



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MAY 14, 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 A-018-2014, Window Modification (144 North Ocean Boulevard), by Lauren E. Mimun.

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. New Business

- a. **SITE PLAN REVIEW #4-2014** The application of John Andrica; relative to property commonly known as **134 Seagate Road**; described as NORTH SHORE ADD TO PALM BEACH LT9; located in the R-B Zoning District. The applicant is requesting a site plan review modification to Site Plan Review #16-2013 approval to move the house forward 2.66 feet and the two car garage portion forward 1 foot. In addition, the proposal reduces the one-story trellis on the east side of the house so that the required angle of vision is met. The purpose is to provide 3 feet between the pool and the loggia and trellis on the house. The minimum front setback would be 25 feet 10 inches and the rear setback would be 24 feet 1 inch, which is allowed by code. [Representative: Rick Gonzalez, AIA]

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

- b. **SPECIAL EXCEPTION #5-2014** The application of The Northern Trust Company; relative to property commonly known as **250 Royal Palm Way, Suite 300**; described as Lot 41 Block E of Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant is requesting to modify a previously approved special exception for a bank to expand "The Northern Trust Company" which currently operates in 4,562 sq.ft. of gross leasable area (Suite 300) into 788 sq.ft. of adjacent space (Suite 304) for a total of 5,350 sq.ft. The expansion is all interior work and is to accommodate the existing employees, not new employees. [Attorney: Maura Ziska]

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

- c. **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]

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

- d. **SPECIAL EXCEPTION #7-2014 WITH SITE PLAN REVIEW AND VARIANCES** The application of Adria A. Roush; relative to property commonly known as **8 Golfview Road**; described as Lots 7 and 8 of GOLFVIEW, according to the map or plat thereof as recorded in Plat Book 7, Page 69, of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review to allow the construction of a 7,972 square foot two-story, single family residence on a non-conforming lot which is 140 feet in depth in lieu of the 150 foot minimum required and 19,500 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District. A Variance is requested to have a building height plane setback ranging from 40.6 feet to 55 feet in lieu of the 49.5 foot to 63.91 foot minimum setback required. [Attorney: Maura Ziska]

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

- e. **VARIANCE #18-2014** The application of Cristina B. Condon, Trustee; relative to property commonly known as **223 Southland Road**; described as Lot 46, EAST SHORE ADDITION, an addition to the Town of 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 21, Page 14; located in the R-B Zoning District. The applicant is requesting a variance to add 277.3 square foot one-story addition to the kitchen in which a small portion will result in a 10 foot west side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District. [Attorney: Maura Ziska]

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

- f. **VARIANCE #19-2014** The application of Joan Granlund; relative to property commonly known as **710 South County Road**; described as Lengthy legal description on file; located in the R-A Zoning District. A variance is requested to add a pitched roof onto an existing two-story flat roof accessory building with a building height plane setback of 8.8 feet in lieu of the 44 foot to 52 foot minimum setback required; and, to add a second floor patio deck and connecting stair (south side of deck) on top of a one-story portion of that building with a zero (0) north side yard setback in lieu of the 15 foot minimum required. The stairs are within the required side yard setback but behind the nonconforming accessory building. [Attorney: Maura Ziska]
[ARCOM 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 and Building

- g. **VARIANCE #20-2014** The application of David Lambert; relative to property commonly known as **234 Ocean Terrace**; described

as Lot 19, PLAT OF OCEAN TERRACE, according to the plat thereof, as recorded in Plat Book 20, Page 64, Office of the Clerk of the Circuit Court of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 1,588 square foot one-story, two car garage, loggia and master suite addition that would result in a cubic content ratio (CCR) of 4.16 in lieu of the 2.58 CCR existing and the 3.98 maximum CCR allowed. [Attorney: Maura Ziska]
[ARCOM 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 and Building

- h. **VARIANCE #21-2014** The application of Daniel S. Rosenbaum, Attorney; relative to property commonly known as **3230 South Ocean Blvd.**; described as Lengthy legal description on file; located in the R-D (1) Zoning District. This request is to allow a variance from sections 62-38 and 62-39 which require construction of a seawall to be on the Town Official Bulkhead Line. The variance is proposed in order to allow construction of a seawall approximately 36 to 43 feet west of the Town bulkhead line in lieu of being placed on the Bulkhead Line. [Attorney: Daniel S. Rosenbaum]

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

- i. **VARIANCE #22-2014** The application of K. Prescott Low and Susan T. Low; relative to property commonly known as **260 Via Bellaria**; described as Lengthy legal description on file; located in the R-A Zoning District. Applicants are requesting permission to install a 60kw Generac generator with a proposed landscaped open space of 44.65% in lieu of the 45.08% existing and the 50% minimum required. [Attorney: M. Timothy Hanlon]

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

- j. **VARIANCE #23-2014** The application of George E. Marucci, Jr.; relative to property commonly known as **308 Cocoanut Row**; described as The North 55 feet of lots 22 through 26, in Block 1, of REVISED MAP OF ROYAL PARK ADDITION, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 4, Page 1, said lands situate, lying and being in Palm Beach County, Florida; located in the R-C Zoning District. The Applicant is requesting a variance to build a two-story, 3,600 square foot (including the garage) single family residence on a vacant lot with a lot 6,875 square feet in area, in lieu of the 10,000 square foot minimum required, and a lot width of 55 feet in lieu of the 75 foot minimum required in the R-C Zoning District. [Attorney: Guy Rabideau]

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

- k. **VARIANCE #24-2014** The application of Wilber E. James and

Janet B. James; relative to property commonly known as **10 Golfview Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting a variance to add railing and cast stone pavers to create a 180 square foot second floor terrace with a 4 inch west side setback in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon]

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

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 1-2014 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; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2296, Issuance of Special Parking Permits Upon Application, to Include a New Subparagraph (d) to Provide for the Issuance of Temporary Group Permits; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2328, Temporary Group Permits, to Provide for an Application Fee; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

John C. Randolph, Town Attorney

2. ORDINANCE NO. 2-2014 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; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2293, Designation of Controlled Parking Residential Areas, to Delete Section 134-2293 in its Entirety ; Amending Division 2, Residential Districts; Section 134-2295, Procedures for Determining Controlled Parking Residential Areas, to Require Website Maps and Proper Display of Permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

John C. Randolph, Town Attorney

3. ORDINANCE NO. 3-2014 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; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2298, Enumerating Unlawful Acts; Section 134-2301, Penalties, Providing for Surrendering of Permits; Providing for a New Section 134-2302, Regarding Revocation of Decal/permit; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2334, Enumerating Unlawful Acts; Providing for a New Section 134-2335, Penalties; Providing for a New Section 134-2336, Revocation of Decal/permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification;

Providing an Effective Date.

John C. Randolph, Town Attorney

4. ORDINANCE NO. 7-2014 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-2 By Creating Definitions For Attic And Veterinarian Office; Section 134-2 By Modifying The Definitions For Building, Height Of, (Applicable To Lots Or Portions Of Lots East Of The State Of Florida Coastal Construction Control Line (CCCL), Individual Business Sign, Habitable Space And Story; Section 134-172 By Creating A One Thousand Foot Property Owner Notice Requirement For Variances That Exceed The Maximum Density Allowed In The Zoning District But Do Not Exceed The Maximum Density Allowed By The Underlying Future Land Use Designation On A Property; Section 134-261 By Adding 1,000 Foot Property Owner Notice Requirement In the Appropriate Location For A Comprehensive Plan Amendment, Zoning Text Amendment Or Zoning Change That Increases The Allowable Density Or Intensity; Sections 134-1108, 134-1109, 134-1257 and 134-1259 By Allowing Veterinarian Office Uses In The C-TS And C-PC Zoning Districts As A Special Exception Use; Sections 134-1157, 134-1207 And 134-1302 By Prohibiting A Veterinarian Office Use In The C-WA, C-OPI And C-B Zoning Districts; Sections 134-2436 And 134-2437 By Modifying The Individual Business Sign Regulations To Allow Said Signs On The Back of Buildings In Certain Situations; Section 134-2439 By Clarifying That An Individual Business Sign Is Allowed Only To Advertise The Legal Business Name And The Nature Of The Business; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

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

5. ORDINANCE NO. 8-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 of the Town Code of Ordinances Relating to Traffic and Vehicles, at Article III, Parking, Stopping and Standing; Division 1, Generally; at Section 118-86, Regulation Generally; Tow-Away Zones, at Paragraph (a); Amending Section 118-92, Penalty for Violating Parking Regulations Generally; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

John C. Randolph, Town Attorney

B. First 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.