



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 13, 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. PUBLIC HEARINGS

- A. **RESOLUTION NO. 65-2015** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **211 Royal Poinciana Way** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm

Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

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

- B. **RESOLUTION NO. 66-2015** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as the **Regents Park Historic District** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Historic District Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

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

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal From James McCartney Wearn & Richard and Kathleen Lubin 253 Jamaica Lane B-026-2015

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

2. ARCOM appeal from Cristina Noble (via attorney James Green) 475 North County Road - B-010-2015 Gate

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B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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. The following other zoning approvals are being requested:
 2. Special Exception to allow residential tenancy above the first floor, as required by Section 134-1109(a)(3) for six (6) condominium units.

3. Special Exception to allow two (2) stories as required by Section 134-1113(8)(c).
4. Special Exception to allow Testa's Restaurant to occupy over 3,000 square feet of gross leasable area and 152 seats as required by Section 134-1109(a)(11).
5. Special Exception to allow outdoor seating for 60 of the 152 seats outdoors for Testa's Restaurant as required by Section 134-1109(a)(11) and 134-1111(a).
6. Variance to allow portions of the underground parking sub-basement to be paved for walkways and equipment pads in lieu of being landscaped as required in Section 134-2179(a).
7. Variance to allow a total of 86 off-street parking spaces in lieu of the required 140 off street parking spaces as required by Section 134-2175.
8. Variance to allow a maximum building length of 250.9 feet in lieu of the maximum allowed 150 feet allowed per Section 134-1113(10)(b).
9. Variance to allow for a landscaped open space of 12.2% in lieu of the minimum 25% required by Section 134-1113(11)(b).
10. Variance to allow a two (2) story building to be 106,642 square feet in lieu of the maximum allowed 15,000 square feet as required by Section 134-1113(12)(b).
11. Variance to allow lot coverage of 81.2% in lieu of 70.0%, as maximum permitted by Code Section 134-1113(9)(b).

[Attorney: Francis X. J. Lynch]

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

Deferred from the October 15, 2014, November 12, 2014, December 10, 2014, January 14, 2015, February 11, 2015, and March 11, 2015, Town Council Meetings.

TIME CERTAIN: 10:30 A.M.

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

2. New Business

- a. **SITE PLAN REVIEW #2-2015** The application of RPP Palm Beach Property LP (Samantha David, Representative); relative to property commonly known as **340 Royal Poinciana Way**, described as Lengthy Legal Description on file; located in the C-PC Zoning District. The Applicant is requesting Site Plan Approval to modify the existing architecture, landscape, and off street parking area for the Royal Poinciana Plaza. The modifications include the elimination of one of the existing entrances on Cocoanut Row and the creation of two new entrances on Cocoanut Row; modification of the existing entrance on Royal Poinciana Way; change in the traffic flow pattern and parking spaces within certain locations within the north and south parking lot areas; milling, surfacing and

restriping of the parking lot; parking lot and landscape lighting improvements; landscape and hardscape improvements which include modification of sidewalks, benches and patio areas; architectural improvements which include new columns, parapets, doors, windows, awnings and fenestration. The application, which includes a complete description of the proposed project, and plans are available to be reviewed between 8:30 a.m. and 5:00 p.m. at the Planning, Zoning and Building Department. [Attorney: Maura Ziska, Esq.]
[Landmarks Commission Recommendation: Implementation of the proposed site plan review modification will not cause negative architectural impacts to the subject landmark property. Carried 7-0]

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

- b. **SPECIAL EXCEPTION #12-2015** The application of a. Richard Sloane & Carolyn J. Sloane; relative to property commonly known as **1564 S. Ocean Blvd.**, described as LAGOMAR PARK NO 2 SLY 89.25 FT OF LT 2 IN OR371 P21 & S 40 FT OF LT 2 A; located in the R-A Zoning District. The Applicant is requesting a special exception to allow two sliding gates (one at each entrance) on Lagomar Road (which is a cul-de-sac street) with a setback for the west gate of 7.5 feet and a setback for the east gate of 9.2 feet in lieu of the 18 foot minimum required. [Attorney: Jack McDonald, Esq.]

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

- c. **VARIANCE #10-2015** The application of Reinhard and Claudia Brandner; relative to property commonly known as **315 Eden Road**, described as the West 15.5 feet of Lot 41 and all of Lot 42, EDEN PROPERTIES, according to the plat thereof, recorded in Plat Book 18, Page 49, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The Applicant is requesting a variance to allow a 185 square foot master bedroom addition to the front of the house that would result in an angle of vision of 112 degrees in lieu of the 104 degree existing and maximum allowed in the R-B Zoning District. [Attorney: Maura Ziska, Esq.]
[Architectural Commission Recommendation: Implementation of the variance will not cause negative architectural impacts to the subject property. Carried 7-0]

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

- d. **VARIANCE #11-2015** The application of Paul and Elizabeth Shiverick; relative to property commonly known as **670 Island Road**, described as Lot 68, and that part of Lot 66 described and bounded as follows: bounded on the south by the south of said lot 66; on the north by a line parallel to and 15 feet north of, measured at right angles to, the south boundary; on the west and east by the west and east boundaries respectively of

said lot 66; said lot 68 and said lot 66 being shown and designated on the plat of Lone Cabbage Island Development (renamed as Everglades Island) on file and of record in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida, in Plat Book 18, Page 31; located in the R-B Zoning District. The Applicant is requesting a variance to allow the newly installed generator to be 8 feet above the adjacent neighbor's grade which does not meet the requirement that a generator needs to be screened by a three sided wing wall of the same height when the maximum wall height allowed is 7 feet. The generator exceeds the wall height by 1 foot; and, a variance to allow the existing 7 foot tall wall to remain at a height of 7 feet and not fully screen the newly installed generator by 1 foot as required by code. [Attorney: Maura Ziska, Esq.]

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

- e. **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]

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

3. Other

- a. 3-Strike Parking Violation
7 Lagomar Road

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

IX. ORDINANCES

A. Second Reading

- 1. **ORDINANCE NO. 13-2015** 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 VI, District Regulations, Section 134-1107(a) To Allow Public Parks As A Permitted Use In The C-TS Commercial Zoning District; Section 134-1109(a) To Allow Private Parks As A Special Exception Use In The C-TS Commercial 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 and Building

X. ANY OTHER MATTERS

XI. 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.