



TOWN OF PALM BEACH

Planning, Zoning & Building Department

SUMMARY OF THE ACTIONS TAKEN AT THE DEVELOPMENT REVIEW TOWN COUNCIL MEETING HELD ON WEDNESDAY, NOVEMBER 14, 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 VII.B.1.d., Z-18-00034 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES WAS DEFERRED TO DECEMBER 12, 2018

- ITEM VII.B.1.e., Z-18-00136 VARIANCES WAS DEFERRED TO DECEMBER 12, 2018

- ITEM VII.B.1.f., Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WAS DEFERRED TO DECEMBER 12, 2018

- ITEM VII.B.2.a., Z-18-00142 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES WAS DEFERRED TO DECEMBER 12, 2018

ADDITION TO ANY OTHER MATTERS:

RESOLUTION FOR OPT OUT OF ARTICLE III OF CHAPTER 15: HOUSING, PLACES OF PUBLIC ACCOMMODATION

VII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

- 1. Extension of Time Schedule for Completion of Construction
Per Town Code Chapter 18, Section 18-237
1906 South Ocean Boulevard

ACTION: APPROVED

2. Extension of Time Schedule for Completion of Construction
Per Town Code Chapter 18, Section 18-237
270 Algoma Road

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 DECEMBER 12, 2018 MEETING

b. Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: B-A Beach Area The application of 1178 OCEAN LLC, Applicant, relative to property located at 1178 N OCEAN BLVD SUITE:BEACH CABANA, legal description on file, is described below. The Applicant seeks to reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134 417). To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feet allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8 1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a setback of 5' 3 1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at +/- 6' 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code. [Applicant's Representative: Francis X. J. Lynch] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project at the August 22, 2018 meeting. Carried 7-0.]

ACTION: APPROVED

c. Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S) The application of 456 South Ocean LLC (Dave Frisbie, Manager), Applicant, relative to property located at 456 S OCEAN BLVD SUITE: SITE, legal description on file, is described below. A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard. [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 7-0. The Architectural Review Commission approved the project at the October 24, 2018 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT AND ADDITIONAL STAFF REQUIREMENTS

d. 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 November 28, 2018 meeting at the request of staff. Carried 7-0.]

ACTION: DEFERRED TO DECEMBER 12, 2018 MEETING

e. 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: DEFERRED TO DECEMBER 12, 2018 MEETING

f. 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 November 16, 2018 meeting at the request of the attorney. Carried 7-0.]

ACTION: DEFERRED TO DECEMBER 12, 2018 MEETING

g. Z-18-00139 VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Ken Moreland-Pearce, Applicant, relative to property located at 265 PARK AVE, legal description on file, is described below. 1. A variance request to allow construction of a new 2,000 square foot two-story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required, a depth of 70 feet in lieu of the 100 foot minimum required and a lot area of 3,500 sq. ft. in lieu of the 10,000 sq. ft. minimum required. 2. A variance request to allow a west side yard setback to be 5 feet in lieu of the 10-foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project at the October 24, 2018 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

2. New Business

a. 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 deferred the project to the November 28, 2018 meeting. Carried 7-0.]

ACTION: DEFERRED TO DECEMBER 12 2018 MEETING

b. Z-18-00143 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-B Low Density Residential The application of 212 Seaspray, LLC, Applicant, relative to property located at 212 SEASPRAY AVE, legal description on file, is described below. Site Plan Review to allow the redevelopment of a landmarked house on a non-conforming lot which is 50 feet in width in lieu of the 100-foot depth required in the R-B Zoning District. Because the house is being redeveloped in excess of 50% of its current value, the following variance is being requested: 1) Section 50-114: Request to develop the property in excess of 50% of its current value, including the raising of the rear (south side) of the house, such that the entire house will have an elevation of 5.9 N.A.V.D. in lieu of the minimum 7.0 N.A.V.D. required by Code. In addition, the following variances are requested in connection with the redevelopment: 2) Section 134-893(7)b): Request to

raise the rear (south side) of a landmarked house with a west second story side yard setback of 3.0 feet in lieu of the 15-foot minimum required. 3) Section 134-893(9)b): Request to raise the rear (south side) of a landmarked house with a second story rear yard setback of 4.7 feet in lieu of the 15-foot minimum required. 4) Section 134-893(13): Request to raise the rear (south side) of a landmarked house, thereby increasing the cubic content ratio from 6.89 to 7.11 in lieu of the 4.39 maximum allowed. 5) Section 134-893(7)b): Request to add an awning to the house with an east side yard setback of 0.0 feet in lieu of the 12.5-foot minimum required. [Applicant's Representative: David E. Klein Esq.] [Landmarks Preservation Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0. The proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

c. Z-18-00144 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of Palm Beach Centennial Commission, Inc. on behalf of the Town of Palm Beach, Applicant, relative to property located at 360 S COUNTY RD, MEMORIAL FOUNTAIN, legal description on file, is described below. A special exception with site plan review request to modify Town Hall public open space as identified below. Applicable Zoning sections - Section 134-1109, Section 134-229, Section 134-327, Section 134-329. 1. Construction of stairs onto the south side of the Memorial Park Fountain area as geographically described on the plans and specifications submitted with this application. 2. Repair of any existing landscaping disturbed by the construction process. [Applicant's Representative: John C. Randolph, Esq.] [Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject landmarked property. Carried 5-2.]

ACTION: APPROVED STAIRS ONLY WITH CONDITION THAT APPLICATION IS APPROVED BY THE STATE OF FLORIDA

d. Z-18-00145 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: C-TS Town-Serving Commercial The application of Bradley Park Owner, LLC, Applicant, relative to property located at 280 SUNSET AVE SUITE: SITE, legal description on file, is described below. The property owner is requesting Site Plan Review with Variances, including a variance to modify an existing, nonconforming Landmarked hotel. The renovations include relocating the hotel entrance and lobby east into the space currently occupied by C'est Si Bon Gourmet Grocery, adding a swimming pool and pool deck in the north courtyard area, renovation of all rooms, improvement of the parking lot by replacing asphalt with pavers, construction of a pergola connecting the new entrance to the street, and the modification of an existing rooftop utility structure by adding roof tiles and decorative elements. The new hotel lobby will include 18 accessory bar or dining seats based on the principle of equivalency from the former C'est Si Bon Gourmet Grocery retail space. The existing restaurant, Trevini, is not being changed at this time, and the number of hotel rooms will remain at 32. In addition to the modification of the variance for hotel use in the C-TS district, which is required by 134-387, other variances are requested, including: 1. A variance from Chapter 50, Flood Damage Prevention, requesting relief

from the requirement to raise the finish floor elevation of the hotel to 7.0 NAVD. 2. A variance from Chapter 134, Article IV, Nonconformities, to allow the height of the nonconforming hotel to be increased by 4.25' to accommodate a new decorative roof element. 3. A variance from Chapter 134, Sec. 1113(11)b., that requires a minimum of 25% landscaped open space. The existing landscaped open space is 15.26% and proposed is 14.70%, for a reduction of 0.56%. 4. A variance from Chapter 134, Sec. 1113(11)c., that requires a minimum of 35% landscaped open space in the front yard. The existing front yard landscaped open space is 9.32% and proposed is 6.63%, for a reduction of 2.69%. 5. A variance from Chapter 134, Sec. 1113(5)b. that requires a minimum front yard setback for unattached accessory structures, to allow a front setback of 1.75' in lieu of the 5' minimum required for a pergola connecting the new front lobby entrance to the public sidewalk on Sunset Avenue. [Applicant's Representative: James M. Crowley Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject landmarked property. Carried 6-1. The proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

e. 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 December 12, 2018 Town Council Meeting Per Letter Dated October 12, 2018 from Harvey Oyer

ACTION: DEFERRED TO THE DECEMBER 12, 2018 MEETING

f. Z-18-00147 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-AA Large Estate Residential The application of Lara J. Coraci, as Trustee of the Anthony Coraci Marital Trust, Applicant, relative to property located at 400 REGENTS PARK, legal description on file, is described below. Site Plan Review to allow the redevelopment of a house on a non-conforming lot which is 137 feet in depth in lieu of the 150-foot depth required in the R-AA Zoning District. Because the house is being redeveloped in excess of 50% cubic volume, the following variances are being requested 1) Sections 50-114 and 134-419: Request to develop the property in excess of 50% of its current value, requiring a variance for the first-floor elevation of the main house of 6.26 N.A.V.D. in lieu of the minimum 7.0 N.A.V.D. required by Code. In addition, the following variances are requested in connection with the redevelopment: 2) Section 134-793(a)5: Request to expand the guest house with a front yard setback (north side) of 10 feet in lieu of the 35-foot minimum required. 3) Section 134-793(0)8: Request to expand the guest house with a side yard setback (east side) of 9.3 feet in lieu of the 30-foot minimum required.

4) Section 134-793(0)8: Request to expand the main house with a side yard setback (north side) of 4.5 feet in lieu of the 30-foot minimum required. [Applicant's Representative: David E. Klein Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0. The proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

g. Z-18-00148 VARIANCE(S) Zoning District: R-A Estate Residential The application of Paul and Elizabeth Shiverick, Applicant, relative to property located at 16 GOLFVIEW RD, legal description on file, is described below. The Applicant is proposing to construct a 1,625.5 square foot, two story addition consisting of a garage and kitchen on the first floor and a master bedroom suite with office on the second floor that will require the following variances: 1) West street side yard setback of 15 feet in lieu of the 35 foot minimum required; 2) Rear yard setback of .4 feet in lieu of the 15 foot minimum required; 3) Lot coverage of 32.2% in lieu of the 25.1% existing and the 25% maximum allowed; 4) Landscaped open space of 40% in lieu of the 43% existing and the 50% minimum required. [Applicant's Representative: Maura Ziska Esq.] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 15-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Future Land Use Map And Related Data And Analysis Within The Future Land Use Element By Changing The Future Land Use Designation From "Recreation" To "Multi-Family Moderate Density (Maximum 6 Du/Gross Palm Beach Acre)" For A 0.3-Acre Piece Of Private Property (Commonly Know As "Kaplan Park") That Is Located On The Southwest Corner Of The Intersection Of Hammon Avenue And South Ocean Boulevard, Which Has An Address Of 456 South Ocean Boulevard; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED

IX. ANY OTHER MATTERS

A. RESOLUTION NO. ~~194~~ 196-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Notifying Palm Beach County that, Pursuant to this Resolution, the Town of Palm Beach has opted out the Article III of Chapter 15 Entitled "Housing, Places of Public Accommodation;; and providing for an Effective Date.

ACTION: APPROVAL OF RESOLUTION NO. 196-2018

X. ADJOURNMENT