



TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

JUNE 14, 2017

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
Richard M. Kleid, President
Danielle H. Moore, President Pro Tem
Julie Araskog
Bobbie Lindsay
Margaret A. Zeidman

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. Construction Management Agreements

1. Proposed Construction Management Agreement - Site Plan Review No. 13-2014 with Special Exceptions and Variances (Testa's)
John S. Page, Director of Planning, Zoning & Building
2. Proposed Construction Management Agreement- Special Exception No. 30-2017 with Site Plan Review and Variances (Town of Palm Beach Recreation Center)
John S. Page, Director of Planning, Zoning & Building

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **VARIANCE #1-2017** The application of Rosemin Stanoytchev; relative to property commonly known as **157 Peruvian Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to build a two-story, 3,911 square foot (including the garage) single-family residence on a lot with an area of 6,250 square feet, in lieu of the 10,000 square foot minimum required, and a lot width of 50 feet, in lieu of the 75 foot minimum required. [Attorney: David E. Klein, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0] [Architectural Commission conditionally approved the project. Carried 5-2]
John S. Page, Director of Planning, Zoning & Building

2. New Business

- a. **VARIANCE #13-2017** The application of Kelly M. Williams; relative to property commonly known as **288 Sandpiper Dr.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to construct a two-story addition on the west side of the property with a second story street side yard setback of 27.0 feet in lieu of the 35 foot minimum. [Attorney: David E. Klein, Esq.] [Architectural Commission conditionally approved the project without variance. Carried 5-2. Staff is awaiting confirmation of project status from the attorney.]
John S. Page, Director of Planning, Zoning & Building
- b. **VARIANCE #17-2017** The application of Ben and Katie Alexander; relative to property commonly known as **214 Queens Ln.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing the following additions onto the existing residence: 1) Construct a one story 660 square foot addition for a new kitchen and family room; 2)

Construct a one story 400 square foot addition for a new loggia. The following variance is being requested to accomplish the above additions: Lot coverage of 32.9% in lieu of the 19% existing and the 30% maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 6-1.]

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

- c. **VARIANCE #19-2017** The application of Jeanette Sublett and Langdon Neal; relative to property commonly known as **242 Cherry Ln.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to demolish a portion of the house and add a one story 1,095 square foot addition for a master bedroom on the west side of the house that requires the following variance requests: 1) A west side yard setback of 9 feet in lieu of the 12.5 foot minimum required; 2) An angle of vision of 114 degrees in lieu of the 108 degrees maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 6-1.]

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

- d. **SPECIAL EXCEPTION #13-2017 WITH SITE PLAN REVIEW** The application of 305 Concepts Palm Beach, LLC ("Coyo Taco"); relative to property commonly known as **340 Royal Poinciana Way, Ste 337A**, described as lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting a special exception with site plan approval to allow 26 seats, of the previously approved 80 seats, to be shifted from inside Coyo Taco and relocated to the exterior for outdoor dining, when weather permits. The proposed restaurant is located in the southwest corner of the Plaza and outdoor dining will be adjacent to the restaurant in the newly created patio area around the west fountain. The outdoor dining will have the proposed hours of: Monday through Friday – Brunch, Lunch and Dinner – 10 a.m. to 10 p.m., Friday through Sunday – brunch, Lunch and Dinner – 10 a.m. to 10 p.m. A further request to revise the previously approved hours for the restaurant to accommodate breakfast service to be one hour earlier: Monday through Thursday – Brunch, Lunch and Dinner – 10 a.m. to 1:00 a.m., Friday through Sunday – Brunch, Lunch and Dinner – 10 a.m. to 1:00 a.m. A further request to allow the restaurant to have catering as an additional service of the restaurant. The catering service will utilize existing employee vehicles and will operate under the same hours of the restaurant. [Attorney: Maura Ziska, Esq.] [Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impacts to the subject landmarked property.]

Carried 7-0.]

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

e. **DECLARATION OF USE AGREEMENT**

SPECIAL EXCEPTION #5-2017 The application of 305 Concepts, LLC ("Coyo Taco"); relative to property commonly known as **340 Royal Poinciana Way**, Ste. 337A, described as lengthy legal description on file; located in the C-PC Zoning District. Special Exception was approved on March 15, 2017 with a condition to submit a Declaration of Use Agreement outlining applicable terms of operation. Deferred consideration of the Agreement at April 12th Town Council meeting to the June 14th meeting. [Attorney: Maura Ziska, Esq.]

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

f. **SPECIAL EXCEPTION #14 -2017 WITH SITE PLAN**

REVIEW The application of Brian Plewinski, Attorney for Wilson 150 Worth LLC (Starbucks); relative to property commonly known as **150 Worth Ave. #110**, described as lengthy legal description on file; located in the C-WA Zoning District. The applicant is requesting a special exception with site plan approval to modify condition #1 – Hours of Operation for Site Plan Review #12-2006. Current approved hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m. Proposed hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. [Attorney: Brian Plewinski, Esq.]

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

g. **SPECIAL EXCEPTION #15 -2017 WITH SITE PLAN**

REVIEW AND VARIANCE The application of Gregory Fisher, Member of 316 Seabreeze LLC; relative to property commonly known as **316 Seabreeze Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to modify the previous approval to allow the construction of a 2,700 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variance is being requested: to allow a 12.5 foot east side yard setback for the two story portion in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed special exception with site plan review and variances will not cause negative architectural impacts to the subject property. Carried 7-0.] [Architectural Commission approved the project as presented. Carried 7-0.]

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

h. **SITE PLAN REVIEW #4-2017 WITH VARIANCES**

The application of James M. Crowley, Esq., Attorney for The Palmbeacher Apartments Inc.; relative to property commonly

known as **3030 S. Ocean Blvd.**, described as lengthy legal description on file; located in the R-D (1) Zoning District. The applicant is requesting a site plan review to add additional paving in the eastern (pool) area and add an awning over the main building entrance on this nonconforming property. The following variances are requested: 1) a variance to increase lot coverage by adding a 360 square foot awning at the front entrance. This will increase lot coverage from 26.86% to 27.75% in a district that allows a maximum lot coverage of 20% for special exception buildings; 2) A variance to decrease landscaped open space from 14.0% to 12.6% by adding 573 square feet of additional paving in the pool area. This district required minimum landscaped open space of 35%; 3) A side (south) setback variance to allow a new trellis on top of the existing pool building to extend further into the side setback. The required side setback for the pool building, which is an enclosed 9.0' high accessory structure, is 30'. The existing pool building is 10.77' from the side property line. The proposed trellis would extend an additional 2.87' into the setback, creating a new side setback at that point of 7.9' in lieu of the 30' required; 4) a south (side) setback variance to allow the new awning at the front entrance to extend into the side setback. The required side setback for the building is 55.30', the height of the building. The building is 49.92' from the side property line. The proposed awning would extend an additional 12.0' into the setback, creating a new side setback at that point of 37.92' in lieu of the 55.30' required. [Attorney: James M. Crowley, Esq.] [Architectural Commission Recommendation: Deferred to the June 28, 2017 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the July 12, 2017, Town Council Meeting Per Letter Dated May 31, 2017 from James M. Crowley**

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

- i. **SITE PLAN REVIEW #5-2017** The application of Parc Regent Condominium (Paula Gottlieb, Manager); relative to property commonly known as **184 Bradley Place**, described as lengthy legal description on file; located in the R-D (2) Zoning District. The applicant is requesting a site plan approval for a 400 KW generator and the construction of a required 540 sq. ft. building to house said generator. The building is proposed to be located on the north of the condominium building and immediately west of the tennis courts, which front Bradley Place. The building is designed and baffled so the intake air, exhaust air and engine exhaust all face the tennis courts. Two 3,000 gallon fuel tanks are proposed to be located on the west side of the property, beyond the setbacks. [Attorney: Maura Ziska, Esq.]

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

- j. **SUBDIVISION #1-2017** The application of 89 Middle Road LLC, relative to property commonly known as **89 Middle Rd.**,

described as lengthy legal description on file, located in the R-A Zoning District. The subject property is 135,907 square feet +/- of land, which calculates to 3.398 "Palm Beach acres." The applicant is requesting approval to replat 11 existing platted lots from the Singer Addition and El Bravo Park plats into a new subdivision called El Bravo-Singer Annex, comprised of six (6) lots, which meet all of the lot area, width and depth zoning requirements for the lots in the R-A (Estate Residential) Zoning District. [Attorney: Gregory E. Young, Esq.]
John S. Page, Director of Planning, Zoning & Building

3. Other

- a. **DECLARATION OF USE AGREEMENT
SPECIAL EXCEPTION #9-2017 WITH SITE PLAN REVIEW
AND VARIANCE** The application of Old Guard Society of Palm Beach; relative to property commonly known as **165 Bradley Place**, described as lengthy legal description on file; located in the C-TS Zoning District. Special Exception With Site Plan Review and Variance approval was granted at April 12, 2017 Town Council meeting, with a condition to submit a Declaration of Use Agreement outlining applicable terms of operation.
[Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning & Building
- b. Presentation - William Bucklew, Certified Floodplain Manager, Upcoming FEMA Floodplain and Building Code Changes
John S. Page, Director of Planning, Zoning & Building

VIII. ORDINANCES

A. First Reading

1. **ORDINANCE NO.15-2017** 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 As Follows: Article I, In General, Section 134-2 To Create A Definition For "Zero Datum", Modify The Definition Of "Building Height (Applicable Only To The R-B District)", To Clarify Where Zero Datum Is Taken From And To Modify All Definitions Of Building Height And The Definition Of Building Height Plane To Reference "Zero Datum" As The Point Of Measuring Building Height, Overall Height, Building Height Plane And Cubic Content Ratio; Section 134-2, "Building Height, Of Lot Abutting Low Streets", To Reference The Minimum Floodplain Elevation In Chapter 50, Floods, As Zero Datum Rather Than 7 ½ Feet Mean Sea Level NGVD; Article VII, District Regulations, Section 134-793 And 134-843 To Reference The Minimum Flood Elevation Rather Than 7.5 Feet For Measuring The Building Height Plane Requirement In The R-AA And R-A Zoning Districts, 134-893 By Eliminating The Maximum Height For Single-Family Homes On Lots Abutting Low Streets; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An

Effective Date.

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

2. ORDINANCE NO. 17-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 66, Natural Resource Protection As Follows: Article 1, In General, Section 66-2 To Create A Definition For "Pestilent Exotic/Invasive Species"; Article III, Vegetation, Subdivision IV, Conservation District, Sections 66-369 – 66-375 To Create A Permitting Process For Landscaping And Related Work To Be Done In The Conservation Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

IX. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 3:30 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 3:30 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.