



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 9, 2015

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
Danielle H. Moore
Penelope D. Townsend
Robert N. Wildrick

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

1. ARCOM Appeal
Handicapped Parking
300 South Ocean Boulevard

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

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #20-2015 WITH SITE PLAN REVIEW AND VARIANCE** The application of 8 Golfview, LLC as Contract Purchaser (Maura Ziska, Authorized Agent); relative to property commonly known as **8 Golfview Rd.**, described as lengthy legal description on file; located in the R-A Zoning Districts. The Applicant is requesting a Special Exception with Site Plan Review to allow the construction of a 8,706 sq. ft. two-story, single family residence on a non-conforming lot which is 140 ft. in depth in lieu of the 150 ft. minimum required and 19,500 sq. ft. in area in lieu of the 20,000 sq. ft. minimum required in the R-A Zoning District. A Variance is requested to have a building height plane setback ranging from 34.2 ft. to 55.85 ft. in lieu of the 46.1 ft. to 67.75 ft. minimum setback required. [Attorney: Maura Ziska, Esq.]
[Architectural Commission Recommendation: Implementation of the variance will not cause negative architectural impacts to the subject property. Carried 7-0]
Deferred from the August 11, 2015, Town Council Meeting
John S. Page, Director of Planning, Zoning & Building
- b. **VARIANCE #20-2015** The application of Lisa A. Konrad; relative to property commonly known as **242 Via Linda**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Variance to allow a 386 sq. ft. one-story cabana addition to have a side yard setback of 10 ft. in lieu of 12.5 ft. minimum required. [Attorney: Peter Broberg, Esq.]
Deferred from the August 11, 2015, Town Council Meeting
Request for Withdrawal Per Letter Dated August 27, 2015 from Peter S. Broberg
John S. Page, Director of Planning, Zoning & Building

2. New Business

- a. **SITE PLAN REVIEW #4-2015 WITH SPECIAL EXCEPTION** The application of Peter Gerhard; relative to property commonly known as **150 Kings Rd.**, 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 6,823 sq. ft. two-story, single family residence on a non-conforming platted lot which is 100.03 ft. in width in lieu of the 125 ft. minimum required; a lot depth of 143.08 feet in lieu of the 150 foot minimum required; and, 14,312 sq. ft. in area in lieu of the 20,000 sq. ft. minimum required. Special Exception approval is requested to allow two gates (a sliding gate at the main entrance and a swinging gate at the service entrance) on

Kings Road (which is a dead end street) with a 10 foot setback from the street pavement in lieu of the 18 foot minimum required on a dead end street. [Attorney: Maura Ziska, Esq.]

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

- b. **SPECIAL EXCEPTION #24-2015 WITH SITE PLAN REVIEW** The application of Alex Guilmurray, Chief Financial Officer of the Breakers Palm Beach, Inc.; relative to property commonly known as **1 So. County Rd.**, described as lengthy legal description on file; located in the PUD-A Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval for the following modification projects at The Breakers: 1) Flagler Club Terrace Awning Structure: Replace existing umbrellas totaling 800 Sq. Ft. with a 680 Sq. Ft. awning on Flagler Terrace, which is on the 6th floor on the west side of The Breakers Hotel. The awning will be supported by aluminum columns and a rigid frame. 2) New Engine Room Building Extension: replace existing smoke stack (to be demolished) with a new extension of the existing engine room in the service court on the north side of the hotel. The new engine room will be an additional 3,945 sq. ft. under AC with 786 Sq. Ft. of covered loading, and will house a new generator, fire pump, and other equipment which are required to bring the building up to the current codes. The new 600 KW generator will replace an existing 500 KW generator. 3) Cooling Tower – Addition of 720 sq. ft., 20.6 Ft. high cooling tower just south of the existing cooling tower north of the main hotel parking lot. Said cooling tower will be screened from the parking lot and golf course by existing and supplemental landscaping. 4) Access Control Gates – addition of three decorative access control gates on the walkway between the main hotel building and the space building along the Ponce Promenade. [Attorney: James M. Crowley, Esq.] [Landmark Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impacts to the subject landmark property if the larger gate's curvature is redesigned. Carried 6-1]

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

- c. **SPECIAL EXCEPTION #25-2015 WITH SITE PLAN REVIEW AND VARIANCE** The application of Bice Restaurante; relative to property commonly known as **313 ½ Worth Ave.**, described as lengthy legal description on file; located in the C-TS Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to modify a previous approval for outdoor seating to replace an awning with a larger 486 sq. ft. awning over the permitted 46 outdoor seats in Via Bice. Special exception approval is being requested to add an 81 sq. ft. awning at the second floor car elevator location, where a second floor is a special exception approval. A Variance is requested to allow a zero (0) east side yard setback in lieu of the 5 ft. minimum required for the proposed awning at the second floor car elevator location. [Attorney: Maura Ziska, Esq.]

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

- d. **SPECIAL EXCEPTION #26-2015 WITH SITE PLAN REVIEW AND**

VARIANCE The application of Four Seasons Resort Palm Beach; relative to property commonly known as **2800 So. Ocean Blvd.**, described as lengthy legal description on file; located in the R-D(2) Zoning District. The Applicant is requesting a Special Exception with Site Plan Modification to the hotel site to improve its guest facilities in terms of aesthetics, functionality, guest amenities and life safety standards. 1. The proposed modifications can be categorized into three categories. **West Garden Improvements:** Modifications to the site plan: a) New service vehicle entry from South Ocean Blvd. at the north side of the property; b) increase green space park area including a yoga trellis to the front of the property; c) relocate tennis court (one existing tennis court will be eliminated) to the south to create service drive at the north side of the property. **Remodel Lobby Level Interiors:** The interiors will be updated by relocating the Lobby Bar, adding a Show kitchen in the Dining Room and improving the Dining Terrace area. d) Renovate reception and lobby sitting area to open up the floor plan; e) new guest retail shop; f) Renovate and downsize Guest Lounge (Living Room) to accommodate new retail shop; g) reconfigure Guest Lounge exterior hardscape; h) reconfigure dining room bar areas to reduce the size to accommodate a wider pool deck; i) new show kitchen in dining room; j) reconfigure Terrace Dining Area and add permanent roof structure to replace awning and add balcony extension above. **Pool Deck Improvements:** The pool deck will have an enlarged pool and a new secondary pool will be built that is sized in order to meet the current needs of the guests. Many rooms are proposed to have direct access to the pool deck with extended balconies and stairs. Ocean Views from the property will be improved by removing the existing obstructive concrete planters on the pool deck. Additionally, the existing Atlantic Bar and Grill (ABG) will be replaced with a new structure that has increased restroom capacity and improved kitchen and bar equipment. Service access to the new ABG will be from previous approval which was never built). The dune vegetation will be infilled and new growth will be encouraged. Relocate spa pool from the northeast corner of the pool deck to the northeast corner of the enlarged primary pool; extend terrace suite balconies (west building pool side) extend area in garage Mezzanine level consisting of 1,350 sq. ft. for added “back of house” space; j) create new Mezzanine level access from pool deck; k) add six temporary cabanas to the pool deck area as follows: (2) 74 sq. ft.; (2) 100 sq. ft.; and (2) 225 sq. ft.; l) infill dune landscaping and increase dune area. 2. In order to construct the Yoga Trellis, a variance is being requested to increase the lot coverage to 38.9% in lieu of the 38.7% existing and the 22% maximum allowed for 5 story building in the R-D(2) Zoning District. [Attorney: Maura Ziska, Esq.]

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

- e. **SPECIAL EXCEPTION #27-2015 WITH SITE PLAN REVIEW AND VARIANCES** The application of Il Sogno, LLC; relative to property commonly known as **1520 So. Ocean Blvd.**, described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting a Special Exception approval to construct a pedestrian access tunnel beneath South Ocean Blvd. connecting

property owned by the Applicant on the east side of South Ocean Blvd. and on the west side of South Ocean Blvd., including providing electric, gas, water and other utility services to a beach house on the east side of South Ocean Blvd. Applicant seeks approval to construct a one-story 500 sq. ft. beach cabana intended for the use of family and guests, without sleeping quarters, on property it owns on the east side of South Ocean Blvd. across from the main residence located immediately to the west of the subject property. Site Plan Review approval of the beach house and tunnel as required for all special exceptions in the R-A Zoning District. Variance approvals are required to construct a beach cabana, beach access stairs, a beach tunnel and stairs to that tunnel on the land south of Southern Blvd without a property ocean bulkhead with a setback from designated Ocean bulkhead line of ranging from 52.5 feet to 90.0 feet, in lieu of 150 foot minimum required; and to construct tunnel stairs on the west side of South Ocean Blvd., with the front yard setback of 8.0 feet, in lieu of 35 feet required by code. [Attorney: Francis X. J. Lynch, Esq.]

[Architectural Commission Recommendation: Applicant requested deferral to the October 28th meeting. Carried 7-0]

Request for Deferral to the October 14, 2015 Town Council Meeting Per Letter Dated August 28, 2015 from Francis X.J. Lynch.

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

- f. **SPECIAL EXCEPTION #28-2015 WITH SITE PLAN REVIEW** The application of Paul Tudor Jones, II; relative to property commonly known as **1300 So. Ocean Blvd.**, described as lengthy legal description on file; located in the R-AA Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to allow the installation of eight (8) new poles for tennis court lights at the existing tennis court located at the north-west corner of the property. [Attorney: Maura Ziska, Esq.]

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

- g. **VARIANCE #22-2015** The application of Robert F. Agostinelli; relative to property commonly known as **196 Banyan Rd.**, described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting Variances replace the flat roof on the house on the southwest side of the property with a pitched roof with a street side yard setback of 24.4 ft. in lieu of the 35 ft. minimum required; and, to enclose the first floor area on the southeast side of the property adjacent to the staircase on the house for use as storage with a street side yard setback of 24.4 ft., in lieu of the 35 ft. minimum required. [Attorney: Guy Rabideau, Esq.]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0]

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

- h. **VARIANCE #23-2015** The application of James Goldrick, Officer; relative to property commonly known as **4 El Bravo Way**, described as lengthy legal description on file; located in the R-A Zoning District.

The Applicant is requesting a Variance to add an aluminum safety railing and gate at the fifth floor roof deck that will result in an overall height of 58.46 ft. in lieu of the 30 ft. minimum overall height allowed; and, to allow 16 electrical outlets and wet bar on the non-conforming fifth floor roof deck. [Attorney: Maura Ziska, Esq.]

[Landmark Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmark property. Carried 7-0]

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

- i. **VARIANCE #24-2015** The application of James Held and Kenn Karakul; relative to property commonly known as **241 Jungle Rd.**, described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting to modify the approved house as follows: Variance to add a 464 sq. ft. 2 car garage (two, 2 car garages already exist on the plan) that will increase the lot coverage calculation to 25.8% in lieu of the 25% maximum allowed; and, to allow screened solar panels on the roof of the residence that would cover 40.1% of the roof area in lieu of the 30% maximum coverage allowed. [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

- j. **VARIANCE #25-2015** The application of Cushing Investments LLC (Richard True); relative to property commonly known as **449 Australian Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The Applicant is requesting to construct a new 4,042 sq. ft. two-story residence on a lot with a width of 50 ft. in lieu of the 75 ft. minimum required and a lot area of 7,000 sq. ft. in lieu of the 10,000 sq. ft. minimum required. [Attorney: Maura Ziska, Esq.]

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

3. Other

- a. Request for Fine Reconsideration (Construction Time Allotment):
330 Island Road

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

VIII. ORDINANCES

A. First Reading

1. **ORDINANCE NO. 24-2015** 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; Article VIII, Supplementary District Regulations, By Creating Section 134-1734 Regulating Playground Equipment And Prohibiting Tree Houses; By Creating Section 134-1735 Regulating Basketball Goals; 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

2. ORDINANCE NO. 25 -2015 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; Article I, In General, Section 134-2 To Modify The Definition of Supplemental Parking; Section 134-38 By Creating a Fee For Administrative Approval Of Supplemental Off-Site Parking; Section 134-2175 By Providing Clarification and Cross Referencing Of Relevant Sections Of The Code; Section 134-2177 Providing Regulations To Allow Administrative Approval of Off-Site Supplemental Shared Parking; Section 134-2178 By Providing Clarification Of When Collective Use Is Permitted; Section 134-2182 By Modifying The Existing Regulations For Off-Site Supplemental Shared Parking To Eliminate A Scriveners Error Referencing the C-PC Zoning District, Cross Reference Appropriate Sections of the Code, Allow An Administrative Approval For Supplemental Off-Site Parking and An Appeal Process For The Revocation Of Said Approval; Section 134-2183 Creating A Sunset Provision For The Modification Of The Definition For Supplemental Parking And Administrative Approval Of Off-Site Supplemental Parking; 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

IX. ANY OTHER MATTERS

X. 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.