



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

DECEMBER 10, 2014

9:30 AM

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Robert N. Wildrick, President
William J. Diamond, President Pro Tem
Richard M. Kleid
Michael J. Pucillo
Penelope D. Townsend

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 - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. **RESOLUTION NO. 191-2014** 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 177 Clarendon 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.

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

- B. **RESOLUTION NO. 192-2014** 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 189 Bradley Place 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 and Building

- C. **RESOLUTION NO. 193-2014** 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 1545 N. Ocean Way 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 and Building

VIII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #8-2014 WITH VARIANCE (MODIFIED)**
The application of Coral Beach Corporation; relative to property commonly known as **160 Seaview Avenue**; described as Lot 4 and the West 65' of Lot 5, THE EAST PLAZA, Plat Book 16, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 7,092 square foot (5,788 square feet enclosed) two-story home. Site Plan Review is requested to allow a single family home to be built on two (2) existing non-conforming platted lots with depths of 99.07 feet in lieu of 100 feet required. Variances requested are for a point of measurement variance for building height at 13.5 feet National Geodetic Vertical Datum (NGVD) in lieu of the 11.68 feet NVGD allowed; a point of measurement variance to allow for overall building height at 13.5 feet NGVD in lieu of the 11.68 feet NGVD maximum allowed; a point of measurement for cubic content ratio to be at 14.5 feet NGVD (proposed finished first floor) in lieu of the 11.68 feet NVGD maximum allowed; and, to allow

the proposed house which is primarily designed with a flat roof to be constructed with an overall building height of 30 feet in lieu of the 25 foot maximum allowed. [Attorney: Francis X. J. Lynch]

[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-2, Mrs. Vanneck and Ms. Grace dissenting.]

Deferred from the August 13, 2014, September 10, 2014, October 15, 2014, and November 12, 2014, Town Council Meetings

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

- b. **SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED)** The application of T3 Family Investment, LLC; relative to property commonly known as **221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue**; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The applicant is requesting site plan approval to construct a two (2) story 73,214 square foot mixed commercial and residential use condominium development with 47,331 square foot sub-basement with 100 underground parking spaces totaling 120,545 square feet, 26,204 square feet of commercial space on the first floor and six (6) residential units on the second floor.

Special exception approvals requested are as follows:

1. to allow residential tenancy above the first floor, as required by Section 1109(a)(3) for six (6) condominium units;
2. to allow two (2) stories as required by Section 134-1113 (8)(c);
3. to allow Testa's Restaurant to occupy 3,000 square feet of gross leasable area as required by Section 134-1109 (a)(11);
4. to allow outdoor seating for 60 outdoor seats for Testa's Restaurant as required by Section 134-1109(1)(11) and 134-1111(a).

Variances being requested are as follows:

- a. to allow underground parking facilities in sub-basement to extend on the south, west, north and east sides, into required setbacks. Proposed setbacks from property line range from 0.0 feet on the east, 4.2 feet on the south, 1.2 feet on the west and 4.1 feet on the north, all in lieu of the minimum 5 feet as required in Section 134-2179(a);
- b. to allow portions of the underground parking sub-

basement to be paved for walkways and equipment pads in lieu of being landscaped as required in Section 1324-2179(a);

- c. to allow a total of 100 off-street parking spaces in lieu of the required 178 off street parking spaces as required by Section 134-2175;
- d. to allow parking stall width to be 8.5 feet in lieu of the 9.0 feet minimum required by Section 1324-2172 due to accommodate structural columns required for the sub-basement;
- e. to allow one (1) loading bay in lieu of two (2) minimum required for the proposed 120,525 square foot building required by Section 134-2211(a);
- f. to allow for the location of a loading zone in a required front yard, contrary to Code Section 134-2211(b);
- g. to allow a building with a building height in excess of 15 feet (actual building height 30.0 feet) with front yard setbacks of 3.25 feet on Royal Poinciana Way and 3.75 feet on Sunset Avenue in lieu of 12.5 foot minimum as required by Code Section 134-1113(5)(d) in lieu of 12.5 foot minimum as required by Code Section 134-1113(5)(d);
- h. to allow a building with a building height in excess of 15 feet (actual building height 30.0 feet) with side yard setbacks of 0 feet on the west side and 0 feet on the east side in lieu of 12.5 foot minimum required by Code Section 134-1113(6)(b);
- i. to allow for the construction of a structure providing for a proposed pedestrian walkway total width of 3 feet of the required 5.0 feet on Royal Poinciana Way and 9 feet on Sunset Avenue in lieu of 5 foot minimum required on the applicant's property of the total 10 feet of required sidewalk width, as required by Code Section 134-1113(5)(c);
- j. to allow a building height of 30.0 feet in lieu of the maximum allowed 25.0 feet as required by Section 134-1113(8)(b). The request is to have the increase in height at six specific locations over the entrances to the Via and on interior of Via;
- k. to allow an overall building height of 39.0 feet in lieu of the maximum allowed 35.0 feet as required by Section 134-1113(8)(d). The request is to obtain an increase in height at six specific locations;
- l. to allow a maximum building length of 251.75 feet in lieu of the maximum allowed 150 feet allowed per Section 134-1113(10)(b);
- m. to allow for a landscaped open space of 7.4% in lieu of the minimum 25% required by Section 134-1113(11)(b);
- n. to allow front yard landscaped open space of 14.1% along Royal Poinciana Way and 33.9% along Sunset

Avenue in lieu of the minimum 35% required by Section 134-1113(11)(c);

- o. to allow a two (2) story building to be 120,525 square feet in lieu of the maximum allowed 15,000 square feet as required by Section 134-1113(12)(b);
- p. to allow a sign with a height of 18.75 feet in lieu of the first floor elevation of the building or 15 feet, whichever is lower, as required by Code Section 134-2440 (c).
- q. to allow a lot coverage of 89.5% in lieu of 70% maximum allowed by Code Section 134.1113(9)(b).

[Attorney: Francis X. J. Lynch]

[Architectural Commission Recommendation: Deferred the project to the November 14, 2014 ARCOM meeting.]

Request for Deferral to the January 14, 2015, Town Council Meeting

Deferred from the October 15, 2014, and November 12, 2014, Town Council Meetings

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

- c. **SPECIAL EXCEPTION #20-2014** The application of Henry Harris III, Manager; relative to property commonly known as **214 El Brillo Way**; described as Lot 27, SUPPLEMENTARY PLAT OF EL BRAVO PARK, a subdivision according to the plat thereof recorded at Plat Book 9, Page 9, in the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting special exception approval to allow two sliding gates (one at each entrance) on El Brillo Way (which is a dead end street) with an 8.5 foot setback from the street pavement in lieu of the 18 foot minimum required on a dead end street. [Attorney: Maura Ziska]
Request for Deferral to the January 14, 2015 Town Council Meeting, Per Letter Dated December 3, 2014, from Maura A. Ziska.
Deferred from the October 15, 2014, and November 12, 2014, Town Council Meetings
John S. Page, Director of Planning, Zoning, and Building
- d. **VARIANCE #43-2014** The application of Jungle Road, LLC (H. William Perry, Manager); relative to property commonly known as **120 Jungle Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The Applicant is proposing to enclose a third floor balcony off the existing tower on the residence. The following variances are being requested: a building height plane setback of 51.3 feet in lieu of the 66.5 required building height plane setback for the tower element; and, a tower element to be 4.4% of the gross floor area of the residence in lieu of the 3.1% existing and the 1% maximum allowed in the R-A Zoning District. [Attorney: Maura Ziska]

[Architectural Commission Recommendation: Deferred the project to the November 14, 2014 ARCOM meeting.]

Request for Deferral to the January 14, 2015, Town Council Meeting Per Letter Dated November 14, 2014 from Maura A. Ziska.

Deferred from the September 10, 2014, October 15, 2014, and November 12, 2014, Town Council Meetings

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

- e. (i) **VARIANCE #44-2014** The application of Bricktop's Palm Beach (Joe Ledbetter, Owner); relative to property commonly known as **375 South County Road**; described as Lengthy legal description on file; located in the C-TS Zoning District. Request for a variance of twenty-two (22) off street parking spaces required for sixty-six (66) of the approved one hundred fifty seats in the restaurant. The applicant is required, as part of a special exception approval of all previous restaurants, to provide twenty-two (22) off street parking spaces with the Apollo parking lot. The applicant is requesting to eliminate that requirement. [Attorney: Maura Ziska]

(ii) BrickTop's Restaurant Operations: Six Month Review, Special Exception #21-2012, 375 South County Road
Request for Deferral to the January 14, 2015, Town Council Meeting Per Letter Dated December 1, 2014, from Maura A. Ziska.

Deferred from the June 11, 2014, September 10, 2014, and October 15, 2014, Town Council Meetings

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

- f. **VARIANCE #49-2014** The application of David and Jeanne Daniel; relative to property commonly known as **322 Seaspray Avenue**; described as Lots 393 and 395 of Poinciana Park, an addition to the Town of Palm Beach, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 6, Page 86; located in the R-B Zoning District. The applicant is proposing to demolish a 147 sq. ft. one-story portion of the rear of the house and construct a 487 square foot first floor and 305 square foot second floor addition (totaling 792 square feet) on the rear of the house for a master bedroom/bath expansion (2nd floor) and kitchen/family room expansion (1st floor) and to demolish and rebuild an existing 436 sq. ft. one story cabana in the same location. The following variances are being requested: a lot coverage of 37.55% in lieu of the 31.1% existing and the 30% maximum allowed in the R-B Zoning District; a cubic content ratio (CCR) of 6.43 in lieu of the 4.99 existing and 4.39 maximum allowed; a west side yard setback of 2.1 feet in lieu of the 2.1 foot setback existing and the 12.5 foot minimum

required in the R-B Zoning District for a one story structure (to rebuild the cabana); a rear yard setback of 3.5 feet in lieu of the 2.7 foot existing setback and the 10 foot minimum required in the R-B Zoning District for a one story structure (to rebuild the cabana); a west side yard setback of 7.9 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; a west side yard setback of 9.5 feet in lieu of the 15 foot minimum required for the two story portion of the addition; an east side yard setback of 5.1 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; an east side yard setback of 7.9 feet in lieu of the 15 foot minimum required for the two story portion of the addition. [Attorney: Maura Ziska]

[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0.]

Request for Deferral to the January 14, 2015, Town Council Meeting Per Letter Dated December 3, 2014, from Maura A. Ziska.

Deferred from the October 15, 2014, and November 12, 2014, Town Council Meetings

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

- g. **VARIANCE #50-2014** The application of E. Burke Ross, Jr.; relative to property commonly known as **172 South Ocean Boulevard**; described as Lots 5 and 6 of PRIMAVERA ESTATES (OCEAN SECTION), according to the Plat thereof as recorded in Plat Book 6, Page 82, of the Public Records of Palm Beach County, Florida, EXCEPTING therefrom the South 32.66 feet of Lot 6; located in the R-B Zoning District. The applicant is proposing to demolish a 1,219 square foot one story structure and construct in a reduced footprint a 2,731 square foot addition for a total net addition of 1,512 square feet at the west end of the residence. The following variances are being requested to build the proposed addition: a side yard setback of 15 feet (from the alley) in lieu of the 30 foot minimum required for a lot in excess of 20,000 square feet and over 200 feet wide in the R-B Zoning District; a cubic content ratio (CCR) of 4.92 in lieu of the 4.60 existing and 3.7 maximum allowed in the R-B Zoning District; a rear yard setback of 5 feet in lieu of the 15 foot minimum required for a second story addition (the first floor has an existing 5 foot rear yard setback; and, a lot coverage variance to allow 28% in lieu of the 28.1% existing and 25% maximum allowed for a lot in excess of 20,000 square feet in the R-B Zoning District (a reduction of .1%). [Attorney: Maura Ziska]

[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

Deferred from the October 15, 2014, and November 12, 2014,

Town Council Meetings

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

- h. **VARIANCE #52-2014** The application of Stuart Kapp, Manager of North County Oceanview, LLC; relative to property commonly known as **589 North County Road**; described as The North 150 feet of that part of the South 263.8 feet of Governmental Lot 2, in Section 11, Township 43 South, Range 43 East, lying East of the County Road, a public street in the Town of Palm Beach, Florida, as now laid out and in use, together with the littoral rights appertaining thereto; located in the R-AA Zoning District. Requests a variance to construct a 220 square foot one story cabana with a 10 foot south side yard setback in lieu of the 30 foot minimum required in the R-AA zoning district. [Attorney: Maura Ziska]

Request for Deferral to the January 14, 2015, Town Council Meeting Per Letter Dated December 2, 2014, from Maura A. Ziska.

Deferred from the November 12, 2014, Town Council Meeting

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

- i. **VARIANCE #53-2014** The application of Ronald Alvarez and Alice Ruth; relative to property commonly known as **210 Orange Grove Road**; described as The East 62.5 feet of Lot 33 and the West 60 feet of Lot 34, NEW SIEARS TRACT, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 16, Page 86; located in the R-B Zoning District. A variance is requested to convert a two-car garage into a family room that was done by a prior owner without zoning approval and without a building permit. If the above variance is granted, the applicant requests the following: the applicant is proposing to construct a 712 square foot one story, one-car garage addition. The following variances are being requested to build the proposed addition: to allow the construction of a one car garage in lieu of the required two car garage for a lot in the R-B Zoning District; a rear yard setback of 6.4 feet in lieu of the 10 foot minimum setback required in the R-B Zoning District; a side yard setback of 5 feet in lieu of the 12.5 foot minimum setback required in the R-B Zoning District. [Attorney: Maura Ziska]

[Architectural Commission Recommendation: Implementation of the proposed variance to enclose the garage will not negatively impact the architecture of the house. Carried 6-1 (Mrs. Vanneck dissenting). The proposed new two car garage which requires variances can be designed in an architecturally suitable manner on another portion of the subject property and conform to the zoning code without the need for the variances. Carried 7-0]

Request for Withdrawal Per Letter Dated December 2,

2014, from Maura A. Ziska

Deferred from the November 12, 2014, Town Council Meeting

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

2. New Business

- a. **SPECIAL EXCEPTION #27-2014 WITH VARIANCE** The application of Alex Gilmurray, Chief Financial Officer of the Breakers Palm Beach, Inc.; relative to property commonly known as **1 South County Road**, described as lengthy legal description on file; located in the PUD-A Zoning District. The Applicant is requesting Special Exception with Site Plan Review to add an awning to the existing pergola over the walkway east of the spa. A variance is requested to demolish and reconstruct the existing entry fountain and associated basin and benches at the main entrance to the hotel. The fountain will be 24.5 feet tall in lieu of the 12 foot maximum allowed by code. [Attorney: James M. Crowley, Esq.]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property: Carried 7-0]
John S. Page, Director of Planning, Zoning, and Building
- b. **SPECIAL EXCEPTION #28-2014 WITH SITE PLAN REVIEW AND VARIANCE** The application of Everglades Club, Inc.; relative to property commonly known as **350 Worth Avenue**, described as lengthy legal description on file; located in the C-WA Zoning District. The Applicant is requesting Special Exception with Site Plan Review to allow the installation of ten (10) new poles for tennis court lights at the existing three easterly tennis courts. Variances are requested to allow the proposed tennis court lighting poles to be 24 feet tall in lieu of the 15 foot maximum allowed for outdoor lighting equipment and to maintain the existing landscape screening at 6.5 feet tall in lieu of the 24 feet tall landscape screening that would be required at the same height as the proposed lights. [Attorney: Maura Ziska, Esq.]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property: Carried 7-0]
John S. Page, Director of Planning, Zoning, and Building
- c. **SITE PLAN REVIEW #17-2014** The application of Ocean Way Properties, LLC.; relative to property commonly known as **249 Orange Grove Road**, described as the East 23 feet of Lot 10 and the West 61 feet of Lot 9, NEW SIERS TRACT, a subdivision of the Town of Palm Beach, Florida, according to the Plat thereof, recorded in Plat Box 16, Page 86, of the Public Records of Palm beach County, Florida; located in the R-B Zoning District. The Applicant is requesting Site Plan

Review to allow the construction of a 4,183 square foot two-story, single family residence on a non-conforming platted lot which is 9,135 square feet in area in lieu of the 10,000 square foot lot minimum area required in the R-B Zoning District and 84 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. [Attorney: Maura Ziska, Esq.]

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

- d. **VARIANCE #55-2014** The application of Terry R. Taylor; relative to property commonly known as **780 South Ocean Blvd.**, described as 35-43-43, S 267.05 ft. of N 341.52 ft. of Government Lot 1 East of Ocean Boulevard & S 266.52 ft. of N 341.52 ft. of Government Lot 1 lying between Ocean Boulevard & County Road; located in the R-A Zoning District. The Applicant is requesting a Variance to construct a new guest house with 3 car garage with a proposed side yard set-backs of 16.5 feet to 18.95 foot in lieu of 30 foot minimum required. [Attorney: Peter S. Broberg, Esq.]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property: Carried 6-1, Mr. Cooney opposed]

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

- e. (i) **VARIANCE #56-2014** The application of Ronald Kochman, Trustee of the 105 Clarendon Road Revocable Trust dated 6/20/2013; relative to property commonly known as **105 Clarendon Avenue**, described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting the following Variances to rebuild a landmark house that has been demolished beyond the threshold of 50 percent cubic volume. The requested variances are: a) to allow a west side yard setback ranging from 2.2 feet to 13.9 feet in lieu of the 30 foot minimum required for lots in excess of 60,000 square feet; b) to allow for added overall height in a non-conforming side yard setback for the conversion of a section of flat roof to a sloping roof; c) to allow a street rear yard setback along South County Road ranging from 19.8 feet to 29.4 feet in lieu of the 35 foot minimum required; d) to allow a building height of 26.0 feet in lieu of the 25 foot maximum allowed. The Applicant is also requesting a waiver to allow demolition after December 1st for a period of one week after the demolition permit is issued. [Attorney: Maura Ziska, Esq.]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property: Carried 5-2, Ms. Hufty and Mr. Silvin opposed]

(ii) Demolition Time Exception - 105 Clarendon Avenue

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

- f. **VARIANCE #57-2014** The application of Harold Baxter; relative to property commonly known as **663 Island Drive**, described as Lot 65 and the South 25 feet of Lot 63, Everglades Island Development (formerly Lone Cabbage Island Development) according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 18, Page 31, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The Applicant is requesting a Variance to construct a parapet roof system around the existing pitched roof that would have an overall height of 22 feet in lieu of the 17 foot maximum allowed for a one story house in the R-B Zoning District. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 5-1, Ms. Vanneck opposed]

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

- g. **VARIANCE #58-2014** The application of Pamela Gottfried; relative to property commonly known as **748 Hi-Mount Road**, described as Lot 125 MARK RAFALSKY TRACT, according to the Plat thereof as recorded in Plat Book 11, Page 51, of the Public Records of Palm Beach County, Florida.; located in the R-B Zoning District. The Applicant is currently the owner of 748 Hi-Mount Road that was constructed in 1983 by her husband Robert Gottfried, who has since passed away. In 1983, after failing to get a variance for lot coverage and side yard setbacks for a 2 story home, Mr. Gottfried applied for a building permit to build a one story house with a basement level below and agreed at the time that the basement would not be used for "habitable purposes" thus making the residence a legal one story residence. In 1985 Mr. Gottfried applied for a variance to use the basement level for "habitable purposes" which would turn the home into a two story residence with non-conforming setbacks and lot coverage. The Town denied that request. In 1991, Mr. Gottfried requested three rooms in the basement to be converted to habitable space. The Town granted this request with the condition that Mr. Gottfried execute a recorded document that there could never be another story built onto the existing residence. Sometime after this construction, Mr. Gottfried built out more area outside of the basement under the pool deck that was not initially part of the basement (including a kitchen, movie theatre, billiard room, ice cream parlor, and office) without zoning approval or a building permit. All of the above mentioned acts occurred prior to the Applicant owning the property. In order to correct the past unauthorized work in the basement (lower level), the Applicant is requesting the following Variances to bring the current house into compliance: 1) a lot coverage of 49.9% in lieu of the 30% maximum allowed

for a two story house; 2) a south side yard setback of 11.9 feet in lieu of the 15 foot minimum allowed for a two-story house; 3) a north side yard setback of 12.5 feet in lieu of the 15 foot minimum allowed for a two-story house. [Attorney: Maura Ziska, Esq.]

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

3. Other

- a. Consideration of Planning and Zoning Commission Record and Report Including Recommendations to Adopt:

(i) a Housekeeping Item Relative to Rebuilding Non-Conforming Buildings or Structures that Contain Non-Conforming Uses; and

(ii) an Ordinance and/or Charter Amendment to Require a Super Majority Vote of the Town Council for Approval of Variances, Zoning Changes, Zoning Text Amendments and Comprehensive Plan Amendments.

TIME CERTAIN: 11:00 A.M.

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

- b. Murphy Stillings LLC Report Regarding Potential Designation of a Royal Poinciana Way Historic District on the National Register of Historic Places.

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

- c. Consideration of Conditions of Approval for Buccan Restaurant Sandwich Shop, Catering and Delivery Service, Special Exception #4-2014, 350 South County Road.

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

IX. ORDINANCES

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you

have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item (s) be moved to the Regular Agenda and individually considered.
- Note 6:** A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS:

Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS:

Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS:

Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.