

REVISED

11:30pm, Oct 07, 2016

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

OCTOBER 13, 2016

9:45 AM

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
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Bobbie Lindsay
Danielle H. Moore
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

IV. PRESENTATIONS

- A. Palm House Update- Cary Glickstein, Esq.
Thomas G. Bradford, Town Manager

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VIII. APPROVAL OF AGENDA

IX. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal (B-043-2016)

New Residence

1230 North Ocean Way

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **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 September 14, 2016 Town Council Meetings.

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

b. **SPECIAL EXCEPTION #20-2016 WITH SITE PLAN REVIEW AND VARIANCE**

The application of SKIK, LLC – Zvenka V. Kleinfeld, Manager; relative to property commonly known as **232 Colonial Ln.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting to allow 1) the construction of a 2,845.5 square foot two-story, single family residence on a non-conforming lot which is 75 feet in width in lieu of the 100 foot minimum required; 82 feet in depth in lieu of the 100 foot minimum required and 6,150 square feet in area in lieu of the 10,000 square foot minimum required; 2) To have a front yard setback for one story portion of the residence to be 23 feet in lieu of the 25 foot minimum setback required. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Deferred the project to the September 28, 2016 meeting. Carried 6-1.]

Deferred from the August 16, 2016, and September 14, 2016 Town Council Meetings.

[Architectural Commission Recommendation: Deferred the project to the November 23, 2016 meeting. Carried 6-1]

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

c. **SPECIAL EXCEPTION #24-2016 WITH SITE PLAN**

REVIEW The application of Brian Vertesch, SMI Landscape Architecture, Agent for the Preservation Foundation of Palm Beach; relative to property commonly known as **100 Bradley Place**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests to modify Bradley Park public open space as follows: 1) Removal and relocation of existing fountain centerpiece, located at south west area of Bradley Park. Demolition of existing fountain basin; 2) Construction of plaza and fountain basin adjacent to south side of existing structure at north/central property, often referred to as the "Tea House"; 3) Demolition of existing one story restroom and kitchen located directly east of the Tea House and the addition of a new public restroom; 4) Removal of asphalt parking adjacent to north side of existing bathroom; 5) Removal and partial replacement of sidewalks on north property line, Sunset Ave, and east property line, Bradley Place; 6) Addition of small overlook structure to the west of the existing pump house, adjacent to the proposed lake trail; 7) Addition of Town Lake Trail extension; 8) Addition of new park entry at north east corner of park; 9) Relocation of existing Bradley Park monument; 10) Addition of stabilized grass parking adjacent to S-2 pump station; 11) Addition of site furnishings including benches, bike rack, and low train sculpture; 12) Addition of sculpture pad to south of the Tea House; 13) Addition of 30" high decorative see through fence around perimeter of park at Sunset, Bradley Place, and Royal Poinciana Way. There will be openings into park with no gates; 14) Addition of stabilized decomposed granite pathways within the park; 15) Addition of landscape lighting; 16) Landscape improvements as graphically described on the plans and specifications submitted. [Attorney: John C. Randolph, Esq.]

[Landmarks Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impacts to the subject landmark property with the exception of the fence around the park. Carried 7-0]

Deferred from the September 14, 2016 Town Council Meetings.

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

2. **New Business**

a. **SITE PLAN REVIEW #10-2016** The application of Two North

Breakers Row Condominium Association; relative to property commonly known as **2 North Breakers Row**, described as lengthy legal description on file; located in the PUD-A Zoning District. The applicant is requesting a site plan review to install two roll down gates at the underground parking garage entrances and two pedestrian gates along the right-of-way by the security gatehouse. [Attorney: Maura Ziska, Esq.]

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

- b. **VARIANCE #23-2016** The application of Christopher and Susan Cowie; relative to property commonly known as **414 Australian Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant is proposing to add a 56 square foot one story addition to their existing garage located in the front of their residence in order to accommodate a vehicle. The following variances are being requested: 1) east side yard setback of 5.33 feet in lieu of the 10 foot minimum required; 2) front yard setback of 19.16 feet in lieu of the 23.62 existing and the 25 foot minimum required; 3) lot coverage of 34.6% in lieu of the 34.1% existing and the 30% maximum. [Attorney: Maura Ziska, Esq.]
[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

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

- c. **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: Deferred from the project to the October 26, 2016 meeting. Carried 7-0.]

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

- d. **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.] (Deferred one month at the Landmarks Preservation Commission meeting of September 21, 2016.)

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

e. **SPECIAL EXCEPTION #26-2016 WITH SITE PLAN REVIEW**

The application of Christopher and Alice Holbrook; relative to property commonly known as **221 Orange Grove Rd.**, 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 3,429 square foot one-story, single family residence on portions of two platted lots which combined creates a lot that is 82 feet in width in lieu of the 100 foot minimum required and 8,917.50 square feet in area in lieu of the 10,000 square foot minimum area required. [Attorney: Maura Ziska, Esq.] [Architectural Commission approved the project. Carried 7-0]

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

f. **SPECIAL EXCEPTION #27-2016 WITH SITE PLAN REVIEW AND VARIANCES**

The application of Edward Leevan, Manager; relative to property commonly known as **2842 S Ocean Blvd.**, described as lengthy legal description on file; located in the R-D(2)/Beach Area Zoning District. The applicant requests a Special Exception with Site Plan Review to modify the site plan to allow a temporary tent over the parking lot that contains 40 parking spaces from December 1, 2016 to December 7, 2016 to allow for a conference to be hosted at the Tideline Ocean Resort & Spa. The following variances are required: a) a variance request to temporarily eliminate the (40) required off street parking spaces for the dates identified above; b) a variance request to allow a temporary tent to be placed over the required off street parking lot for the dates identified that would increase lot coverage to 37.22% in lieu of the

29.35% existing and the 22% maximum allowed. [Attorney: Maura Ziska, Esq.] [Landmarks Commission: Deferred to the October 19, 2016 meeting. Carried 7-0]

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

X. ORDINANCES

A. First Reading

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

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

XII. 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.

- Note3:** 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.
- Note4:** 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.
- Note5:** 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.
- Note6:** 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 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.