



TOWN OF PALM BEACH

Minutes of the Town Council Meeting Held on September 12, 2018

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on Wednesday, September 12, 2018 at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present except for Council Member Lindsay.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio suggested the Town file a petition of objection to the City of West Palm Beach's Okeechobee Business District (OBD) Comprehensive Plan Amendment.

Town Attorney Randolph explained further and introduced Attorney Sanders who reiterated request that the Town Council authorize that the Town jointly file with Palm Beach County for a petition which would allow the Town an opportunity to formally participate in the mandatory conflict resolution process.

Town Manager Blouin made a Staff recommendation that the Town Council approve filing the petition.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to recommend filing a petition of objection to the City of West Palm Beach's Okeechobee Business District (OBD) Comprehensive Plan Amendment, Ordinance No. 4783-18 and Ordinance No. 4784-18, Relating to Amendments to the Downtown Master Plan Element of the Comprehensive Plan and the Downtown Zoning Atlas. On roll call, the motion carried unanimously.

Town Attorney Randolph requested advice on how to move forward with the 100 Emerald Beach Way v. The Town of Palm Beach Town Council case.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, to schedule a closed door session regarding 100 Emerald Beach Way litigation. On roll call, the motion carried unanimously.

Clerk's Note Item IV. was heard after Item II

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Zeidman asked for clarification on the 'Master Gardener or Equivalent Experience' requirement for an Architectural Commissioner. Planning, Zoning and Building Director Martin will check the minutes of the last meeting for clarification. If Council members are not satisfied with it, it will be place on the next agenda.

V. COMMUNICATIONS FROM CITIZENS - None

VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

DEFERRALS: The following items were deferred to the October 10, 2018 Town Council meeting.

Item VII.A.1., 901 North Ocean Boulevard

Item VII.C.1.d., Z-18-00118 Special Exception

Item VII.C.1.e., Z-18-00121 Site Plan Review With Variances

Item VII.C.2.e., Z-18-00129 Site Plan Review

Item VII.C.2.j., Z-18-00134 Special Exception With Site Plan Review and Variances

WITHDRAWN:

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

OTHER:

Item VII.C.2.h., Z-18-00132 Site Plan Review Applicant's Representative was changed from Maura Ziska to David Klein

Item VII.C.2.a., Discussion Regarding Direction Relative to Filing a Petition of Objection to the City of West Palm Beach's Okeechobee Business District (OBD) Comprehensive Plan Amendment was brought to the front of the agenda.

Town Attorney Randolph requested a closed door session.

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

VII. DEVELOPMENT REVIEWS

A. Appeals

1. 905 North Ocean Boulevard - Request for Deferral to the October 10, 2018 Town Council Meeting per Letter Dated August 29, 2018 from Francis X.J. Lynch

Item was deferred to October 10, 2018 Town council meeting.

B. Time Extensions and Waivers

1. Waiver of Town Ordinance - Section 42-199 Hours for Construction Work
1565-1695 North Ocean Boulevard

Attorney Crowley provided details of the project.

Discussion took place on notification to neighbors, actual work taking place, and project time line.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, to allow for Waiver of Town Ordinance – Section 42-199 Hours for Construction Work with the following condition. If there are neighbor complaints, the project must come back to Town Council for further review. On roll call, the motion carried unanimously.

C. 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 withdrew this item from their agenda at the request of the applicant. Carried 7-0.] Request for Withdrawal Per Letter Dated August 28, 2018 from Maura Ziska.

Item withdrawn.

- b. Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at 235 SUNRISE AVE SUITE: CM 23, legal description on file, is described below. A request for a variance and a special exception to expand a non conforming use ("hotel") to

incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] If approved, consideration of proposed Declaration of Use Agreement.

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

Attorney Ziska provided details of the project.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, to defer to the October 10, 2018 Town Council meeting. On roll call, the motion carried unanimously.

c. Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)
Zoning District: B-A Beach Area The application of 1178 OCEAN LLC, Applicant, relative to property located at 1178 N OCEAN BLVD SUITE:BEACH CABANA, legal description on file, is described below. The Applicant seeks to reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134 417). To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feet allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8 1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a setback of 5' 3 1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at +/- 6' 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code. [Applicant's Representative: Francis X. J. Lynch] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project as presented. Carried 7-0.]

Ex-parte communications were declared by Council Member Araskog.

Attorney Lynch provided details of the project.

Zoning Administrator Castro provided Staff comments.

Architect Papadopoulos provided additional information.

Question of hardship, property size, neighboring cabanas were discussed.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to defer Z-18-00113 Special Exception with Site Plan Review and Variances, to the October 10, 2018 Town council meeting. On roll call, the motion carried unanimously.

d. Z-18-00118 SPECIAL EXCEPTION The application of 210 Miraflores Drive LLC, Manager: Michael Belisle, Applicant, relative to property located at 210 MIRAFLORES DR, legal description on file, is described below. Special Exception and Site Plan Review to allow the construction of a 4,381 square foot, two-story, single family house on a non-conforming lot, comprised of a portion of a platted lot, which is 90 feet in width in lieu of the 100 foot depth required in the R-B Zoning District. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried 7-0.] Request for Deferral to the October 10, 2018 Town Council Meeting Per Letter Dated August 23, 2018 from David Klein

Item was deferred to the October 10, 2018 Town council meeting.

e. Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S) The application of 456 South Ocean LLC (Dave Frisbie, Manager), Applicant, relative to property located at 456 S OCEAN BLVD SUITE: SITE, legal description on file, is described below. A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard. [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 7-0. The Architectural Review Commission deferred the project for one month to the September 26, 2018 meeting. Carried 7-0.] Request for Deferral to the October 10, 2018 Town Council Meeting Per Letter Dated August 28, 2018 from Maura Ziska.

Item was deferred to the October 10, 2018 Town Council meeting.

Clerk's Note: Item VII.C.2.a. was heard after Item III.

2. New Business

a. Discussion Regarding Direction Relative to Filing a Petition of Objection to the City of West Palm Beach's Okeechobee Business District (OBD) Comprehensive

Plan Amendment, Ordinance No. 4783-18 and Ordinance No. 4784-18, Relating to Amendments to the Downtown Master Plan Element of the Comprehensive Plan and the Downtown Zoning Atlas.

Kirk Blouin, Town Manager

b. Z-18-00126 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: PUD-A Planned Unit Development A The application of Alex Gilmurray, CFO of The Breakers Palm Beach, Inc., Applicant, relative to property located at 1 S COUNTY RD SUITE: GOLF COURSE, legal description on file, is described below. The Breakers is requesting site plan with special exception approval to add awnings to two areas in the renovated golf course. These include the addition of a 20' x 30' freestanding canopy to the maintenance area west of the tennis courts and a 12.5' x 64' awning over some of the hitting bays near the golf course practice facility. [Applicant's Representative: James M. Crowley Esq]

Ex-parte communications were declared by Council President Moore and Council Member Araskog.

Attorney Crowley provided details of the project.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog, that Special Exception No. Z-18-00126 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog, that Site Plan Review No. Z-18-00126 be approved with the application as presented, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

c. Z-18-00127 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of David and Renee Barasch, Applicant, relative to property located at 130 SUNRISE AVE SUITE: PH 7, legal description on file, is described below. 1. A site plan modification with variances to allow five (5) retractable awnings totaling 873 square feet over the terrace on the seventh floor of a seven story condominium building. 2. A variance request to allow the awning at a height of 60.83 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. 3. A variance request to allow the awnings on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. 4. A variance to allow the awnings at an overall height of 62.67 feet in lieu of the 26 1/2 foot maximum

allowed in the R-C Zoning District for a flat roof. 5. A front yard setback of 29.83 feet to Sunset Avenue in lieu of the 122.11 foot minimum required. [Applicant's Representative: Maura Ziska] [Architectural Review Commission Recommendation: Implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project as presented. Carried 7-0.]

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

Attorney Ziska provided details of the project.

Motion was made by Council Member Crampton, and seconded by Council President Moore, that Variance No. Z-18-00127 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Crampton, and seconded by Council President Moore, that Site Plan Review No. Z-18-00127 be approved with the application as presented, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

d. Z-18-00128 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Elizabeth Sorrel, Applicant, relative to property located at 207 PENDLETON AVE, legal description on file, is described below. The Applicant is requesting the following variances to construct a 112 square foot addition to the kitchen and replace an existing awning with a 354 square foot loggia on the rear of the residence with an open balcony above: 1) a west side yard setback of 12.83 feet in lieu of the 15 foot minimum required in the R-B Zoning District for the loggia addition with open balcony above; 2) a cubic content ratio ("CCR") of 5.08 in lieu of the 4.97 existing and the 4.12 maximum allowed in the R-B Zoning District for the kitchen addition; and 3) a lot coverage of 37.25 % in lieu of the 38.5 % existing and the 30% maximum allowed in the R-B Zoning District for the kitchen addition. [Applicant's Representative: Maura Ziska] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the architectural plans as presented and deferred the landscape plans to the September 26, 2018 meeting. Carried 7-0.]

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

Attorney Ziska provided details of the project.

Design Professional Perry provided additional details.

Zoning Administrator Castro provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, that Variance No. Z-18-00128 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 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.

The Town Council recessed at 10:52 a.m. and reconvened at 11:00 a.m.

e. Z-18-00129 SITE PLAN REVIEW Zoning District: R-B Low Density Residential
The application of CHERRY LANE LLC (John Flynn, Manager), Applicant, relative to property located at 232 CHERRY LN, legal description on file, is described below. A request for Site Plan Review to build a 4,620 square foot two story home on an existing 10,000 square foot platted lot with a depth of 80.0' in lieu of 100' required. [Applicant's Representative: Francis X.J. Lynch] [The Architectural Review Commission deferred the project to the September 26, 2018 meeting. Carried 7-0.] Request for Deferral to the October 10, 2018 Town Council Meeting Per Letter Dated August 30, 2018 from Francis X.J. Lynch

Item was deferred to the October 10, 2018 Town council meeting.

f. Z-18-00130 SPECIAL EXCEPTION Zoning District: C-TS Town-Serving Commercial
The application of 375 Master Mind, LLC (Babak Ebrahimzadeh, Manager), Applicant, relative to property located at 375 S COUNTY RD SUITE: BLDG 1, legal description on file, is described below. A request for special exception approval for a 4,352 square foot executive office suite (Suite 220) which is a commercial establishment with greater than 3,000 square feet of gross leasable area in the C-TS Zoning District. [Applicant's Representative: Maura Ziska]

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

Attorney Ziska provided details of the project.

Zoning Administrator Castro provided Staff comments.

Discussion took place on the contractor working without building permits.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, that Special Exception No. Z-18-00130 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

g. Z-18-00131 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Martin and Joan Meyers, Applicant, relative to property located at 250 KAWAMA LN, legal description on file, is described below. The applicant is proposing to build out 686 square feet in the existing one-story garage which will convert a one-story residence into a two-story residence and which will require the following variance for lot coverage to be 30 % in lieu of the 25 % maximum allowed in the R-B Zoning District for a two story residence on a lot that is in excess of 20,000 square feet. [Applicant's Representative: Maura Ziska] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Review Commission will hear the project formally at their September 26, 2018 meeting.]

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

Attorney Ziska provided details of the project.

Design Professional Forrest provided additional details.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog, that Variance No. Z-18-00131 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 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-18-00132 SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of 113 E Inlet LLC (Lisa Hedley, Manager), Applicant, relative to property located at 113 E INLET DR, legal description on file, is described below. Site Plan Review to allow the construction of a 3,589 square foot, two-story, single family house on a non-conforming lot which is 96 feet in width in lieu of the 100-foot depth required in the R-B Zoning District. [Applicant's Representative: Maura Ziska] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Ex-parte communications were declared by Council Member Araskog.

Attorney Klein provided details of the project.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that Site Plan Review No. Z-18-00132 be approved with the application as presented, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

i. Z-18-00133 VARIANCE(S) Zoning District: C-TS Town-Serving Commercial The application of High Point Plastic Surgery, LLC (Jason Cooper, MD), Applicant, relative to property located at 220 SUNRISE AVE SUITE: 101, legal description on file, is described below. Request for a variance to allow a medical office ("High Point Plastic Surgery, LLC") to occupy 972 square feet on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska]

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

Attorney Ziska provided details of the project.

Zoning Administrator Castro provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, that Variance No. Z-18-00133 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

j. Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles Holzer, Applicant, relative to property located at 977 S OCEAN BLVD, legal description on file, is described below. 1) Special Exception with Site Plan Review to allow the construction of a 9,685 square foot two-story, single family residence on a non-conforming lot that is 77 feet in depth in lieu of the 150 foot minimum required In the R-A Zoning District and 13,662 square feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning District. 2) A request for a variance to allow the proposed swimming pool to have a 5 foot rear yard setback in lieu of the 10 foot minimum required and a 30 foot front yard setback in lieu of the 35 foot minimum required in the R-A Zoning District. 3) A request for a variance to allow a building height plane setback to be 35 feet in lieu of the 50 foot minimum setback required. [Applicant's Representative: Maura Ziska] [The

Architectural Review Commission deferred this project to the September 26, 2018 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the October 10, 2018 Town Council Meeting Per Letter Dated August 14, 2018 from Maura Ziska.

Item was deferred to the October 10, 2018 Town council meeting.

VIII. ANY OTHER MATTERS

Consensus to move Regular Town Council meeting from Tuesday February 12th to Thursday February 14th

IX. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of September 12, 2018, was adjourned at 11:20 a.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Ruderman, Deputy Town Clerk