



**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

APRIL 13, 2016

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
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Bobbie Lindsay
Danielle H. Moore
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF AGENDA

VIII. PUBLIC HEARINGS

- A. **RESOLUTION NO. 57-2016** 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 **215 Garden Road** 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

IX. RESOLUTIONS

- A. **RESOLUTION NO. 58-2016** A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For **330 Island Road**, And Stating That The Subject Property 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."

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

- B. **RESOLUTION NO. 59-2016** A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For **350 Worth Avenue**, The Everglades Club (Main Hall Foundation Renovation) And Stating That The Subject Property 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."

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

X. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction per Town Code Chapter 18, Section 18-237, 1071 N. Ocean Boulevard

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #8-2015 WITH VARIANCE** The application of 201 Debra Lane, LLC (Juan M. Naveja Diebold, Manager); relative to property commonly known as **201 Debra Ln.**, described as lengthy legal description on file; located in the R-B Zoning Districts. The Applicant seeks Site Plan approval to construct a 3,814 square foot two story home on a platted lot that is 98.55 feet deep in lieu of the 100 foot minimum required and 91.61 foot wide in lieu of the 100 foot minimum required. A variance is requested to permit installation of a pool in the street side yard with a setback of 6.25 feet in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon] [Architectural Commission Recommendation: Deferred the project to the April 27th meeting. Carried 7-0.]

Deferred from the December 9, 2015, January 13, 2016, February 10, 2016, and March 9, 2016, Town Council Meetings.

Request for Withdrawal Per Letter Dated April 4, 2016, from M. Timothy Hanlon.

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

- b. **SPECIAL EXCEPTION #08-2016 WITH SITE PLAN REVIEW AND**

VARIANCES The application of 280 NCR, LLC; relative to property commonly known as **280 N. County Rd.**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with site plan review to allow the construction of a 7,205 square foot two-story single family residence on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following three variances are being requested: to construct a two-story house with a second story street side yard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required; to construct a two-story house with an angle of vision of 133 degrees in lieu of the 116 degrees maximum allowed; and, to construct a two story addition with a second story street side yard setback (east side of the property) of 20 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Attorney: Guy Rabideau, Esq.]

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

Deferred from the March 9, 2016, Town Council Meeting.

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

c. **SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW AND VARIANCES**

The application of Robert and Denise Benedickson; relative to property commonly known as **222 Seaspray Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish an existing 2,444 square foot residence with a 800 square foot garage and build it back in the same location with a proposed total square footage of 3,802 on a non-conforming platted lot which 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 minimum required in the R-B Zoning District. The following variances are being requested: to allow a west side yard setback of 11.33 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for a one story section of the house; to allow a west side yard setback of 8.33 feet in lieu of the 12.5 foot minimum required for the proposed covered entry for the front door; to allow an east side yard setback of 9.67 feet in lieu of the 15 foot minimum required for the proposed second story of the house; and to allow a lot coverage to be 31% in lieu of the 30% maximum allowed; to allow a cubic content ratio to be 6.11 in lieu of the 4.38 maximum allowed. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Denied deferral request by the applicant and removed the item from the agenda. Carried 5-2 with Messrs. Gruss and Sammons opposed.]

Deferred from the February 10, 2016, and March 9, 2016, Town Council Meetings.

Request for Withdrawal Per Letter Dated March 24, 2016 from Maura A. Ziska.

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

2. New Business

- a. **SPECIAL EXCEPTION #09-2016 WITH SITE PLAN REVIEW** The application of Patrick and Lisa McGowan; relative to property commonly known as **250 Esplanade Way**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review to allow the construction of a 3,700 sq.ft. two-story, single family residence on a portion of a platted lot which is 88 feet in width in lieu of the 100 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred the project to the April 27th meeting. Motion carried 7-0.]

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

- b. **VARIANCE #03-2016** The application of Hunter and Melissa Beebe; relative to property commonly known as **1050 No. Ocean Blvd.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant's property is bounded by three streets: North Ocean Blvd., Via Marila and Laurian Ln. The property is 33,598 sq ft in total and is two platted buildable lots. The applicant has no immediate plans to divide the property but wants to build on the west half with a residence that would meet code as if it was a single lot (except for the accessory structures proposed on the east half which includes a swimming pool, deck and one story cabana). In order to achieve this plan, the following variances are being requested: a west side setback of 15.08 feet in lieu of the 28 foot minimum required for a lot with a width of 201.06 feet, and, a rear street yard setback of 15.2 feet for the garage and 18.7 feet for the playroom in lieu of the 35 foot minimum required for a lot in excess of 20,000 sq.ft and with a depth of 164.81 feet. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed west side yard variance will cause negative architectural impacts to the subject property. Carried 4-3 with Messrs. Sammons, Small and Ives opposed. Implementation of the proposed rear variance will not cause negative architectural impacts to the subject property. Carried 5-2 with Mr. Sammons and Ms. Grace opposed.]

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

- c. **VARIANCE #05-2016** The application of Joseph and Susan Meyer; relative to property commonly known as **225 Seaspray Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to demolish a 706 sq. ft. one story guest house in the rear of the landmarked property and construct a new 819 square foot two story garage addition to the main house in the same general location. The following variances are being requested: a rear yard setback of 4.5 feet in lieu of the 1.1 foot existing setback and the 15 foot minimum required in the R-b Zoning district for a two story structure; and, a west side yard setback of 7 feet in lieu of the 6.31 existing setback and the 15 foot minimum required for a two story structure. [Attorney: Maura Ziska] [Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to

the subject landmarked property. Carried 5-2 with Mr. Silvin and Ms. Hufty opposed.]

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

3. Other

- a. Proposed Declaration of Use Agreement for Royal Poinciana Plaza Related to Special Exception #6-2016, Proposed Sant Ambroeus Restaurant, 340 Royal Poinciana Way

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

- b. **VARIANCE #04-2016** The application of Blossom Way Holdings, LLC; relative to property commonly known as **Blossom Way**, described as lengthy legal description on file; located in the R-AA Zoning District. A request for a variance in conjunction with a proposed partial abandonment of the Blossom Way cul-de-sac. The proposed partial abandonment would relocate the cul-de-sac to the north of its existing location and is proposed to have a radius of 40 feet in lieu of the 50 foot minimum required. [Attorney: Maura Ziska, Esq.]

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

- (i) Subdivision Modification-Request by Maura Ziska, Attorney for Blossom Way Holdings, LLC, Property Owner for Lots 104, Replat of Blossom Estate Subdivision, to Approve a Proposed Sixth Amendment to the Blossom Estate Subdivision Agreement

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

- (ii) **RESOLUTION NO. 45-2016** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating, Abandoning, and Rededicating a Portion of an Existing Private Right-of-Way Known as Blossom Way, in the Town of Palm Beach, Florida.

H. Paul Brazil, P.E., Director of Public Works

XI. ORDINANCES

A. Second Reading

- 1. **ORDINANCE NO. 4-2016** 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 IV, Nonconformities, Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134-446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134-893, Lot, Yard And Area Requirements-Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134-948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be

Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134-1729, Generators And Swimming Pool Equipment, To Require A Concrete Block Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete Block Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134-2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front-Lit Signs From The Special Exception Requirement; 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

XII. ANY OTHER MATTERS

XIII. 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: 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.