



TOWN OF PALM BEACH

Minutes of the Town Council Meeting Held on April 11, 2018

1 I. CALL TO ORDER AND ROLL CALL

2 II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

4 IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

5 Council Member Araskog asked for clarification on a Town docks item discussed at the
6 Regular Town Council meeting. President Moore suggested that she meet with Town
7 Manager Blouin for any clarification required.

8 V. COMMUNICATIONS FROM CITIZENS

9 VI. APPROVAL OF AGENDA

10 The following change was made to the agenda.

11 DEFERRAL: The following item was deferred to the May 9, 2018 Town Council meeting:

12 - Item VII.A.1., ARCOM Appeal of 446 North Lake Way

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

16 VII. DEVELOPMENT REVIEWS

17 A. Appeals

18 1. ARCOM Appeal 446 North Lake Way

19 **Motion was made by Council Member Araskog, and seconded by President Pro Tem**
20 **Zeidman, to defer ARCOM appeal to May 9, 2018 Town council meeting. On roll call, the**
21 **motion carried unanimously.**

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

23 1. Old Business

24 a. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp,
25 Manager); relative to property commonly known as 235 Via Vizcaya., described as
26 lengthy legal description on file; located in the R-A Zoning District. The applicant is
27 requesting a site plan review to allow the construction of a 7,444 square foot two-story,

1 single family residence on a non-conforming platted lot which is 15,344 square feet in
2 area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the
3 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum
4 required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission conditionally
5 approved a portion of the project but deferred a portion of the project for one month to
6 the April 25, 2018 meeting. Carried 7-0]

7 **Motion was made by Council Member Araskog, and seconded by President Pro Tem**
8 **Zeidman, to defer Site Plan Review #1-2017 to the May 9, 2018 Town Council meeting. On**
9 **roll call, the motion carried unanimously.**

10 Town Clerk Dominguez swore in those who would be providing testimony.

11 b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property
12 commonly known as 218 Miraflores Dr., described as lengthy legal description on file;
13 located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square
14 foot second story addition on the west side of the one story residence that will create two
15 bedrooms, a gym and two bathrooms. The following variances are being requested: 1)
16 lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2)
17 a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard
18 setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska,
19 Esq.] [Architectural Commission Recommendation: Implementation of the proposed
20 variance will not cause negative architectural impact to the subject property. Carried 7-
21 0. The Architectural Commission approved the project at the February 28, 2018 The
22 following ex-parte communications were declared. Council Member Araskog received a
23 call from the owner, Vera Alfieri, but did not discuss anything with her. She also stated
24 that they are friends. Council Members Crampton and Lindsay, President Pro Tem
25 Zeidman and President Moore spoke to Maura Ziska who advocated for her client.

26 Vera Alfieri, 218 Mira Flores Drive, explained reason for the variance.

27 Attorney Ziska provided details of the project.

28 Architect Bonner provided additional details.

29 Acting Director Castro provided Staff comments.

30 Discussion took place on lot coverage and the adjacent homes.

31 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
32 **Lindsay, that Variance 21-2017 shall be granted, with the caveat that the owner will**
33 **provide a utility easement if necessary, satisfactory to the Town of Palm Beach, prior to**
34 **building permit issuance, and find, in support thereof, that all of the criteria applicable to**
35 **this application as set forth in Section 134-201(a), items 1 through 7 have been met. On**
36 **roll call, motion carried 4-1 with Council Member Araskog dissenting.**

37
38 c. Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-A Estate
39 Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to
40 property located at 1700 S OCEAN BLVD, legal description on file, is described below.
41 Site Plan Review to allow construction of a new 8,917 square foot two-story residence
42 on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000
43 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of
44 the 150 foot minimum depth required in the R-A Zoning District. The following variance is
45 being requested in conjunction with this application: 1) A request to have a building

1 height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A
2 request to allow the existing 3-4 foot wall to remain as screening for the proposed
3 swimming pool in lieu of the 6 foot minimum height required when a swimming pool is
4 located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot
5 tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska
6 Esq] [Architectural Commission Recommendation: Implementation of the proposed
7 variances will not cause negative architectural impacts to the subject property. Carried
8 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting.
9 Carried 7-0.]

10 The following ex-parte communications were declared. Council Member Crampton,
11 President Moore, President Pro Tem Zeidman, and Council Member Lindsay, all spoke
12 to Maura Ziska who advocated for her client. Council Member Araskog had a
13 conversation with neighbor Maureen Donnell and heard remarks that were made at the
14 ARCOM meeting.

15 Attorney Ziska provided details of the project.

16 Architect Albarran provided additional details.

17 Mr. Castro provided Staff comments.

18 Discussion took place on the easement and screening.

19 **Motion was made by Council Member Araskog, and seconded by President Pro Tem**
20 **Zeidman, that Site Plan No. Z-17-00042 be approved, with the caveat that the owner will**
21 **provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**
22 **permit issuance, based upon the finding that the approval of the site plan will not**
23 **adversely affect the public interest and that the Council certifies that the specific zoning**
24 **requirements governing the individual use have been met and that satisfactory provision**
25 **and arrangement has been made concerning Section 134-329, items 1 through 11. On**
26 **roll call, the motion carried unanimously.**

27
28 **Motion was made by Council Member Araskog, and seconded by President Pro Tem**
29 **Zeidman, that Variance Z-17-00042 shall be granted, and find, in support thereof, that all**
30 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
31 **through 7 have been met. On roll call, the motion carried unanimously.**

32 d. Z-17-00047 VARIANCE(S) Zoning District: R-B Low Density Residential. The
33 application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at
34 224 S OCEAN BLVD, legal description on file, is described below. Construction of three
35 dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of
36 +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To
37 allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable.
38 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow
39 dormer windows in a non-habitable third story space which is not permitted by Code.
40 [Applicant's Representative: Jose Gonzalez, Architect] [The Architectural Commission
41 denied this project at the January 24, 2017 meeting. Carried 7-0.]

42 Mr. Castro provided Staff comments.

43 **Motion was made by Council Member Lindsay, and seconded by Council Member**
44 **Araskog, to defer Z-17-00047 to the May 9, 2018 Town council meeting. No further**
45 **deferrals allowed for this item. On roll call, the motion carried unanimously.**

1 e. Z-17-00059 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND
2 VARIANCE(S) The application of REGALBUTO JASON, Owner, relative to property
3 located at 160 SEABREEZE AVE, legal description on file, is described below. Special
4 Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot
5 two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot
6 minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot
7 minimum required in the R B Zoning District. The applicant is also planning to enclose
8 an existing staircase in the guest house garage located in the rear of the property. The
9 following variances are being requested in conjunction with this application: 1) A cubic
10 content ratio ("CCR") of 5.74 in lieu of the 4.235 maximum allowed in the R-B Zoning
11 District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41 % in lieu of the 30
12 % maximum allowed in the R-B Zoning District for a two story residence. 3) an east side
13 yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence.
14 4) a west side yard setback of 11.5 feet in lieu of the 15 foot minimum required for a two
15 story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum
16 required for the one story covered terrace. 6) a landscaped open space of 42.6% in lieu
17 of the 45% minimum required in the R B Zoning District. [Applicant's Representative
18 Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the
19 proposed special exception, site plan review and variances will not cause negative
20 architectural impact to the subject property. Carried 7-0. The Architectural Commission
21 approved the project at the January 24, 2018 meeting. Carried 5-2.]

22 The following ex-parte communications were declared. Council Member Crampton,
23 President Pro Tem Zeidman, and Council Member Lindsay, all spoke with Maura Ziska
24 who advocated for her client.

25 Attorney Ziska provided details of the project.

26 Mr. Castro provided Staff comments.

27 Discussion took place on, driveway landscape open space.

28 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
29 **Lindsay, that Variance Z-17-00059 (landscape open space variance) shall be granted, and**
30 **find, in support thereof, that all of the criteria applicable to this application as set forth in**
31 **Section 134-201(a), items 1 through 7 have been met. (The other variances were**
32 **conditionally approved at the March 21, 2018 Town Council meeting.) On roll call, the**
33 **motion carried unanimously.**

34 f. Z-17-00066 MODIFIED SITE PLAN REVIEW Zoning District: C-TS Town-Serving
35 Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to
36 property located at 313 1/2 WORTH AVE SUITE: SITE, legal description on file, is
37 described below. 1. Request for special exception approval to allow a two (2 story trellis.
38 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in
39 the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New
40 landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e.
41 Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay
42 window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission
43 generally thought the redesign was a positive step forward in the right direction. Some
44 of the topics debated by the Commissioners were the following: 1) Whether the front
45 facing façade was too modern, 2) Whether the pergolas took away from the Via, 3)
46 Whether the tile pattern on the floor was the correct design, 4) Whether the retractable
47 awnings were appropriate, 5) The height of the pergolas. They all agreed that

1 accessibility at the entrance was necessary. The Architectural Commission deferred the
2 project to the April 25, 2018 meeting. Carried 7-0.]

3 The following ex-parte communications were declared. Council Member Crampton
4 spoke with Maura Ziska who advocated for her client. Mayor Coniglio spoke with
5 Tatiana Van Zandt and Burt Handelsman regarding concerns on the project. President
6 Moore spoke with Maura Ziska who advocated for her client. She received a phone call
7 from Mrs. Holzer but did not return the call. President Pro Tem Zeidman and Council
8 Member Lindsay both spoke with Tatiana Van Zandt and with Maura Ziska who
9 advocated for her client.

10 All council members received letters and E-mails associated with this project that were
11 included in their backup.

12 Attorney Ziska provided details of the project.

13 Architect Smith provided additional details.

14 Mr. Castro provided Staff comments.

15 Tatiana Van Zandt, the owner of Trillion, expressed concern about elimination of green
16 space between two buildings.

17 Attorney Eubanks reported on meetings and conversations focusing on this project only.

18 Jose Gonzales, General Manager would like a nice outside space for his guests.

19 Discussion took place on concerns with the retractable awning and other potential
20 modifications.

21 **Motion was made by Council Member Araskog, and seconded by Council Member**
22 **Lindsay, that the trellis portion of Special Exception No. Z-17-00066 shall be granted, and**
23 **that awning portion be denied, based upon the finding that such grant will not adversely**
24 **affect the public interest and that the applicable criteria set forth in Section 134-229 of**
25 **the Town Code have been met. On roll call, the motion carried 4-1, with President Pro**
26 **Tem Zeidman dissenting.**

27 **Motion was made by Council Member Araskog, and seconded by Council Member**
28 **Lindsay, that Site Plan No. Z-17-00066 be approved, except for the following: front façade**
29 **and the floor as presented, and retractable awning, and based upon the finding that the**
30 **approval of the site plan will not adversely affect the public interest and that the Council**
31 **certifies that the specific zoning requirements governing the individual use have not**
32 **been met and that satisfactory provision and arrangement has been made concerning**
33 **Section 134-329, items 1 through 11. Without a second, the motion was not considered.**
34

35 **Motion was made by Council Member Crampton, and seconded by Council Member**
36 **Araskog, to defer Modified Site Plan Review Z-17-00066 in order to send back to ARCOM**
37 **for further study and review with the exception of the retractable awning. The motion**
38 **carried 3-2 with President Pro Tem Zeidman and President Moore dissenting.**
39

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

1 foot minimum width required in the R B Zoning District. 2. A variance request to allow the
2 two story residence with a point of measurement of 8.5 feet North American Vertical
3 Datum ("NAVD") for cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required
4 when determining cubic content ratio on lots abutting the Lake Trail. [Applicant's
5 Representative: Maura Ziska Esq] [Architectural Commission Recommendation:
6 Implementation of the proposed variances will not cause negative architectural impacts
7 to the subject property. Carried 6-1. The Architectural Commission approved this
8 project at the March 28, 2018 meeting. Carried 4-3.]

9 Town Clerk Dominguez swore in all those who would be providing testimony.

10 The following ex-parte communications were declared. Council Member Crampton,
11 President Pro Tem Zeidman, and Council Member Lindsay spoke to Maura Ziska who
12 advocated for her client. President Moore spoke with Maura Ziska who advocated for
13 her client. She was a college classmate with Mr Lambert. Council Member Lindsay
14 spoke with Mr. Kirchoff about elevations and she received an E-mail from Mr. Lambert.

15 Attorney Ziska provided details of the project.

16 Architect Kirchoff provided additional details.

17 Mr. Castro provided Staff comments.

18 Discussion took place on height and point of measurement.

19 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
20 **Lindsay, that Variance Z-18-00068 shall be granted, and find, in support thereof, that all**
21 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
22 **through 7 have been met. On roll call, the motion carried 4-1 with Council Member**
23 **Araskog dissenting.**

24 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
25 **Lindsay, that Site Plan No. Z-18-00068 be approved, with the caveat that the owner will**
26 **provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**
27 **permit issuance, based upon the finding that the approval of the site plan will not**
28 **adversely affect the public interest and that the Council certifies that the specific zoning**
29 **requirements governing the individual use have been met and that satisfactory provision**
30 **and arrangement has been made concerning Section 134-329, items 1 through 11. On**
31 **roll call, the motion carried 4-1 with Council Member Araskog dissenting.**
32

33 h. Z-18-00071 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND
34 VARIANCE(S) Zoning District: B-A Beach Area The application of TRAVERSE
35 NORMAN &, Owner, relative to property located at 1744 S OCEAN BLVD, legal
36 description on file, is described below. 1. Request a special exception to permit the
37 construction of a +/- 75 foot tunnel for pedestrian access under South Ocean Boulevard
38 to connect the house to the beach parcel on the east side of the road. Also proposed is a
39 walkover and landing. The application proposes to close one lane of traffic at one time to
40 construct the tunnel. 2. A variance to allow the tunnel and associated stairs to have a
41 setback of 47.25 feet from the designated Ocean Bulkhead Line established in Chapter
42 62 in lieu of the 150 foot minimum setback required. [Applicant's Representative: Maura
43 Ziska Esq]

1 The following ex-parte communications were declared. Council Member Crampton,
2 President Moore, and Council Member Lindsay spoke with Maura Ziska who advocated
3 for her client.

4 Attorney Ziska provided details of the project.

5 Architect Perry provided additional details.

6 Mr. Castro provided Staff comments.

7 Architect Barr provided additional details.

8 A short discussion on the timeframe ensued.

9 **Motion was made by Council Member Lindsay, and seconded by Council Member**
10 **Araskog, that Variance Z-18-00071 shall be granted, and find, in support thereof, that all**
11 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
12 **through 7 have been met. On roll call, the motion carried unanimously.**

13 **Motion was made by Council Member Lindsay, and seconded by Council Member**
14 **Araskog, that Site Plan No. Z-18-00071 be approved, with the caveat that the owner will**
15 **provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**
16 **permit issuance, based upon the finding that the approval of the site plan will not**
17 **adversely affect the public interest and that the Council certifies that the specific zoning**
18 **requirements governing the individual use have been met and that satisfactory provision**
19 **and arrangement has been made concerning Section 134-329, items 1 through 11. On**
20 **roll call, the motion carried unanimously.**

21
22 **Motion was made by Council Member Lindsay, and seconded by Council Member**
23 **Araskog, that Special Exception No. Z-18-00071 shall be granted, based upon the finding**
24 **that such grant will not adversely affect the public interest and that the applicable criteria**
25 **set forth in Section 134-229 of the Town Code have been met. On roll call, the motion**
26 **carried unanimously.**

27 i. Z-18-00072 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R A Estate
28 Residential The application of SHADOWBROOK LAND TRUST &, Owner, relative to
29 property located at 110 VIA VIZCAYA, legal description on file, is described below. Site
30 Plan Review to allow the construction of a 5,084 square foot two story, single family
31 residence on a non conforming lot which is 100 feet in width in lieu of the 125 foot
32 minimum width required; 100 feet in depth in lieu of the 150 foot minimum required and
33 10,000 square feet in area in lieu of the 20,000 square foot minimum required in the R A
34 Zoning District. The following variances are being requested in conjunction with this
35 application: 1. A variance request to have a building height plane setback of 30 feet in
36 lieu of the 45.81 foot setback required for a building that is 22' feet 6 5/8" inches tall. 2. A
37 variance for lot coverage to be 28% in lieu of the 25% maximum allowed in the R A
38 Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural
39 Commission Recommendation: Implementation of the proposed variances will not
40 cause negative architectural impacts to the subject property. Carried 7-0. The
41 Architectural Commission approved this project at the March 28, 2018 meeting. Carried
42 7-0.]

43 The following ex-parte communications were declared. President Moore, Council
44 Member Lindsay and President Pro Tem Zeidman, spoke to Maura Ziska who advocated
45 for her client.

1 Attorney Ziska provided details of the project.

2 Architect Albarran provided additional details.

3 Mr. Castro provided Staff comments.

4 Discussion took place on lot coverage requirements.

5 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
6 **Lindsay, that Variance Z-18-00072 shall be granted, and find, in support thereof, that all**
7 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
8 **through 7 have been met. On roll call, the motion carried unanimously.**

9 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
10 **Lindsay, that Site Plan No. Z-18-00072 be approved, with the caveat that the owner will**
11 **provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**
12 **permit issuance, and subject to landscape open space based upon the finding that the**
13 **approval of the site plan will not adversely affect the public interest and that the Council**
14 **certifies that the specific zoning requirements governing the individual use have been**
15 **met and that satisfactory provision and arrangement has been made concerning Section**
16 **134-329, items 1 through 11. On roll call, the motion carried 4-1, with Council Member**
17 **Araskog dissenting.**

18
19 **The Town Council recessed at 11:43 a.m. and reconvened at 11:50 a.m.**

20 2. New Business

21 a. Z-18-00074 VARIANCE(S) The application of 17 GOLFVIEW ROAD LLC, Owner,
22 relative to property located at 17 GOLFVIEW RD, legal description on file, is described
23 below. The applicant is proposing to construct a 224 square foot pool cabana and a 175
24 square foot awning in the rear of the property that will require the following variances: 1.
25 Landscaped open space of 46% in lieu of the 48.7% existing and the 50% minimum
26 required in the R A Zoning District. 2. Lot coverage of 31% in lieu of the 29.10% existing
27 and the 25% maximum allowed in the R A Zoning District. 3. Rear yard setback of 8.83
28 feet in lieu of the 10 foot minimum required for an unenclosed accessory structure in the
29 R A Zoning District. [Applicant's Representative Maura Ziska Esq] [Landmark
30 Preservation Commission Recommendation: Implementation of the proposed variance
31 will not cause negative architectural impact to the subject landmarked property. Carried
32 7-0]

33 The following ex-parte communications were declared. Council Member Crampton,
34 President Moore, President Pro Tem Zeidman, and Council Member Lindsay spoke with
35 Maura Ziska who advocated for her client, President Moore has been through the
36 property on several occasions when it belonged to the previous owner.

37 Attorney Ziska provided details of the project.

38 Architect Jackman provided additional details.

39 Mr. Castro provided Staff comments.

40 Rene Silvin, 422 Australian Avenue, reported that when the resolution was made, it was
41 stipulated that the Everglades Club give their consent to the variance.

42 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
43 **Crampton, that Variance Z-18-00074 shall be granted, with the caveat that the owner will**

1 **provide a utility easement if necessary, and find, in support thereof, that all of the criteria**
2 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have**
3 **been met. On roll call, the motion carried unanimously.**

4
5 b. Z-18-00075 SPECIAL EXCEPTION The application of WELLS FARGO BANK, NA
6 Owner, relative to property located at 255 S COUNTY RD SUITE: SITE, legal
7 description on file, is described below. The Applicant seeks approval of a Special
8 Exception with Site Plan Review to modify SE#23 2015 for the building signage to
9 remove the existing "First National Bank" sign and replace it with a "Wells Fargo
10 Building" sign of the same size. There will be no increase in sign face area and the
11 square footage of the proposed sign complies with the Town Code. [Applicant's
12 Representative Harvey E Oyer III Esq] [Landmark Preservation Commission
13 Recommendation: Implementation of the special exception and site plan review will not
14 cause negative architectural impact to the subject landmarked property. Carried 7-0.]
15 [Landmark Preservation Commission Recommendation: Implementation of the special
16 exception and site plan review will not cause negative architectural impact to the subject
17 landmarked property. Carried 7-0.]

18 The following ex-parte communications were declared. Council Members Crampton,
19 Araskog, Lindsay and President Pro Tem Zeidman spoke to Harvey Oyer who
20 advocated for his client. Council Member Araskog also listened to this issue when it was
21 presented at Landmarks. Mayor Coniglio spoke with Harvey Oyer and discussed that
22 this is a prominent building and similar to the Post Office. President Moore spoke to Mr.
23 Oyer who advocated for his client and she drives by the bank many times per day.
24 Council Member Araskog added that she discussed whether the word "Building" was
25 required.

26 Architect Spina provided the details of the project.

27 Mr. Castro provided Staff comments.

28 **Motion was made by Council Member Lindsay, and seconded by Council Member**
29 **Araskog, that Special Exception No. Z-18-00075 shall be granted, based upon the finding**
30 **that such grant will not adversely affect the public interest and that the applicable criteria**
31 **set forth in Section 134-229 of the Town Code have been met. On roll call, the motion**
32 **carried 4-1, with Council Member Araskog dissenting.**

33 c. Z-18-00076 SITE PLAN REVIEW WITH VARIANCE(S) The application of WEXLER
34 GARY &, Owner, relative to property located at 14 VIA VIZCAYA, legal description on
35 file, is described below. Site plan review request to allow the construction of a 7,400
36 square foot two story single family residence on a platted non conforming lot in both
37 width and area in the R-A Zoning District. In connection with the proposed construction,
38 the following variance is being requested: A variance request for a one story element
39 rear street yard setback (south side of the property) of 15 feet in lieu of the 35 foot
40 minimum required in the R-A Zoning District. [Applicant's Representative David E. Klein
41 Esq] [Architectural Commission Recommendation: Implementation of the proposed
42 variance will not cause negative architectural impact to the subject property. Carried 7-
43 0. The Architectural Commission conditionally approved the project at the March 28,
44 2018 meeting. The conditions are related to the architecture only. Carried 7-0.]

45 No ex-parte communications were declared.

1 Attorney Klein provided the details of the project.

2 Architect Seagraves provided additional information.

3 Mr. Castro provided Staff comments.

4 **Motion was made by Council Member Araskog, and seconded by Council Member**
5 **Crampton, that Site Plan No. Z-18-00076 be approved, with the caveat that the owner will**
6 **provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**
7 **permit issuance, and subject to landscape open space based upon the finding that the**
8 **approval of the site plan will not adversely affect the public interest and that the Council**
9 **certifies that the specific zoning requirements governing the individual use have been**
10 **met and that satisfactory provision and arrangement has been made concerning Section**
11 **134-329, items 1 through 11. On roll call, the motion carried unanimously.**

12
13 **Motion was made by Council Member Araskog, and seconded by Council Member**
14 **Crampton, that Variance Z-18-00076 shall be granted, and find, in support thereof, that all**
15 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
16 **through 7 have been met. On roll call, the motion carried unanimously.**

17

18 d. Z-18-00077 VARIANCE(S) The application of WALKER JEFFREY C, Owner, relative
19 to property located at 662 ISLAND DR, legal description on file, is described below. The
20 applicant is proposing to construct a 543 second floor within the existing footprint of the
21 one- story residence which will require the following variances: 1) lot coverage of 29.8%
22 in lieu of the 25% maximum allowed in the R B Zoning District for a two story residence
23 on a lot that is in excess of 20,000 square feet; 2) cubic content ratio of 4.28 in lieu of the
24 3.83 existing and the 4.10 maximum allowed in the R B Zoning District. [Applicant's
25 Representative Maura Ziska Esq] [Architectural Commission Recommendation:
26 Implementation of the proposed variances will not cause negative architectural impacts
27 to the subject property. Carried 7-0. The Architectural Commission approved the
28 project at the March 28, 2018 meeting. Carried 7-0.]

29 The following ex-parte communications were declared. Council Members Crampton,
30 Lindsay and President Pro Tem Zeidman spoke with Maura Ziska who advocated for her
31 client.

32 Attorney Ziska provided the details of the project.

33 Architect Perry provided additional details.

34 Mr. Castro provided Staff comments.

35 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem**
36 **Zeidman, that Variance Z-18-00077 shall be granted, and find, in support thereof, that all**
37 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
38 **through 7 have been met. On roll call, the motion carried 4-1 with Council Member**
39 **Araskog dissenting.**

40 e. Z-18-00078 SPECIAL EXCEPTION The application of EVERGLADES CLUB INC,
41 Owner, relative to property located at 500 S COUNTY RD SUITE: SITE, legal
42 description on file, is described below. A request for special exception approval with site
43 plan review to remove an existing Golf Cart Shelter and portion of an existing site wall
44 located southwest of the existing Pro Shop and add a new site wall, a 1,099 square foot

1 golf bag storage building and a 2,971 square foot golf cart shelter located southwest of
2 the existing Pro Shop. [Applicant's Representative Maura Ziska Esq]

3 The following ex-parte communications were declared. Council Members Araskog and
4 Crampton and President Moore are members of the Everglades Club. President Moore,
5 President Pro Tem Zeidman, and Council Members Crampton and Lindsay spoke to
6 Maura Ziska who advocated for her client.

7 Attorney Ziska provided details of the project.

8 Architect Drobot provided additional details.

9 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
10 **Lindsay, that Special Exception No. Z-18-00078 shall be granted, with the caveat that the**
11 **owner will provide a utility easement, if necessary, based upon the finding that such**
12 **grant will not adversely affect the public interest and that the applicable criteria set forth**
13 **in Section 134-229 of the Town Code have been met. On roll call, the motion carried**
14 **unanimously.**

15 f. Z-18-00079 VARIANCE(S) The application of ANGLE ANN BRITT &, Owner, relative
16 to property located at 306 PENDLETON LN, legal description on file, is described below.
17 The applicant is proposing to construct a 340 square foot one story loggia addition to the
18 existing residence that would result in the following variances being requested: 1) an
19 angle of vision of 130 degrees in lieu of the 117 degrees existing and the 116 degrees
20 maximum allowed in the R-B Zoning District 2) a front yard setback of 22.91 feet in lieu
21 of the 25 foot minimum setback required in the R-B Zoning District [Applicant's
22 Representative Maura Ziska Esq] [Architectural Commission Recommendation:
23 Implementation of the proposed variances will not cause negative architectural impacts
24 to the subject property. Carried 7-0. The Architectural Commission approved the
25 project at the March 28, 2018 meeting. Carried 7-0.]

26 Deputy Clerk Gayle-Gordon swore in all those who would providing testimony.

27 The following ex-parte communications were declared. Council Member Crampton
28 spoke to Maura Ziska who advocated for her client. Mayor Coniglio received E-mails of
29 support from the neighbors. President Moore has spent time in the Angle's home and
30 their children attend school together, President Pro Tem Zeidman spoke to Maura Ziska
31 who advocated for her client and she received two letters, Council Member Lindsay
32 spoke to Maura Ziska who advocated for her client and received a number of E-mails in
33 support of the project.

34 Attorney Ziska provided details of the project.

35 Architect Torres provided additional details.

36 Mr. Castro provided Staff comments.

37 **Motion was made by Council Member Araskog, and seconded by Council Member**
38 **Lindsay, that Variance Z-18-00079 shall be granted, with the caveat that the owner will**
39 **provide a utility easement, if necessary, and find, in support thereof, that all of the**
40 **criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7**
41 **have been met. On roll call, the motion carried unanimously.**

42 g. Z-18-00081 SITE PLAN REVIEW The application of KENNEDY SUZANNE W,
43 Owner, relative to property located at 140 KINGS RD, legal description on file, is

1 described below. Site Plan Review to allow the construction of a 6,361 square foot two
2 story, single family residence on a non conforming platted lot which is 100.03 feet in
3 width in lieu of the 125 foot minimum required in the R A Zoning District; 143.08 feet in
4 depth in lieu of the 150 foot minimum required in the R A Zoning District; and 14,308
5 square feet in area in lieu of the 20,000 square foot minimum required in the R A Zoning
6 District. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission
7 approved the project at the March 28, 2018 meeting. Carried 6-1.]

8 The following ex-parte communications were declared. Council Member Crampton
9 spoke to Maura Ziska who advocated for her client. He also received a letter from Eric
10 Stonestrom who opposed the project. Mr. Stonestrom is a friend of his and a board
11 member at the South Florida Science Center and Aquarium. Mayor Coniglio and
12 President Moore received the same correspondence. President Pro Tem Zeidman and
13 Council Member Lindsay spoke with Maura Ziska who advocated the position of her
14 client. Council Member Araskog read the correspondence and she knows Eric
15 Stonestrom.

16 Attorney Ziska provided details of the project.

17 Architect Perry provided additional details.

18 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
19 **Lindsay, that Site Plan No. Z-18-00081 be approved, with the caveat that the owner will**
20 **provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**
21 **permit issuance, and subject to landscape open space based upon the finding that the**
22 **approval of the site plan will not adversely affect the public interest and that the Council**
23 **certifies that the specific zoning requirements governing the individual use have been**
24 **met and that satisfactory provision and arrangement has been made concerning Section**
25 **134-329, items 1 through 11. On roll call, the motion carried unanimously.**
26

27 h. Z-18-00082 SPECIAL EXCEPTION WITH SITE PLAN REVIEW The application of
28 257 RPW LLC, Owner, relative to property located at 257 ROYAL POINCIANA WAY,
29 legal description on file, is described below. 1) A request for special exception approval
30 with site plan review to modify the previously approved awning (Special Exception # 18
31 2017) to correct the dimensions to be what was installed at 29 feet 8 inches x 12 feet in
32 lieu of the previously approved plan that showed the awning to be 28 feet 9 inches x 12
33 feet (an 11 inch difference). 2) A request for special exception approval to have a valet
34 operation for lunch and dinner during the following hours: Dinner: 5:00 pm 10:00 pm
35 Sunday to Wednesday; 5:00 pm 3:00 am Thursday to Saturday Lunch: Daily 10 am to 3
36 pm [Applicant's Representative Maura Ziska Esq]

37 The following ex-parte communications were declared. Council Member Araskog and
38 President Moore received a message from Nick Coniglio regarding the project but never
39 spoke with him. Council Member Crampton spoke with Maura Ziska who advocated for
40 her client. President Pro Tem Zeidman and Council Member Lindsay spoke with Nick
41 Coniglio and Maura Ziska who advocated for the project.

42 Attorney Ziska provided details of the project.

43 Mr. Castro provided Staff comments.

44 Discussion took place on valet operation and awning size.

1 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
2 **Araskog, that Special Exception No. Z-18-00082 shall be granted, with the caveat that if**
3 **the frame ever gets damaged and needs to be replaced, that it is replaced with awning of**
4 **the same size, based upon the finding that such grant will not adversely affect the public**
5 **interest and that the applicable criteria set forth in Section 134-229 of the Town Code**
6 **have been met. On roll call, the motion carried unanimously.**

7 i. Z-18-00083 VARIANCE(S) The application of 89 MIDDLE ROAD LLC, Owner, relative
8 to property located at 89 MIDDLE RD, legal description on file, is described below. 1)
9 The Applicant is proposing a new pitched roof to replace a flat roof over the 2 story guest
10 house/garage and construct a trellis on the rooftop of the one story portion of the guest
11 house/garage which will require the following variances to be requested: a) a request to
12 increase the overall building height of the guest house/garage by adding the pitched roof
13 in an existing non conforming side yard setback of 6.1 feet in lieu of the 15 foot minimum
14 required in the R A Zoning District; b) a request to increase the building height of the
15 guest house/garage by adding a trellis in an existing non conforming side yard setback
16 of 9.5 in lieu of the 15 foot minimum required in the R A Zoning District. 2) A request for
17 a variance to allow a 120 foot long retaining wall to be at a height of 9.5 feet in lieu of the
18 7 foot tall maximum allowed. [Applicant's Representative Maura Ziska Esq] [Landmark
19 Preservation Commission Recommendation: Implementation of the proposed variance
20 will not cause negative architectural impact to the subject landmarked property. Carried
21 7-0.]

22 The following ex-parte communications were declared. Council Member Crampton,
23 President Moore, President Pro Tem Zeidman ,and Council Member Lindsay spoke with
24 Maura Ziska who advocated for her client.

25 Attorney Ziska provided details of the project.

26 Architect Portuondo provided additional details.

27 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem**
28 **Zeidman, that Variance Z-18-00083 shall be granted, with the caveat that the owner will**
29 **provide a utility easement, if necessary, and find, in support thereof, that all of the**
30 **criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7**
31 **have been met. On roll call, the motion carried unanimously.**

32 **Town Council recessed at 12:25 p.m. and reconvened at 1:45 p.m.**

33 j. Z-18-00084 VARIANCE(S) The application of FRIEDMAN LORRAINE L TRUST &
34 Owner, relative to property located at 901 N OCEAN BLVD, legal description on file, is
35 described below. 1) Variances to allow the construction of a new 16,087 square foot two
36 story main residence with a point of measurement of 22.5 foot North American Vertical
37 Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a.
38 Overall building height; b. Building height; c. Building height plane 2) A variance to allow
39 a 6 foot tall wall along the edge of the site triangle easement and within the front yard
40 setback that would not have a 36 inch continuous hedge as required for a wall
41 exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [The
42 Architectural Commission deferred the project for one month at the March 28, 2018
43 meeting. Carried 7-0.]

44 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem**
45 **Zeidman, to defer Variance #18-00084 to the May 9, 2018 Town Council meeting. On roll**
46 **call, the motion carried unanimously.**

1 k. Z-18-00085 VARIANCE(S) The application of PARAMOUNT CHURCH INC
2 LESSOR, Owner, relative to property located at 139 N COUNTY RD SUITE: 15, legal
3 description on file, is described below. *This application is on behalf of the tenant
4 Illustrated Properties LLC* The applicant is requesting a variance to permit the operation
5 of a real estate brokerage office containing approximately 1,008 sq. ft. on the first floor of
6 the Paramount Building which does not meet all of the requirements to allow an office
7 use on the first floor in this situation. The proposed use meets the special exception
8 uses requirement in Section 134 1109(18) that there are at least 50% existing office
9 uses on all floors in the Paramount Building but fails to meet the requirement that there
10 are more than 50% existing office uses on the first floor within 300 feet of the proposed
11 use within the same zoning district. [Applicant's Representative Tim Hanlon Esq]

12 No ex-parte communications were declared.

13 Attorney Hanlon provided details of the project.

14 Mr. Castro provided Staff comments.

15 Discussion took place on expansion of retail spaces.

16 **Motion was made by Council Member Araskog, and seconded by Council Member**
17 **Crampton, that Variance Z-18-00085 shall be granted, and find, in support thereof, that all**
18 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
19 **through 7 have been met with the caveat that approval is for this applicant only. On roll**
20 **call, the motion carried unanimously.**

21 I. Z-18-00086 VARIANCE(S) The application of JHD ASSOCIATES LLC, Owner,
22 relative to property located at 230 ROYAL PALM WAY SUITE: BLDG 1, legal description
23 on file, is described below. TD Wealth Management is leasing Suite 100 (which totals
24 2,144 square feet) on the east end of the first floor of 230 Royal Palm Way. This
25 application proposes to install two business identification signs on the building: one on
26 the north façade facing Royal Palm Way and one on the south façade facing the parking
27 lot. Because of the style and height of the existing stone façade of the first story of the
28 building, and the existing windows on the facades, the signs need to be installed higher
29 than the ceiling of the first floor, which is only 8.16 feet. Although the proposed signs will
30 be located well below the 15' otherwise allowed by code in this zoning district, signs
31 located above the ceiling height of the first floor require variances. Request for business
32 identification sign on the north façade of the building 12.75' in height (top of sign) in lieu
33 of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of
34 4.59'. Request for business identification sign on the south façade of the building 12.75'
35 in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height)
36 allowed by code, a variance of 4.59'. These measurements are from the finished floor
37 elevation of the first floor. [Applicant's Representative James M. Crowley Esq]

38 Ex-parte communications were not declared.

39 Attorney Crowley provided details of the project.

40 Mr. Castro provided Staff comments.

41 Discussion took place on location of signage on the front of the building and necessity of
42 signage in the back of the building.

43 Architect Pandula provided additional details.

1 Further discussion took place on signage on building, location of sign, clarification of
2 staff approval process, other possible tenants signage, and further study on uniformity of
3 signage.

4 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
5 **Crampton, that Variance Z-18-00086 shall be granted, and find, in support thereof, that all**
6 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
7 **through 7 have been met with the caveat that approval is for this applicant only. On roll**
8 **call, the motion carried unanimously.**

9 3. Other

10 a. RESOLUTION NO. 51-2018 A Resolution Of The Town Council Of The Town Of Palm
11 Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To The
12 Zoning Item Under Study By The Town As Enumerated In Exhibit "A" Attached Hereto;
13 Requiring That Zoning Applications Which Intensify The Use Of A Property, Or Create A
14 Taller Or Larger Building Than The Zoning Code Allows Have A Legal Notice
15 Requirement Of 1,000 Feet In Lieu Of The 300 Foot Existing Legal Notice Requirement
16 During The Period That Zoning Is In Progress For Any Zoning Application; Providing An
17 Effective Date.

18 Mr. Castro provided the background.

19 Discussion took place on notice requirement and specificity of the resolution to
20 commercial zones. Examples were given that would be included in study. Discussion
21 took place on the timeframe.

22 Simon Taylor, 234 Oleander, offered that he would support a resolution of this nature.

23 Discussion took place on reasons and timing for zoning in progress, reason for 1,000
24 feet notification to residents and notification to residents with regard to Carriage House.

25 **No action was taken on this item.**

26 **VIII. ORDINANCES**

27 **A. Third Reading**

28 1. ORDINANCE NO. 4-2018 An Ordinance Of The Town Council Of The Town Of Palm
29 Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At
30 Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And
31 Rules Of Construction, By Creating A Definition For Tow-Away Signs; At Article II,
32 Administration, Section 134-38 By Increasing And Creating Additional Fees For Land
33 Development Services; Section 134-145 Modifying The Hearing Procedure For
34 Administrative Appeals; Section 134-261 Creating An Initial Review Procedure For
35 Zoning Text Amendments; At Article IV, Nonconformities, Section 134-417, Enlargement
36 And 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Creating A New
37 Demolition Threshold, Including Additional Provisions For Alterations And Repairs And
38 Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At Article
39 VI, District Regulations, Sections 134-788, 134-838 And 134-888, Accessory Uses And
40 Sections 134-789, 134-839 And 134-889, Prohibited Uses By Creating Regulations To
41 Conditionally Allow Construction Related Employee Off-Street Parking At Private Social,
42 Swimming, Golf, Tennis And Yacht Clubs In The R-AA, R-A And R-B Residential Zoning
43 Districts; Sections 134-796, 134-846 And 134-893, Exceptions To Height Limitations, By
44 Allowing Solar Material On Roofs Of Buildings Provided There Is Either Architectural

1 Commission Or Landmark Preservation Commission Approval In The R-AA, R-A And R-
2 B Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception Uses
3 And At Article VIII Supplementary District Regulations, Section 134-1698, Structures,
4 Signs And Landscape Material West Of Lake Trail By Allowing Essential Services West
5 Of Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning
6 Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk
7 Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches
8 Terraces And Covered Patios In The R-B Zoning District Are Allowed An Additional 5%
9 Cubic Content; At 134-895, Same, Exceptions From Yard Regulations, By Modifying The
10 Provision To Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is
11 Not Counted In The Cubic Content Ratio Calculations; At Article VIII, Supplementary
12 District Regulations, Section 134-1607, Permitted Exceptions, By Allowing Solar Material
13 On The Roof Of A Building Or Structure In All Other Zoning Districts Other Than R-AA,
14 R-A And The R-B Zoning Districts Provided That Said Material Is Approved By The
15 Architectural Commission Or Landmark Preservation Commission; Section 134-1757,
16 Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools; Section 134-
17 1759, Tennis, Shuffleboard And Racquetball Courts By Reordering The Existing
18 Regulations To Eliminate Redundant Language; At Article XI, Signs, Adding Sections
19 134-2410 And 134-2449 By Creating Regulations For Tow-Away Signs In Residential
20 And Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating
21 Regulations Allowing Governmental Signs In All Residential And Commercial Zoning
22 Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict;
23 Providing For Codification; Providing An Effective Date

24 Simon Taylor, 234 Oleander Avenue, explained that a 30-day cut off of people's rights to
25 make a case is flagrantly out of keeping with American due process.

26 Anita Seltzer, Coconut Row, addressed her concerns about proposed Town code
27 amendments that she feels have not been thoroughly reviewed by the Planning &
28 Zoning Commission or the Town Council.

29 Council Member Araskog asked for clarification on 30-day appeal process in comparison
30 to other boards and commissions.

31 Mr. Castro provided clarification on equipment on Lake Trail.

32 Discussion took place on the language in the ordinance.

33 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem**
34 **Zeidman, to adopt Ordinance No. 4-2018, on third and final reading. On roll call, the**
35 **motion carried unanimously.**

36 IX. ANY OTHER MATTERS - None

37 X. ADJOURNMENT

38 There being no further business, the Development Review Town Council meeting of April
39 11, 2018 was adjourned at 2:15 p.m.

APPROVED:

Danielle H. Moore, Town Council President

PREPARED BY:

Kathleen Ruderman, Deputy Town Clerk