



# TOWN OF PALM BEACH

## Minutes of the Town Council Meeting Held on March 21, 2018

1 I. CALL TO ORDER AND ROLL CALL

2 The Town Council meeting was called to order on Wednesday, March 21, 2018 at  
3 9:30 A.M., in the Town Council Chambers. On roll call, all of the elected officials  
4 except the Mayor were found to be present.

5

6 II. INVOCATION AND PLEDGE OF ALLEGIANCE

7 Deputy Clerk Ruderman gave the invocation. Council President Moore led the  
8 Pledge of Allegiance.

9 III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

10

11 IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

12 Council President Moore expressed her concern with the landscape expertise  
13 requirement qualification (*landscape architect, or a master gardener or someone with*  
14 *equivalent experience*) for the ARCOM members that were appointed at the Tuesday  
15 Town Council meeting. Discussion took place on qualification requirements.

16 Council member Lindsay informed everyone that Council member Araskog was not  
17 on the ballot for Town Council President as the paper incorrectly reported.

18

19 V. COMMUNICATIONS FROM CITIZENS

20 Rene Silvin, 422 Australian Avenue, feels that a member of Landmarks / ARCOM  
21 should attend Town Council meetings when any landmark / ARCOM issue(s) are on  
22 the agenda. This way the commission member can be available to the Council if  
23 there are any questions and then go back to their respective commission and report  
24 what the Town Council has decided.

25 Kenneth Walker, 130 Sunrise Avenue, stated that architects have a stake in health  
26 and safety. He wanted to allay the Council's concern that someone with related  
27 experience is suitable because it is not a health and safety issue with landscaping.

28 VI. APPROVAL OF AGENDA

29 The following changes were made to the agenda.

1 DEFERRALS: The following items were deferred to the April 11, 2018 Town Council  
2 meeting:

3 -Item No. VIII.A.1., ARCOM Appeal of 446 North Lake Way

4 -Item No. VIII.B.1.b., Variance #21-2017

5 -Item No. VIII.B.1.d., Z-17-00042 Site Plan Review

6 -Item No. VIII.B.2.b., Z-18-00068 Site Plan Review

7 -Item No. VIII.B.2.e., Z-18-00071 Special Exception With Site Plan Review and  
8 Variances

9 -Item No. VIII.B.2.f., Z-18-00072 Site Plan Review and Variances

10 The following items were deferred to the May 9, 2018 Town Council meeting:

11 -Item No. VIII.B.2.g., Z-18-00073 Site Plan Review

12 **Motion was made by Council Member Araskog, and seconded by President Pro Tem**  
13 **Zeidman, to approve the agenda, as amended above. On roll call, the motion carried**  
14 **unanimously.**

15 Deputy Town Manager Boodheshwar asked for clarification on the master gardener  
16 requirement.

17 VII. PUBLIC HEARINGS

18 A. RESOLUTION NO. 23-2018 A Resolution Of The Town Council Of The Town Of  
19 Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The  
20 Determination Of The Landmarks Preservation Commission That The Property  
21 Known As 137 Seaspray Avenue, Meets The Criteria Set Forth In Ordinance No.  
22 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The  
23 Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach  
24 Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article  
25 IV Of The Code Of Ordinances Of The Town Of Palm Beach.

26  
27 Landmark Consultant, Emily Stillings of Murphy Stillings, LLC, provided details  
28 pertaining to the property.

29 **Motion was made by Council Member Araskog, and seconded by President Pro Tem**  
30 **Zeidman, that the Designation Report become part of the record. On roll call, the motion**  
31 **carried unanimously.**

32 **Motion was made by Council Member Lindsay, and seconded by Council Member**  
33 **Araskog, to approve Resolution No. 23-2018 approving the landmark. On roll call, the**  
34 **motion carried unanimously.**

35 VIII. DEVELOPMENT REVIEWS

36 A. Appeals

37 1. ARCOM Appeal; 446 North Lake Way; Case # 054-2017

38 *Item deferred to the April 11, 2018 Town council meeting*

39 B. Variances, Special Exceptions, and Site Plan Reviews

1 1. Old Business

2 a. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart  
3 Kapp, Manager); relative to property commonly known as 235 Via Vizcaya.,  
4 described as lengthy legal description on file; located in the R-A Zoning District.  
5 The applicant is requesting a site plan review to allow the construction of a 7,444  
6 square foot two-story, single family residence on a non-conforming platted lot  
7 which is 15,344 square feet in area in lieu of the 20,000 square foot minimum  
8 area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58  
9 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch,  
10 Esq.] [The Architectural Commission deferred the project for one month to the  
11 March 28, 2018 meeting. Carried 7-0] Request for Deferral to April 11, 2018  
12 Town Council Meeting per Letter Dated March 14, 2018 from Francis Lynch

13 ***Item deferred to the April 11, 2018 Town council meeting***

14 b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to  
15 property commonly known as 218 Miraflores Dr., described as lengthy legal  
16 description on file; located in the R-B Zoning District. The applicant is proposing  
17 to construct a 1,230 square foot second story addition on the west side of the  
18 one story residence that will create two bedrooms, a gym and two bathrooms.  
19 The following variances are being requested: 1) lot coverage of 33.7% in lieu of  
20 the 30% maximum allowed for a two story residence, 2) a west side yard setback  
21 of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91  
22 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.]  
23 [Architectural Commission Recommendation: Implementation of the proposed  
24 variance will not cause negative architectural impact to the subject property.  
25 Carried 7-0. The Architectural Commission approved the project at the February  
26 28, 2018 meeting. Carried 6-1.]

27 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
28 **Lindsay to defer Site Plan Review #1-2017 to April 11, 2018 Town council meeting.**

29 c. Z-17-00034 SITE PLAN REVIEW Zoning District: R B Low Density Residential.  
30 The application of SHULMAN ALAN L, Owner, relative to property located at 377  
31 N LAKE WAY, legal description on file, is described below. Site Plan Review to  
32 allow the construction of a 7,465 square foot two story, single family residence on  
33 a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot  
34 minimum width required in the R B Zoning District. [Applicant's Representative  
35 Maura Ziska Esq] [Architectural Commission Recommendation: Implementation  
36 of the proposed site plan review will not cause negative architectural impact to  
37 the subject property. Carried 7-0. The Architectural Commission approved the  
38 project at the February 28, 2018 meeting. Carried 7-0.]

39 Deputy Clerk Ruderman swore in those who would be providing testimony.

40 Attorney Ziska provided details on the project.

41 Architect Seagraves provided additional information.

42 Acting Director Castro provided Staff comments.

43 The following ex-parte communications were declared. President Pro Tem  
44 Zeidman spoke with Alan Shulman who advocated for his position.

1 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
2 **Lindsay, that Site Plan No. Z-17-00034 be approved, with the caveat that the owner will**  
3 **provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**  
4 **permit issuance, based upon the finding that the approval of the site plan will not**  
5 **adversely affect the public interest and that the Council certifies that the specific zoning**  
6 **requirements governing the individual use have been met and that satisfactory provision**  
7 **and arrangement has been made concerning Section 134-329, items 1 through 11. On**  
8 **roll call, the motion carried unanimously.**  
9

10 d. Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-A  
11 Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner,  
12 relative to property located at 1700 S OCEAN BLVD, legal description on file, is  
13 described below. Site Plan Review to allow construction of a new 8,917 square  
14 foot two-story residence on a non-conforming platted lot which is 15,005 square  
15 feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning  
16 District and 100 feet in depth in lieu of the 150 foot minimum depth required in  
17 the R-A Zoning District. The following variance is being requested in conjunction  
18 with this application: 1) A request to have a building height plane setback of 53  
19 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the  
20 existing 3-4 foot wall to remain as screening for the proposed swimming pool in  
21 lieu of the 6 foot minimum height required when a swimming pool is located in  
22 the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall  
23 hedge on the outside of the required wall. [Applicant's Representative: Maura  
24 Ziska Esq] [The Architectural Commission deferred the project to the March 28,  
25 2018 meeting. Carried 7-0.] Request for Deferral to April 11, 2018 Town Council  
26 Meeting per Letter Dated March 13, 2018 from Maura Ziska

27 ***Item was deferred to the April 11, 2018 Town council meeting***

28 e. Z-17-00052 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: RB  
29 Low Density Residential The application of CARLSON GUSTAV TRUST &  
30 Owner, relative to property located at 280 ORANGE GROVE RD, legal  
31 description on file, is described below. 1) Site Plan Review to allow the  
32 renovation of an existing one story residence by demolishing more than 50%  
33 cubic footage and raising the finished floor elevation of the house to 7.5 NGVD  
34 on a lot with a width of 75 feet in lieu of the 100 foot minimum required In the R-B  
35 Zoning District and an area of 8,156.25 in lieu of the 10,000 square foot minimum  
36 required in the R-B Zoning District. 2) A variance is being requested to allow the  
37 construction of a 116 square foot one story addition for a bathroom/bedroom that  
38 is proposed to have a 5.4 foot west side yard setback in lieu of the 12.5 foot  
39 minimum setback required for a one story structure. 3) A variance is being  
40 requested to allow the existing residence to remain non-conforming with no  
41 garage provided. [Applicant's Representative: Maura Ziska Esq] [Architectural  
42 Commission Recommendation: Implementation of the proposed site plan review  
43 with variances will not cause negative architectural impact to the subject  
44 property. Carried 7-0. The Architectural Commission approved the project at the  
45 February 28, 2018 meeting Carried 7-0.]

46 No ex-parte communications were declared.

1 Attorney Ziska provided details of the project.

2 Architect Seagraves provided additional details.

3 Mr. Castro provided Staff comments.

4 Discussion took place on off street parking, setbacks and hardship.

5 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem**  
6 **Zeidman, that Site Plan No. Z-17-00052 be approved, with the caveat that the owner will**  
7 **provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**  
8 **permit issuance, based upon the finding that the approval of the site plan will not**  
9 **adversely affect the public interest and that the Council certifies that the specific zoning**  
10 **requirements governing the individual use have been met and that satisfactory provision**  
11 **and arrangement has been made concerning Section 134-329, items 1 through 11. On**  
12 **roll call, the motion carried unanimously.**

13  
14 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem**  
15 **Zeidman, that Variance Z-17-00052 shall be granted, and find, in support thereof, that all**  
16 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**  
17 **through 7 have been met. On roll call, the motion carried unanimously.**

18 f. Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND  
19 VARIANCE(S) Zoning District: R-C Medium Density Residential The application  
20 of GILBERT MARK D &, Owner, relative to property located at 323 CHILEAN  
21 AVE, legal description on file, is described below. 1) A variance request to allow  
22 construction of a new 5,393.45 square foot, two story single family residence on  
23 a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot  
24 minimum required in the R-C Zoning District. The proposal is to replicate the  
25 previously approved renovation of the landmarked residence. The Town Council  
26 and Landmarks Preservation Commission approved the project in January 2017.  
27 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10  
28 foot minimum required in the R-C Zoning District for the new two (2) car garage.  
29 [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation  
30 Commission Recommendation: Implementation of the proposed special  
31 exception, site plan review and variances will not cause negative architectural  
32 impact to the subject landmarked property. Carried 4-3. The Landmarks  
33 Commission deferred this project to the April 18, 2018 meeting to allow staff to  
34 obtain a peer review of the structural engineering report submitted by the  
35 applicant. Carried 7-0.]

36 **Motion was made by Council member Araskog, and seconded by President Pro Tem**  
37 **Zeidman, to defer Z-17-00058 Special Exception with Site Plan Review and Variances to**  
38 **May 9, 2018 Town council meeting. On roll call, the motion carried unanimously.**

39 g. Z-17-00059 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND  
40 VARIANCE(S) Zoning District: R-B Low Density Residential The application of  
41 REGALBUTO JASON, Owner, relative to property located at 160 SEABREEZE  
42 AVE, legal description on file, is described below. Special Exception with Site  
43 Plan Review to allow the construction of a new 3,629.46 square foot two story  
44 single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot  
45 minimum required and 7,656.25 square feet in area in lieu of the 10,000 square  
46 foot minimum required in the R-B Zoning District. The applicant is also planning

1 to enclose an existing staircase in the guest house garage located in the rear of  
2 the property. The following variances are being requested in conjunction with this  
3 application: 1) a cubic content ratio ("CCR") of 5.74 in lieu of the 4.235 maximum  
4 allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot  
5 coverage of 32.41 % in lieu of the 30 % maximum allowed in the R-B Zoning  
6 District for a two story residence. 3) on east side yard setback of 6.2 feet in lieu  
7 of the 15 foot minimum required for a two story residence. 4) a west side yard  
8 setback of 11.5 feet in lieu of the 15 foot minimum required for a two story  
9 residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum  
10 required for the one-story covered terrace. 6) a landscaped open space of 42.6%  
11 in lieu of the 45% minimum required in the R-B Zoning District. [Applicant's  
12 Representative: Maura Ziska Esq] [Architectural Commission Recommendation:  
13 Implementation of the proposed special exception, site plan review and variances  
14 will not cause negative architectural impact to the subject property. Carried 7-0.  
15 The Architectural Commission approved the architectural portion of the project at  
16 the January 24, 2018 meeting. Carried 5-2. The Architectural Commission  
17 conditionally approved the landscape portion of the project at the January 24,  
18 2018 meeting. Carried 7-0. All approval conditions are related to the architecture  
19 and landscape only.]

20 The following ex-parte communications were declared. Council President Moore,  
21 spoke with Mrs. Regalbutto and has been in the house many times prior to the  
22 fire.

23 Attorney Ziska provided details of the project.

24 Discussion took place on landscape/open space portion of the project.

25 Architect Albarran provided additional details.

26 Mr. Castro provided Staff comments.

27 Discussion took place on footprint, covered terrace, cubic content ratio.

28 **Motion was made by Council Member Araskog, that Variance Z-17-00059 shall be denied,**  
29 **for the reason that the application does not meet all of the criteria set forth in Section**  
30 **134-201(a), items 1 through 7. The motion died for lack of a second.**

31  
32 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
33 **Lindsay, that Special Exception No. Z-17-00059 shall be granted, based upon the finding**  
34 **that such grant will not adversely affect the public interest and that the applicable criteria**  
35 **set forth in Section 134-229 of the Town Code have been met. On roll call, the motion**  
36 **carried 4-1, with Council Member Araskog dissenting.**

37 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
38 **Lindsay, that Site Plan No. Z-17-00059 be approved, with the caveat that the owner will**  
39 **provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**  
40 **permit issuance, and subject to landscape open space based upon the finding that the**  
41 **approval of the site plan will not adversely affect the public interest and that the Council**  
42 **certifies that the specific zoning requirements governing the individual use have been**  
43 **met and that satisfactory provision and arrangement has been made concerning Section**  
44 **134-329, items 1 through 11. On roll call, the motion carried 4-1, with Council Member**  
45 **Araskog dissenting.**

1 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
2 **Lindsay, that Variance Z-17-00059 shall be granted, and find, in support thereof, that all**  
3 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**  
4 **through 7 have been met. On roll call, the motion carried 4-1, with Council Member**  
5 **Araskog dissenting.**

6 **The Town Council recessed at 11:00 A.M. and reconvened at 11:05 A.M.**

7 h. Z-17-00060 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: C-OPI  
8 Office, Professional and Institutional The application of JHD ASSOCIATES LLC,  
9 Owner, relative to property located at 230 ROYAL PALM WAY SUITE: SITE,  
10 legal description on file, is described below. \*PLEASE NOTE: THIS PROJECT  
11 ENCOMPASSES 230 AND 240 ROYAL PALM WAY\* 1) Site Plan Review to  
12 allow the construction of three (3) carport awnings totaling 6,359 square feet to  
13 provide covered parking for 38 parking spaces in the existing parking lot behind  
14 the building. The following variances are being requested to allow construction of  
15 the awnings: a) lot coverage of 40.2% in lieu of the 24.3% existing and the 25%  
16 maximum allowed in the C-OPI Zoning District. b) rear yard setback of 5.17 feet  
17 in lieu of the 10 foot minimum required In the C-OPI Zoning District. [Applicant's  
18 Representative: Maura Ziska Esq] [Architectural Commission Recommendation:  
19 Implementation of the proposed variances and site plan review will not cause  
20 negative architectural impact to the subject property. Carried 7-0. The  
21 Architectural Commission approved the project as amended at the February 28,  
22 2018 meeting, with the awnings on the west and south perimeter spaces only.  
23 Carried 7-0.]

24 No ex-parte communications were declared.

25 Attorney Ziska provided details of the project.

26 Mr. Castro provided Staff comments.

27 **Motion was made by Council Member Araskog, and seconded by Council Member**  
28 **Lindsay, that Site Plan No. Z-17-00060 for perimeter covered parking be approved, with**  
29 **the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm**  
30 **Beach, prior to building permit issuance, based upon the finding that the approval of the**  
31 **site plan will not adversely affect the public interest and that the Council certifies that the**  
32 **specific zoning requirements governing the individual use have been met and that**  
33 **satisfactory provision and arrangement has been made concerning Section 134-329,**  
34 **items 1 through 11. On roll call, the motion carried unanimously.**

35  
36 **Motion was made by Council Member Araskog, and seconded by Council Member**  
37 **Lindsay, that Variance Z-17-00060 shall be granted, and find, in support thereof, that all**  
38 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**  
39 **through 7 have been met. On roll call, the motion carried unanimously.**

40 i. Z-17-00063 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District:  
41 R-B Low Density Residential The application of ROSS CAROLYN H EST,  
42 Owner, relative to property located at 201 SANFORD AVE, legal description on  
43 file, is described below. Special Exception with Site Plan Review to allow the  
44 construction of a 4,699 square foot two-story, slngle family residence on a portion  
45 of a platted lot which is 98.47 feet in width in lieu of the 100 foot minimum

1 required In the R-B Zoning District. [Applicant's Representative: Maura Ziska,  
2 Esq] [The Architectural Commission approved this project at the February 28,  
3 2018 meeting. Carried 7-0.]

4 No ex-parte communications were declared.

5 Deputy Clerk Ruderman swore in all those would be giving testimony.

6 Attorney Ziska provided details of the project.

7 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
8 **Lindsay, that Special Exception Z-17-00063 shall be granted, with the caveat that the**  
9 **owner will provide a utility easement, based upon the finding that such grant will not**  
10 **adversely affect the public interest and that the applicable criteria set forth in Section**  
11 **134-229 of the Town Code have been met. On roll call, the motion carried unanimously.**

12 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
13 **Lindsay, that Site Plan No. Z-17-00063 be approved, based upon the finding that the**  
14 **approval of the site plan will not adversely affect the public interest and that the Council**  
15 **certifies that the specific zoning requirements governing the individual use have been**  
16 **met and that satisfactory provision and arrangement has been made concerning Section**  
17 **134-329, items 1 through 11. On roll call, the motion carried unanimously.**

18 j. Z-17-00054 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND  
19 VARIANCE Zoning District: C-TS Town-Serving Commercial The application of  
20 VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at 313  
21 1/2 WORTH AVE SUITE: B 3, legal description on file, is described below.1)  
22 Special Exception with Site Plan Review is being requested to modify a previous  
23 approval (which granted Bice Ristorante 46 outdoor seats) to increase the  
24 number of outdoor seats from 46 to 82 (an additional 36 seats) for the seasonal  
25 months of November through April only. 2) A variance is being requested to  
26 provide zero (0) on-site parking spaces in lieu of the required 12 parking spaces  
27 that would be required for the additional 36 seats. [Applicant's Representative:  
28 Maura Ziska Esq] Consideration of Proposed Declaration of Use Agreement

29 No ex-parte communications were declared.

30 Mr. Castro provided Staff comments.

31 There was a short discussion on parking – variance for off street parking was  
32 eliminated.

33 **Motion was made by Council Member Araskog, and seconded by President Pro Tem**  
34 **Zeidman, to accept the amendment to the original Declaration of Use Agreement. On roll**  
35 **call, the motion carried unanimously.**

36 k. MODIFIED Z-17-00066 SITE PLAN REVIEW Zoning District: C-TS Town-  
37 Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD,  
38 Owner, relative to property located at 313 1/2 WORTH AVE SUITE: SITE, legal  
39 description on file, is described below. 1. Request for special exception approval  
40 to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice  
41 as follows: a. New mosaic pavers in the Via; b. New 2,240 square foot 2 story  
42 trellis with retractable awning above; c. New landscaping and lighting; d. New  
43 stone entry with awning on Peruvian Avenue; e. Removal of existing canvas  
44 awnings f. New 37.5 square foot addition to existing bay window.[Applicant's



1 Representative: Maura Ziska Esq] [The Architectural Commission generally  
2 thought the redesign was a positive step forward in the right direction. Some of  
3 the topics debated by the Commissioners were the following: 1) Whether the  
4 front facing façade was too modern, 2) Whether the pergolas took away from the  
5 Via, 3) Whether the tile pattern on the floor was the correct design, 4) Whether  
6 the retractable awnings were appropriate, 5) The height of the pergolas. They all  
7 agreed that accessibility at the entrance was necessary.

8 The following ex-parte communications were declared. Council Member  
9 Araskog read the E-mail that was received from John Eubanks and attended  
10 ARCOM meeting where this was discussed. Council President Moore read the  
11 John Eubanks E-mail, someone from Mr. Smith's office called, but she did not  
12 return the call. She also received an E-mail from the owner of Trillion and  
13 attended the ARCOM meeting. Council Member Lindsay spoke to the owner of  
14 Trillion and read the E-mail from Mr. Eubanks. President Pro Tem Zeidman  
15 received an E-mail.

16 Mr. Castro provided Staff comments.

17 **Motion was made by Council Member Araskog, and seconded by Council Member**  
18 **Lindsay to defer Modified Z-17-00066 Site Plan Review to April 11, 2018 meeting. On roll**  
19 **call, the motion carried unanimously.**

20 2. New Business

21 a. Z-18-00067 VARIANCE(S) Zoning District: R C Medium Density Residential.  
22 The application of SADECA REALTY LLC, Owner, relative to property located at  
23 138 ROOT TRL SUITE: SITE, legal description on file, is described below.  
24 Request a variance to allow a seventeen (17) foot wide sliding driveway gate with  
25 a 2.58 foot setback from the edge of pavement in lieu of the 18 foot minimum  
26 required. [Applicant's Representative: Maura Ziska Esq] [Landmark Commission  
27 Recommendation: Implementation of the proposed variance will not cause  
28 negative architectural impact to the subject landmarked property. Carried 7-0]

29 No ex-parte communications were declared.

30 Attorney Ziska provided details of the project.

31 Mr. Castro provided Staff comments.

32 Discussion took place on the setback and whether there are other gates on the  
33 street.

34 **Motion was made by Council Member Lindsay, and seconded by Council Member**  
35 **Araskog, that Variance Z-17-00067 shall be granted, and find, in support thereof, that all**  
36 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**  
37 **through 7 have been met. On roll call, the motion carried unanimously.**

38 b. Z-18-00068 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R B  
39 Low Density Residential The application of 1280 NORTH LAKE WAY LLC,  
40 Owner, relative to property located at 1280 N LAKE WAY, legal description on  
41 file, is described below. 1. Site Plan Review to allow the construction of a 7,431  
42 square foot two story, single family residence on a non conforming platted lot  
43 which is 87.95 feet in width in lieu of the 100 foot minimum width required in the  
44 R B Zoning District. 2. A variance request to allow the two story residence with a

1 point of measurement of 8.5 feet North American Vertical Datum ("NAVD") for  
2 cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required when  
3 determining cubic content ratio on lots abutting the Lake Trail. [Applicant's  
4 Representative: Maura Ziska Esq] [The Architectural Commission deferred this  
5 project for one month to the March 28, 2018 meeting for restudy. Carried 7-0.]  
6 Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated  
7 March 13, 2018 from Maura Ziska

8 ***Item deferred to the April 11, 2018 Town Council meeting.***

9 c. Z-18-00069 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-D(2)  
10 High Density Residential The application of ALBERT ULF L, Owner, relative to  
11 property located at 425 WORTH AVE SUITE: PH C, legal description on file, is  
12 described below. A site plan modification request with variances to allow a 58  
13 square foot addition to the laundry room and a 815 square foot trellis addition on  
14 the penthouse level of an existing six story building in the R D(2) Zoning District.  
15 The following variances are being requested to allow the additions: 1. allow a  
16 building height for the additions to be 58.5 feet (to match existing) in lieu of the  
17 35 foot maximum allowed. 2. allow the additions to the existing 6th floor  
18 penthouse in lieu of the 3 story maximum allowed. 3. allow a front yard setback  
19 of 60.0' for the addition on the north side in lieu of the 117 foot minimum required  
20 (height of existing building x number of street yards). 4. allow a front yard setback  
21 of 22.7' for the trellis on the south side in lieu of the 126.5' minimum required  
22 (height of existing building x number of street yards). 5. allow a side yard setback  
23 of 46.5' for the trellis in lieu of the 58.5 foot minimum required (due to height of  
24 existing building). [Applicant's Representative: Maura Ziska Esq] [Architectural  
25 Commission Recommendation: Implementation of the proposed variances will  
26 not cause negative architectural impact to the subject property. Carried 7-0. The  
27 Architectural Commission approved the project at the February 28, 2018  
28 meeting. Carried 7-0.]

29 The following ex-parte communications were declared. The applicant is a distant  
30 relative of Council President Moore but she had no communication with the  
31 applicant about this project.

32 Attorney Ziska provided details of the project.

33 Architect Marsh provided additional details.

34 Architect Williams provided additional details.

35 Mr. Castro provided Staff comments.

36 Discussion took place on similarity / dissimilarity to neighbors and setbacks.

37 Discussion took place on procedure of plan submittal.

38 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
39 **Lindsay, that Site Plan No. Z-17-00069 be approved, conditional upon a consent letter**  
40 **from the condominium association, based upon the finding that the approval of the site**  
41 **plan will not adversely affect the public interest and that the Council certifies that the**  
42 **specific zoning requirements governing the individual use have been met and that**  
43 **satisfactory provision and arrangement has been made concerning Section 134-329,**  
44 **items 1 through 11. On roll call, the motion carried unanimously.**

1 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
2 **Lindsay, that Variance Z-17-00069 shall be granted, and find, in support thereof, that all**  
3 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**  
4 **through 7 have been met. On roll call, the motion carried unanimously.**

5 d. Z-18-00070 SITE PLAN REVIEW Zoning District: R D(2) High Density  
6 Residential The application of WINTHROP HOUSE COND, Owner, relative to  
7 property located at 100 WORTH AVE SUITE: SITE, legal description on file, is  
8 described below. Request for Site Plan Review to remove and place existing  
9 planters on the 5th floor rooftop/sundeck of the condominium building.  
10 [Applicant's Representative: Maura Ziska Esq]

11 No ex-parte communications were declared.

12 Attorney Ziska provided details of the project.

13 Mr. Castro provided Staff comments.

14 **Motion was made by Council Member Lindsay, and seconded by Council Member**  
15 **Araskog, that Site Plan No. Z-17-00070 be approved, based upon the finding that the**  
16 **approval of the site plan will not adversely affect the public interest and that the Council**  
17 **certifies that the specific zoning requirements governing the individual use have been**  
18 **met and that satisfactory provision and arrangement has been made concerning Section**  
19 **134-329, items 1 through 11. On roll call, the motion carried unanimously.**  
20

21 Architect Sanchez commented that items such as a roof repair should not have  
22 to come before council because of cost and time required.

23 Mr. Castro explained the history and reasons for the requirements.

24 e. Z-18-00071 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND  
25 VARIANCE(S) Zoning District: B A Beach Area The application of TRAVERSE  
26 NORMAN &, Owner, relative to property located at 1744 S OCEAN BLVD, legal  
27 description on file, is described below. 1. Request a special exception to permit  
28 the construction of a +/- 75 foot tunnel for pedestrian access under South Ocean  
29 Boulevard to connect the house to the beach parcel on the east side of South  
30 Ocean Boulevard. The application proposes to divert traffic onto the applicant's  
31 property so there will not be a need to close the road. 2. A variance to allow the  
32 tunnel and associated stairs to have a setback of 47.25 feet from the designated  
33 Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum  
34 setback required. [Applicant's Representative: Maura Ziska Esq] Request for  
35 Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 13,  
36 2018 from Maura Ziska

37 ***Item deferred to the April 11, 2018 Town Council meeting.***

38 f. Z-18-00072 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R A  
39 Estate Residential The application of SHADOWBROOK LAND TRUST &, Owner,  
40 relative to property located at 110 VIA VIZCAYA, legal description on file, is  
41 described below. Site Plan Review to allow the construction of a 5,084 square  
42 foot two story, single family residence on a non conforming lot which is 100 feet  
43 in width in lieu of the 125 foot minimum width required; 100 feet in depth in lieu of

1 the 150 foot minimum required and 10,000 square feet in area in lieu of the  
2 20,000 square foot minimum required in the R A Zoning District. The following  
3 variances are being requested in conjunction with this application: 1. A variance  
4 request to have a building height plane setback of 30 feet in lieu of the 45.81 foot  
5 setback required for a building that is 22' feet 6 5/8" inches tall. 2. A variance for  
6 lot coverage to be 28% in lieu of the 25% maximum allowed in the R A Zoning  
7 District. [Applicant's Representative: Maura Ziska Esq] [The Architectural  
8 Commission deferred this project to the March 28, 2018 meeting. Carried 7-0.]  
9 Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated  
10 March 13, 2018 from Maura Ziska

11 ***Item deferred to the April 11, 2018 Town Council meeting.***

12 g. Z-18-00073 SITE PLAN REVIEW Zoning District: R B Low Density Residential  
13 The application of PALAMAD LLC, Owner, relative to property located at 305  
14 MADDOCK WAY, legal description on file, is described below. Section 134  
15 843(b) An application for a Site Plan Review to construct new two story 9,141 s.f.  
16 residence, swimming pool and pool cabana on a platted non conforming lot with  
17 a lot width of 25 feet in lieu of the 100 foot minimum required in the R-B Zoning  
18 District. [Applicant's Representative: Peter Broberg] [The Landmark Commission  
19 deferred this project to the April 18, 2018 meeting to allow staff to obtain a peer  
20 review of the structural engineering report submitted by the applicant. Carried 7-  
21 0.]

22 ***Item deferred to the May 9, 2018 Town Council meeting.***

23 ***Clerk's Note: A portion of Item X. ANY OTHER MATTERS item was heard here .***

24 Zack Shipley, 228 Seaspray Avenue, spoke about memorandum regarding land  
25 use ordinance that the Town Council members recently received. The memo  
26 cites several examples of ambiguities and anachronisms in the Town's land use  
27 ordinance. Intensity is limited to a single subsection of the Town's ordinances  
28 and is undefined elsewhere. He feels that the Town's land use ordinances need  
29 to be amended so that substantial increases in intensity of land use near  
30 residential areas will be prohibited. He advocated that the code be detailed and  
31 clear as possible.

32 Katie Pressley, 133 Seaspray, agreed with Mr. Shipley and stressed that she  
33 does not want commercial development to encroach upon residential boundaries.

34 Mr. Castro asked for clarification from Council what they want Planning & Zoning  
35 Commission to study.

36 There was a consensus to send this item to the Planning & Zoning Commission  
37 for discussion.

38 Discussion ensued on procedure to handle items addressed in Carole LeCates  
39 memorandum.

40 **IX. ORDINANCES**

41 **A. Second Reading**

42 1. ORDINANCE NO. 04-2018 An Ordinance Of The Town Council Of The Town  
43 Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of

1 Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section  
2 134-2, Definitions And Rules Of Construction, By Creating A Definition For Tow-  
3 Away Signs; At Article II, Administration, Section 134-38 By Increasing And  
4 Creating Additional Fees For Land Development Services; Section 134-145  
5 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261  
6 Creating An Initial Review Procedure For Zoning Text Amendments; At Article IV,  
7 Nonconformities, Section 134-417, Enlargement, And 134-419, Enlargement,  
8 Extension, Reconstruction Or Alteration, By Creating A New Demolition  
9 Threshold, Including Additional Provisions For Alterations And Repairs And  
10 Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At  
11 Article VI, District Regulations, Sections 134-788, 134-838 And 134-888,  
12 Accessory Uses, And Sections 134-789, 134-839 And 134-889, Prohibited Uses  
13 By Creating Regulations To Conditionally Allow Construction Related Employee  
14 Off-Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In  
15 The R-Aa, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846  
16 And 134-893, Exceptions To Height Limitations, By Allowing Solar Material On  
17 Roofs Of Buildings Provided There Is Either Architectural Commission Or  
18 Landmark Preservation Commission Approval In The R-Aa, R-A And R-B  
19 Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception  
20 Uses And At Article VIII, Supplementary District Regulations, Section 134-1698,  
21 Structures, Signs And Landscape Material West Of Lake Trail, By Allowing  
22 Essential Services West Of Lake Trail As A Special Exception Use In The R-A  
23 And R-B Residential Zoning Districts; At Article VI, District Regulations, Section  
24 134-893, Lot, Yard And Bulk Regulations By Clarifying That First Floor,  
25 Unenclosed Loggias, Pergolas, Porches Terraces And Covered Patios In The R-  
26 B Zoning District Are Allowed An Additional 5% Cubic Content; At 134-895,  
27 Same, Exceptions From Yard Regulations, By Modifying The Provision To  
28 Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is Not  
29 Counted In The Cubic Content Ratio Calculations; At Article VIII, Supplementary  
30 District Regulations, Section 134-1607, Permitted Exceptions, By Allowing Solar  
31 Material On The Roof Of A Building Or Structure In All Other Zoning Districts  
32 Other Than R-Aa, R-A And The R-B Zoning Districts Provided That Said Material  
33 Is Approved By The Architectural Commission Or Landmark Preservation  
34 Commission; Section 134-1757, Swimming Pools, By Allowing Raised Spas/Hot  
35 Tubs And Infinity Pools; Section 134-1759, Tennis, Shuffleboard And  
36 Racquetball Courts, By Reordering The Existing Regulations To Eliminate  
37 Redundant Language; At Article XI, Signs, Adding Sections 134-2410 And 134-  
38 2449 By Creating Regulations For Tow-Away Signs In Residential And  
39 Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating  
40 Regulations Allowing Governmental Signs In All Residential And Commercial  
41 Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances  
42 In Conflict; Providing For Codification; Providing An Effective Date

43 Discussion took place on Section 134-145 Modifying The Hearing Procedure For  
44 Administrative Appeals; Section 134-261 Creating An Initial Review Procedure  
45 for Zoning Text Amendments

46 Simon Taylor, expressed his concerns on Section 134-145 and 134-261  
47 verbiage.

48 Attorney Randolph stated that substantive changes to this Ordinance will require  
49 a third reading.

1 **The Town Council recessed at 11:54 A.M. and reconvened at 11:58 A.M.**

2 Section 134-1698 and Section 134-796 were discussed.

3 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem**  
4 **Zeidman, to defer Ordinance 4-2018 in order to make amendments and come back for**  
5 **third reading at the April 11, 2018 meeting. On roll call, the motion carried unanimously.**

6 X. ANY OTHER MATTERS

7 A. Discussion took place on communications from citizens on deferred items.

8 XI. ADJOURNMENT

9 There being no further business, the Development Review Town Council meeting of  
10 March 21, 2018 was adjourned at 1:10 P.M.

APPROVED:

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Danielle H. Moore, Town Council President

PREPARED BY:

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Kathleen Ruderman, Deputy Town Clerk