



# TOWN OF PALM BEACH

## Minutes of the Town Council Meeting Held on February 13, 2019

### I. CALL TO ORDER AND ROLL CALL

1 The Development Review Town Council Meeting was called to order February 13, 2019,  
2 at 9:45 a.m. in the Town Council Chambers. On roll call, all of the elected officials were  
3 found to be present.

4

### 5 II. INVOCATION AND PLEDGE OF ALLEGIANCE

6 Deputy Clerk Ruderman gave the invocation.

7 Council President Moore led the pledge of Allegiance.

8

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

10

### 11 IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND 12 BUILDING - None

### 13 V. COMMUNICATIONS FROM CITIZENS - None

### 14 VI. APPROVAL OF AGENDA

15 The following changes were made to the agenda:

16 Z-18-00138 was deferred to the April 10, 2019 Town Council meeting.

17 Z-18-00168 was moved before Item VII. Public Hearings.

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

1 Deputy Clerk Ruderman swore in all those who would be testifying.

2 VII. PUBLIC HEARINGS

3 A. RESOLUTION NO. 05-2019 A Resolution Of The Town Council Of The Town Of Palm  
4 Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The  
5 Landmarks Preservation Commission That The Property Known As 244 Nightingale Trail,  
6 Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV  
7 Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property  
8 As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As  
9 Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

10 Landmark Consultant, Janet Murphy of Murphy Stillings, LLC provided details pertaining  
11 to the property.

12 Director Martin provided Staff comments.

13 Aimee Sunny, Director of Education for the Preservation Foundation of Palm Beach  
14 expressed her support for this designation.

15 **Motion was made by Council Member Araskog, and seconded by Council Member Lindsay,**  
16 **that the Designation Report become part of the record. On roll call, the motion carried**  
17 **unanimously.**

18 Mayor Coniglio suggested that the builder, John Butler be recognized as a master  
19 builder in the Designation Report.

20 **Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to**  
21 **approve Resolution No. 05-2019 approving the landmark with the condition that John Butler**  
22 **be recognized as Master Builder in the Designation Report. On roll call, the motion carried**  
23 **unanimously.**

24 VIII. DEVELOPMENT REVIEWS

25 A. Variances, Special Exceptions, and Site Plan Reviews

26 1. Old Business

27 a. Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B  
28 Low Density Residential The application of Palm Beach Day Academy, Inc.,  
29 Applicant, relative to property located at 241 SEAVIEW AVE SUITE: SITE, legal  
30 description on file, is described below. 1. Request for Special Exception with  
31 Site Plan Review approval to create 30 paved parking spaces on the west lawn to  
32 be used by Palm Beach Day Academy faculty, families and guests to the school.  
33 2. Request to modify the existing Declaration of Use Agreement (a copy of the  
34 Agreement is on file at the Town of Palm Beach Building Department).  
35 [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation  
36 Commission Recommendation: Implementation of the proposed special  
37 exception with site plan review and variance will not cause negative architectural

1 impact to the subject landmark property. Carried 4-1. The Landmarks  
2 Preservation Commission deferred the project to the February 20, 2019 meeting  
3 at the request of the attorney. Carried 7-0.]

4 *Item was deferred to the April 10, 2019 Town Council meeting.*

5 b. Z-18-00146 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A  
6 Estate Residential The application of Harvey E. Oyer, III, Esq. on behalf of Mar-a-  
7 Lago Club, Inc., Applicant, relative to property located at 1100 S OCEAN BLVD,  
8 legal description on file, is described below. 1. The Applicant seeks approval of a  
9 Special Exception with Site Plan Review to add an accessory dock to the property  
10 in the approximate location of the prior historic dock. The dock is to be located  
11 at the northwest corner of the site and projects 40 feet from the existing seawall  
12 into the Lake Worth Lagoon. [Applicant's Representative: Harvey E Oyer III Esq]  
13 [The Landmarks Preservation Commission Recommendation: Implementation of  
14 the proposed special exception with site plan review will not cause negative  
15 architectural impact to the subject landmark property. Carried 7-0. The  
16 Landmarks Preservation Commission deferred the project to the February 20,  
17 2019 meeting at the request of the attorney. Carried 7-0.]

18 Ex-parte communications were declared by all Council members.

19 Attorney Oyer provided details of the project.

20 Doctor Jane Day spoke in opposition of the project.

21 Attorney Ash spoke in opposition of the project.

22 Attorney Stambaugh, spoke on behalf of the DeMoss family of 185 Woodbridge  
23 Road.

24 Glenn Zeitz, 142 Seabreeze, spoke in opposition of the project.

25 Nader Kazeminy, 760 Island Drive, spoke in opposition of the project.

26 Attorney Oyer addressed concerns brought up by the opposition.

27 Phillip Johnston, Palm Beach, stated that removal of the natural barrier would  
28 decrease security.

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

30 Discussion took place on: intensification of use of the property, the dock  
31 location, configuration of the channel including turning basin, funding of  
32 channel, dredging of the channel, commercial and special exception use, the  
33 view shed, and security.

34 *Item was withdrawn.*

35 *The Town Council recessed at 12:14 p.m. and reconvened at 12:20 p.m.*

1 c. Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS  
2 Town-Serving Commercial The application of Carriage House and JHD  
3 Associates, LLC, Applicant, relative to property located at 264 S COUNTY RD  
4 SUITE: BLDG 1, legal description on file, is described below. A request for a  
5 special exception with site plan review approval to allow a private club "Carriage  
6 House" to operate at 264 and 270 South County Road in the C-TS Zoning District.  
7 The Club will have a membership cap of 248 members based on the principal of  
8 equivalency for parking requirements. Lunch seating will be limited to 67 seats,  
9 which is the same number of seats 264 Grill restaurant had when owned by  
10 Peter Pulitzer in the 1970s. The Club is proposing the following hours of  
11 operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday  
12 through Saturday 11:00 a.m. to 2:00 a.m. A request for a special exception to  
13 provide 68 night-time (after 6pm) supplemental off-site shared parking spaces at  
14 230/240 Royal Palm Way to be used by employees and/or the valet operation for  
15 the Carriage House.Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW  
16 Zoning District: C-TS Town-Serving Commercial The application of Carriage  
17 House and JHD Associates, LLC, Applicant, relative to property located at 264 S  
18 COUNTY RD SUITE: BLDG 1, legal description on file, is described below.  
19 [Applicant's Representative: Maura Ziska Esq]

20 Ex-parte communications were declared by all Council members.

21 Attorney Ziska provided information on Declaration of Use Agreement.

22 Director Martin provided Staff comments.

23 Director Martin explained Items 1-31 of *Article IV - Conditions* of the Declaration  
24 of Use Agreement.

25 Attorney Eubanks provided additional details.

26 Attorney Pressly provided neighborhood preferences.

27 Discussion took place on specifics of all items.

28 Glenn Zeitz, 142 Seabreeze Avenue, requested that specific language be included  
29 in the Declaration Use Agreement that no parking take place on Sea Streets by  
30 Carriage Club members.

31 Bradley Geist, 234 Phipps Plaza, commented on pick up/drop off locations and  
32 policies.

33 Michael McCarty, Carriage House Managing Director, stated that the Club will  
34 manage their members with regard to obeying the rules.

35 Bob Shelton, Phipps Plaza, voice concerns about people having wedding  
36 receptions at Phipps Plaza.

1 Steven Greenwald, 128 Seaspray Avenue, spoke about verbiage in Declaration of  
2 Use Agreement.

3 Dale Pincourt, 1270 North Lake Way, spoke in opposition of the application.

4 Maisy Grace, 247 Seaspray Avenue, spoke in opposition of the application.

5 Terry Ruttle, 310 Seabreeze Avenue, requested Council for thoughtful  
6 consideration to residents.

7 Carole LeCates, 212 Seabreeze, spoke in opposition of the application.

8 John Beech, 140 Seaview, expressed his concern about parking on Seaview  
9 Avenue.

10 Bradley Geist, 234 Phipps Plaza, spoke about problems with private clubs versus  
11 restaurants, permit parking, visitor passes and parking at JP Morgan.

12 Allen Wyett, 1145 North Lake Way, spoke about parking and noise.

### 13 Declaration of Use Items

#### 14 Item 1

15 **Motion was made by Council Member Crampton, and seconded by President Moore, to**  
16 **approve all members and guests will be required to exit the Club by 12:30 a.m. On roll call,**  
17 **motion failed 3-2.**

18 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman,**  
19 **to approve Club hours of operation will be Sunday – Wednesday 11:00 am to 12:00 pm and**  
20 **Thursday – Saturday 11:00 am to 12:30 pm. On roll call, the motion carried unanimously.**

#### 21 Item 2

22 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
23 **Crampton, to allow same use that is allowed by code in the CTS district except for Club use.**  
24 **On roll call, the motion carried unanimously.**

#### 25 Item 5

26 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog,**  
27 **that there shall be no dance floor or amplified music with the number of musicians limited to**  
28 **three. On roll call, the motion carried 3-2 with President Moore and Council Member Lindsay**  
29 **dissenting.**

#### 30 Item 11

31 **Motion was made by Council Member Araskog that the maximum occupancy shall not exceed**  
32 **100 people until 6:00 p.m. and 200 people after 6:00 p.m. Maximum occupancy shall include**  
33 **Club employees. Without a second, the motion was not considered.**

1 Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman,  
2 that the maximum occupancy shall not exceed 225 people until 6:00 pm and 250 people for  
3 special events after 6:00 p.m. for 12 events. Maximum occupancy shall include club  
4 employees. Requirement to revisit after six months. On roll call, the motion carried 3-2 with  
5 President Moore and Council Member Araskog dissenting.

6 **Item 16**

7 Motion was made by Council Member Crampton, and seconded by Council Member Araskog,  
8 that Club members, guests, and employees (who are non-Phipps Plaza residents) will not be  
9 allowed to park on the Sea Streets. It is the intent of this agreement to preserve the  
10 residential character of the neighborhood. This should be enforced, including penalties,  
11 through the Club Rule Book. On roll call, the motion carried unanimously.

12 **Item 20**

13 Motion was made by Council Member Crampton, and seconded by President Pro Tem  
14 Zeidman, that lunch seating shall be limited to 67 seats. The total seats after 6:00 p.m. shall  
15 not exceed 153. On roll call, the motion carried 4-1 with President Moore dissenting.

16 **Item 30**

17 Motion was made by Council Member Crampton, and seconded by President Pro Tem  
18 Zeidman, that the Club will monitor smoking, drinking, loitering in outdoor space between  
19 264/270 South County Road. On roll call, the motion carried unanimously.

20 **Item 31**

21 Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman,  
22 that the Club shall return to the Town Council after 6 months of operation during the period  
23 from November 1 through April 30 to review the list of conditions and compliance. The Club is  
24 prohibited from seeking revision(s) to this Agreement for a period 2 of years following the  
25 date of Club opening with the sole exception of a requested relocation of the valet stand  
26 and/or parking facility. On roll call, the motion carried unanimously.

27 **Item 12**

28 Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman,  
29 that should the Club lose the right to operate a drop off and pick stand at 205 Royal Palm  
30 Way for any reason, the Club will be required to provide an alternative location that is  
31 approved by the Town Council. Alternate location will be used for 90 days while Club looks  
32 for an alternate plan. On roll call, the motion carried unanimously.

33 Motion was made by Council Member Crampton, and seconded by President Pro Tem  
34 Zeidman, that Special Exception Z-18-00149 shall be granted, based upon the finding that  
35 such grant will not adversely affect the public interest and that the applicable criteria set  
36 forth in Section 134-229 of the Town Code have been met subject to the findings that have  
37 been memorialized in the Declaration of Use as amended with the final review and approval

1 of the Declaration of Use at the March 19<sup>th</sup> 2019 Town Council meeting. On roll call, the  
2 motion carried unanimously.

3 **Motion was made by Council Member Araskog, and seconded by Council Member Crampton,**  
4 **that that Special Exception Z-18-00149 approval for off site supplemental parking at 240**  
5 **Royal Palm Way shall be granted, based upon the finding that such grant will not adversely**  
6 **affect the public interest and that the applicable criteria set forth in Section 134-229 of the**  
7 **Town Code have been met. On roll call, the motion carried unanimously.**

8 **Motion was made by Council Member Crampton, and seconded by President Pro Tem**  
9 **Zeidman, that Site Plan Review Z-18-00149 be approved, based upon the finding that the**  
10 **approval of the site plan will not adversely affect the public interest and that the Council**  
11 **certifies that the specific zoning requirements governing the individual use have been met**  
12 **and that satisfactory provision and arrangement has been made concerning Section 134-329,**  
13 **items 1 through 11. On roll call, the motion carried unanimously.**

14

15 *The Town Council recessed at 3:35 p.m. and reconvened at 4:00 p.m.*

16 d. Z-18-00158 VARIANCE(S) Zoning District: R-B Low Density Residential The  
17 application of Palm Beach Dunbar, LLC, a New York limited liability company  
18 (John Randolph, Manager), Applicant, relative to property located at 171  
19 DUNBAR RD, legal description on file, is described below. The Applicant is  
20 requesting a variance to add a 388 square foot addition for an additional garage  
21 bay to have a two-car garage in lieu of the one-car garage existing. This will  
22 result in an angle of vision of 123 degrees in lieu of the 114 degrees existing and  
23 108 degrees maximum allowed in the R-B Zoning District. [Applicant's  
24 Representative: Maura Ziska Esq] [Architectural Review Commission  
25 Recommendation: Implementation of the proposed variance will not cause  
26 negative architectural impact to the subject property. Carried 7-0. The  
27 Architectural Review Commission approved the project. Carried 6-1]

28 No ex-parte communications were declared.

29 Attorney Ziska provided details of the project.

30 Director Martin provided Staff comments.

31 **Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman,**  
32 **that Variance No. Z-18-00158 be granted and find, in support thereof, that all of the criteria**  
33 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been**  
34 **met and providing that the property owner did voluntarily commit that prior to the issuance**  
35 **of a building permit to either provide a recorded utility easement or an easement agreement**  
36 **satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to**  
37 **underground utilities in the area. On roll call, the motion carried unanimously.**

38

39 e. Z-18-00161 SITE PLAN REVIEW Zoning District: R-A Estate Residential The  
40 application of 1404 NORTHLAKE LLC (Maura Ziska, Manager), Applicant, relative

1 to property located at 1404 N LAKE WAY, legal description on file, is described  
2 below. Special Exception with Site Plan Review to allow the construction of a  
3 9,263 square foot two-story, single family residence on a non-conforming lot  
4 that is 110 feet in width in lieu of the 125 foot minimum required and 19,563  
5 square feet in area in lieu of the 20,000 square foot minimum required in the R-A  
6 Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural  
7 Review Commission Recommendation: Implementation of the proposed special  
8 exception with site plan review will not cause negative architectural impact to  
9 the subject property. Carried 6-1. The Architectural Review Commission  
10 approved the project with architectural and landscape changes. Carried 5-2]

11 No ex-parte communications were declared.

12 Attorney Ziska provided details of the project.

13 Director Martin provided Staff comments.

14 **Motion was made by Council Member Lindsay, and seconded by Council Member**  
15 **Araskog, that Site Plan Review Z-18-00161 be approved, based upon the finding that the**  
16 **approval of the site plan will not adversely affect the public interest and that the Council**  
17 **certifies that the specific zoning requirements governing the individual use have been met**  
18 **and that satisfactory provision and arrangement has been made concerning Section 134-**  
19 **329, items 1 through 11. On roll call, the motion carried unanimously.**

20 2. New Business

21 a. Z-18-00163 SITE PLAN REVIEW Zoning District: R-D (2) High Density  
22 Residential The application of Kirkland House (Elaine Gunnoe, Manager),  
23 Applicant, relative to property located at 101 WORTH AVE SUITE: SITE, legal  
24 description on file, is described below. The Kirkland House Condominium  
25 Association, Inc. is requesting site plan approval for a 750 KW generator with a  
26 3000 gallon underground fuel tank and the construction of a required building to  
27 house said generator which measures 445 square feet. The generator building is  
28 proposed to be located on the southwest side of the condominium building. The  
29 building is designed so that it will match the look of the condominium building  
30 and will not be visible from Worth Avenue, South Ocean Boulevard, or the  
31 property to the west of the Kirkland House. It will also be sufficiently screened  
32 with landscaping. This project is adding approximately 171 square feet of  
33 landscaped open space to the property. [Applicant's Representative: Maura  
34 Ziska Esq]

35 No ex-parte communications were declared.

36 Attorney Ziska provided details of the project.

37 Director Martin provided Staff comments.

1 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**  
2 **Crampton, that Site Plan Review Z-18-00163 be approved, based upon the finding that the**  
3 **approval of the site plan will not adversely affect the public interest and that the Council**  
4 **certifies that the specific zoning requirements governing the individual use have been met**  
5 **and that satisfactory provision and arrangement has been made concerning Section 134-**  
6 **329, items 1 through 11 and providing that the property owner did voluntarily commit**  
7 **that prior to the issuance of a building permit to either provide a recorded utility**  
8 **easement or an easement agreement satisfactory to the Town that ensures a recorded**  
9 **easement will be granted, if necessary, to underground utilities in the area. On roll call,**  
10 **the motion carried unanimously.**

11 b. Z-18-00164 VARIANCE(S) Zoning District: R-A Estate Residential The  
12 application of 640 Palm Beach LLC, Larry Alexander, authorized representative,  
13 Applicant, relative to property located at 640 S OCEAN BLVD, legal description on  
14 file, is described below. Request for a variance to allow a sliding driveway gate  
15 with a 7-foot setback from the edge of pavement in lieu of the 18 foot minimum  
16 required. [Applicant's Representative: Maura Ziska Esq] [Landmarks  
17 Preservation Commission Recommendation: Implementation of the proposed  
18 variance will not cause negative architectural impact to the subject landmarked  
19 property. Carried 6-1]

20 No ex-parte communications were declared.

21 Attorney Ziska provided details of the project.

22 Director Martin provided Staff comments.

23 **Motion was made by Council Member Araskog, and seconded by Council Member Crampton,**  
24 **that Variance No. Z-18-00164 be granted and find, in support thereof, that all of the criteria**  
25 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been**  
26 **met and providing that the property owner did voluntarily commit that prior to the issuance**  
27 **of a building permit to either provide a recorded utility easement or an easement agreement**  
28 **satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to**  
29 **underground utilities in the area. On roll call, the motion carried unanimously.**  
30

31 c. Z-18-00165 VARIANCE(S) Zoning District: R-AA Large Estate Residential The  
32 application of Maura Ziska as Trustee of the 515 North County Road Trust,  
33 Applicant, relative to property located at 515 N COUNTY RD, legal description on  
34 file, is described below. Request for a variance to allow two wing walls flanking  
35 the main entrance driveway gate with a height of 7.49 feet as measured from  
36 the crown of the road in lieu of the 6 feet maximum allowed. [Applicant's  
37 Representative: Maura Ziska Esq]

38 No ex-parte communications were declared.

39 Attorney Ziska provided details of the project.

1 Director Martin provided Staff comments.

2 **Motion was made by Council Member Lindsay, and seconded by Council Member Araskog,**  
3 **that Variance No. Z-18-00165 be granted and find, in support thereof, that all of the criteria**  
4 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been**  
5 **met and providing that the property owner did voluntarily commit that prior to the issuance**  
6 **of a building permit to either provide a recorded utility easement or an easement agreement**  
7 **satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to**  
8 **underground utilities in the area subject to ARCOM approval. On roll call, the motion carried**  
9 **unanimously.**

10  
11 d. Z-18-00166 VARIANCE(S) Zoning District: R-AA Large Estate Residential The  
12 application of Joel and Carol Jankowsky, Applicant, relative to property located  
13 at 200 REGENTS PARK, legal description on file, is described below. A request for  
14 a variance to allow the existing 6' 4" enclosure wall to be increased by 2' 4" for a  
15 total height of 8' 8" in lieu of the 7' wall maximum height allowed in order to  
16 fully encompass and screen a new 46 KW generator. [Applicant's  
17 Representative: Maura Ziska Esq] [Landmarks Preservation Commission  
18 Recommendation: Implementation of the proposed variance will not cause  
19 negative architectural impact to the subject landmarked property. Carried 7-0]

20 No ex-parte communications were declared.

21 Attorney Ziska provided the details of the project.

22 Director Martin provided Staff comments.

23 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay,**  
24 **that Variance No. Z-18-00166 be granted and find, in support thereof, that all of the criteria**  
25 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been**  
26 **met and providing that the property owner did voluntarily commit that prior to the issuance**  
27 **of a building permit to either provide a recorded utility easement or an easement agreement**  
28 **satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to**  
29 **underground utilities in the area. On roll call, the motion carried unanimously.**

30  
31 e. Z-18-00167 SITE PLAN REVIEW Zoning District: R-AA Large Estate Residential  
32 The application of 535 North County Road LLC (Mark Pulte), Applicant, relative to  
33 property located at 535 N COUNTY RD SUITE: GUESTHOUSE, legal description on  
34 file, is described below. A request for Site Plan Review to install a 180 KW  
35 generator to be located within the guesthouse, which was previously approved  
36 by ARCOM. [Applicant's Representative: Maura Ziska Esq]

37 Ex-parte communications were declared by Council Member Araskog, Council  
38 President Moore, President Pro Tem Zeidman and Council Member Lindsay.

39 Attorney Ziska provided details of the project.

1 Director Martin provided Staff comments.

2 **Motion was made by Council Member Araskog, and seconded by Council Member**  
3 **Crampton, that Site Plan Review Z-18-00167 be approved, based upon the finding that the**  
4 **approval of the site plan will not adversely affect the public interest and that the Council**  
5 **certifies that the specific zoning requirements governing the individual use have been met**  
6 **and that satisfactory provision and arrangement has been made concerning Section 134-**  
7 **329, items 1 through 11 and providing that the property owner did voluntarily commit**  
8 **that prior to the issuance of a building permit to either provide a recorded utility**  
9 **easement or an easement agreement satisfactory to the Town that ensures a recorded**  
10 **easement will be granted, if necessary, to underground utilities in the area. On roll call,**  
11 **the motion carried unanimously.**

12 *The following item was moved to precede Item VII. Public Hearings. A. Resolution No. 05-2019*

13 f. Z-18-00168 VARIANCE(S) Zoning District: R-B Low Density Residential The  
14 application of 244 Nightingale LLC (Stan Johnson, Manager), Applicant, relative  
15 to property located at 244 NIGHTINGALE TRL, legal description on file, is  
16 described below. A request for a flood plain variance in order to renovate a  
17 landmarked residence with a finished floor elevation of 5.68 North American  
18 Vertical Datum ("NAVD") in excess of 50% of the market value of the residence  
19 per section 50-114 of the code. [Applicant's Representative: Maura Ziska Esq]  
20 [Landmarks Preservation Commission Recommendation: Implementation of the  
21 proposed variance will not cause negative architectural impact to the subject  
22 landmarked property and that the proposed development will not preclude the  
23 building's continued designation as a historic building and the variance is the  
24 minimum necessary to preserve the historic character and design of the building.  
25 Carried 7-0.]

26 No ex-parte communications were declared.

27 Attorney Ziska provided details of the project.

28 Architect Pandula provided additional details.

29 **Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman,**  
30 **that Variance No. Z-18-00168 be granted and find, in support thereof, that all of the criteria**  
31 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been**  
32 **met and providing that the property owner did voluntarily commit that prior to the issuance**  
33 **of a building permit to either provide a recorded utility easement or an easement agreement**  
34 **satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to**  
35 **underground utilities in the area. On roll call, the motion carried unanimously.**  
36

37 g. Z-18-00169 VARIANCE(S) Zoning District: B-A Beach Area The application of  
38 Alex Chesterman, Applicant, relative to property located at 880 S OCEAN BLVD,  
39 legal description on file, is described below. 1) Request a Special Exception with

1 Site Plan Review to allow construction of a two 424 square foot beach cabanas in  
2 the R-A/B-A Zoning District. 2) Request for a variance to allow two beach houses  
3 to be erected on a property under single ownership. 3) Request for a variance to  
4 construct a new 130'-7" seawall on LOTS 26, 27 & 28 which will be placed to the  
5 east of the existing seawall, which is east of the Town of Palm Beach Bulkhead  
6 Line 3'-11" at the south end and 2'-0" at the north end. The new seawall will be  
7 constructed east of the Town of Palm Beach Bulkhead Line by 6'-1" at the south  
8 end and 4'-1" at the north end. It is also proposed to be 2'-1" east of the existing  
9 seawall and align with the recently constructed seawall on Lot 29 in lieu of the  
10 12" maximum allowed per Sec. 62-37 and Sec. 134-1701. [Applicant's  
11 Representative: Maura Ziska Esq]

12 No ex-parte communications were declared.

13 Deputy Clerk Gordon swore in those who would be providing testimony.

14 Attorney Ziska provided details of the project.

15 Design Professional, Perry provided additional information.

16 Director Martin provided Staff comments.

17 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay,**  
18 **that Variance No. Z-18-00169 be granted and find, in support thereof, that all of the criteria**  
19 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been**  
20 **met and providing that the property owner did voluntarily commit that prior to the issuance**  
21 **of a building permit to either provide a recorded utility easement or an easement agreement**  
22 **satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to**  
23 **underground utilities in the area. On roll call, the motion carried unanimously.**  
24

25 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay,**  
26 **that Special Exception No. Z-18-00169 shall be granted, based upon the finding that such**  
27 **grant will not adversely affect the public interest and that the applicable criteria set forth in**  
28 **Section 134-229 of the Town Code have been met. On roll call, the motion carried**  
29 **unanimously.**  
30

31 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay,**  
32 **that Site Plan Review Z-18-00169 be approved, based upon the finding that the approval of**  
33 **the site plan will not adversely affect the public interest and that the Council certifies that the**  
34 **specific zoning requirements governing the individual use have been met and that**  
35 **satisfactory provision and arrangement has been made concerning Section 134-329, items 1**  
36 **through 11. On roll call, the motion carried unanimously.**

37 3. Other

38 a. Request to Consider Ordinance No. 02-2019 Prior to 5:00 p.m. at a Public  
39 Hearing

1 **Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman,**  
2 **to approve request to consider Ordinance No. 02-2019 prior to 5:00 p.m. at a Public Hearing.**  
3 **On roll call, the motion carried unanimously.**

4 b. Combination Projects and Informal Review at Landmarks Preservation  
5 Commission

6 Director Martin provided details of this request.

7 IX. ORDINANCES

8 A. First Reading

9 1. ORDINANCE NO. 2-2019 An Ordinance Of The Town Council Of The Town Of  
10 Palm Beach, Palm Beach County, Florida, Amending The Town Code Of  
11 Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section  
12 134-2, Definitions And Rules Of Construction, By Adding A Definition Of Public  
13 Structure; Modifying The Definition Of Essential Services To Include Town-  
14 Owned Municipal Buildings And Structures, And Modifying The Definition Of Lot  
15 To Exclude Town-Owned Or Town-Leased Property; At Article IV,  
16 Nonconformities, Section 134-416, Continuation; Definition; Intent, To Exempt  
17 Town-Owned Municipal Buildings And Structures Which Are At Least Fifty (50)  
18 Years Old From Article IV, Nonconformities, Division 3, Buildings And Structures;  
19 At Article VI, District Regulations, Sections 134-790, 134-840, 134-890, 144-945,  
20 134-1000, 134-1055, 134-1109, 134-1159, 134-1209, 134-1259, 134-1304 And  
21 134-1354 To Add Essential Services Related To Town-Owned Municipal Buildings  
22 And Structures In All Zoning Districts As A Special Exception Use And  
23 Renumbering The Special Exception Uses In Those Sections; Article VIII,  
24 Supplementary District Regulation, Section 134-1697, Structures Over Lake  
25 Worth By Adding "Buildings" Into The Title And To Allow "Essential Services  
26 Related To Town-Owned Buildings And Structures" Over Lake Worth; Providing  
27 For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For  
28 Codification; Providing An Effective Date.

29 Director Martin clarified the intent of the ordinance.

30 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman,**  
31 **to approve Ordinance 02-2019 on first reading. On roll call, the motion carried unanimously.**

32 2. ORDINANCE NO. 03-2019 An Ordinance Of The Town Council Of The Town Of  
33 Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets,  
34 Sidewalks And Other Public Places, Town Code Of Ordinances, At Article VIII,  
35 Section 106 – 290 By Amending The Definition Of "Moveable Fixture" And At  
36 Section 106 – 292 By Amending The Title Of The Section And By Adding A New  
37 Subsection 106 – 292(17), Temporary Signs / Podiums Designating Passenger  
38 Loading Zones; Providing For Severability; Providing For The Repeal Of

1 Ordinances In Conflict; Providing For Codification; And Providing An Effective  
2 Date.

3 Assistant Director Bergman briefly summarized the ordinance.

4 **Motion was made by Council Member Crampton, and seconded by Council Member Araskog,**  
5 **to approve Ordinance 03-2019 on first reading. On roll call, the motion carried unanimously.**

6 3. ORDINANCE NO. 04-2019 - An Ordinance Of The Town Council Of The Town Of  
7 Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And  
8 Building Regulations, Town Code Of Ordinances; Providing For Severability;  
9 Providing For The Repeal Of Ordinances In Conflict; Providing For Codification;  
10 And Providing An Effective Date.

11 **Motion was made by Council Member Araskog, and seconded by Council Member Crampton,**  
12 **to approve Ordinance 04-2019 on first reading. On roll call, the motion carried unanimously.**

13  
14 4. ORDINANCE NO. 05-2019 An Ordinance Of The Town Council Of The Town Of  
15 Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Town  
16 Code Of Ordinances, At Article XI, Signs, Section 134 – 2372, General Regulations  
17 Applicable To Permitted Signs, By Adding New Subsections (12) And (13) Relating  
18 To The Nailing And Posting Of Signage And Blocking Ingress And Ingress With  
19 Signage; Providing For Severability; Providing For The Repeal Of Ordinances In  
20 Conflict; Providing For Codification; And Providing An Effective Date.

21  
22 **Motion was made by Council Member Crampton, and seconded by President Pro Tem**  
23 **Zeidman, to approve Ordinance 05-2019 on first reading. On roll call, the motion carried**  
24 **unanimously.**

25 X. ANY OTHER MATTERS

26 A. Council Member Araskog requested a study to see if a variance is required for items  
27 such as Z-18-00168 . *A request for a flood plain variance in order to renovate a*  
28 *landmarked residence with a finished floor elevation of 5.68 North American Vertical*  
29 *Datum ("NAVD") in excess of 50% of the market value of the residence per section 50-*  
30 *114 of the code.*

31 XI. ADJOURNMENT

32 There being no further business, the Development Review Town Council meeting of  
33 February 13, 2019 was adjourned at 4:55 p.m.

APPROVED:

---

Danielle H. Moore, Town Council President

ATTEST:

---

Kathleen Ruderman, Deputy Town Clerk