



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, NOVEMBER 9, 2016

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. RECOGNITIONS
- IV. PRESENTATIONS
 - A. Palm House
 - 1) Update
 - 2) Receiver's Request for Conditional Fine Abatement
Cary Glickstein, Esq.
ACTION: APPROVED A CONDITIONAL DAILY FINE ABATEMENT FOR UP TO 120 DAYS COMMENCING UPON THE PRESIDING JUDGE ISSUING AN ENTRY OF ORDER AUTHORIZING THE RECEIVER TO SPEND FUNDS FOR CORRECTION OF PROPERTY INADEQUACIES, SAFETY ISSUES AND REIMBURSEMENT OF THE TOWN WITH THE LEGAL DETAILS TO BE COORDINATED BETWEEN RECEIVER GLICKSTEIN AND TOWN ATTORNEY RANDOLPH
- V. COMMENTS OF MAYOR GAIL L. CONIGLIO
- VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
- VII. COMMUNICATIONS FROM CITIZENS
- VIII. APPROVAL OF AGENDA
ACTION: ITEM NO. IX.B.1.b., SPECIAL EXCEPTION #25-2016 WITH SITE PLAN REVIEW AND VARIANCES, WAS DEFERRED TO THE JANUARY 11, 2017, MEETING

ACTION: ITEM NO. IX.B.2.b., SPECIAL EXCEPTION #28-2016 WITH SITE PLAN REVIEW AND VARIANCES, WAS DEFERRED TO THE DECEMBER 14, 2016, MEETING

ACTION: ITEM NO IX.B.2.c., SPECIAL EXCEPTION #29-2016 WITH SITE PLAN REVIEW AND VARIANCES, WAS DEFERRED TO THE DECEMBER 14, 2016, MEETING

ACTION: ITEM NO. IX.B.2.d., SPECIAL EXCEPTION #30-2016 WITH SITE PLAN REVIEW AND VARIANCES, WAS DEFERRED TO THE DECEMBER 14, 2016, MEETING

ACTION: ITEM NO. IX.B.2.e., VARIANCE #25-2016, WAS DEFERRED TO THE DECEMBER 14, 2016, MEETING

ACTION: ITEM NO. IX.B.2.h., VARIANCE #26-2016, WAS WITHDRAWN

ACTION: APPROVED, AS AMENDED ABOVE

IX. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for One-year Time Extension, VAR #26-2015, 12 Lagomar Road

John S. Page, Director of Planning, Zoning and Building

ACTION: APPROVED A SEVEN (7) MONTH TIME EXTENSION

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. VARIANCE #24-2016 The application of Desmond and Cristina Keogh; relative to property commonly known as 241 El Dorado Ln., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to allow a 898 square foot addition one story addition to the main house and a 842 square foot one story garage addition (total of 1,740 sq. ft.) which will require the following variances: 1) an east side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 2) a west side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 3) a rear yard setback of 9.5 feet in lieu of the 10 foot minimum required; 4) lot coverage of 32.4% in lieu of the 30% maximum allowed for single story construction on lots in excess of 20,000 square feet. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the Proposed Variances Will Not Cause Negative Architectural Impact to the Subject Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

ACTION: APPROVED

- b. SPECIAL EXCEPTION #25-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Harvey E. Oyer, III, Esq. (Agent); relative to property commonly known as 141 S County Rd. & Vacant lot on west side of S County Rd., described as lengthy legal description on file; located in the R-B Zoning

District. The applicant is requesting for approval of a Special Exception with Site Plan Review and Variances to construct required off-street & supplemental parking spaces to accommodate 34 additional required off-street & supplemental parking, specifically 11 parallel parking spaces are proposed to be located on private property along the north side of the 100 block of Barton Avenue, adjacent to the Church. 23 parking spaces are proposed to be located on the Church's parcel directly west of the Place of Worship across South County Road. If approved, the additional 34 required off-street & supplemental parking spaces will substantially alleviate the recent loss of parking that has existed as a result of changes to the Town's parking policies. At the Town Council's direction, the applicant seeks to allow residents of the 100 & 200 block of Barton Avenue along with residents of the 200 block of Pendleton Avenue to use the 34 off-street and supplemental parking spaces by way of a Declaration of Use agreement. The following variances are requested for the 11 parallel required off-street parking spaces to be located on the north side of the 100 block of Barton Avenue: 1) to allow the landscape open space area to be reduced from the existing 51.98% to 50.48% in lieu of 55% minimum landscape open space as required by code; 2) to allow the off-street parking with a zero setback in lieu of the 25 foot minimum setback required; 3) to allow the off-street parking spaces not to include the required screening with hedges, walls or a combination thereof as required; 4) to allow the interior off-street parking landscape open space to be reduced to zero in lieu of the minimum 10% (205.3 sq. ft.) required. [Attorney: Harvey E. Oyer, Esq.] (Landmarks Preservation Commission meeting: Deferred the Project to December 21, 2016. Carried 7-0.)

*John S. Page, Director of Planning, Zoning & Building –
Deferred to the January 11, 2017, meeting*

- c. MODIFIED SPECIAL EXCEPTION #13-2016 WITH SITE PLAN REVIEW The application of Miradieu Aubourg, PBC Capital Improvements Division; relative to property commonly known as 2882 S. Ocean Blvd., described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a Modified Special Exception with Site Plan Review to leave the 5 foot wide beach access easement in its existing location along the northern perimeter of the park site. The beneficiaries of this easement may still use said easement for access to the beach. In addition, this modified request proposes to leave the existing sidewalk that meanders outside of the easement from the beach and to the existing parking lot in place as it currently exists. No changes to the existing landscape in the vicinity of the easement or sidewalk are proposed. [Attorney: Denise M. Nieman, Esq.]

Deferred from the May 11, 2016, and October 13, 2016 Town Council Meetings.

John S. Page, Director of Planning, Zoning & Building

ACTION: APPROVED

2. New Business

- a. SITE PLAN REVIEW #11-2016 WITH VARIANCE The application of Harold Peerenboom; relative to property commonly known as 8 Sloan's Curve Dr., described as lengthy legal description on file; located in the PUD-B Zoning District. The applicant is requesting a site plan review to infill a portion of the balcony on the east side of the second story of the townhouse which comprises on 132 square feet. The proposed addition will modify a previously approved site plan in a PUD complying with the Town's Code. The applicant is also requesting a variance to allow the enclosure of an existing open balcony in the PUD-B zoning district which follows the R-C Zoning regulations that prevents such enclosure. [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

ACTION: APPROVED

- b. SPECIAL EXCEPTION #28-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as 316 Seabreeze 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 to allow the construction of a 2,700 square foot two-story, single family residence on two platted lots which combined creates a lot that 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 square foot minimum area required. The following variances are being requested. To allow a 6 foot west side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot east side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred Project to November 30, 2016 meeting. Carried 7-0.]

*John S. Page, Director of Planning, Zoning & Building –
Deferred to the December 14, 2016, meeting*

- c. SPECIAL EXCEPTION #29-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as 320 Seabreeze Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a special exception with site plan review to allow the construction of a 2,713 square foot two-story, single family residence on two platted lots which combined creates a lot that 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 square foot minimum area

required. The following variances are being requested. To allow a 6 foot east side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot west side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred Project to the November 30, 2016 Meeting. Carried 7- 0.]

*John S. Page, Director of Planning, Zoning & Building –
Deferred to the December 14, 2016, meeting*

- d. SPECIAL EXCEPTION #30-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach (Tom Bradford, Town Manager); relative to property commonly known as 340 Seaview 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 to approval to allow a new two-story 33,810 square foot Recreation Center for the Town of Palm Beach that will include a new athletic field, parking lot, gymnasium, tennis pro shop, multi-purpose room, fitness center with locker rooms, concession area, classrooms, offices and new maintenance building, new tennis backboard, new scoreboard. A second special exception request is to allow for a rebound wall to be constructed on the north side of the new maintenance building. The following variances are being requested in order to construct the new community center: 1) A west side yard setback of 10 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 2) A north side yard setback of 8 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 3) A street rear yard setback for the new parking lot on Royal Palm Way of 4 feet in lieu of the 35 foot minimum required for properties that are in excess of 20,000 square feet; 4) an east side yard setback of 4 feet in lieu of the 30 foot minimum required for the new parking lot on Royal Palm Way for properties that are in excess of 20,000 square feet; 5) a height of 27 feet in lieu of the 22 foot maximum allowed; 6) an overall height of 35 feet in lieu of the 30 foot maximum allowed; 7) a vertical distance to the top of beam of 30.75 feet in lieu of the 26 foot maximum distance allowed from the crown of street to top of beam; 8) landscaped open space of 43% in lieu of the 55% minimum required for properties that are in excess of 20,000 square feet; 9) parking lot interior landscaped open space of 5% in lieu of the 10% minimum required; 10) to allow signage on the proposed scoreboard which would exceed the maximum signage allowed (of one for each street frontage); 11) to allow three (3) air- conditioning units to be on the roof that is in excess of the 4 foot maximum allowed. The proposed A/C units will be 5 feet tall plus the height of the stand. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the Proposed Variances

Will Not Cause Negative Architectural Impact to the Subject Property. Carried 5-2. Mr. Gruss and Mr. Small Opposed.]

*John S. Page, Director of Planning, Zoning & Building –
Deferred to the December 14, 2016, meeting*

- e. VARIANCE #25-2016 The application of Maura Ziska, Manager of Barnacle PB LLC; relative to property commonly known as 221 Oleander Ave., described as lengthy legal description on file; located in the R-C Zoning District. The applicant requests a variance to allow construction of a new 2,930 square foot, two story residence on a lot with a depth of 56 feet in lieu of the 100 foot minimum required and a lot area of 4,200 square feet in lieu of the 10,000 square foot minimum; a variance to allow lot coverage to be 41.6% in lieu of the 30% maximum allowed; a variance to allow a front yard setback to be 13.5 feet in lieu of the 25 foot minimum; and a variance to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred Project to the November 30, 2016 meeting. Carried 7- 0.]

*John S. Page, Director of Planning, Zoning & Building –
Deferred to the December 14, 2016, meeting*

- f. VARIANCE #27-2016 The application of Oliver R. Grace, Jr.; relative to property commonly known as 270 Algoma Rd., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting modifications to an existing landmarked residence by adding a second story addition and balcony rail which require the following variances: 1) a 447.96 square foot second story addition to the east side of the residence that will have a 32.2 front yard setback in lieu of the 35 foot minimum required and a building height plane setback of 31.66 feet in lieu of the 46.17 feet minimum required and an angle of vision of 131 degrees in lieu of the 120 degrees maximum allowed; 2) the addition of balcony railings above the existing one story on the east side of the house that would have a front yard setback of 32.2 feet in lieu of the 35 foot minimum required and an angle of vision of 136 degrees in lieu of the 120 degrees maximum allowed. [Attorney: Maura Ziska, Esq.] [Landmark Recommendation: Implementation of the Proposed Variance Will Not Cause Negative Architectural Impacts to the Subject Landmarked Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

ACTION: APPROVED

- g. VARIANCE #28-2016 The application of Dean Vegosen, as Trustee of the Land Trust dated June 22, 1995; relative to property commonly known as 1015 S. Ocean Blvd., described as lengthy legal description on file; located in the R-A Zoning District. The residence at 1015 S. Ocean Blvd. was constructed in 1937. The owner is replacing the roof tiles on the house. As

part of this project, she requests to add two roof elements on the north end of the house where an existing flat roof and valley have created aesthetic and drainage problems. The new elements will be a pitched roof and a cricket. The new roof elements will increase height in nonconforming setbacks and angle of vision but will not further reduce the setbacks or increase the existing angle of vision. The following variances are being requested: 1) increase building (roof) height with a 13.66 foot setback from the west (front) property line in lieu of the 35" minimum setback required; 2) add building (roof) height outside the allowed angle of vision, which is 120 degrees on this site. This existing structure has an angle of vision of 146.93 degrees; 3) increase building (roof) height with a 5.08 foot setback from the north (side) property line in lieu of the 15 foot minimum setback required; and 4) increase building (roof) height with a 9.50 foot setback from the east (rear) property line in lieu of the minimum 15 foot setback

required. [Attorney: Jamie M. Crowley, Esq.] [Architectural Commission Recommendation: Implementation of the Proposed Variances Will Not Cause Negative Architectural Impact to the Subject Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

ACTION: APPROVED

- h. VARIANCE #26-2016 The application of David and Jeanne Daniel; relative to property commonly known as 322 Seaspray Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to allow a three sided wing wall on the east side of the property to screen a 48 KW generator at a height of 8.25 feet from the adjacent neighbor's grade in lieu of the 7 foot maximum allowed. [Attorney: Maura Ziska, Esq.] [Landmark Commission Recommendation: Implementation of the Proposed Variance Will Not Cause Negative Architectural Impacts to the Subject Landmarked Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building – Item was Withdrawn

X. ORDINANCES

A. First Reading

1. ORDINANCE NO. 16-2016 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 As Follows: Section 134-893, Lot, Yard And Area Requirements By Creating Alternative Zoning Regulations That Could Be Used For Seaview Avenue, Seaspray Avenue And Seabreeze Avenue In The R-B Zoning District; Sections 134-1113, 134-1163, 134-1213 And 134-1308 By Exempting Sub-

Basements From The Maximum Building Length And Floor Area Requirements In The C-TS, C-WA, And C-OPI Commercial Zoning Districts And The Maximum Building Length Requirement C-B Commercial Zoning District; Section 134-1611 By Creating Separate Zoning Regulations For Lot Coverage, Setbacks And Landscape Open Space Requirements For Sub-Basements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1516 By Providing Landscape Screening Regulation For Boxes Housing Essential Services; Section 134-1731 By Providing Additional Regulations For Exterior Lighting And Section 134-2327 By Eliminating A Specific Fee For Visitor/Service Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Deferred from the September 14, 2016 Town Council Meeting.

John S. Page, Director of Planning, Zoning & Building

ACTION: APPROVED

XI. ANY OTHER MATTERS

A. Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning

John S. Page, Director of Planning, Zoning & Building

- Recommendation Regarding Reappointing the Planning and Zoning Commission as the Local Planning Agency

ACTION: NONE; ITEM TO POSSIBLY BE REVISITED IN SIX (6) MONTHS

- Recommendation Regarding Storage Facilities Related to a Commercial Permitted or Special Exception Use

ACTION: REFERRED ITEM BACK TO THE COMMISSION TO IDENTIFY FURTHER SOLUTIONS

- Recommendation Regarding Medical Marijuana Treatment Center and/or Dispensary Use and the Cultivation of Marijuana

ACTION: APPROVED

XII. ADJOURNMENT