



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

SEPTEMBER 14, 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 Presentation - Cary Glickstein
John S. Page, Director of Planning, Zoning and Building

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. RESOLUTIONS

- A. **RESOLUTION NO. 182-2016** A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For 801 South County Road, Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V of The Code of Ordinances of The Town of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."
John S. Page, Director of Planning, Zoning and Building

X. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal (A-043-2016)
Landscape/Hardscape
135 Seagate Road
John S. Page, Director of Planning, Zoning and Building

B. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction per Town Code
476 South Ocean Boulevard
John S. Page, Director of Planning, Zoning and Building
2. Construction Hours Work Extension: 2560 South Ocean Boulevard
Infinity Roofing and Sheet Metal
John S. Page, Director of Planning, Zoning and Building
3. Request for Extended Working Hours per Town Code Chapter 42, Section 42-199
50 Cocoanut Row, Suite S-100 (Royal Poinciana Plaza)
John S. Page, Director of Planning, Zoning and Building

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #17-2016 WITH SITE PLAN REVIEW AND VARIANCES** The application of Terry R. Taylor; relative to property commonly known as **780 S. Ocean Blvd.**, described as lengthy legal description on file; located in the B-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review to modify an existing 500 sq. ft. beach cabana with a 500 sq. ft. addition (1,000 sq. ft. total) in the Beach Area Zoning District. The following Variances are being requested in order to expand and modify the existing beach cabana: 1) to allow a front yard setback of 22.5 feet in lieu of the 35 ft minimum setback required; 2) to allow a 16.25 ft roof height in lieu of 16 ft maximum allowed, 3) to retain the existing 43 inch wall in lieu of a wall at the

required height of 30 inches in the beach vista area. The vista is required to be 75% of the lot width in this case. [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 7-0]

Deferred from the June 15, 2016, and July 13, 2016, Town Council Meetings

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

- b. **VARIANCE #12-2016** The application of Mitchell and Victoria Evans; relative to property commonly known as **168 East Inlet Dr.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to add a 1,595 square foot second story addition onto the existing one story residence. The proposed addition will not require the demolition of more than 50% cubic footage of the existing house. The following variances are being requested: 1) lot coverage of 37.8% in lieu of the 30% maximum allowed for a two story structure.; 2) cubic content ratio ("CCR") of 4.92 in lieu of the 3.21 existing and 3.99 maximum allowed. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Deferred the project to its October 26, 2016, meeting. Carried 7-0]

Deferred from the July 13, 2016, Town Council Meeting.

Request for Withdrawal Per Letter Dated September 1, 2016, from Maura A. Ziska.

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

- c. **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, Town Council Meeting.

Request for Deferral to the October 13, 2016, Town Council Meeting Per Letter Dated August 26, 2016, from Zvenka V. Kleinfeld.

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

2. New Business

- a. **SITE PLAN REVIEW #09-2016** The application of 109 RPW LLC (Paul T. Jones); relative to property commonly known as **109 Royal Palm Way**, described as lengthy legal description on file; located in the C-B Zoning District. The applicant is requesting a site plan review to install a 150 KW generator in the southwest corner of the sub-basement/parking garage. No parking spaces will be lost due to the installation of the generator. [Attorney: Maura Ziska, Esq.]

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

- b. **SPECIAL EXCEPTION #22-2016 WITH SITE PLAN REVIEW AND VARIANCES** The application of Harvey E. Oyer, Esq., on behalf of the Society of the Four Arts, Inc.; relative to property commonly known as **3 Four Arts Plaza**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval to rehabilitate the Gioconda and Joseph King Library ("King Library"). The design objectives of the King Library rehabilitation are as follows: maintain the public entrance facing Four Arts Plaza, maintain the first floor of the original Fatio Building as a library reading room, provide a Rare Documents Room that has proper ventilation and humidity and security, provide a meeting space on the second floor of the original Fatio Building, restore the exposed wood roof trusses on the second floor of the original Fatio Building, provide staff work stations and work space, provide accessible restroom facilities in accordance with ADA, and provide second means of egress from second floor. The following variances are requested for the new addition to the King library: 1) To reduce the required front yard setback for the King Library to 12.0 feet in lieu of 35 feet minimum required. A variance of 23.0 feet. 2) To increase the required angle of vision to 154 degrees for the King Library in lieu of 116 degrees maximum as required. A variance of 38 degrees. 3) To increase the required building height for the addition to the King Library to be 31.0 feet in lieu of 22 feet maximum as required. A variance of 9.0 feet. 4) To allow an overall building height for the addition to the King Library to be 35.50 feet in lieu of 30 feet maximum as required. A variance of 5.50 feet. 5) To have the building height plane for the King Library to be 11.0 feet in lieu of 61.5 feet maximum as required. A variance of 50.5 feet. 6) To eliminate the requirement to provide one (1) off-street parking space required for the 649 square foot addition to the King Library. [Attorney: Harvey E. Oyer, Esq.]

[Landmarks Commission Recommendation: Implementation of the proposed special exception, site plan and variances will not cause negative architectural impacts to the subject landmark property with the exception of the variance for the front staircase. Carried 6-1.]

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

- c. **SPECIAL EXCEPTION #23-2016** The application of PNC Bank

– successor by merger with Fidelity Federal Savings & Loan Association; relative to property commonly known as **240 Sunset Ave. & 245 Royal Poinciana Way**, described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is seeking to eliminate a condition that requires the Applicant to demonstrate on an annual basis not less than 50 percent (50%) of its customers are “town persons.” Each year since 2009, Applicant has provided a confirmation letter from a certified public accounting firm. Each year, that firm has reviewed Applicant’s customer base at this location to satisfy this criteria. Since 2009, that firm has provided the Town with confirmation that Applicant’s customer base has been overwhelmingly town serving and that customer base does not change significantly from year to year. [Attorney: Francis X. J. Lynch, Esq.]

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

d. **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]
John S. Page, Director of Planning, Zoning & Building

XI. 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 Requirements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; 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; 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.

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

XII. ANY OTHER MATTERS

- A. Planning and Zoning Commission Recommendations: Record and Report Exterior Lighting and Reasonable Accommodations

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

XIII. 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: 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.