

# TOWN OF PALM BEACH

Minutes of the Town Council Meeting Held on December 13, 2017

1 2	l.	CALL TO ORDER AND ROLL CALL
3		The Town Council meeting was called to order on Wednesday, December 13,
4		2017 at 10:15 A.M.(immediately following an LPA meeting), in the Town Council
5		Chambers. On roll call, all of the elected officials were found to be present.
6		
7	II.	INVOCATION AND PLEDGE OF ALLEGIANCE
8 9 10		Deputy Clerk Ruderman gave the invocation. Council President Kleid led the Pledge of Allegiance.
11 12 13	III	COMMENTS OF MAYOR GAIL L. CONIGLIO - None
14	IV.	COMMENTS OF TOWN COUNCIL MEMBERS - None
15		
16	V.	COMMUNICATIONS FROM CITIZENS
17		
18		Alexander Ives, 237 Jamaica Lane, expressed his concern that there was no
19		explanation for Town Manager Bradford's dismissal which took place at the Town
20		Council meeting of the previous day. He asked that the Town Council reconsider
21		that decision.
22 23		Rene Silvin, Australian Avenue, shared his experience of The Institute of Classic
23 24		Architecture and Art's recent visit to Palm Beach. He thanked the Council for its
25		work in balancing historic preservation and modernization.
26		3 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
27	VI.	APPROVAL OF AGENDA
28		
29		The following changes were made to the agenda:
30		DEFERRALS: The following items were deferred to the January 10, 2018, Town
31		Council meeting:
32		- Item No. VIII.A.1.a. Site Plan Review #1-2017
33 34		- Item No. VIII.A.2.a., Z-17-00020 Special Exception With Site Plan Review
35 36		DEFERRALS: The following items were deferred to the February 14, 2018, Town Council meeting:

- Item No. VIII.A.1.b., Variance 21-2017 1 - Item No. VIII.A.1.c., Z-17-00034 2 - Item No. VIII.A.2.c., Z-17-00042 3 - Item No. VIII.A.2.h., Z17-00047 4 5 WITHDRAWN: 6 - Item No. VIII.A.2.b., Z-17-00031 7 8 9 Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve the agenda, as amended above. On roll call, the motion carried 10 unanimously. 11 12 Deputy Clerk Ruderman swore in all those who would be providing testimony. 13 14 VII. PUBLIC HEARINGS 15 16 RESOLUTION NO. 210-2017 A Resolution Of The Town Council Of The 17 Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming 18 The Determination Of The Landmarks Preservation Commission That The 19 Property Known As 142 Seaspray Avenue Meets The Criteria Set Forth In 20 Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of 21 Ordinances Of The Town Of Palm Beach; And Designating Said Property As 22 A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also 23 Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town 24 Of Palm Beach. 25 26 Director Page summarized the actions of the Landmarks Preservation 27 Commission. 28 29 Landmark Consultant, Emily Stillings of Murphy Stillings, LLC., provided 30 further details pertaining to the property. 31 32 Motion was made by Council Member Araskog, and seconded by President Pro Tem 33 Moore, that the Designation Report become part of the record. On roll call, the motion 34 carried unanimously. 35 36 Motion was made by Council Member Lindsay, and seconded by Council Member 37 38 Araskog, to approve Resolution No. 210-2017 approving the landmark. On roll call, the motion carried unanimously. 39 40 B. RESOLUTION NO. 211-2017 A Resolution Of The Town Council Of The 41 Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming 42 The Determination Of The Landmarks Preservation Commission That The 43

Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 315 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

44

45

46

Known As Chapter 54. Article IV Of The Code Of Ordinances Of The Town 1 Of Palm Beach. 2 3 Director Page summarized the actions of the Landmarks Preservation 4 Commission. 5 6 Landmark Consultant, Janet Murphy of Murphy Stillings, LLC, provided 7 further details pertaining to the property. 8 9 Motion was made by Council Member Araskog, and seconded by President Pro Tem 10 Moore, that the Designation Report become part of the record. On roll call, the motion 11 carried unanimously. 12 13 Anne Pepper, 333 Seaspray Avenue, expressed her pleasure with the landmark 14 15 designation. 16 Motion was made by Council Member Araskog, and seconded by President Pro Tem 17 Moore, to approve Resolution No. 211-2017 approving the landmark. On roll call, the 18 19 motion carried unanimously. 20 VIII. DEVELOPMENT REVIEWS 21 22 Variances, Special Exceptions, and Site Plan Reviews 23 24 1. **Old Business** 25 26 a. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart 27 Kapp, Manager); relative to property commonly known as 235 Via Vizcaya., 28 described as lengthy legal description on file; located in the R-A Zoning 29 District. The applicant is requesting a site plan review to allow the construction 30 31 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 32 minimum area required; 47.25 in width in lieu of the 125 foot minimum 33 required; and 97.58 feet in depth in lieu of the 150 foot minimum required. 34 [Attorney: Frank Lynch, Esq.] [The Architectural Commission denied the project 35 at the September 27, 2017 meeting. Carried 4-3] Request for Deferral to 36 January 15, 2018 Town Council Meeting per Letter Dated November 7, 2017 37 from Francis Lynch 38 Item deferred to the January 10, 2018 Town council meeting 39 b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to 40 41 property commonly known as 218 Miraflores Dr., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is 42 proposing to construct a 1,230 square foot second story addition on the west 43 side of the one story residence that will create two bedrooms, a gym and two 44 bathrooms. The following variances are being requested: 1) lot coverage of 45

33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west

side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the January 24, 2018 meeting. Carried 7-0.] Request for Deferral to February 14, 2018 Town Council Meeting per Letter Dated December 4, 2017 from Maura Ziska

## Item deferred to the February 14, 2018 Town council meeting

c. Z-17-00034 SITE PLAN REVIEW Zoning District: R B Low Density Residential. The application of SHULMAN ALAN L, Owner, relative to property located at 377 N LAKE WAY, legal description on file, is described below. Site Plan Review to allow the construction of a 7,465 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project to the January 24, 2018 meeting. Carried 7-0.] Request for Deferral to February 14, 2018 Town Council Meeting per Letter Dated December 4, 2017 from Maura Ziska

## Item deferred to the February 14, 2018 Town council meeting

#### 2. New Business

a. Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: CT-S Town-Serving Commercial. The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at 264 S COUNTY RD SUITE: SITE, legal description on file, is described below. PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 264 & 270 S COUNTY RD. 1. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the CT-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 118 seats, which is the same number of seats 264 Grill restaurant had. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m. 2. A request for a special exception to provide 68 night-time (after 5pm) supplemental off-site shared parking spaces at 230 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House. [Applicant's Representative: Maura Ziska Esq]

The following ex-parte communications were declared: Council Member Araskog had a meeting with Maura Ziska and Mr. Bickford who both advocated for the project. She also spoke to Rene Silvin who remains neutral. She spoke to Anne Pepper who is concerned about the parking. She spoke to Scott Snyder who supports the project and feels it would be good for the neighborhood. She received e-mails from Laurie Volk and her attorney who are against the project. She spoke to her father who said he did not feel that this is the right project for the Town and was concerned about traffic. She spoke to Jere Zenko who is concerned about parking. She received a phone call from Susan Meyer who resides on Seaspray and has concerns about the parking. She received a phone

1 2 3	call from Carol LeCates who has concerns about parking. She received a phone call from Todd Peters to advocate for the project. Dan Ponton asked if he would be offered the same consideration if this project were granted.
4 5 6	Council Member Lindsay had a meeting with Maura Ziska and Mr. Bickford who both advocated for the position of the project. She received a phone call from Mr. Quinn who advocated for the project.
7 8	Mayor Coniglio received a telephone call from her son asking questions about the project and she directed him to get information from the attorneys.
9 10	Council President Kleid met with Maura Ziska and Mr. Bickford who advocated for the project.
11 12 13	President Pro Tem Moore met with Maura Ziska, Mr. Bickford, and Mr. Snyder who advocated for the project. She also received an E-mail from Greer Presley advocating against the project.
14 15	Council Member Zeidman met with Maura Ziska and Mr. Bickford twice to review the plans and had in depth discussions about parking.
16 17	All council members have received letters and E-mails associated with this project that were included in their backup.
18 19 20 21	Attorney Ziska introduced Michael Bickford, of Gulfstream Road who shared a little of his background as a real estate developer and how he came about the concept of a private club. He also spoke about the history of the subject building, his vision for the Club, and his commitment to the neighborhood.
22	Attorney Ziska provided details of the project.
23	Architect Keith Spina provided additional details.
24	Engineer Adam Kerr of Kimley Horne provided information on traffic and parking.
25	Mr. Castro provided Staff comments.
26	Engineer Brian Mirson provided additional details about traffic and parking.
27	Discussion took place on traffic circulation and valet parking.
28	Tim Gannon, 1300 North Ocean Boulevard, spoke in favor of the project.
29 30	Rene Silvin, Australian Avenue, thinks that this is a great concept but he wants to hear the Town Council's thoughts.
31	Michael McCarty, 216 Oleander Avenue, spoke in favor of the project.
32	Dan Stanton, 214 Chilean Avenue, spoke in favor of the project.
33	Frances Webster Peters, spoke in favor of the project.
34	Edith Eglin, 201 Phipps Plaza, expressed concerns about the project.
35	Alex Hufty Griswold, 240 Monterey Road, spoke in favor of the project.
36	Anne Pepper, 333 Seaspray Avenue, expressed concerns about the project.

1	Scott Snyder, 209 Phipps Plaza, spoke in favor of the project.
2	Nicholas Mestanas, 429 Australian Avenue, spoke in favor of the project.
3	Michael Formica, 218 Phipps Plaza, spoke in favor of the project.
4	The Town Council recessed at 12:00 P.M. and reconvened at 12:10 P.M.
5 6 7	Attorney Eubanks, on behalf of John and Lory Volk, John Schaefer, Katherine Bryan and Bradley and Catharine Geist, provided his objections to granting this special exception.
8	Mr. Castro provided Staff comments.
9	Attorney Ziska responded to Attorney Eubanks comments.
10 11 12	Discussion took place on Florida Department of Transportation (FDOT) approval intensification of use, valet parking, crosswalk, and safety issues and the incompleteness of the application.
13 14 15	Captain Curtis Krauel spoke about this uniqueness of the potential pedestrian crosswalk and that the Palm Beach Police Department actions will be contingent upon FDOT approval.
16 17 18	Motion was made by Council Member Araskog to defer Z-17-00020 Special Exception With Site Plan Review until approval is received by the Florida Department of Transportation. Without a second, the motion was not considered.
19 20 21 22	Motion was made by Council Member Araskog to defer Z-17-00020 Special Exception With Site Plan Review until we have heard from FDOT that they will approve the crosswalk and the configuration on North County Road and Royal Palm Way. Without a second, the motion was not considered.
23 24 25	Architect Spina explained the importance that the applicant have some idea that this project is going to move forward. Appearing before the Landmarks Commission would be the next step.
26 27 28 29 30 31	Motion was made by President Pro Tem Moore, and seconded by Council Member Zeidman, to defer Z-17-00020 Special Exception With Site Plan Review for one month so that applicant can come back with answers to some of the questions that have been posed including: County traffic concurrency, safety issues, town serving documentation membership information, and application submission to FDOT. On roll call, the motion carried 4-1 with Council Member Araskog dissenting.
33	The Town Council recessed 1:20 P.M. and reconvened at 2:05 P.M.
34	Deputy Clerk Ruderman swore in those who would be providing testimony.
35 36 37 38 39	b. <u>Z 17 00031 VARIANCE(S)</u> Zoning District: R A Estate Residential The application of SOLIMINE EMIL &, Owner, relative to property located at 830 S OCEAN BLVD, legal description on file, is described below. A variance request to allow the construction of a 590 square foot two story infill addition for two

existing and the 25% maximum allowed. [Applicant's Representative Maura Ziska Esq] Request for Withdraw per Letter Dated October 25, 2017 from Maura Ziska.

3 4

1

2

#### Item was withdrawn

5 6 7

8

9

10

11

12

13

14

15

16

17

18 19

20

21 22

23

c. Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at 1700 S OCEAN BLVD, legal description on file, is described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application: 1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the January 24, 2017 meeting. Carried 6-0 with all in favor.] Request for Deferral to February 14, 2018 Town Council Meeting per Letter Dated December 4, 2017 from Maura Ziska

2425

26

## Item was deferred to February 14, 2018 Town council meeting

39

40

41

42

43

44

45

46

47

48

d. Z-17-00043 VARIANCE(S) Zoning District: R-B Low Density Residential. The application of HORGEN JAY C &, Owner, relative to property located at 322 CLARKE AVE, legal description on file, is described below. The subject property is 33,082 square feet in total area. The applicant is requesting a variance to split the lot which would result in one lot with 85 feet of frontage on Clarke Avenue in lieu of the 100 foot minimum width required in the R-B Zoning District. The two resulting lots would have the following areas: 310 Clarke Avenue (east lot) -15,198 square feet; and 322 Clarke Avenue (west lot) - 17,883 square feet. Both parcels would exceed the minimum area requirement in the R-B Zoning District, which is 10,000 square feet. All improvements will be removed from 310 Clarke Avenue and the following variances are being requested in order to split the properties and return 322 Clarke Avenue back to its previous condition: 1. To have an east side yard setback for the main house of 8 feet in lieu of the 15 foot minimum required in the R-B Zoning District; 2. To have an east side yard setback for the guest house/garage of 5.9 feet in lieu of the 15 foot minimum required in the R-B Zoning District; 3. To have a cubic content ratio of 4.55 in lieu of the 3.92 maximum allowed; 4. To have a landscaped open space in the front vard of 29.2 % in lieu of the 40 % minimum required, 5. To allow the two story detached garage to remain on 322 Clarke Avenue once the lot is split and becomes less then 20,000 square feet, which would only allow a one story accessory structure with a I 5 foot height. [Applicant's Representative: Maura Ziska Esq] [Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the landmark

property with the caveat to improve the variance for the landscape open space conditions in the front of the property. Carried 7-0.]

The following ex-parte communications were declared. Council President Kleid spoke to Maura Ziska who advocated the position of her client. President Pro Tem Moore had a conversation with Maura Ziska who advocated the position of her client, drove by the subject property, and met the homeowners. Mayor Coniglio met the homeowners. Council Member Zeidman met with Maura Ziska who advocated the position of her client and the met the homeowners. Council Member Araskog met the homeowners.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on lot size and cubic content ratio. Clarification was made on which structures were staying and which were being eliminated.

Motion was made by Council Member Zeidman, and seconded by President Pro Tem Moore, that Variance #Z-17-00043 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

e. <u>Z-17-00044 SPECIAL EXCEPTION WITH SITE PLAN REVIEW</u> Zoning District: PUD-A Planned Unit Development A. The application of BREAKERS PALM BEACH INC, Owner, relative to property located at 1 S COUNTY RD SUITE: HOTEL, legal description on file, is described below. This application requests Special Exception approval to expand the seating capacity of the existing Seafood Bar restaurant. More efficient internal space utilization will allow an additional 53 seats in the previously-approved 6,111 square foot restaurant, for a total of 230 seats. No additional restaurant square footage is requested. [Applicant's Representative: James M. Crowley Esq]

Attorney Crowley provided details of the project.

 Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Special Exception No. Z-17-00044 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan No. Z-17-00044 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made

concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

f. Z-17-00045 VARIANCE(S) Zoning District: R-A Estate Residential. The application of TROPIN KENNETH G TRUST, Owner, relative to property located at 1695 N OCEAN WAY, legal description on file, is described below. This application is a request to approve two side (north) setback variances for existing structures at 1695 North Ocean Way: the main house and the guest house. The applicant is proposing to combine the lots at 1565 and 1695 North Ocean Way into a single lot by Unity of Title, which causes the combined lot area to exceed 60,000 S.F., thereby increasing the side setback from a minimum of 15' to a minimum of 30'. Both the main house and the guest house, which meet existing setback requirements, will become nonconforming as a result of the lot combination. The main house setback is 15.1' in lieu of the 30' minimum required for lots over 60,000 S.F., and the guest house setback is 15.2' in lieu of the 30' minimum required for lots over 60,000 S.F. No further encroachments into the setback are requested or authorized pursuant to this application. [Applicant's Representative: James M. Crowley Esq]

Attorney Crowley provided details of the project.

Mr. Castro provided Staff comments.

No ex-parte communications were declared.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, that Variance No. Z-17-00045 shall be granted with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

g. Z-17-00046 SPECIAL EXCEPTION Zoning District: C-TS Town-Serving Commercial. The application of PEMS PARTNERSHIP LTD, Owner, relative to property located at 180 ROYAL PALM WAY, legal description on file, is described below. Section 134-1109(b) - A special exception request for approval to use the subject building totaling 13,559 square foot as a bank (IBERIABANK). The subject tenant space was most recently used as a Sabadell United Bank, N.A. branch office with its customers and clients being more than 50% town persons in satisfaction of the requirements of Section 134-299(12). [Applicant's Representative: Peter Broberg Esq]

No ex-parte communications were declared.

Attorney Broberg provided details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, that Special Exception No. Z-17-00046 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met with the caveat that in six months, the applicant return to offer Town serving documentation. On roll call, the motion carried unanimously.

h. 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 deferred this project to the January 24, 2017 meeting. Carried 6-0 with all in favor.] Request for Deferral Per Letter Dated December 7, 2017 from Jose Gonzalez

Item deferred to the February 14, 2018 Town council meeting

## IX. ORDINANCES

## A. First Reading

1. ORDINANCE NO. 30-2017 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 I, In General, Section 134-2, Definitions And Rules Of Construction, By Creating Definitions For An Outdoor Promotional Event Use And A Property Identification Yard Sign; At Article VI, District Regulations, Sections 134-1109, 134-1159 And 134-1259, Special Exception Uses, By Conditionally Allowing Outdoor Promotional Events As A Special Exception Use In The C-TS, C-WA And C-PC Commercial Zoning Districts; At Article VIII. Supplementary District Regulations, By Adding A Division 18, Outdoor Promotional Activities, Section 134-2115, Standards And Criteria For Outdoor Promotional Activities; At Article XI, Signs, By Modifying Section 134-2437, Building Identification, Business Identification Signs, By Adding "Property Identification Yard Signs" To The Title And Allowing Property Identification Yard Signs On Properties That Meet Certain Criteria In All Of The Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

1 2 3	Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to approve Ordinance # 30-2017 on first reading. On roll call, the motion carried unanimously.		
4 5	X. ANY OTHER MATTERS - None		
6	XI. ADJOURNMENT		
7	There being no further business, the Development Review Town Council meeting of		
8	December 13, 2017 was adjourned at 2:30 P.M.		
	APPROVED:		
	Richard M. Kleid, Town Council President		
	PREPARED BY:		

9

Kathleen Ruderman, Deputy Town Clerk