

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

Held Virtually via Zoom Webinar

Click to Participate: <https://zoom.us/j/94579946383>

AGENDA

JULY 15, 2020

9:30 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

Gail L. Coniglio, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Lew Crampton
Danielle H. Moore

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of 125 Worth Partners, LLC, Applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below. The applicant requests Site Plan Review modification approval for revitalization, renovation and expansion of the 45 year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53' in lieu of the 49'2" existing and the 25' maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63'4" in lieu of the 53'8" existing and the 35' maximum allowed by current code. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 13,212.9 square feet from 3,448.75 square feet existing. An open fourth story trellis of 5,433 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1'1" for portions of the building in lieu of the 5' existing and the 5' minimum required on the private property. The sidewalk is required to be a minimum of 10' wide and this proposal is a

minimum of 8'2" in the area where the sidewalk is only 1'1" wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 71% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code. 10. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building length at the east end of the building from 201'8" to 246' in lieu of the 150' permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] **Request for Deferral to August 12, 2020 Meeting per Email Dated July 1, 2020 from James M. Crowley.**

- b. **Z-19-00236 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jennifer J. Naegele, Applicant, relative to property located at **70 MIDDLE RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 3 story landmarked residence located in the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested: 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required. 2) Sec. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed. 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed. 4) Sec. 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition. 5) Sec. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Foundation Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0. The Landmarks Preservation Commission approved the project as presented with the condition that the homeowner voluntarily grants the utility easement. Carried 7-0]
- c. **Z-20-00247 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of Le Bilboquet (Philippe Delgrange, Principal), Applicant, relative to property located at **247 WORTH**

AVE SUITE: A, legal description on file, is described below. 1) Sec. 134-1159 (a) (6), Sec. 134-329 and Sec. 134-229: A request to modify the previously approved Special Exception with Site Plan Review to add 51 additional seats to the previously approved 109 seat, 3,590 square foot restaurant ("Le Bilboquet") on both the 1st and 2nd floor in the rear of the via located at 247 Worth Avenue (160 total proposed seats). In addition, to add 594.5 square feet on the back of the building to house a cooler/storage area and elevator and two retractable awnings totaling 512 square feet over the via. There are also two existing permanent awnings that will be replaced with three awnings of the same approximate size. There is also an existing awning on Worth Avenue that will be replaced with an awning of the same approximate size. There will be new mechanical equipment located on the roof that will be screened. Additionally, the restaurant plans to have background music in the via. 2) Sec. 134-1159 (a) (6), Sec. 134-2176 and Sec. 134-2001: A request for Special Exception with Site Plan Review modification to allow 58 seats to be outside in the via in lieu of the 48 seats previously approved. 3) Sec. 134-1161 (a): A variance to have 58 outdoor seats over the inside capacity. The Code does not allow outdoor seating above the indoor capacity of the tenant space. 4) Sec. 134-1163 (7): A variance request to have a rear yard setback of 5.5 feet for the elevator and 2.5 feet for the cooler/storage building in lieu of the 10 foot minimum required in the CWA Zoning District. 5) Sec. 134-1163(9): A variance request to allow a lot coverage for the elevator, cooler/storage building and retractable awnings of 84.6% in lieu of the 72.4% existing and the 35 % maximum allowed in the C-WA Zoning District for a two story building. 6) Sec. 134-1163(11): A request for a landscaped open space to be 3.5 % in lieu of the 4% existing and the 25 % minimum required in the C-WA Zoning District for a two story building. 7) Sec. 134-2175, Sec. 134-329 and Sec. 134-229: A request for a variance to provide zero (0) on-site parking spaces in lieu of the required 24 parking spaces that would be required under the principle of equivalency for the additional 51 seats being requested and the new elevator and 494 square foot cooler/storage building that is being added. A variance was previously approved to eliminate the requirement of 29 parking spaces. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project with a condition relating to architecture. Carried 6-1.]

2. New Business

- a. **Z-20-00257 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of ILLKM PB LLC (Jeffrey Weiner,

Member), Applicant, relative to property located at **655 ISLAND DR**, legal description on file, is described below. A request to allow the demolition of the existing wooden marginal dock and replacement with a new marginal dock and construct a new boat lift and Jet ski lift which will require the following variances: 1) The new boat which will be 21.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. 2) The new Jet Ski lift which will be 17.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]

- b. **Z-20-00258 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Maura Ziska, Trustee of the 1047 South Ocean Boulevard Trust, Applicant, relative to property located at **1047 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(11): Applicant is proposing to remove two (2) existing cantilevered balconies on the back of the residence totaling 102 square feet and replacing them with one (1) larger cantilevered 404 square foot balcony that connects to an existing second story roof deck which will require a variance for lot coverage of 43.92% in lieu of the 41.69% existing and the 25% maximum allowed In the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]
- c. **Z-20-00259 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Julia Koch, Applicant, relative to property located at **150 S OCEAN BLVD**, legal description on file, is described below. Section 134-993(13): The owner is proposing a renovation that will increase the ceiling height in a 2nd story bedroom comprising of 1,010 square feet by approximately 1.3 feet. This will require a variance to be requested to increase the cubic content ratio to 4.70 in lieu of the 4.68 existing CCR and the 3.68 maximum allowed. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]
- d. **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134-

8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with a condition relating to landscape. Carried 7-0.]

- e. **Z-20-00261 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Ann DesRuisseaux, Applicant, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 2 story landmarked residence with accessory buildings and a boat house all located in the R-A Zoning District. The renovation includes raising the finished floor elevations of all of the structures to 9.0 feet NAVD. The renovation also includes a 10,590 square foot 2-story addition to the main residence: a 796 square foot addition to the boat house located at the NW corner of the property; demolition of the tennis pavilion by more than 50% of the cubic: footage on the east side of the property and 200 square foot addition to the tennis pavilion; relocation of an existing 225 square foot cabana to be attached to the main residence; relocation of the 145 square foot 2-story generator building. The following variances are being requested: 1) 134-843(8): a north side yard setback of 5 feet for the boat house addition in lieu of the 30 foot minimum required; 2) 134-843(8): a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the

setback; 3) 134-843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 4) 134-843(8): a rear yard setback ranging from 0 feet to 13.4 feet in lieu of the 15 foot minimum required for the existing main house when raising the finished floor thus increasing the height in the setback; 5) 134-843(9): a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 6) 134-843(8): a north side yard setback of 14.5 feet for the 2-story generator building in lieu of the 30 foot minimum required; 7) 134-843(8): a south side yard setback ranging from 9 feet to 15.5 feet in lieu of the 30 foot minimum required for the new cabana and main house addition; 8) 134-843(10): a height in the main residence and addition to main house of 26.5 in lieu of the 25 foot maximum allowed; 9) 134-843(5): a front yard setback ranging from 6.3 feet to 22.83 in lieu of the 35 foot minimum required for the tennis pavilion; 10) 134-843(5): a front yard setback of 6.3 feet in lieu of the 35 foot minimum required for the existing tennis pavilion when raising the finished floor thus increasing the height in the setback; 11) 134-843(12): a landscaped open space of 43.24% in lieu of the 71.56% existing and the 50% minimum required; 12) 134-843(6): an angle of vision and building height plane for tennis pavilion to be 144 degrees in lieu of the 120 degrees maximum allowed; and 13) 134-843(7): a building height plane setback of 6.3 feet in lieu of the 20.2 foot minimum required; and 14) 134-1759(c): a variance to not have a 10 foot high fence around the perimeter of the tennis court. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

- f. **Z-20-000262 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-D(2) High Density Residential The application of The Ambassador Hotel Cooperative Apartments Corp., A Florida Corporation (Richard Schlesinger, President), Applicant, relative to property located at **2730 S OCEAN BLVD**, legal description on file, is described below. The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into

the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). [Applicant's Representative: Maura Ziska Esq] **Request for Deferral to August 12, 2020 Meeting per Email Dated June 19, 2020 from Maura Ziska.**

- g. **Z-20-00263 SPECIAL EXCEPTION** Zoning District: C-TS Town-Serving Commercial The application of The Breakers Palm Beach, Inc., Applicant, relative to property located at **229 ROYAL POINCIANA WAY**, legal description on file, is described below. Pursuant to Section 134-2373(13) of the Town Code, the applicant is requesting special exception approval to allow an internally illuminated, backlit business identification sign for Henry's Palm Beach, which is located at Via Flagler (221 Royal Poinciana Way is the overall project address) on the front of the restaurant facing Royal Poinciana Way (229 Royal Poinciana Way) in the C-TS zoning district. The illuminated sign was approved by ARCOM on January 29, 2020 in connection with ARCOM's review of application number A-31-2019, which is the master signage program for Via Flagler. Other than the special exception for an illuminated sign, no other special exceptions or variances are requested or required. [Applicant's Representative: James M. Crowley Esq]

VIII. ORDINANCES

A. First Reading

1. **ORDINANCE 02-2020** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Town Code Of Ordinances, By Adding Article VI, Historic Conservation Districts; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

2. ORDINANCE 03-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 50, Floods, Town Code Of Ordinances, By Amending Article III, Definitions, Division 2, Definitions, Section 50-137.5, Definitions; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

IX. ANY OTHER MATTERS

- A. Discussion on Prohibited Vegetation

X. ADJOURNMENT

- Note 1:** 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 2:** 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 3:** 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 4:** 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 Any citizen is entitled to be heard on any official agenda item

ITEMS: 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.