



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 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. RESOLUTIONS

- A. **RESOLUTION NO. 151-2014** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For 159 Australian Avenue 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

VIII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #8-2014 WITH VARIANCES** 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; and, 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. [Attorney: Francis X. J. Lynch]
Deferred from the August 13, 2014, Town Council Meeting
[Architectural Commission Recommendation: Deferred to the September 19, 2014 Meeting]

Request for Deferral to the October 15, 2014, Town Council Meeting Per Letter Dated August 28, 2014, from Francis X.J. Lynch.

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

- b. **SPECIAL EXCEPTION #13-2014 WITH SITE PLAN REVIEW AND VARIANCES** The application of Town of Palm Beach, Peter B. Elwell, Town Manager; relative to property commonly known as **2345 South Ocean Blvd.**; described as Lengthy legal description on file; located in the R-B Zoning District. A Special Exception with Site Plan Review is being requested to modify the Par 3 Golf Course parking lot, seating and hours of operation of the Club House restaurant and proposed addition of a new patio deck. The proposed modification is to widen the north side of the parking lot by approximately eighteen (18) feet, create tandem parking in that area of the lot and add additional parking on the south side of the lot. The request also modifies the parking vehicular circulation by creating one way drive aisle. The proposal would create twenty-six (26) additional parking spaces to the parking lot and allow valet parking in designated areas. In addition, the club house restaurant hours are proposed to change from 7:00 am – 10:00 pm to 7:00 am – Midnight with the proposed additional seventeen (17) more seats on the second floor outside verandas (total of 167 seats). In addition, request is to also add a 1,837 square foot patio on the south side of the clubhouse to allow the restaurant and golf course to host golf outings and other special events; install spot lights facing east to light the dune line and ocean surf, outside of turtle nesting season. Variances are requested to allow tandem parking for the valet parking area, which is not permitted by Code. The Code requires that off-street parking be

arranged so that a vehicle does not have to be moved in order to move another vehicle; and, to allow three (3) parking spaces in the required front yard setback, which is not permitted by Code.

1. Acceptance of Donation and Approval of Expenditure to Construct Patio and Complete Other Improvements. [Representative: Jay Boodheshwar]

Deferred from the July 16, 2014, Town Council Meeting

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

2. New Business

- a. **SITE PLAN REVIEW #9-2014 (Modified)** The application of Casa Apava Lot 3, LLC; Mark Timothy, Inc., Manager; Mark Pulte, President; relative to property commonly known as Lot 3, Casa Apava (a portion of 1300 S. Ocean Blvd.); described as Lot 3, of CASA APAVA, according to the map or plat thereof as recorded in Plat Book 62, Page 191, Public Records of Palm Beach County, Florida; located in the R-AA Zoning District. The applicant is requesting site plan approval to allow the construction of a 16,447 square foot two-story, single family residence on a non-conforming platted lot which is 45,762 square feet in area in lieu of the 60,000 square foot lot area required in the R-AA Zoning District. Further request is being made pursuant to the Subdivision Agreement Re: Condition upon Approval of Casa Apava Subdivision for authorization from the Town to use the platted mangrove area and the construction setback area to build a cabana, covered loggia, pool, spa and associated deck, and a portion of the proposed two story residence. [Attorney: Maura Ziska]

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

- b. **SITE PLAN REVIEW #10-2014 WITH VARIANCE** The application of Three Fifty of Palm Beach Association, Inc., Michael Kranich, President; relative to property commonly known as **350 South Ocean Boulevard**; described as Lots 38, 39, 40, 41 and 42, Block B, of Royal Park Addition to Palm Beach, according 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 4, Page 1; located in the R-D(2) Zoning District. The applicant is requesting site plan approval on a multi-family property to construct a 200 square foot addition connecting two existing accessory structures for a recreation room, presently totaling 253 square feet on the south side of the swimming pool deck. A variance is being requested to permit the 200 square foot proposed addition with a rear yard setback of 10.6 feet in lieu of 30 foot minimum required. [Attorney: Francis X. J. Lynch]

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

- c. **SITE PLAN REVIEW #11-2014 WITH VARIANCES** The application of Juan Maria Naveja Diebold, as Trustee of the Juan Maria Naveja Diebold Trust u/a/d July 12, 2012; relative to property commonly known as **1053 N. Lake Way**; described as Lot 14, Coral Estates, according to the plat thereof as recorded in Plat Book 22, Page 27, Public Records of Palm Beach County, Florida; located in the R-B

Zoning District. The applicant is requesting site plan approval to permit construction of a new 4,355 square foot two story house, pool and 1,122 square foot two story guest house on a platted lot with a width of 89.92 feet in lieu of 100 feet required. Variances requested are: for the guest house rear setback to be 15 feet in lieu of 30 foot minimum required; to permit construction 4,355 square foot single family home with an angle of vision of 121° in lieu of 108° maximum allowed; and, to permit construction of a 1,122 two story guest house in lieu of one story permitted. [Attorney: M. Timothy Hanlon]
[Architectural Commission Recommendation: Implementation of the proposed variances related to the architecture will not cause negative architectural impacts to the subject property. Carried 7-0]

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

- d. **SITE PLAN REVIEW #12-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES** The application of Gregory S. Kino, Esq., 160 Royal Palm, LLC; relative to property commonly known as **160 Royal Palm Way**; described as Being all of Lots 31, 32 and 33, Block F, ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the C-B Zoning District. The following approvals are requested:
1. The Applicant is requesting a modification of the site plan which requires approval from the Town Council. The following is a list of the proposed changes to the approved hotel plan:
 - a. Reintroduction of a rectangular shaped pool (26 x 48) previously approved by the Town Council from curvilinear design decision by prior owner.
 - b. Addition of a 75 square foot men's restroom on the pool deck and reduction of previously approved employee pool service building by 75 square feet to provide for women's pool restroom.
 - c. Relocation of 573 square feet of interior Function Room restrooms to Function Room exterior west elevation to serve the Function Room and elimination of water wall.
 - d. Reduction of pool cabanas from four to three and their relocation from the west to the south wall in pool area.
 - e. Redesign of pool deck and abutting Function Room court area with landscape, hardscape, and planters.
 - f. Reintroduction of private spa deck on Function Room roof (with addition of balustrade parapet) previously approved sundeck by the Town Council but relocated by prior owner.
 - g. Addition of enclosed elevator and two stairways to proposed Function Room private spa roof deck as required by Building Code.
 - h. Addition of 1,483 square foot for finishing kitchen, "green room"

and speaker area on the east side of the previously approved Function Room (no change in approved seats for Function Room).

i. Reintroduction of an awning to connect main hotel and Function Room previously approved by the Town Council but eliminated by prior owner.

j. Addition of awnings over existing room balconies on north elevation, second floor, and interior east pool courtyard elevation, 3rd floor.

k. Redesign of main lobby/dining area on first floor (no additional seats).

l. Redesign of second floor dining area and restrooms with 39 additional dining seats proposed to be relocated to third floor deck pursuant to special exception request.

m. Conversion of one third floor hotel unit located next to the second floor dining area to a private dining room (no additional seats – relocation of 12 previously approved seats from second floor dining area).

n. Enclosure of a stairway and relocation and enclosure of a stairway, both previously approved, to third floor deck.

o. Addition of enclosed passenger elevator and enclosure of previously approved service elevator to third floor deck.

p. Addition of 80 square foot enclosed storage room to be attached to proposed stairway enclosure and bar/beverage station with 410 square feet of decorative, open trellis on third floor deck.

q. Addition of 1,132 square feet to and 39 dining seats on third floor deck (to total of 66 outdoor seats previously approved for second floor north and south dining terraces and pool dining area).

r. Design change to front door (north), west restaurant and east egress doors.

s. Enclosure of first through third level exterior access corridors on most eastern elevation, above garage entrance.

t. Addition of second floor wall opening on north elevation for second floor dining service bar to serve north dining terrace.

u. Addition of awning over doors and dining area on north dining terrace.

v. Change of building color to custom pink hue.

w. Redesign and reduction of basement main kitchen by 100 square

feet.

x. Modify the previously approved 7,964 square foot spa/salon/fitness area in basement level to add 1,006 square feet for a total of 8,960 square feet which requires a 10 parking space reduction in the basement.

y. Add a 6,719 square foot Premier Guest Service Area in the basement level to be utilized by hotel guests, which requires a 2 parking space reduction in the basement.

z. Addition of 3,804 square feet of back of house space to basement level and change of such uses for hotel administrative offices on the west side of the basement level, kitchen coolers/freezers, employee break room, restrooms and housekeeping and relocation of laundry/linen to east side of basement level, which requires a 4 parking space reduction in the basement.

2. Request special exception approval for modifications to approved condominium hotel and expansion/modification of hotel accessory uses, including addition of 1,006 square feet of basement level spa/salon/fitness area and 6,719 square feet of hotel lounge, business center, guest recreation and services area ("Premier Guest Service Area") to primarily serve hotel guests; addition of 3,804 square feet for back of house support services in the basement level and change of such uses to administrative offices, employee break room, restrooms, housekeeping, and kitchen coolers/freezers; addition of 75 square feet for pool deck restrooms; addition of 573 square feet for exterior Function Room bathrooms; change of use to pool deck and adjacent Function Room courtyard area to allow for pre-function events; redesign and reduction of main kitchen by 100 square feet; addition of 1,483 square feet for Function Room finishing kitchen, "green room" and speaker area; reintroduction of previously approved function room sundeck to private spa deck on roof; addition of 39 dining seats to interior second floor restaurant and relocation of those seats to the previously approved third floor deck; and conversion of one hotel room to a private dining room and relocation of 12 previously approved second floor interior restaurant dining room seats to such room.

3. Request special exception approval to permit outdoor dining with a maximum of 39 seats on the previously approved third floor deck and addition of three bar/beverage stations customarily associated with a hotel use: one on the third floor deck, one to serve the second floor north dining terrace and one portable station for the Function Room courtyard area for pre-function events (total approved outside seating in other areas is 66 seats). Total outdoor seating proposed to be 105 seats.

The following variances are being requested in order to construct the proposed project:

1. A variance request to permit construction of an addition to the

basement level (for area not below existing building footprint) to allow for back of house space, expanded spa and Premier Guest Service Area which increases lot coverage to 71%, in lieu of the 66.4% existing and the 50% maximum lot coverage allowed by Code.

2. A variance request to allow a basement addition to extend further outside the confines of the existing building foot print which is not permitted by code.
3. A variance request to allow a landscaped open space of 12.2% in lieu of the 12.7% existing and the 30% minimum required by the Code.
4. A variance request for a front yard setback of 7.66 feet in lieu of the 29.54 foot minimum front yard setback required to install a retractable awning which covers the second floor doors and the previously approved outdoor seating area on the north dining terrace.
5. A variance request for a 10 foot rear yard setback in lieu of the 15 feet required to relocate previously approved pool cabanas.
6. A variance request for a 10 foot rear yard setback in lieu of the 15 foot minimum required for the location of a men's restroom to service the pool area.
7. A variance request for a 10 foot rear yard setback in lieu of the 15 foot minimum required to construct an addition to the east side of the previously approved Function Room.
8. A variance request for the non-conforming hotel to not provide an additional required loading space for commercial deliveries based on the additional accessory commercial square footage of 7,864 proposed for the hotel.
9. A variance request to allow changes to the use of the 1,881 square foot third floor deck as Town Code provides for a two story limitation. The prior variance limited the use of the third floor deck to a private spa deck and there is a proposed change of use associated with that variance to allow for the addition of 39 outdoor dining seats, a bar/beverage station customarily associated with hotel uses (with 410 square feet of decorative, open trellis), 80 square foot enclosed storage room and 1,132 square foot expansion of deck area.
10. A variance request for height and overall height to allow a 410 square foot open trellis on the third floor deck associated with the proposed outdoor dining area. The variance request is for the height of the trellis on the third floor to be 41 feet high in lieu of the 25 foot maximum allowed which is 16 feet over the maximum building height of 25 feet and the maximum overall height of 41 feet in lieu of the 30 foot maximum allowed.
11. A variance request of 68 off-street parking spaces for the proposed addition of the finishing kitchen, "green room" and speaker area for the Function Room, the increase in spa square footage, the loss of parking spaces resulting from the addition of the Function Room addition, the additional back of house space to serve the hotel, the additional 39 dining seats and the Premium Guest Services Area located in the basement level. [Attorney: Gregory S. Kino]

[Architectural Commission Recommendation: Implementation of the proposed variances related to the architecture will not cause negative architectural impacts to the subject property. Carried 6-1]

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

- e. **SPECIAL EXCEPTION #16-2014** The application of Palm Beach Performing Arts Center; relative to property commonly known as **150 Royal Poinciana Plaza**; described as Lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting special exception approval to allow an office use over 2,000 square feet of gross leasable area in the C-PC Zoning District in a space that was previously retail. The space is 2,720 gross leasable square feet. [Attorney: Maura Ziska]

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

- f. **VARIANCE #40-2014** The application of Paul and Lynda Murry; relative to property commonly known as **100 Regents Park Road**; described as Lot 1, REGENTS PARK, according to the plat thereof, recorded in Plat Book 25, Page 215 of the Public Records of Palm Beach County, Florida; located in the R-AA Zoning District. Request a variance to increase the height of an existing wooden fence that would require the following variances: a height of 7.66 feet in lieu of the 6 foot maximum allowed in the street side yard; and, a height ranging from 7.92 feet to 10 feet in lieu of the 7 foot maximum allowed in the rear yard. [Attorney: Maura Ziska]

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

- g. **VARIANCE #41-2014** The application of Barrett Welles Property Group, LLC (John Pickett, Manager); relative to property commonly known as **223 Sunset Avenue, Suite 100**; described as Lot 184 through 189, inclusive, Floral Park 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 2, Page 6; located in the C-TS Zoning District. Request for a variance to have a 1,925 square foot of gross leasable area for a real estate office on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Attorney: Maura Ziska]

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

- h. **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 to the

September 19, 2014, meeting]

Request for Deferral to the October 15, 2014, Town Council Meeting, Per Letter Dated August 29, 2014, from Maura A. Ziska.

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

- i. (a) **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]

(b) BrickTop's Restaurant Operations: Six Month Review, Special Exception #21-2012, 375 South County Road

Deferred from the June 11, 2014, Town Council Meeting

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

- j. **VARIANCE #45-2014** The application of Joel and Darcie Kasewitz; relative to property commonly known as **854 South County Road**; described as Lengthy legal description on file; located in the R-A Zoning District. Request for a variance to construct a 16 square foot one story addition to connect the kitchen to the garage with a proposed side yard setback of 26 feet in lieu of the 30 foot minimum setback required for a lot over 60,000 square feet in the R-A Zoning District. [Attorney: Maura Ziska]

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

- k. **VARIANCE #46-2014** The application of Temple Emanu-El of Palm Beach (Anthony Lampert, President); relative to property commonly known as **190 North County Road**; described as Lengthy legal description on file; located in the C-TS Zoning District. Variances are requested to: place an institutional sign on the north elevation of the Temple above the first floor elevation which is not permitted by code. The sign is 12 feet 8 inches above grade; to place an institutional sign on the east elevation of the Temple above the first floor elevation which is not permitted by code. The sign is 15 feet above grade; and, to place an institutional sign on the south elevation of the Temple above the first floor elevation which is not permitted by code. The sign is 15 feet above grade. [Attorney: Ronald Schram]

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.