



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JULY 16, 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. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Architectural Commission's Decision Regarding B-009-2014, New Residence (167 Seagate Road), Per Letter Dated July 3, 2014, from Jorge L. Pinon, Esq. [Attorney: Jorge L. Pinon, Esq.]

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #6-2014 WITH VARIANCES** The application of Suntrust Bank; relative to property commonly known as **440 Royal Palm Way, Suite 102**; described as Lots 52, 53 and 61, together with the North 100 feet of Lot 54, Block C, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. A Special Exception is requested to open a new bank for "Suntrust Bank" which will be 5,964 sq. ft. gross leasable area in the previous location of Northern Trust Bank. Two variances being requested for signage are as follows: to allow a business identification sign on the west side of the building with no street frontage which is not permitted; and, to allow said sign at a height above the first floor at 27 feet in lieu of the 15 foot maximum allowed.

[Attorney: Maura Ziska]

Deferred from the May 14, 2014 and June 11, 2014, Town Council Meetings

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

2. New Business

- a. **SITE PLAN REVIEW #6-2014 WITH VARIANCE** The application of James and Amelia Engel; relative to property commonly known as **176 Kings Road**; described as Lot 11, BOULEVARD ESTATES, according to the map or plat thereof as recorded in Plat Book 21, Page 96 Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 9,574 square foot two-story, single family residence on a non-conforming platted lot which is 74.79 feet in width (as measured at the arc) in lieu of the 125 foot minimum required in the R-A Zoning District. A variance is requested to allow a parapet on a pitched roof house with an overall height of 35 feet in lieu of the 30 foot maximum allowed when using parapets. [Attorney: Maura Ziska]

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

- b. **SPECIAL EXCEPTION #11-2014 WITH VARIANCES** The application of Michael and Elizabeth Chu; relative to property commonly known as **102 Angler Avenue (formerly 1340 North Ocean Blvd.)**; described as Lengthy legal description on file; located in the R-B/B-A Zoning Districts. The applicant is requesting special exception with site plan review to construct a 138 square foot beach cabana on an ocean parcel with 50.61 feet of frontage across the street from the applicant's main residence. Variances are requested to construct a beach

cabana that is on a lot with frontage of 50.61 feet in lieu of the 100 feet of frontage required in the Beach Area district across from the R-B Zoning District; and, to allow the beach cabana to have a west setback of 1 foot from the property line in lieu of the 10 foot minimum required. [Attorney: Maura Ziska]

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

- c. **SPECIAL EXCEPTION #12-2014** The application of Maurizio Ciminella, Owner/Operator of Amici; relative to property commonly known as **150 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning Districts. The applicant is requesting a special exception for a new restaurant at 150 Worth Avenue, Suite 234 which will replace GiGi's Tap and Table Restaurant (formerly Cha Cha's). The new restaurant will occupy the same square footage (5,234) and have the same number of seats (151) as the prior restaurant uses at this location. The applicant agrees to be bound by all existing conditions of approval except that he is requesting 20 exterior seats instead of 14. The café will feature Italian food and include a wine room and sale of fresh fruits and vegetables, fresh bread, cold cuts, and other pre-packaged food and beverage items for carry out and delivery within the premises. The requested hours of operation are as follows: Opening 8:00 a.m. and closing per conditions in SE#17-2011 which is on file for review in the application in the Planning, Zoning and Building Department in Town Hall, 360 S. County Rd., Palm Beach. [Attorney: James M. Crowley]

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

- d. **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. [Representative: Jay Boodheshwar]

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

- e. **VARIANCE #28-2014** The application of Kenneth and Janet Himmel; relative to property commonly known as **102 Flagler Drive**; described as Lengthy Legal Description on file; located in the R-B Zoning District. The applicant is proposing to build a 589 square foot one story cabana addition on the north side of the property and a 38 square foot one story addition to the south side of the residence (total 627 square feet) that would result in a cubic content ratio (CCR) of 4.34 in lieu of the 4.15 CCR existing and the 3.97 maximum CCR allowed. [Attorney: Maura Ziska]
[Architectural Commission Recommendation: Implementation of the proposed variance will not cause architectural impacts to the subject property. Carried 7-0]

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

- f. **VARIANCE #29-2014** The application of Robb R. Maass and David R. Maass; relative to property commonly known as **149 Root Trail**; described as Lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting permission for the addition of a small (6.33 feet by 9 inches) one story front façade improvement which requires the approval of the following variances: a front yard setback of 8.4 feet in lieu of the 25 foot minimum required; a side yard setback of 2.3 feet in lieu of the 10 foot minimum required; a lot coverage of 56% in lieu of the 55.8% existing and 30% maximum permitted. [Attorney: M. Timothy Hanlon]
[Architectural Commission Recommendation: Implementation of the proposed variance will not cause architectural impacts to the subject property. Carried 7-0]

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

- g. **VARIANCE #30-2014** The application of Nelson and Claudia Peltz; relative to property commonly known as **542 North County Road**; described as Lengthy Legal Description on file; located in the R-B Zoning District. The applicant is requesting a variance to add a 5,228 square foot second story addition onto the existing residence with a point of measurement of 9.43 feet National Geodetic Vertical Datum (NGVD) (below the existing house's floor elevation of 10.94 NGVD) in lieu of the 7.5 feet NGVD required for a through lot; and, a variance to allow

second floor dormer windows in habitable space to be at a height of 25 feet in lieu of the 22 foot maximum building height allowed. [Attorney: Maura Ziska]

[Architectural Commission Recommendation: Defer to the July Architectural Commission Meeting to further study the roof. Carried 7-0]

Request for Deferral to the August 13, 2014, Town Council Meeting Per Letter From Maura A. Ziska.

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

- h. **VARIANCE #31-2014** The application of Rabbi Moshe Scheiner and Nechama Scheiner; relative to property commonly known as **230 Park Avenue**; described as Lot 47 and the East ½ of Lot 46 of BUNGALOW PARK, as recorded in the Plat Book 7, Page 26, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to eliminate the required one car garage on the existing house to create living space. [Attorney: Maura Ziska]

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

- i. **VARIANCE #32-2014** The application of A. Richard Sloane and Carolyn J. Sloane; relative to property commonly known as **1564 South Ocean Blvd.**; described as Lengthy Legal Description on file; located in the R-A Zoning District. The applicant is requesting permission to allow a front yard setback for a swimming pool of 11.5 feet in lieu of the 35 foot minimum required; and, to allow a swimming pool in the street yard setback with a 30 inch hedge on the outside of the six foot high wall in lieu of the minimum 6 foot high hedge required. [Attorney: Guy Rabideau]

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

- j. **VARIANCE #33-2014** The application of Amy Saleeby and Nancy Llama, as Co-Trustees of the Amy Christina Saleeby Irrevocable Trust Number One dated December 27, 2012; relative to property commonly known as **359 South County Road**; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The applicant has an existing nonconforming office use occupying the entire first floor of the building. A variance is requested to allow another office use to occupy a 342 square foot portion of the space which is not permitted by Code on the first floor as it does not meet the requirement that 50% of the uses within 300 feet of the proposed office use be offices. [Attorney: Guy Rabideau]

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

- k. **VARIANCE #34-2014** The application of Andrew Christian Anthony Thomka-Gazdik, Trustee; relative to property commonly known as **226 Via Linda**; described as Lot 21, ALLARD SUBDIVISION, 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 23, Page 186; located in the R-B Zoning District. The applicant is proposing to construct a 362.1 square foot one story addition on the east side of the residence and a 274 square foot one story addition on the rear of the west side of the residence. The proposal requires the removal of the roof trusses which results in losing the cubic volume of the existing nonconforming house. The following Variances are required and are being requested: a west side yard setback of 7.7 feet in lieu of the 12.5 foot minimum setback required to keep the existing house setback and construct a one story addition; and, an angle of vision of 112 degrees in lieu of the 100 degrees maximum allowed to maintain the non-conforming front of the house and an addition to the east side of the house that will encroach into the angle of vision. [Attorney: Maura Ziska]

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

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 9-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Ordinance No. 5-2013 In Its Entirety; 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: 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.