

TENTATIVE:
SUBJECT TO
REVISION



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 9, 2018

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
Danielle H. Moore, President
Margaret A. Zeidman, President Pro Tem
Julie Araskog
Lew Crampton
Bobbie Lindsay

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. RESOLUTIONS

- A. RESOLUTION NO. 49-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Revoking Ad Valorem Tax Exemptions For 330 Island Road Hereinafter Described And Stating That The Subject Property No Longer Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions"

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal
446 North Lake Way
Case # 054-2017
**Request for Deferral to the June 13, 2018, Town Council Meeting
Per Letter Dated May 1, 2018 from James K. Green**

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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: Frank Lynch, Esq.] [The Architectural Commission approved the project at the April 25, 2018 meeting. Carried 7-0]
- b. **Z-17-00047 VARIANCE(S)** Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at **224 S OCEAN BLVD**, legal description on file, is described below. Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The

Architectural Commission denied this project at the January 24, 2017 meeting. Carried 7-0.] **Request for Withdrawal per Letter Dated April 20, 2018 from Jose Gonzalez**

- c. **Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 4-3. The Landmarks Commission deferred this project to the May 16, 2018 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the June 13, 2018 Town Council Meeting Per Letter Dated April 16, 2018 from Maura Ziska**
- d. **Z-17-00066 MODIFIED SITE PLAN REVIEW** Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front façade was too modern and fit into the area, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design.. They all agreed that accessibility at the entrance was necessary. The Architectural Commission deferred the project for one month to the May 23, 2018 meeting. Carried 6-1.]
- e. **Z-18-00073 SITE PLAN REVIEW** Zoning District: R B Low

Density Residential The application of PALAMAD LLC, Owner, relative to property located at **305 MADDOCK WAY**, legal description on file, is described below. Section 134 843(b) An application for a Site Plan Review to construct new two story 9,141 s.f. residence, swimming pool and pool cabana on a platted non conforming lot with a lot width of 25 feet in lieu of the 100 foot minimum required in the R-B Zoning District. [Applicant's Representative: Peter Broberg] [The Landmark Commission deferred this project to the June 20, 2018 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated April 5, 2018 from Peter Broberg**

- f. **Z-18-00084 VARIANCE(S)** The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission deferred the project for one month to the May 23, 2018 meeting. Carried 7-0.]

2. New Business

- a. **Z-18-00087 VARIANCE(S)** The application of KRAMER TONI H., Applicant, relative to property located at **211 TANGIER AVE**, legal description on file, is described below. A request to enclose the existing 211 sq. foot loggia (that was constructed to remain unenclosed when originally built in 2007) that would require the following variance: 1) A cubic content ratio of 4.25 in lieu of the 4.12 existing and the 3.93 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the April 25, 2018 meeting. Carried 7-0.]
- b. **Z-18-00088 VARIANCE(S)** The application of SBP HOMES, LLC (JAMES HOFFMAN), Applicant, relative to property located at **202 PHIPPS PLZ**, legal description on file, is described

below. Request for a variance to allow a 1,108 square foot office for a general contractor ("SBP Homes LLC") on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska Esq]

- c. **Z-18-00089 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The application of PALM BEACH COUNTRY CLUB INC. (STEVEN BIELSKY, MANAGER), Applicant, relative to property located at **760 N OCEAN BLVD SUITE: GOLF COURSE**, legal description on file, is described below. A request for Special Exception Approval with Site Plan Review to allow construction of two (2) golf course bunker complexes using existing drainage systems at Fairways 1 and 3 of the Palm Beach County Country Club golf course. [Applicant's Representative: Maura Ziska Esq]
- d. **Z-18-00090 VARIANCE(S)** The application of MIRSKY REALTY GROUP, LLC (NORMA MIRSKY, MANAGER), Applicant, relative to property located at **220 SUNRISE AVE SUITE: 101**, legal description on file, is described below. Section 134-1107(2): A request for a variance to allow a real estate brokerage office to occupy a 972 square foot space on the first floor, which is not permitted by Code as it does not meet the special exception requirement that there are at least 50% existing office uses on all floors of the building and 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Applicant's Representative: David E. Klein Esq]
- e. **Z-18-00091 VARIANCE(S)** The application of SEASPRAY COURT HOLDINGS LLC (JOSEPH MEYER, MANAGER), Applicant, relative to property located at **137 SEASPRAY AVE**, legal description on file, is described below. Applicant is proposing to construct 240 square feet of one and two story additions which the bulk of the square footage includes a bay window on the north side of the kitchen and extending the loggia between the main house and guest house. Also proposed is a swimming pool. The following variances are being requested: 1) a cubic content ratio ("CCR") of 6.9 in lieu 6.6 existing and the of the 4.2 maximum allowed in the R-B Zoning District for a lot that is 7,962 feet in area. 2) a lot coverage of 35.3% in lieu of the 34.6% existing and the 30% maximum allowed in the R-B Zoning District for a two story residence. 3) a west side yard setback of 14 inches in lieu of the 10 foot minimum required for a swimming pool. 4) a rear yard setback of 4.1 feet in lieu of the 10 foot minimum required for a swimming pool. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject

property. Carried 7-0.]

- f. **Z-18-00093 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The application of PALM V ASSOCIATES LIMITED PARTNERSHIP(BURT HANDELSMAN), Applicant, relative to property located at **240 WORTH AVE SUITE: 200**, legal description on file, is described below. Site Plan Review with Special Exception is being requested to make modifications and improvements to the southeast area of the courtyard (Unit 200) by reconstructing an exterior staircase to access the second floor and roof which will require the following variances: 1) Lot coverage of 79.1% in lieu of the 78.7% existing and the 35% maximum allowed in the C-WA Zoning District; and 2) Rear yard setback of 4.9 feet in lieu of the 10 foot minimum required in the C-WA Zoning District. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property with the condition that extra extension to the roof is removed. Carried 7-0.]
- g. **Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The application of 916 SOUTH OCEAN BOULEVARD LLC (BRIAN STOCK, MANAGER), Applicant, relative to property located at **916 S OCEAN BLVD**, legal description on file, is described below. 1. 134-227 and 134-1474. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 2. 134-843(a)(7) and 134-843(a)(10). Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 17.4 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon Esq] [The Architectural Commission deferred the project to the May 23, 2018 meeting. Carried 7-0.] **Request for Deferral to the June 13, 2018 Town Council Meeting Per Letter Dated May 1, 2018 from M. Timothy Hanlon**
- h. **Z-18-00095 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The application of PARC REGENT CONDOMINIUM (PAULA GOTTLIEB, MANAGER), Applicant, relative to property located at **184 BRADLEY PL SUITE: SITE**, legal description on file, is described below. The Parc Regent Condominium Association is requesting site plan approval and variances for the following improvements: 1) Request a variance to reconstruct the existing dock with a length of 243 feet from land in lieu of the 150 foot maximum allowed; 2) Request variances to enlarge a 36 square foot electrical building

to 112 square feet (additional 76 s.f.) to convert a 2 Phase to 3 Phase service which will result in: (i) a side yard setback of 24.37 in lieu of the 30 foot minimum required; and ii) a rear yard setback of 17.24 in lieu of the 30 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the April 25, 2018 meeting. Carried 7-0.]

3. Other

- a. Proposed Zoning Text Amendment Application from Maura Ziska to Consider a Zoning Text Change which would include the C-B Zoning District to the List of Commercial Districts which are allowed to Request Supplemental Off-site Shared Parking by Special Exception

IX. ANY OTHER MATTERS

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.