ("Lilly Pulitzer") owned the Properties and requested special exception approval from the Town Council to have her store in this location. The Town Council granted the approval with a condition that Lilly enter into a Unity of Title Agreement to tie the two properties together and use the 20 parking spaces on 220 Brazilian for the store. Lilly sold the properties to 336 Partners, lnc./C.Orrico in 1997 and C.Orrico obtained Special Exception approval in 1997 to operate a retail store in this location with all prior conditions of approval. The applicant is now requesting the following: 1) A request for special exception approval to modify the previously approved Special Exception to eliminate the condition of approval requiring a unity of title between 220 Brazilian and 336 South County Road; and 2) A request for a variance to have zero (0) parking spaces in lieu of the previously approved 20 parking spaces on 220 Brazilian. [Applicant's Representative: Maura Ziska Esq]
ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

e. Z-18-00153 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Avery and Joan Klann, Applicant, relative to property located at 117 EVERGLADE AVE, legal description on file, is described below. Applicant is proposing to construct 164 square feet one story infill addition to connect the existing garage to the house which will require the following variance: 1) a cubic content ratio ("CCR") of 4.96 in lieu the 4.85 existing and the of the 3.98 maximum allowed in the R-B Zoning District for a lot that is 12,245 square feet in area. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Review Commission approved the project as presented at the November 28, 2018 meeting. Carried 6-1.]
ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

f. Z-18-00154 VARIANCE(S) Zoning District: R-B Low Density Residential The application of NLWFL LLC (Michael Margolis), Applicant, relative to property located at 528 N LAKE WAY, legal description on file, is described below. 1) A request for variance to allow a 60 KW generator to be placed in the street side yard setback along Tangier Avenue with a setback of 5.83 feet in lieu of the 25 foot minimum required. 2) A request for a variance to allow a swimming heater in the street side yard setback with a setback of 5.83 feet in lieu of the 25 foot minimum required. 3) A request for a variance to allow an equipment screening and noise-attenuating wall at a height of 7 feet in lieu of the 6 foot maximum allowed in a front or street side yard setback. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project as presented at the November 28, 2018 meeting. Carried 7-0.]
ACTION: APPROVED WITH THE CAVEAT THAT DECIBLE LEVEL BE TESTED AND CONDITION RELATING TO UTILITY EASEMENT

3. Other

a. Proposed Staff Initiated Zoning Text and Comprehensive Plan Amendment Issues

ACTION: APPROVED EXCEPT FOR ITEMS: 3, 5, 6, 12, 15, 18 AND 20

b. Worth Avenue Valet Parking Pilot Program
ACTION: APPROVED WITH CONDITION OF SIGN REMOVAL

IX. ANY OTHER MATTERS

A. A SHORT DISCUSSION TOOK PLACE ON THE NOISE COMING FROM THE TRAINS

X. ADJOURNMENT