



TOWN OF PALM BEACH

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

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on Wednesday, July 11, 2018, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAILL CONIGLIO

Mayor Coniglio spoke about her concern for employees resigning/retiring from the Town, and her hope that the completion of the Compensation and Benefit Study will help to reexamine the Town's status in the marketplace.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog expressed concerns with not receiving backup information in time to review for the regular Town Council meeting. In addition, she requested that the Council Members discuss the idea that the Friends of Recreation provide monthly or quarterly statements.

Discussion took place on whether or not to require bank statements from the Friends of Recreation.

V. COMMUNICATIONS FROM CITIZENS

Ann Metzger, 277 Esplanade Way, expressed her interest in being appointed to the Landmarks Preservation Commission.

Rubin Anderson, a candidate for State Senate in District 30, introduced himself to the Council and provided his background.

Anita Seltzer, 44 Cocoanut Row, expressed her concern with presenters being misidentified as architects.

VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

DEFERRALS: The following items were deferred to the August 15, 2018 Town Council meeting:

ITEM VII.A.1.a., Z-18-00058 Special Exception With Site Plan Review and Variances

ITEM VIIA.1.c., Z-18-00084 Variances

ITEM VII.A.1.f., Z-18-00097 Site Plan Review

ITEM VII.A.2.k., Z-18-00113 Special Exception With Site Plan Review and Variances

WITHDRAWN: The following item was withdrawn:

ITEM VII.A.1.b., Z-18-00073 Site Plan Review – Mr. Castro provided details surrounding this project.

ADDITIONS: The following item was added

ITEM IX.B.1. Ordinance No. 14-2018

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, to approve the agenda, as amended above. On roll call, the motion carried unanimously.

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

VII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [The Landmark Preservation Commission deferred this project to the July 18, 2018 meeting at the request of the architect. Carried 7- 0.]

Item was deferred to the August 15, 2018 Town council meeting.

- b. **Z-18-00073 SITE PLAN REVIEW** Zoning District: R B Low Density Residential The application of PALAMAD LLC, Owner, relative to property located at **305 MADDOCK WAY**, legal description on file,

is described below. Section 134 843(b) An application for a Site Plan Review to construct new two story 9,141 s.f. residence, swimming pool and pool cabana on a platted non conforming lot with a lot width of 25 feet in lieu of the 100 foot minimum required in the R-B Zoning District. [Applicant's Representative: Peter Broberg] [The Landmark Commission withdrew this project at the June 20, 2018 meeting at the request of the attorney for the owner. Carried 7-0.]

Item withdrawn.

- c. **Z-18-00084 VARIANCE(S)** The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 NOCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission deferred the project for one month to the July 25, 2018 meeting. Carried 7-0.]

Item deferred to the August 15, 2018 Town council meeting.

- d. **Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: B-A Beach Area The application of 916 SOUTH OCEAN BOULEVARD LLC (BRIAN STOCK, MANAGER), Applicant, relative to property located at **916 S OCEAN BLVD**, legal description on file, is described below. 1. 134-227 and 134-1474. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 2. 134-843(a)(7) and 134-843(a)(10). Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet North American Vertical Datum ("NAVD") in lieu of 17.56 feet NAVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the

1 subject property. Motion carried 6-1.] [The Architectural Review
2 Commission approved the project with conditions relating to the
3 architecture only at the June 27, 2018 meeting. Carried 4-3.]

4
5 No ex-parte communications were declared.

6
7 Attorney Hanlon provided details of the project.

8
9 Architect Mayfield provided additional information.

10
11 Acting Planning, Zoning & Building Director Castro provided Staff
12 comments.

13
14 Discussion took place on the hardship, the neighboring homes, the
15 point of measurement, setbacks and concerns about unintended
16 negative effects that this and other variances may have.

17
18 **Motion was made by Council Member Crampton, and seconded by President Pro Tem**
19 **Zeidman, that Variance No. Z-18-00094 be granted and find, in support thereof, that all of**
20 **the criteria applicable to this application as set forth in Section 134-201(a), items 1**
21 **through 7 have been met with the caveat that the owner will provide a utility easement or**
22 **easement agreement, satisfactory to the Town of Palm Beach, prior to building permit**
23 **issuance and that these types of projects be examined by the new Planning & Zoning**
24 **Director with regard to the impact that the new floodplain elevation requirements will**
25 **have on these projects. On roll call, the motion carried 4-1 with Council Member Araskog**
26 **dissenting.**

27
28 **Motion was made by Council Member Crampton, and seconded by President Pro Tem**
29 **Zeidman, that Special Exception No. Z-18-00094 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
34 **Motion was made by Council Member Crampton, and seconded by President Pro Tem**
35 **Zeidman, that Site Plan Review No. Z-18-00094 be approved, based upon the finding that**
36 **the approval of the site plan will not adversely affect the public interest and that the**
37 **Council certifies that the specific zoning requirements governing the individual use have**
38 **been met and that satisfactory provision and arrangement has been made concerning**
39 **Section 134-329, items 1 through 11. On roll call, the motion carried 4-1 with Council**
40 **Member Araskog dissenting.**

- 41
42 e. **Z-18-00096 VARIANCE(S)** Zoning District: R B Low Density
43 Residential The application of Thomas J. Harrington, as Trustee of
44 the 1558 NORTH OCEAN WAY REALTY TRUST u/a/d March 3,
45 2017 and Thomas J. Harrington, as Trustee of the 1558 NORTH
46 OCEAN WAY REALTY TRUST u/a/d March 2, 2017, Applicant,
47 relative to property located at **1558 NOCEANWAY**, legal description
48 on file, is described below. Construction of a spa and water feature

1 on a lot having an area of 29,145 square feet, thereby requiring the
2 front yard setback to comply with those provisions of the R-A
3 Zoning District despite the fact that the subject property is located
4 in the R-B Zoning District. In connection with the proposed
5 construction, the following variance is being requested: Section
6 134-843(0)(5): A request for a variance for the existing house with
7 a front yard setback (east side of the property) of 32 feet in lieu of
8 the 35 foot minimum required in the R-A Zoning District.

9 [Applicant's Representative David E. Klein Esq] [Architectural
10 Review Commission Recommendation: Implementation of the
11 proposed variances for the rear yard setback and building height
12 plane will cause negative architectural impact to the subject
13 property; and implementation of the proposed variance for the
14 existing home will not cause negative architectural impact to the
15 subject property. Carried 6-1. The Architectural Review
16 Commission approved the project at the June 27, 2018 meeting.
17 Carried 7-0.]

18 No ex-parte communications were declared.

19 Attorney Klein provided details of the project.

20 Mr. Castro provided Staff comments.

21
22 **Motion was made by Council Member Lindsay, and seconded by Council Member**
23 **Araskog, that Variance No. Z-18-00096 shall be granted and find, in support thereof, that**
24 **all of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
25 **through 7 have been met with the caveat that the owner will provide a utility easement or**
26 **easement agreement, satisfactory to the Town of Palm Beach, prior to building permit**
27 **issuance. On roll call, the motion carried unanimously.**
28

29 f. **Z-18-00097 SITE PLAN REVIEW** Zoning District: R B Low Density
30 Residential The application of 232 Bahama Lane, LLC (Manager of
31 232 Bahama Lane, LLC: Manager I, LLC. Manager of Manager I,
32 LLC: E. Llwyd Ecclestone, Jr.), Applicant, relative to property located
33 at **232 BAHAMA LN**, legal description on file, is described below.
34 Site Plan Review to allow the construction of a 4,300 square foot,
35 two story, single-family house on a non conforming platted lot, which is
36 90 feet in depth in lieu of the 100 foot depth required in the R B
37 Zoning District. [Applicant's Representative David E. Klein Esq] [The
38 Architectural Review Commission conditionally approved the
39 architecture but deferred the landscaping to the July 27, 2018
40 meeting. Carried 6-1.]

41 *Item deferred to the August 15, 2018 Town council meeting.*

42 g. **Z-18-00098 VARIANCE(S)** Zoning District: R B Low Density
43 Residential The application of GRISWOLD ALEXANDER H.,
44 Applicant, relative to property located at **249 MONTEREY RD**, legal
45 description on file, is described below. The subject property is

21,200 square feet in total area. The applicant is requesting a variance to split the lot, which would result in a non conforming east side yard setback for the existing house. The two resulting lots would have the following areas: East lot - 10,200 square feet; and the West lot 11,000 square feet. Both parcels would exceed the minimum area requirement in the R B Zoning District, which is 10,000 square feet. All improvements will be removed from the East lot and the following variances are being requested in order to split the properties and return the West lot back to its previous condition: 1. An east side yard setback of 10.67 feet in lieu of the 15 foot minimum required in the R B Zoning District for the two story portion of the house. 2. An east side yard setback of 10.67 feet in lieu of the 12.5 foot minimum required in the R B Zoning District for the one story portion of the house. [Applicant's Representative Maura Ziska Esq] [The Architectural Review Commission approved the project at the June 27, 2018 meeting. Carried 7-0.]

Ex-parte communications were declared by Council Member Araskog, Council Member Crampton, Mayor Coniglio, President Pro Tem Zeidman and Council Member Lindsay.

Mr. Castro provided Staff comments.

Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, that Variance No. Z-18-00098 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the caveat that the owner will provide a utility easement or easement agreement, satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.

h. **Z-18-00100 VARIANCE(S)** Zoning District: R A Estate Residential
The application of Nedim Soylemez (contract purchaser), Applicant, relative to property located at **1030 S OCEAN BLVD**, legal description on file, is described below. 1. Request for a variance to allow the construction of a new 13,049 square foot two-story residence with a point of measurement of 17.17 feet North American Vertical Datum ("NAVD") in lieu of the 15.16 foot NAVD maximum allowed for the (i) overall building height and (ii) building height. 2. A request to have a building height plane setback 53.16 feet in lieu of the 69 foot minimum setback required for the gable end pediment architectural feature. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Review Commission approved the project at the June 27, 2018 meeting. Carried 5-2.]

No ex-parte communications were declared.

1
2 Attorney Ziska provided details of the project.

3
4 Architect Smith provided additional details.

5
6 **Motion was made by Council Member Araskog, and seconded by Council Member**
7 **Lindsay, that Variance No. Z-18-00100 shall be granted and find, in support thereof, that**
8 **all of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
9 **through 7 have been met with the caveat that the owner will provide a utility easement or**
10 **easement agreement, satisfactory to the Town of Palm Beach, prior to building permit**
11 **issuance. On roll call, the motion carried unanimously.**
12

13 **2. New Business**

- 14 a. **Z-18-00101 SITE PLAN REVIEW** Zoning District: R- D(2) High Density
15 Residential The application of Patrician of Palm Beach Condo
16 Apartments Inc. (Richard J. Brzeczek, President), Applicant, relative
17 to property located at **3450 SOCEAN**
18 **BLVDSUITE: SITE**, legal description on file, is described below.
19 Site Plan Modification Application to install a 564 sq. ft. canopy on
20 pool deck. [Applicant's Representative: Jeremy Shir Esq]
21

22 No ex-parte communications were declared.

23
24 Attorney Shir provided details of the project.

25
26 Mr. Castro provided Staff comments.

27
28 **Motion was made by Council Member Lindsay, and seconded by Council Member**
29 **Crampton, that Site Plan Review No. Z-18-00101 be approved with the application as**
30 **presented, based upon the finding that the approval of the site plan will not adversely**
31 **affect the public interest and that the Council certifies that the specific zoning**
32 **requirements governing the individual use have been met and that satisfactory provision**
33 **and arrangement has been made concerning Section 134-329, items 1 through 11. On**
34 **roll call, the motion carried unanimously.**
35

- 36
37 b. **Z-18-00104 SPECIAL EXCEPTION** Zoning District: C-TS Town
38 Serving Commercial The application of Ocean Sandwiches, Inc.
39 (Michael R. Cohen, President) Applicant, Owner, relative to property
40 located at **363 S COUNTY RD SUITE: A**, legal description on file, is
41 described below. Section 134 1111(b) An application for a Special
42 Exception to add 8 outdoor seats to Ocean Sandwiches, which is a
43 merchant retail take out only business. The proposed seats would
44 be in the courtyard area in front of the store. See Exhibit "D" for
45 conditions. [Applicant's Representative: Peter Broberg] [Landmarks
46 Preservation Commission Recommendation: Implementation of the
47 proposed special exception will not cause negative architectural

1 impact to the subject landmarked property. Carried 7-0.]

2
3 No ex-parte communications were declared.

4
5 Attorney Broberg provided details of the project.

6
7 Mr. Castro provided Staff comments.

8
9 **Motion was made by Council Member Lindsay, and seconded by Council Member**
10 **Araskog, that Special Exception No. Z-18-00104 shall be granted, based upon the finding**
11 **that such grant will not adversely affect the public interest and that the applicable criteria**
12 **set forth in Section 134-229 of the Town Code have been met, with the caveat that the**
13 **applicant return annually to renew their Business Tax Receipt. On roll call, the motion**
14 **carried unanimously.**

15
16 The Town Council recessed at 11:00 a.m. and reconvened at 11:06 a.m.
17

- 18 c. **Z-18-00105 SPECIAL EXCEPTION** Zoning District: C-TS Town
19 Serving Commercial The application of Pizza Al Fresco, LLC,
20 Applicant, relative to property located at **14 VIAMIZNER**, legal
21 description on file, is described below. Special Exception to modify
22 existing Special Exceptions (Nos. 3 2006, 4 2012 and 10 2013) to
23 move six (6) bar seats from their existing interior location to a new
24 interior bar location. No new seats are to be added. [Applicant's
25 Representative: Tim Hanlon Esq]

26 No ex-parte communications were declared.

27 Attorney Hanlon provided details of the project.

28 Mr. Castro provided Staff comments.

29
30 **Motion was made by Council President Pro Tem Zeidman, and seconded by Council**
31 **Member Lindsay, that Special Exception No. Z-18-00105 shall be granted, based upon the**
32 **finding that such grant will not adversely affect the public interest and that the applicable**
33 **criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the**
34 **motion carried unanimously.**

- 35 d. **Z-18-00106 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-A
36 Estate Residential The application of Francesco
37 Galesi, as Trustee of the Francesco Galesi Revocable Trust,
38 Applicant, relative to property located at **19 GOLFVIEW RD**, legal
39 description on file, is described below. 1. Applicants request site
40 plan approval to construct a 491 square foot one room addition on a
41 platted lot that is 130' deep in lieu of the 150' minimum required and
42 with a lot area of 17,165 square feet in lieu of 20,000 square feet
43 minimum required in the R-A district. 2. Applicants request a

1 variance to permit construction of a one room addition in the street
2 side yard with a setback of 27.5' in lieu of 35' minimum required in
3 the R-A district. [Applicant's Representative: Tim Hanlon Esq]
4 [Landmarks Preservation Commission Recommendation:
5 Implementation of the proposed site plan review with variances will
6 not cause negative architectural impact to the subject landmarked
7 property. Carried 7-0.]
8

9 No ex-parte communications were declared.

10
11 Attorney Hanlon provided details of the project.

12
13 Mr. Castro provided Staff comments.

14
15 Discussion took place on traffic safety issues.
16

17 **Motion was made by Council Member Crampton, and seconded by President Pro Tem**
18 **Zeidman, that Site Plan Review No. Z-18-00106 be approved with the application as**
19 **presented, based upon the finding that the approval of the site plan will not adversely**
20 **affect the public interest and that the Council certifies that the specific zoning**
21 **requirements governing the individual use have been met and that satisfactory**
22 **provision and arrangement has been made concerning Section 134-329, items 1 through**
23 **11 with the caveat that the owner will provide a utility easement or easement agreement,**
24 **satisfactory to the Town of Palm Beach prior to building permit issuance. On roll call,**
25 **the motion carried unanimously.**
26

27 **Motion was made by Council Member Crampton, and seconded by President Pro Tem**
28 **Zeidman, that Variance No. Z-18-00106 shall be granted and find, in support thereof, that**
29 **all of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
30 **through 7 have been met. On roll call, the motion carried unanimously.**

31 e. **Z-18-00107 VARIANCE(S)** Zoning District: R-A Estate Residential
32 The application of Keith and Linda Beaty, Applicant, relative to
33 property located at **395 CARIBBEAN RD**, legal description on file,
34 is described below. A variance request to construct a decked boat
35 lift that will have a 22.4 foot setback from the seawall in lieu of the 6
36 foot maximum allowed when west of the U.S. Pierhead Line.
37 [Applicant's Representative: Maura Ziska Esq]

38 No ex-parte communications were declared.

39 Attorney Ziska provided details of the project.

40 Mr. Castro provided Staff comments

41
42 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
43 **Araskog, that Variance No. Z-18-00107 shall be granted and find, in support thereof,**
44 **that all of the criteria applicable to this application as set forth in Section 134-201(a),**
45 **items 1 through 7 have been met. On roll call, the motion carried unanimously.**

1 f. **Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District:
2 C-TS Town Serving Commercial The application of Palm Beach
3 Hotel Condominium Association, Inc., Applicant, relative to property
4 located at **235 SUNRISE AVE SUITE: CM 23**, legal description on file,
5 is described below. A request for a variance and a special
6 exception to expand a non conforming use ("hotel") to incorporate a
7 3,200 square foot space on the ground floor to be used as a gym
8 which is an accessory use to the condominium hotel. [Applicant's
9 Representative: Maura Ziska Esq]

10
11 Attorney Ziska provided details of the project.

12
13 Raimund Heger, 231 Park Avenue, spoke in opposition to the
14 project.

15
16 Dr Rhonda Nasser, 242 Park Avenue, spoke in opposition to the
17 project.

18
19 Benjamin Alma, Code Enforcement Manager, provided additional
20 information on code enforcement issues in the hotel.

21
22 Attorney Randolph explained that the code enforcement issues
23 should not be tied to the gym application unless there is some
24 connection.

25
26 Robert Price, of the new building management company stated
27 that all code enforcement issues are being rectified. He shared
28 information on how the key fob system will work.

29
30 Discussion took place on hours of operation, gym membership,
31 parking, and code enforcement issues.

32
33 **Motion was made by Council Member Araskog to defer to the August 15, 2018**
34 **Town Council meeting for a completion of Declaration of Use Agreement.**
35 **Without a second, the motion was not considered.**

36
37 **Motion was made by Council Member Crampton, and seconded by Council**
38 **Member Araskog, to defer this project to the August 15, 2018 Town Council**
39 **meeting for completion of a Declaration of Use Agreement which will include**
40 **hours of operation, and parking requirements. In addition, pending code**
41 **enforcement issues on the hotel must be adjudicated and resolved. On roll call,**
42 **the motion carried 4-1 with President Moore dissenting.**
43

44 g. **Z-18-00109 SPECIAL EXCEPTION** Zoning District: C-WA Worth
45 Avenue The application of Hai House Palm Beach (Manuel Borna,

Principal), Applicant, Owner, relative to property located at **150 WORTHAVE SUITE: 234**, legal description on file, is described below. A request for special exception approval to operate a new restaurant at 150 Worth Avenue Suite 234, called "Hai House Palm Beach", which will replace the previous restaurant "Costa". The new restaurant will occupy the same square footage (5,243) and have the same number of total seats (151) and outdoor seats (14) as the prior restaurant. The applicant agrees to be bound by all existing conditions of approval (see attached Exhibit "F"). [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Mayor Conglio, Council President Moore, President Pro Tem Zeidman, and Council Members Araskog, Crampton and Lindsay.

Attorney Ziska provided details of the project.

Manuel Bornia, restaurant owner provided additional details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that Special Exception No. Z-18-00109 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met with the caveat that compliance with all conditions outlined in the past for restaurants and submittal of Town Serving documents. On roll call, the motion carried unanimously.

h. Z-18-00110 SPECIAL EXCEPTION Zoning District: C-WA Worth Avenue The application of WILSON 150 WORTH LLC, Applicant, relative to property located at **150 WORTHAVE SUITE: SITE**, legal description on file, is described below. A request for special exception approval is being requested to allow outdoor promotional events as a permitted special exception use in the C WA Zoning District for town serving outdoor promotional events at the Esplanade Building in the central courtyards. The proposed hours of operation will align with the store and restaurant hours to be Sunday through Thursday 7:00 AM to 10:00 PM and Friday and Saturday 7:00 AM to 11:00 PM. Examples of outdoor promotional events is attached hereto as Exhibit "D". [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Members Araskog, Crampton and Lindsay.

Attorney Ziska provided details of the project.

1 Francis Sherray, Sr. Vice President of Leasing and Marketing,
2 O'Conner Capital Partners /Owner of Esplanade, provided
3 additional information.

4
5 Katherine Lande, Crash PR & Events provided a list of proposed
6 Town-serving events.

7
8 Mr. Castro provided Staff comments.

9
10 Yvonne Jones, Director of Property Management / Property
11 Manager / 150 Worth Avenue provided information on fire code
12 violations.

13 Discussion ensued on location of events.

14
15 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
16 **Araskog, that Special Exception No. Z-18-00110 shall be granted, based upon the**
17 **finding that such grant will not adversely affect the public interest and that the**
18 **applicable criteria set forth in Section 134-229 of the Town Code have been met with**
19 **the caveat that all fire safety code issues have been resolved and a Declaration of Use**
20 **Agreement has been completed. On roll call, the motion carried unanimously.**

21
22 i. **Z-18-00111 VARIANCE(S)** Zoning District: R-A Estate
23 Residential The application of OLD KAPOK LLC (Robb
24 Turner), relative to property located at **8 S LAKE TRL**, legal
25 description on file, is described below. A variance request to allow
26 a jacuzzi/spa (and related equipment) to the north of the existing
27 pool cabana/gym that will have a front yard setback of 2.75 feet in
28 lieu of the 35 foot minimum required in the R A Zoning District.
29 [Applicant's Representative: Maura Ziska Esq] [Landmarks
30 Preservation Commission Recommendation: Implementation of
31 the proposed variance will not cause negative architectural impact
32 to the subject landmarked property. Carried 7-0.]

33
34 Ex-parte communications were declared by Council President
35 Moore, President Pro Tem Zeidman, and Council Members
36 Araskog, Crampton, and Lindsay.

37 All council members received letters and E-mails associated
38 with this project that were included in the backup.

39
40 Attorney Ziska provided details of the project.

41
42 Mr. Castro provided Staff comments.

1
2 Landscape Designer Tim Johnson, provided additional details.
3

4 Discussion took place on the hardship, the location of the spa
5 and equipment, and noise from the equipment and the
6 equipment proximity to the neighbors.
7

8 Ann Metzger, 277 Esplanade Way, stated that she was not
9 noticed on this project.
10

11 **Motion was made by Council Member Araskog, and seconded by Council Member**
12 **Crampton, that Variance No. Z-18-00111 shall be denied for the reason that the**
13 **application does not meet the criteria set forth in Section 134-201(a), items 1 through 7.**
14 **On roll call, the motion carried unanimously.**
15

16 Council Member Araskog requested that Anne Metzger explain
17 why she wants to be on the Landmarks Preservation Commission.
18 Ms. Metzger explained why she would like to be on the
19 Commission.
20

21 j. **Z-18-00112 SPECIAL EXCEPTION WITH SITE PLAN**

22 **REVIEW** Zoning District: C- TS Town Serving Commercial The
23 application of EVERGLADES CLUB INC, Applicant, relative to
24 property located at **347 WORTH AVE SUITE: SITE**, legal
25 description on file, is described below. A request for special
26 exception approval with site plan review to install a 750 KW
27 generator within a 525 square foot second floor addition and add a
28 256 square foot one story addition at ground level to construct an
29 electrical equipment building to support the generator. [Applicant's
30 Representative: Maura Ziska Esq] [Landmarks Preservation
31 Commission Recommendation: Implementation of the proposed
32 special exception with site plan review will not cause negative
33 architectural impact to the subject landmarked property. Carried 7-
34 0.]
35

36 Ex-parte communications were declared by Council Member
37 Moore, and Council Members Crampton and Araskog.
38

39 Attorney Ziska provided details of the project.
40

41 Mr. Castro provided Staff comments.
42

43 **Motion was made by Council Member Crampton, and seconded by Council Member**
44 **Lindsay, that Special Exception No. Z-18-00112 shall be granted, based upon the finding**

1 that such grant will not adversely affect the public interest and that the applicable criteria
2 set forth in Section 134-229 of the Town Code have been met. On roll call, the motion
3 carried unanimously.
4

5 Motion was made by Council Member Crampton, and seconded by Council Member
6 Lindsay, that Site Plan Review No. Z-18-00112 be approved with the application as
7 presented, based upon the finding that the approval of the site plan will not adversely
8 affect the public interest and that the Council certifies that the specific zoning
9 requirements governing the individual use have been met and that satisfactory provision
10 and arrangement has been made concerning Section 134-329, items 1 through 11. On
11 roll call, the motion carried unanimously.
12

13 k. **Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN**

14 **REVIEW AND VARIANCE(S)** Zoning District: B-A Beach Area The
15 application of 1178 OCEAN LLC, Applicant, relative to property
16 located at **1178 NOCEAN BLVD SUITE: BEACH CABANA**, legal
17 description on file, is described below. The Applicant seeks to
18 reconstruct an existing beach house east of Ocean Boulevard
19 adjacent to the east of property owned by the Applicant on the
20 existing footprint in the existing location. Due to changes in the
21 zoning code since the beach house was originally built, the
22 variances indicated below are required, since greater than 50%
23 of the existing structure, determined by cubic footage, is being
24 demolished (per Code Section 134-417). To permit construction
25 of a beach house with a square footage of 519 square feet,
26 existing and proposed, in lieu of 350 square feet allowed by
27 Special Exception. To permit
28 the construction of a beach house with a depth dimension of 24'
29 8 1/2", existing and proposed, in lieu of 20' maximum dimension
30 allowed by Special Exception. To permit the construction of a
31 beach house with a width dimension of 21',
32 existing and proposed, in lieu of 20' maximum dimension allowed
33 by Special Exception. To permit the construction of a beach house
34 with a setback of 5' 3 1/2", existing and proposed, in lieu of a
35 minimum setback of 10' permitted by code. To permit a maximum
36 hedge height/wall height existing and proposed to remain at +/- 6'
37 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean
38 vista, existing and proposed, 0% of lot width, in lieu of 50% of lot
39 width permitted by code. [Applicant's Representative: Francis X.
40 J. Lynch] [The Architectural Review Commission deferred the
41 project for one month to the July 25, 2018 meeting. Carried 7-0.]
42

43 *Item deferred to the August 15, 2018 Town council meeting.*
44

45 **VIII. ORDINANCES**

46 A. Second Reading

1 1 ORDINANCE NO. 11-2018 An Ordinance Of The Town Council Of
2 The Town Of Palm Beach, Palm Beach County, Florida, Amending
3 The Town Code Of Ordinances At Chapter 134, Zoning, As Follows:
4 At Article I, In General, Section 134-2, Definitions And Rules Of
5 Construction, By Modifying Building, Height Of (Applicable Only In The
6 R-B Districts) To Correct The Definition's Intent And Building Height
7 Of, Corner Lot To Correct A Scriveners Error Which Inadvertently
8 Eliminated Language In The Definition Related To The Definition's
9 Applicability To The R-B Zoning District; Article II, Administration,
10 Section 134-172, Hearing Procedure, Section 134- 328, Review By
11 Director Of Planning, Zoning And Building Or His/Her Designee And
12 Section 134-330. Action By Town Council; Deviations; Time Limit For
13 Beginning Work, To Increase The Notice Requirements For Special
14 Exceptions, Variances And Site Plan Reviews That Are An
15 Intensification Of Use Or For Off-Street Parking Variances; To Require
16 The Legal Notices To Be Mailed By The Applicant; And To Allow 36
17 Months To Commence Work By The Issuance Of A Building Permit
18 Related To The Zoning Application; Section 134-532, Public Hearings,
19 To Add A 300 Foot Mailing Notice And Legal Advertising Requirement
20 For PUD Applications; Providing For Severability; Providing For
21 Repeal Of Ordinances In Conflict; Providing For Codification;
22 Providing An Effective Date.

23 **Motion made by Council Member Lindsay, and seconded by President Pro**
24 **Tem Zeidman, to adopt Ordinance 11-2018. On roll call, the motion carried**
25 **4-1 with Council President Moore dissenting.**

26 IX. ANY OTHER MATTERS

27 A. First Reading

28
29 1. ORDINANCE NO. 14.2018 An Ordinance of the Town Council of The Town
30 of Palm Beach, Palm Beach County, Florida Amending Chapter 82 of the
31 Town Code of Ordinances Relating to Personnel, at Article II< Employee
32 Benefits, Division 2, Retirement System; Amending Section 82-57, Board of
33 Trustees; Administrative Duties; Investment of Retirement System Assets;
34 Providing for Severability; Providing for Repeal of Ordinances in Conflict;
35 Providing for Codification; Providing an Effective Date
36
37

38 **Motion made by President Pro Tem Zeidman, and seconded by Council Member Lindsay**
39 **to approve Ordinance 14-2018 on first reading. On roll call, the motion carried**
40 **unanimously.**

41 X. ADJOURNMENT

42 There being no further business, the Development Review Town Council meeting of
43 July 11, 2018 was adjourned at 1:30 p.m.
44

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Ruderman, Deputy Town Clerk