



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 11, 2017

9:00 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. Appeals and Related Applications

1. ARCOM Appeal of Project Denial
Case No. B-008-2017
235 Via Vizcaya
2. **SITE PLAN REVIEW #1-2017** The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission denied the project at the September 27, 2017 meeting. Carried 4-3]
3. ARCOM Appeal of Project Denial
Case No. B-090-2017
901 North Ocean Boulevard
4. **Z-17-00035 VARIANCE(S)** Zoning District: R A Estate Residential
The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. Application received from contract purchaser PBB Island Properties, LLC (Clark Beaty). A variance to allow the construction of a new 20,330 square foot two story residence with a point of measurement for height of 17.8 foot National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission denied the project at the September 27, 2017 meeting. Carried 7-0.]
5. Appeal of Administrative Decision that Demolition of a Nonconforming Pool Cabana at 198 Via Marina Exceeded Demolition of More Than Fifty (50) Percent by Cubic Footage

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-17-00005 VARIANCE** Zoning District: R-B Low Density Residential
The application of CAMPANA PB TRUST, Owner, relative to property located at **120 CANTERBURY LN**, legal description on file, is described below. The applicant is proposing to add a 495 square foot second story addition for a

guest suite above the existing one story guest suite (which will be converted to a garage) and a 69 square foot 2 story stair addition that will be out of the setback. Because the property is in excess of 20,000 square feet a variance is being requested to have a 15.2 east side yard setback in lieu of the 26 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission approved the project at the September 27, 2017 meeting. Carried 7-0]

- b. **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.] [The Landmarks Preservation Commission's September meeting was cancelled. This project will be heard at the October 18, 2017 meeting.]
Request for Deferral to the November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska
- c. **Z-17-00018 VARIANCE** Zoning District: R-B Low Density Residential
The application of 130 DOLPHIN ROAD LLC, Owner, relative to property located at **130 DOLPHIN RD**, legal description on file, is described below. The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home. Adding a second story to an existing one story home causes the existing lot coverage of 32% to exceed the 30% maximum allowed for a two story residence in the R-B Zoning District. The variance request is for the lot coverage to be 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as presented. Carried 5-2.]
- d. **VARIANCE #21-2017** The application of Vera Alfieri Monforte;

relative to property commonly known as **218 Miraflores Dr.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the November 29, 2017 meeting. Carried 7-0.] **Request for Deferral to the December 13, 2017, Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

2. New Business

- a. **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 October 25, 2017 meeting. Carried 7-0.] **Request for Deferral to the November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**
- b. **Z-17-00024 VARIANCE(S)** Zoning District R-C Medium Density Residential The application of KAUPPE SANDRA T, Owner, relative to property located at **266 ATLANTIC AVE**, legal description on file, is described below. The owner is proposing

to renovate an existing one-story residence that was constructed in 1920 which will require the following variances: 1. A request to allow construction of a 592.5 square foot one story addition for a master bedroom and covered porch and covered front entry that will result in a lot coverage of 34.3 % in lieu of the 22.52% existing and the 30% maximum allowed in the R-C Zoning District.

2. A request to allow a front yard setback to be 14.67 feet in lieu of the 25 foot minimum required in the R-C Zoning District to allow for a covered entry over the existing steps. 3. A request to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District to allow for the master bedroom addition. 4. A request to allow a swimming pool on the east side of the property with a 6.67 foot west side yard setback in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as presented. Carried 6-1.]

c. **Z 17 00029 VARIANCE(S)** Zoning District: R B Low Density Residential

The application of JOSEPH ROBERTA &, Owner, relative to property located at **2288 W IBIS ISLE RD**, legal description on file, is described below.

The applicant is proposing to install a 14 foot tall sculpture in front of their residence (out of the setback) in lieu of the maximum 12 foot allowed for a statue and/or sculpture. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 5-2. The Architectural Commission approved the project at the September 27, 2017 meeting. Carried 7-0.]

d. **Z 17 00031 VARIANCE(S)** Zoning District: R A Estate Residential

The application of SOLIMINE EMIL &, Owner, relative to property located at **830 S OCEAN BLVD**, legal description on file, is described below. A variance request to allow the construction of a 590 square foot two story infill addition for two guest bedrooms that will result in a lot coverage of 26.2% in lieu of the 24.6% existing and the 25% maximum allowed. [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 13, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

e. **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] [The Landmarks Preservation Commission's September meeting was cancelled. This project will be heard at the October 18, 2017 meeting.]
Request for Deferral to November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska

- f. **Z-17-00030 SPECIAL EXCEPTION** Zoning District: C WA
 Worth Avenue
 The application of 237 243 WORTH AVENUE LTD PARTN, Owner, relative to property located at **243 WORTH AVE**, legal description on file, is described below.
 1. A request for a Special Exception with Site Plan Review to allow an apparel store ("Marcus") to occupy 4,878 square feet of gross leasable area. Since the proposed space is in excess of 4,000 square feet of gross leasable area, the Applicant is required to obtain Town Council approval and a finding that the proposed use is town serving. [Applicant's Representative Maura Ziska Esq]
- g. **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]

- h. **Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town-Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at **264 S COUNTY RD SUITE: SITE**, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. [Applicant's Representative: Maura Ziska, Esq]
- i. **Z-17-00021 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of 211 PINE STREET LAND TRUST &, Owner, relative to property located at **225 ARABIAN RD**, legal description on file, is described below. Request for special exception and site plan review approval to permit construction of a 4,247 square foot two-story single family residence on portions of platted lots with a width of 86 feet in lieu of the minimum 100 feet lot width requirement applicable to lots within the R-B District. [Applicant's Representative: Tim Hanlon, Esq.] [Architectural Commission recommendation: Implementation of the proposed site plan review and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the September 27, 2017 meeting. Carried 7-0.]
- j. **Z-17-00022 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE**

Zoning District: R-A Estate Residential The application of PBC REALTY, Owner, relative to property located at **910 S OCEAN BLVD**, legal description on file, is described below. 1. Site Plan Approval requested to permit construction of a new 7,963 square foot two story house and pool on a platted lot with a width of 128.42 feet in lieu of 150 feet minimum required. 2. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 3. Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 18.34 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon, Esq.] [The Architectural 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 Commission conditionally approved the project at the September 27, 2017 meeting. Carried 7-0.]

k. **Z-17-00032 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**

Zoning District: R B Low Density Residential The application of PALM BEACH TOWN OF, Owner, relative to property located at **340 SEAVIEW AVE** : SITE, legal description on file, is described below. Request to modify the previously approved special exception with site plan for the proposed recreation center as follows: 1. Relocate the proposed entry arch approximately 40 feet to the northwest. 2. Re stripe the parking lot to 9 foot wide spaces instead of the current 10 foot wide spaces which will result in a net gain of 3 parking spaces. 3. Relocate existing electrical panel that services the tennis court lighting & pro shop approximately 35 feet to the northeast and will be located on the backside of the hitting wall and add a fence enclosure. 4. Reduce the depth of the northwest side of the building next to the public school by two feet. 5. Add two more air conditioning units to the rooftop of the building that will be out of the setback and meet the code. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Commission conditionally approved the project at the September 27, 2017 meeting. Carried 7-0.]

l. **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] [The Architectural Commission deferred the project to the October 25, 2017 meeting. Carried 7-0.] **Request for Deferral to November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

- m. **Z-17-00038 SPECIAL EXCEPTION WITH VARIANCE(S)**
Zoning District: C TS Town Serving Commercial The application of 257 RPW LLC, Owner, relative to property located at **257 ROYAL POINCIANA WAY SUITE: BLDG 1**, legal description on file, is described below. 1. A request for special exception approval with site plan review to add a parapet roof and replace the existing awning with a new awning on the south elevation of the building. 2. A request for a variance to allow signage "Cucina" above the first floor elevation of the building which is not allowed by code. The proposed top of sign will be at a height of 15.5 feet. [Applicant's Representative Maura Ziska Esq]
- n. **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 October 25, 2017 meeting. Carried 7-0.] **Request for Deferral to November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**
- o. **Z-17-00025 SITE PLAN REVIEW WITH VARIANCE(S)**
Zoning District: R-C Medium Density Residential The application of MOSSANEN B & S, Owner, relative to property located at **100 SUNRISE AVE SUITE: PH 7**, legal description on file, is described below. 1. A site plan modification with variances to allow five (5) retractable awning totaling 615 square feet over the terrace on the seventh floor of a seven-story condominium building. 2. A variance request to allow the awning at a height of 60 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. 3. A variance request to allow the awning on the existing seventh floor penthouse of a seven-

story building in lieu of the two story building maximum allowed in the R-C Zoning District. 4. A variance to allow the awning at an overall height of 61.96 feet in lieu of the 26 1/2 foot maximum allowed in the R-C Zoning District for a flat roof. 5. A front yard setback of 54.5 feet in lieu of the 122.11 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as presented. Carried 7-0.]

- p. **Z-17-00027 SITE PLAN REVIEW WITH VARIANCE(S)**
Zoning District: R-AA
Large Estate Residential The application of SANDERS ALICE &, Owner, relative to property located at **615 N COUNTY RD**, legal description on file, is described below. A variance to allow the construction of a new 25,792 square foot two story residence with a point of measurement for height and overall height to be 23.42 National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the project at the September 27, 2017 meeting. Carried 7-0.]

3. Other

- a. Proposed Staff Initiated Study Items
- b. Proposed Zoning Text Amendment Applications from Up Markets to 1) Study Code Changes to Allow Property Identification Signage and 2) Study Code Changes to Allow Outdoor Promotional Activity Related to Businesses in the Planned Center Zoning District (C-PC)

VIII. 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 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.