



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 10, 2017

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
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. PUBLIC HEARINGS

- A. RESOLUTION # 59-2017 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 **228 Seaspray Avenue** 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 & Building

VIII. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. SPECIAL EXCEPTION #6-2017 The application of Sant Ambroeus (Dimitri Pauli); relative to property commonly known as **340 Royal Poinciana Way, Ste. 304**, described as lengthy legal description on file; located in the C-PC Zoning District. Special Exception 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

2. SPECIAL EXCEPTION #8-2017 The application of Hillstone Restaurant Group (The Palm Beach Grill and The Honor Bar in Palm Beach Grill); relative to property commonly known as **340 Royal Poinciana Way, Ste. 336**, described as lengthy legal description on file; located in the C-PC Zoning District. Special Exception 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

3. 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. 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 deferred the project to the May 24, 2017 meeting. Carried 7-0] **Request for Deferral to the June 14, 2017, Town Council Meeting Per Letter Dated April 28, 2017 from David E. Klein**

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

- b. **SPECIAL EXCEPTION #29-2016 WITH SITE PLAN REVIEW AND VARIANCES** The application of Gregory Fisher; relative to property commonly known as **320 Seabreeze Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a special exception with site plan review to allow the construction of a 2,713 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 variances are being requested. To allow a 6 foot east side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot west side yard setback for the one story portion in lieu of the 12.5 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 5-2] [Architectural Commission approved the project as presented. Carried 5-2]

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

- c. **SITE PLAN REVIEW #1-2017** The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the project to the June 28, 2017 meeting. Carried 7-0] **Request for Deferral to the July 12, 2017, Town Council Meeting Per Letter Dated May 2, 2017 from Maura A. Ziska.**

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

- d. **SITE PLAN REVIEW #2-2017** The application of JDC Florida

Properties LLC (Stuart Kapp, Manager); relative to property commonly known as **12 Via Vizcaya**., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 6,958 square foot two-story, single family residence on a non-conforming platted lot which is 15,102 square feet in area in lieu of the 20,000 square foot minimum area required; 106.67 in width in lieu of the 125 foot minimum required; and 100.17 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the June 28, 2017 meeting. Carried 7-0] **Request for Deferral to the July 12, 2017, Town Council Meeting Per Letter Dated May 2, 2017 from Maura A. Ziska.**

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

2. New Business

- a. **VARIANCE #12-2017** The application of 202 Onondaga, LLC; relative to property commonly known as **202 Onondaga Ave.**., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting approval to demolish greater than fifty percent (50%) of the existing cubic footage by taking off existing roof trusses and adding a second story addition with a pitched roof. The following variances are being requested: a) an east side yard setback of 11.8 feet in lieu of the 15 foot minimum required for the proposed second story addition, b) a west side yard setback to remain of 9.8 feet in lieu of the 12.5 foot minimum setback required for the one story portion to remain as existing. [Attorney: Francis X. J. Lynch, Esq.] [Architectural Commission Recommendation: The proposed project can be designed in an architecturally suitable manner which conforms to our code of ordinances without the need for a variance. Carried 5-2]

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

- b. **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.]

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

- c. **VARIANCE #14-2017** The application of Waterfront Properties, Inc.; relative to property commonly known as **333 Peruvian Ave., Ste. #1**, described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a variance to permit the operation of a real estate office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this

situation. The Applicant is assuming the existing lease and proposes to change the use from a yacht brokerage office to a real estate brokerage office. The proposed use does not meet the special exception uses requirement in Section 134-1109 (18) that there are at least 50% existing office uses on all floors in the building or the requirement that there are more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Attorney: M. Timothy Hanlon, Esq.]

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

- d. **VARIANCE #15-2017** The application of 3200 Washington, LLC; relative to property commonly known as **1055 N. Ocean Blvd.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing to modify the existing one-story house by adding a 4,665 square foot second story pitched roof addition and adding a pitched roof and loggia element onto the existing one story portions of the house that are to remain. The following four variances are being requested in order to accomplish this: 1) A south side yard setback ranging from 7.4 feet to 9.9 feet in lieu of the 15 feet minimum setback required to add the pitched roof onto the one story south wing of the house and the second story addition; 2) A north side yard setback ranging from the 5.1 feet to 8 feet in lieu of the 15 foot minimum setback required to add the pitched roof and loggia onto the one story north wing of the house and the second story addition. Both sides are proposed to have 2 foot overhangs for the pitch roof which is allowed by code. [Attorney: Joel P. Koeppel, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject property and the proposed project can be designed in an architecturally suitable manner which conforms to our Code of Ordinances without the need for a variance. Carried 5-2]

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

- e. **VARIANCE #16-2017** The application of Harvey E. Oyer, Esq., on behalf of the Paramount Church, Inc.; relative to property commonly known as **139 N. County Rd.**, described as lengthy legal description on file; located in the CT-S Zoning District. The applicant is requesting the approval of a sign variance to replace the existing Paramount sign with an identical business sign of the same size, height, number of bulbs, color, appearance and location. The following variance is requested: To increase the maximum gross surface area for a business sign for the Paramount Theatre to 156.20 square feet in lieu of the 20 square feet maximum as required by code. A requested variance of 136.20 square feet. [Attorney: Harvey E. Oyer, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the

subject landmarked property. Carried 7-0]

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- f. **SPECIAL EXCEPTION #10-2017 WITH SITE PLAN REVIEW AND VARIANCES** The application of Gregory and Valerie Frost; relative to property commonly known as **1430 N. Ocean Blvd.**, described as lengthy legal description on file; located in the R-B/B-A Zoning District. The applicant is requesting a special exception with site plan review to allow construction of a 164.5 square foot beach cabana that requires the following variances: 1) To construct a 164.5 square foot beach cabana that is on a lot with frontage of 90.52 feet in lieu of the 100 foot required, 2) To allow the beach cabana to have a west setback of 4.37 feet from the property line in lieu of the 10 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the 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]

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- g. **SPECIAL EXCEPTION #11-2017 WITH SITE PLAN REVIEW** The application of Style Bar (Ngoc Bich Thi Nguyen); relative to property commonly known as **2875 S. Ocean Blvd.**, described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a special exception with site plan approval pursuant to Condition #2 in the original 1980 approval to construct the existing building on the subject property (Special Exception #25-80). The condition requires any use other than an office and professional services to obtain Town Council approval. This request is to allow a nail salon ('Style Bar Day Spa') totaling 779 square feet to operate in Suite 108. [Attorney: Maura Ziska, Esq.]

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- h. **SPECIAL EXCEPTION #12 -2017 WITH SITE PLAN REVIEW** The application of Paul N. Leone, Chief Executive Officer of The Breakers Palm Beach, Inc.; relative to property commonly known as **1 S. County Rd.**, described as lengthy legal description on file; located in the PUD-A Zoning District. The applicant is requesting a special exception with site plan approval for the construction of a new retail shop in The Palm Court. The shop, called Mary Lily's, will sell primarily ice cream and candy. It will total 404 square feet, and will be constructed in the breezeway connecting The Palm Court and the porte-cochere at the main hotel entrance. The square footage for this business will bring the total overall commercial square footage in The Palm Court area to 10,062 and the total retail square footage to 7,565, and so will not cause the 10,700 overall commercial square footage or the 8,200 retail square footage approved in 1990 for The Palm Court area by Resolution No. 17-90 to be exceeded. This application also

requests special exception approval to expand the existing seafood restaurant and bar. Internal hotel space was reconfigured to allow an additional 1,781 square feet of space and 37 additional seats, for a total of 6,111 square feet and 177 seats. [Attorney: James M. Crowley, Esq.] [Landmarks 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

- i. **SITE PLAN REVIEW #3-2017** The application of Harvey E. Oyer, Esq., on behalf of The 2100 Condominium Association, Inc.; relative to property commonly known as **2100 S. Ocean Blvd.**, described as lengthy legal description on file; located in the PUD-B Zoning District. The applicant is requesting a site plan review to modify the vehicular drives west of both buildings and construct 22 surface parking spaces. There are currently 10 surface parking spaces in the north parking lot and 8 spaces in the south parking. The redesign will provide 12 spaces in the north lot and 10 in the south lot. A total of 4 additional spaces will be added. If approved, 2100 Sloan's Curve will provide a total of 219 off-street street parking spaces including those in the garages. [Attorney: Harvey E. Oyer, III, Esq.]

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

IX. ORDINANCES

A. Second Reading

1. **ORDINANCE NO. 12-2017** 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: At Article VI, District Regulations, Section 134-1353 By Eliminating The Reference To Permitted Uses, Section 134-1354 By Eliminating The Word "And"; And Creating Section 134-1355, Prohibited Activity, Requiring Permits For Landscape Activities; And, Prohibiting The Use Of Landscape Material For Allowing Or Promoting The Use Of Land For Other Than That Allowed By Special Exception Use Within 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

X. 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.