



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 10, 2015

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
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 from Cristina Noble (via attorney James Green)
475 North County Road - B-010-2015 Gate
Deferred from the May 13, 2015, Town Council Meeting
John S. Page, Director of Planning, Zoning and Building

B. Time Extensions and Waivers

1. Request for One Year Time Extension, Variance No. 31-2014

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #4-2015 WITH SITE PLAN REVIEW** The application of Maura Ziska, Esq. Attorney in Fact; relative to property commonly known as **1021 North Ocean Blvd.**, described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting Special Exception with Site Plan Review to allow the construction of a 25,198 square foot two-story, single family residence with basement on a non-conforming platted lot which is 100 feet in width in lieu of the 125 foot minimum width required in the R-A Zoning District. [Attorney: Maura Ziska, Esq.]
Request for Deferral to the June 10, 2015, Town Council Meeting Per Letter Dated February 25, 2015, from Maura A. Ziska.
Request for Withdrawal from the June 10, 2015, Town Council Meeting Per Letter Dated April 6, 2015, from Maura A. Ziska.

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

- b. **SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED)** The application of T3 Family Investment, LLC; relative to property commonly known as **221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue**; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The application has been modified and the applicant is requesting the following approvals:
1. Applicant is requesting site plan approval to construct a two (2) story 63,680 square foot mixed commercial and residential use condominium development with 42,962 square foot sub-basement with 86 underground parking spaces totaling 106,642 square feet, 18,080 square feet of commercial space on the first floor and six (6) residential units on the second floor.

Variances and Special Exceptions were approved on May 13, 2015. The Site Plan Review portion of the application has been deferred from the May 13, 2015 Town Council Meeting.

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

- c. **VARIANCE #12-2015** The application of John Ceriale; relative to property commonly known as **230 S. Ocean Blvd.**, described as Lot 528, Poinciana Park, Second Addition, Plat Book 6, Page 86; located in the R-B Zoning District. The Applicant is requesting a variance to allow the existing non-conformity porch to extend 4.08 feet to a street side yard setback at 20.16 feet in lieu of the 24.24 existing porch setback and the 25.0 foot minimum required by code; and, to allow a lot coverage of 28.9% (135 sf additional) in lieu of the 28.2% existing non-conformity and the 25% maximum allowed by code.

[Agent: Jose Gonzalez]

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

Deferred from the May 13, 2015, Town Council Meeting

2. New Business

- a. **SPECIAL EXCEPTION #13-2015 WITH VARIANCE** The application of Richard and Patti Kurtz; relative to property commonly known as **235 Banyan Road**, described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting a special exception to allow one swinging gate at the entrance to the residence on Banyan Road (a dead end street) with a 10.5 foot setback from the street pavement in lieu of the 18 foot minimum required on a dead end street. A variance is also being requested to allow the gate to be 10 feet tall in lieu of the 8 foot maximum height allowed for gates. [Attorney: Maura Ziska, Esq.]
[Landmarks Preservation 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
- b. **VARIANCE #13-2015** The application of Peter May; relative to property commonly known as **320 Dunbar Road**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a variance to allow the construction of a new 4,897 square foot two story residence with a point of measurement of 8 feet National Geodetic Vertical Datum (NGVD) for cubic content ratio (CCR) in lieu of the 7.5 foot NGVD required when determining cubic content ratio on lots abutting a low street. [Attorney: Maura Ziska, Esq.]
[Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0]
John S. Page, Director of Planning, Zoning & Building
- c. **VARIANCE #14-2015** The application of Bryan and Christina Cressey; relative to property commonly known as **2315 S. Ocean Blvd.**, described as lengthy legal description on file; located in the R-C Zoning District. The Applicant is requesting a variance to allow the construction of a stairwell descending to the existing basement that would have a street side yard setback of 12.5 feet in lieu of the 25 foot minimum required in the R-C Zoning District. [Attorney: Maura Ziska, Esq.]
John S. Page, Director of Planning, Zoning & Building
- d. **VARIANCE #15-2015** The application of Roy Furman; relative to property commonly known as **137 East Inlet Dr.**, described as Lot 29 of SEA ISLE ESTATES, an addition to the Town of Palm Beach, as recorded in Plat Book 25, Page 89, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The Applicant is requesting variances to allow the construction of a new 255 square foot loggia addition with a roof deck that would have a cubic content ratio (CCR) of 5.14 in lieu of the 5.42 existing and the 3.98 maximum allowed; to allow the proposed loggia addition and cantilevered two foot wide balcony to be setback 34.75 feet from the official bulkhead line in lieu of the 50 foot minimum required; and to

allow a swimming pool and spa to be setback 11.75 feet from the official bulkhead line in lieu of the 50 foot minimum distance required. [Attorney: Maura Ziska, Esq.]

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

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

- e. **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: Deferred the project to the June 24, 2015 Commission meeting to restudy the architecture, landscaping and the need for variances. Carried 7-0]

Request for Deferral to the July 15, 2015, Town Council Meeting Per Letter Dated May 29, 2015, from Guy Rabideau.

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

- f. **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.]

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

- g. **VARIANCE #18-2015** The application of Alex Griswold, Manager of 155 Root Trail, LLC; relative to property commonly known as **155 Root Trail**, described as lengthy legal description on file; located in the R-C Zoning District. The Applicant is requesting variances to allow the construction of a 155 square foot addition to connect the two houses into one unified residence that will increase the lot coverage to 52.3% in lieu of the 47.3% existing and 30% maximum allowed in the R-C Zoning District for a single family residence; to decrease the landscaped open space to 26% in lieu of the 47%

existing and 45% minimum required; to have a front yard setback of 13.75 feet in lieu of the 25 foot minimum allowed; to raise the height and overall height of the existing shed roof on the rear portion of the eastern residence that would be increasing the height within the non-conforming setback by 2.33 feet. The proposed new roof will have a rear yard setback of 9.6 feet in lieu of the 15 foot minimum required and an east side yard setback of 2.4 feet in lieu of the 10 foot minimum required; and to raise the height and overall height of the existing shed roof on the rear portion of the eastern residence that would be increasing the height within the non-conforming setback by 2.33 feet. The proposed new roof will have an east side yard setback of 2.4 feet in lieu of the 10 foot minimum required. [Attorney: Maura Ziska, Esq.]

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

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

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.