



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 12, 2017

9:45 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. RECOGNITIONS

IV. PRESENTATIONS

- A. Palm House Receiver's Request for an Extension of the Conditional Abatement Conferred in December 2016
John S. Page, Director of Planning, Zoning & Building

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VIII. APPROVAL OF AGENDA

IX. PUBLIC HEARINGS

- A. RESOLUTION NO. 55-2017 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 210 Dunbar 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

- B. RESOLUTION NO. 56-2017 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 125 Australian 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

X. RESOLUTIONS

XI. DEVELOPMENT REVIEWS

A. Appeals

B. Time Extensions and Waivers

1. Request for One Year Time Extension, Variance No. 3-2016, 1050 North Ocean Boulevard

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

C. 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 April 26, 2017 meeting. Carried 7-0] **Request for Deferral to the May 10, 2017, Town Council Meeting Per Letter Dated March 24, 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 deferred the Project to the April 26, 2017 meeting. Carried 7-0] **Request for Deferral to the May 10, 2017, Town Council Meeting Per Letter Dated March 28, 2017 from Maura Ziska.**

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

- c. SPECIAL EXCEPTION #30-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach (Tom Bradford, Town Manager); relative to property commonly known as **340 Seaview 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 to approval to allow a new two-story 33,810 square foot Recreation Center for the Town of Palm Beach that will include a new athletic field, parking lot, gymnasium, tennis pro shop, multi-purpose room, fitness center with locker rooms, concession area, classrooms, offices and new maintenance building, new tennis backboard, new scoreboard. A second special exception request is to allow for a rebound wall to be constructed on the north side of the new maintenance building. The following variances are being requested in order to construct the new community center: 1) A west side yard setback of 10 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 2) A north side yard setback of 8 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 3) A street rear yard setback for the new parking lot on Royal Palm Way of 4 feet in lieu of the 35 foot minimum required for properties that are in excess of 20,000 square feet;

4) an east side yard setback of 4 feet in lieu of the 30 foot minimum required for the new parking lot on Royal Palm Way for properties that are in excess of 20,000 square feet; 5) a height of 27 feet in lieu of the 22 foot maximum allowed; 6) an overall height of 35 feet in lieu of the 30 foot maximum allowed; 7) a vertical distance to the top of beam of 30.75 feet in lieu of the 26 foot maximum distance allowed from the crown of street to top of beam; 8) landscaped open space of 43% in lieu of the 55% minimum required for properties that are in excess of 20,000 square feet; 9) parking lot interior landscaped open space of 5% in lieu of the 10% minimum required; 10) to allow signage on the proposed scoreboard which would exceed the maximum signage allowed (of one for each street frontage); 11) to allow three (3) air-conditioning units to be on the roof that is in excess of the 4 foot maximum allowed. The proposed A/C units will be 5 feet tall plus the height of the stand. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property with existing parking or Option B. Carried 4-3] [Architectural Commission conditionally approved the project. The condition of the approval was to make changes to the interior of the building and to bring materials back for consideration. Carried 4-3]

TIME CERTAIN 11:00 A.M.

a) Funding Update and Cash Flow Analysis

b) Approval of Updated Donor Opportunities List

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

- d. SPECIAL EXCEPTION #5-2017 The application of 305 Concepts, LLC ("Coyo Taco"); relative to property commonly known as 340 Royal Poinciana Way, Ste. 337A, described as lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting a special exception approval to operate a 3,260 square foot (196 square feet of open standing area, 2,103 square feet of dining and taqueria, and 961 square feet of support), 80 seat restaurant, which will feature Mexican cuisine. The proposed restaurant will be located in the southwest corner of the Royal Poinciana Plaza (formerly "Edwards" salon). The proposed hours of operation are as follows: Sunday through Thursday – Lunch and Dinner – 11 a.m. to 1 a.m. Friday and Saturday – Lunch and Dinner – 11 a.m. to 2 a.m. The existing 2,130 square foot retail space attributed to seating accounts for only 7 parking spaces. The subject tenant space can only support 21 seats based on the off-street parking requirements and principle of equivalency determination. The special exception request is also to allow the transfer of 59 seats grandfathered from the former McCarty's restaurant in the Plaza to this proposed

restaurant. This would leave a maximum of 92 seats that could be used at the former McCarty's restaurant tenant space. [Attorney: Maura Ziska, Esq.] Special Exception was conditionally approved on March 15, 2017. **Consideration of Proposed Declaration of Use Agreement incorporating conditions of approval now pending.**

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

2. New Business

- a. 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. The applicant is requesting a special exception with site plan approval to allow twenty (20) seats to be shifted from inside Sant Ambroeus and relocated around the fountain for outdoor dining when weather permits. The proposed restaurant is located in the northeast corner of the Plaza and the outdoor dining will be adjacent to the restaurant on the newly created patio around the east fountain. The outdoor dining will share the same hours as the restaurant: Sunday through Thursday – Breakfast, Lunch and Dinner – 8 a.m. to 10 p.m., Friday and Saturday – Breakfast, Lunch and Dinner – 8 a.m. to 11 p.m. [Attorney: Maura Ziska, Esq.] [Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject landmarked property. Carried 7-0]

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

- b. SPECIAL EXCEPTION #7-2017 WITH SITE PLAN REVIEW The application of Palm Beach Country Club, Inc. (Steven Bielsky, Manager); relative to property commonly known as **760 N. Ocean Blvd**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a special exception approval with site plan review to allow construction of an 87 square foot security booth located at the southernmost entrance to the Palm Beach County Country Club on North Ocean Boulevard. [Attorney: Maura Ziska, Esq.]

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

- c. 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. The applicant is requesting a special exception approval to expand the existing restaurant "Palm Beach Grill" by 1,596 square feet, which will increase the total restaurant square footage to 8,596 square feet and add 55 seats. The expansion will be in adjacent tenant space to the east and will be a separate concept called "The

Honor Bar @ Palm Beach Grill”. This is an existing concept which focuses on creating a casual, intimate space with high quality food. The proposed expansion to the restaurant will operate lunch and dinner service as follows: Sunday through Thursday – Lunch and Dinner – 11 a.m. to 11 p.m., Friday and Saturday – Lunch and Dinner – 11 a.m. to 1 a.m. The existing 1,596 square foot retail space that will be converted into restaurant space attributed to 5 parking spaces (1 parking space per 300 SF of GLA). The subject tenant space can only support 15 seats based on the off-street parking requirement (1 space per 3 seats) and principle of equivalency determination. The special exception request is also to allow the transfer of 40 seats grandfathered from the former McCarty’s restaurant in the Royal Poinciana Plaza to The Honor Bar @ Palm Beach Grill. This transfer will leave a maximum of 52 seats that could be used at the former McCarty’s restaurant tenant space. [Attorney: Maura Ziska, Esq.]

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

- d. 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. The applicant is requesting a special exception with site plan approval to allow a private club “Old Guard Society of Palm Beach” to operate at 165 Bradley Place in the C-TS Zoning District. The Old Guard has been in existence for 99 years and is open for lunch daily from noon until 2:30 p.m. Monday through Saturday. The club does not service dinner but has occasional special events at night. The club is town serving as over 50% of the members are “townspeople”. A variance is being requested for parking spaces for 100 members which would require 25 parking spaces and only 15 parking spaces are provided pursuant to the principle of equivalency calculation. [Attorney: Maura Ziska, Esq.]

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

- e. VARIANCE #10-2017 The application of Leo and Kathryn Vecellio; relative to property commonly known as **120 Jungle Rd.**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing to demolish and rebuild a 2 story 677 square foot garage and add 227 square feet to the first floor and 428 square feet to the second floor. This will require a variance request to match the existing building height of 27.4 feet in lieu of the 25-foot maximum allowed. [Attorney: Maura Ziska, Esq.]

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

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 2-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach's Comprehensive Plan By Amending Policy 2.3.1 By Changing The Town-Serving Threshold Requirement For Businesses Within The Commercial Planned Center (C-PC) Zoning District From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

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

2. ORDINANCE NO. 3-2017 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, By Modifying Sections 134-1257, Permitted Uses And 134-1259, Special Exception Uses In The C-PC Zoning District, To Increase The Maximum Gross Leasable Area Of Commercial Uses To Demonstrate Town-Serving From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; 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

3. ORDINANCE NO. 8-2017 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, At Article VI, District Regulations, Sections 134-1107, 134-1157, 134-1207 And 134-1302, Permitted Uses, By Conditionally Allowing Storage Facilities In The C-TS, C-WA C-OPI And C-B Commercial Zoning Districts Related To Permitted Or Special Exception Uses In The Same Zoning District In Which The Storage Facility Is To Be Located; By Creating A New Section 134-1760 Which Provides For Conditions In Which Said Storage Facility Is Permitted; 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

A. First Reading

1. Request to Consider Ordinance No. 12-2017 Prior to 5:00 p.m. at a Public Hearing

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

2. 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

XIII. ANY OTHER MATTERS

- A. A Closed-Door executive session of the Town Council of the Town of Palm Beach has been called for Wednesday, April 12, 2017, to begin immediately following the conclusion of the special Town Council meeting close-door session of this date, in Town Hall, 360 South County Road, Palm Beach, Florida, for the purpose of discussing collective bargaining issues between the Town of Palm Beach and the IAFF Local 2928, pursuant to Section 447.065 of the Florida Public Employees Relations Act.

Thomas G. Bradford, Town Manager

XIV. 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.