



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 15, 2015

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

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. Time Extensions and Waivers

1. Request for One Year Time Extension, Variance No. 31-2014
230 Park Avenue
Deferred from the June 10, 2015, Town Council Meeting
John S. Page, Director of Planning, Zoning and Building

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCE (MODIFIED)** 221 & 231 ROYAL POINCIANA WAY, SUNSET AVENUE, 214 & 216 SUNSET AVENUE. Project approved May 13, 2015 and June 10, 2015 with condition of approval to enter into a Construction Management Agreement. Construction Management Agreement deferred from the June 10, 2015 Town Council Meeting. Staff recommends deferral to the August 11, 2015 Town Council Meeting. [Attorney: Francis X. J. Lynch]

Deferred from the June 10, 2015, Town Council Meeting

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

- b. **VARIANCE #16-2015** The application of Walde Trust, LLC; relative to property commonly known as **444 Chilean Ave.**, described as Lots 52 and 53, Block 12, Revised Map of Royal Park Addition to Palm Beach, Florida 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 4, Page 1; located in the R-C Zoning District. The Applicant is requesting the following variances: to allow the construction of a 3,776 square foot two-story single family residence on a non-conforming lot: to construct a two-story house with a lot width of 50 feet in lieu of the 75 foot minimum required and a lot area of 6,250 square feet in lieu of the 10,000 square foot minimum required; to construct a two story house with an east side yard setback of 5.7 feet in lieu of the 10 foot minimum required; to construct a two-story garage/guest house with an east side yard setback of 5.7 feet in lieu of the 10 foot minimum required; to construct a two-story garage/guest house with a rear yard setback (south side of the property) of 5 feet in lieu of the 15 foot minimum required; and to construct a two-story single family residence with a landscaped open space of 43.6% in lieu of the 45% minimum required in the R-C Zoning District. [Attorney: Guy Rabideau, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-0]

Deferred from the June 10, 2015, Town Council Meeting

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

- c. **VARIANCE #17-2015** The application of Susan Bodnar Malloy (Contract Purchaser); relative to property commonly known as **201 Bahama Lane**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a variance to construct a 8 foot x 38 foot swimming pool in the east side of the residence with a 12 foot street side yard setback in lieu of the 15 foot minimum setback required. [Attorney: Maura Ziska, Esq.]

**Deferred from the June 10, 2015, Town Council Meeting
Request for Deferral to the August 11, 2015, Town Council Meeting Per Letter Dated July 7, 2015, from Maura A. Ziska.**

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

2. New Business

- a. **SPECIAL EXCEPTION #14-2015 WITH VARIANCES** The application of Town of Palm Beach; relative to property commonly known as **1060 North Lake Way**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a special exception approval to add an addition onto the D-10 Storm Water Pump Station and replace a 500 kw generator with a 750 kw generator. The variances to raise the height of a portion of the building and replace the generator are as follows: to allow a front yard setback of 23.5 ft. in lieu of the 25 ft. minimum required; to allow a north and south side yard setback of 11 ft. (south) and 8.1 ft. (north) in lieu of the 12.5 ft. minimum required; to allow a building height of 20.5 ft. in lieu of the 10.67 ft. existing and the 14 ft. maximum allowed; and, to allow an overall building height of 21.5 ft. in lieu of the 12.67 ft. existing and the 17 ft. overall maximum building height. [Attorney: John C. Randolph, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-0]

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

- b. **SPECIAL EXCEPTION #15-2015 SITE PLAN REVIEW AND VARIANCES** The application of Edwin Leevan, Manager; relative to property commonly known as **2842 South Ocean Blvd.**, described as lengthy legal description on file; located in the R-D (2)/Beach Area Zoning Districts. The Applicant is requesting a special exception with site plan review to modify the site plan to allow a temporary tent over the parking lot that contains 40 parking spaces from December 3, 2015 to December 8, 2015 to allow for a conference to be hosted at the Tideline Ocean Resort & Spa. The following variances are required: to temporarily eliminate (40) required off street parking spaces for the dates identified above; and, to allow a temporary tent to be placed over the required off street parking lot for the dates identified above that would increase lot coverage to 35.93% in lieu of the 29.35% existing and the 22% maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-0]

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

- c. **SPECIAL EXCEPTION #16-2015 SITE PLAN REVIEW** The application of Thomas G. Bradford, Town Manager; relative to property commonly known as **360 South County Road**, 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 to modify the Town Hall public open space.

1. The Memorial Park parcel will be expanded by 1,827 square feet by unifying the parcel described as in ORB 24041 page 1748 and the Memorial Park parcel described in ORB 20789 page 1528. This unification of title requires a Special Exception with Site Plan Review because public structures are being added to the parcels.

2. Reconstruction and repair of the existing Memorial Fountain Plaza hardscape, plaza, steps, balustrades, walls and rill.
3. Landscaping improvements consisting of new Live Oak trees south of the Fountain, Royal palm trees to replace the existing Royal Palm trees that flank the reflecting pool, new Tabebuia trees on each side of the main fountain, potted plants along the reflecting pool, and various shrubs and groundcovers throughout the park and fountain area.
4. Irrigation improvements to provide water to the above listed landscaping improvements.
5. Hardscape, sidewalk, and curb improvements to provide pedestrian connections from the Town Hall area and crosswalks to Memorial Fountain to provide public access. A 30-inch tall decorative aluminum fence will surround the lawn area south of the fountain. Benches will be added along the reflecting pool for public seating. Café tables and chairs will be added under the Live Oak trees near the lawn area south of the Fountain.
6. The sidewalks and ramp to the building entrance on the north side of Town Hall will be reconfigured. Sidewalks will extend from Town Hall to the lower plaza of the fountain.
7. Landscape lighting and ancillary electrical improvements to support the lighting will be made to illuminate the landscaping improvements.
8. Associated paving, grading and drainage infrastructure improvements to support the above listed elements will be performed. Currently, curb and gutter exists that allows runoff from the eastern lanes of South County Road to be conveyed westerly, across Memorial Park south of the fountain, to the western portion of the roadway to be collected by an existing catch basin. In order to create a continuous lawn area south of the fountain, a new catch basin with associated piping will be constructed on the east side of Memorial Park so that the existing curb and gutter that cuts across the proposed lawn area can be removed.
9. Traffic and parking regulatory and enforcement signage in accordance with FDOT and Town of Palm Beach Public Works requirements will be installed.
[Landmark Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impacts to the subject landmark property. Carried 7-0]

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

- d. **SPECIAL EXCEPTION #17-2015 WITH VARIANCE** The application of Heather Baines, Managing Member of 224 Atlantic LLC; relative to property commonly known as **224 Atlantic Avenue**, described as Condominium Units 1 and 2, PLM BEACH ATLANTIC

CONDOMINIUM ANNEX, according to the Plat thereof, as recorded in Official Records Book 3900, page 1742, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. On May 8, 1979, The Town Council granted Special Exception 10-79 to allow a developer to create seven (7) supplemental off-street parking spaces in conjunction with the construction of a two unit development and which parking spaces were to be used by the subject property (224 Atlantic) and the other portion of the condominium across the street (223 Atlantic) which was also owned by the developer. Special Exception approval was granted with a condition that a Unity of Title be executed and recorded to tie the two properties together. A Unity of Title was recorded on October 26, 1979. The Applicant purchased both units in the duplex (224 Atlantic Avenue) in 2013 and converted the two units into one single family residence. As the structure is now a single family residence, the condominium documents for 224 Atlantic Avenue were terminated by the owner. The Applicant is requesting to modify the previous Special Exception #10-79 to remove the condition of the Unity of Title and remove the seven (7) supplemental off-street parking spaces that were shared by both condominiums and only have a minimum of two (2) required off-street parking spaces remain that would be required for a single family residence. Since the condominium across the street is non-conforming to today's parking requirement in the zoning code, a variance is being requested to eliminate the seven (7) supplemental parking spaces to the single family dwelling which are now considered required for the 19 unit condominium building on the north side of Atlantic Avenue (223 Atlantic Avenue). [Attorney: Maura Ziska, Esq.]

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

- e. **SPECIAL EXCEPTION #18-2015 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 **2 Four Arts Plaza**, described as lengthy legal description on file; located in the R-B Zoning District. A request for approval of Special Exception with Site Plan Review for temporary valet grass parking for special events not to exceed thirty (30) times per calendar year. The applicant operates a non-profit cultural use in the R-B zoning district by an existing Special Exception. The Four Arts provides special events for lectures, art viewings, concerts, films, private parties and live broadcasts of the metropolitan opera along with other cultural affairs for its patrons. 26 temporary valet parking spaces are proposed which would utilize the large landscaped island area no more than 30 times per calendar year. The upgraded natural grass material would be installed by GrassPave2 which is a pervious stabilized grass parking system which maintains the integrity of the existing natural grass surface. A variance is requested to allow the landscape open space area to be reduced from the existing 37.8% to the proposed 32.2% (51,605 sq. ft.) in lieu of 55% maximum landscape open space as required by code. The applicant seeks Town Council approval to utilize the large landscaped island area within the existing Landmarked property to provide 26 temporary valet grass parking for special events. Variances are also requested

to not construct or install the required four (4) foot high hedge or wall between the proposed temporary valet grass parking area and Four Arts Plaza and Lake Drive; to not install any wheel stops within the proposed temporary valet grass parking area used for special events; to reduce the depth of a parking stall (45 degree parking) within the proposed temporary valet grass parking area to 16 feet in lieu of the 18 feet required by code; and, to reduce the width of a driving isle required for 45 degree parking within the proposed temporary valet grass parking area to 10 feet in lieu of the 15 foot minimum drive isle required by code. [Attorney: Harvey E. Oyer, III, Esq.]

[Landmarks Commission Recommendation: Implementation of the proposed special exception with site plan review and variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0]

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

- f. **SPECIAL EXCEPTION #19-2015** The application of Cooklyn Palm Beach, LLC; relative to property commonly known as **150 Worth Avenue**, described as lengthy legal description on file; located in the C-WA Zoning District. The Applicant is requesting a special exception for a new restaurant at 150 Worth Avenue, Suite 234, called Cooklyn, which will replace GiGi's Tap and Table Restaurant (formerly Cha Cha's). The new restaurant will occupy the same square footage (5,243) and have the same number of total seats (151) and outdoor seats (14) as the prior restaurant uses in Suite 234. The applicant agrees to be bound by all existing conditions of approval (see Exhibit G of application. [Attorney: James M. Crowley, Esq.]

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

- g. **VARIANCE #19-2015** The application of Beach Club, Inc. (David Shaw, General Manager); relative to property commonly known as **755 North County Road**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting variances to allow the replacement of a tennis court fence that will have a front yard setback of 2.6 feet on North County Road in lieu of the 25 foot minimum required; to allow the replacement of a tennis court fence that will have a street side yard setback of .29 feet on Country Club Road in lieu of the 25 foot minimum required; and, to allow a 10-12 foot tall chain link fence in the front yard and street side yard in excess of the 6 foot maximum allowed. [Attorney: Maura Ziska, Esq.]

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

3. Other

- a. 1906 South Ocean Boulevard Tunnel Improvement
A. Construction Management Agreement Revision
B. Extended Work Hours Request

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

- b. Sixt Rent A Car, 340 Royal Poinciana Way, Suite 324, Town-Serving Confirmation, Special Exception No. 19-2013

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

- c. Proposed Modifications and Changes to Chapter 134, Zoning, Related to Playground Equipment

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

- d. Par 3 Golf Course: One Year Review, Special Exception #13-2014

Beth Zickar, Director of Recreation

VIII. ORDINANCES

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.

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.