



TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

NOVEMBER 15, 2017

9:30 AM

Town Council Meeting

Welcome!

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
Richard M. Kleid, President
Danielle H. Moore, President Pro Tem
Julie Araskog
Bobbie Lindsay
Margaret A. Zeidman

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. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-17-00017 VARIANCE** Zoning District: R-A Estate Residential
The application of OLD KAPOK LLC, Owner, relative to property located at **8 S LAKE TRL**, legal description on file, is described below. The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition to the south side of the existing cabana that will have a front yard setback of 33.8 feet in lieu of the 35 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0.]
- b. **Z-17-00023 VARIANCE(S)** Zoning District: R-B Low Density Residential
The application of GULBRANDSEN ALLISON K &, Owner, relative to property located at **211-217 EMERALD LN**, legal description on file, is described below. PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 211 & 217 EMERALD LN. The applicant owns two adjacent properties in the R-B Zoning District and wishes to combine the properties to create a garden with accessory structures. Once combined, the resulting lot would have an area in excess of 20,000 square feet (29,000 square feet) and a width in excess of 200 feet. The following variances are being requested: 1) To allow a new one story tea house on the garden parcel to have a 12.5 foot east side yard setback in lieu of the 30 foot minimum setback required for lots with an area in excess of 20,000 square feet and a width in excess of 200 feet. 2) To allow the existing house to remain with the current west setbacks of 28.2 feet for the garage/guest house and 25.1 feet for the main house that become non-conforming once the lots are combined and the resulting lot area is in excess of 20,000 square feet and the resulting lot width is in excess of 200 feet. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. The Architectural Commission partially approved the project and deferred the remaining item to the November 29, 2017 meeting. Carried 7-0.]

c. **Z-17-00033 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R B Low Density Residential

The application of AINSLIE MICHAEL L &, Owner, relative to property located at **596 N COUNTY RD**, legal description on file, is described below. 1. Special Exception with Site Plan Review to allow the construction of a 4,959 square foot two story single family residence on a lot that is 72.3 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. The following variances are being requested in conjunction with this application: 2. A second story south side yard setback of 14 feet in lieu of the 15 foot minimum required. 3. A second story north side yard setback of 14 feet in lieu of the 15 foot minimum required. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the architectural plans as presented but deferred the landscape plans to the November 29, 2017 meeting. Carried 4-3.]

d. **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] [The Architectural Commission deferred the project to the November 29, 2017 meeting. Carried 7-0.] **Request for Deferral to December 14, 2017 Town Council Meeting per Letter Dated September 28, 2017 from Maura Ziska**

e. **Z-17-00036 SPECIAL EXCEPTION** Zoning District: R C Medium Density Residential

The application of 224 ATLANTIC LLC, Owner, relative to property located at **224 ATLANTIC AVE**, legal description on file, is described below. On May 8, 1979, The Town Council granted Special Exception application #10-79. It allowed the developer to create seven (7) supplemental parking spaces in conjunction with the construction of what was then a two unit development. The supplemental parking spaces were agreed to be used on a first come first serve basis by the subject property (224 Atlantic) and the condominium across the street (223 Atlantic) which was also owned by the developer at the time. The Special Exception approval was granted and the attached agreement (Exhibit A) was recorded on October 26, 1979. The Applicant purchased both units in the duplex (224 Atlantic

Avenue) in 2013 and converted the two units into one single family residence. As the structure is now a single family residence, the condominium documents for 224 Atlantic Avenue were terminated. The Applicant is requesting to modify the previous Special Exception #10 79 to remove the condition of the agreement attached as Exhibit 1 and replace that agreement with a substitute agreement that would allow the use of the seven (7) parking spaces to be shared with the property owners of 223 Atlantic Avenue unless and until the 223 building or the Court releases 224 Atlantic from that obligation and, upon release by the Town Council of the restrictions relating to the use of the seven parking spaces, upon application filed by 224 within thirty days of the conclusion of the pending litigation between 223 and 224. [Applicant's Representative Maura Ziska Esq] **Request for Withdrawal Per Letter Dated October 25, 2017 from Maura Ziska**

- f. **Z-17-00037 VARIANCE(S)** Zoning District: R AA Large Estate Residential
The application of LOUWANA TRUST, Owner, relative to property located at **473 N COUNTY RD**, legal description on file, is described below. The Applicant is proposing to renovate a Landmarked residence by adding a 67 square foot basement addition to the laundry room, a 2,438 square foot two story guest suite with balcony, entry steps, a 960 square foot first floor garage with Mechanical Area and Back Entry, a 260 square foot first floor garden shed, a 175 square foot first floor playroom addition, and a 350 square foot second floor bedroom and bathroom addition. The following variances are being requested in conjunction with the proposed renovation: a. North side yard basement setback for the laundry room addition of 24.46 feet in lieu of the 30 foot minimum required; b. North side yard first floor setback ranging from 13.5 feet to 29.58 feet for the playroom, Garage, Guest Suite, Guest Suite entry steps, and garden shed in lieu of the 30 foot minimum required; c. North side yard second floor setback ranging from 13.5 feet to 23.26 feet for the bedroom and bathroom addition, Guest Suite, and Guest Suite Balcony in lieu of the 30 foot minimum required. d. Landscaped open space of 40% In lieu of the 42% existing and 55% 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 landmark property. Carried 7-0.]

2. New Business

- a. **Z-17-00040 VARIANCE(S)**
Zoning District: R B Low Density Residential
The application of MILLER MYRON, Owner, relative to property located at **149 E INLET DR**, legal description on file,

is described below. The applicant is proposing to construct a new 9,718 square foot two story house and is requesting the following variances: 1) to allow the house to have a setback of 22.5 feet from the designated ocean bulkhead line established in Chapter 62 in lieu of the 50 foot minimum setback required. 2) To allow the swimming pool to extend 3 feet out of the deck in lieu of the 6 inch maximum allowed to allow for an infinity edge. [Applicant's Representative Maura Ziska Esq]

b. **Z-17-00041 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)**

Zoning District: R D(2) High Density Residential

The application of J V ASSOCIATES PB LLC, Owner, relative to property located at **2800 S OCEAN BLVD SUITE:**

SITE, legal description on file, is described below. The Four Seasons Resort Palm Beach is requesting a special exception modification and a site plan review for the modifications to the hotel site as follows: 1. Add two (2) 15 square foot mechanical chases to the north and south end of the main building. 2. Add two (2) sets of stairs to the Pool Deck Access (total of four staircases) to the north and south building pool side. 3. Modify the pool deck area to include hardscape and landscape changes. 4. Reconfiguration of the shape of the pool bar (number of seats remain the same) and add windows to kitchen and hallway. The following variances are being requested in association with the above improvements: 1. A variance is being requested for the mechanical chases to be at an overall height of 47.25 feet in lieu of the 40 foot maximum overall building height allowed. 2. A variance is being requested for the mechanical chases to be at a height of 44 feet in lieu of the 35 foot maximum building height allowed. 3. A variance to allow 2 air conditioning units on the roof that will be 7.17 feet above the roof in lieu of the 4 foot maximum allowed. [Applicant's Representative Maura Ziska Esq]

[Architectural Commission Recommendation: Implementation of the special exception, site plan and variances will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Commission approved the project as presented. Carried 6-1.]

3. **Other**

- a. Consideration of Extension of Off-Site Supplemental Shared Parking Provisions in the Code of Ordinances as Adopted in Ordinance No. 25-2015

VIII. ANY OTHER MATTERS

IX. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 3:30 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 3:30 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:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

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 Any citizen is entitled to be heard on any official agenda item

ITEMS: 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.