



# TOWN OF PALM BEACH

## Minutes of the Development Review

### Town Council Meeting

Held on March 19, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order March 19, 2019, at 5:09 p.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 - None

III. PRESENTATIONS

A. An Approach to Zoning Reform and Process Improvement in the Town of Palm Beach, Florida

Josh Martin, Director of Planning, Zoning & Building

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

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

V. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

VI. COMMUNICATIONS FROM CITIZENS

VII. APPROVAL OF AGENDA

The following changes were made to the agenda:

Item III.A. An Approach to Zoning Reform and Process Improvement in the Town of Palm Beach, Florida, was deferred to the April 10, 2019 Town Council meeting.

Item VIII.A. Resolution 11-2019 was removed from this agenda as it was heard at the Regular Town Council meeting.

Item IX.D.2.d. Was moved to the beginning of the agenda

Item IX.C.1. Was moved to follow Item IX.D.2.d.

Item IX C.2. Was moved to follow Item IX D.2.d.

Item IX.D.1.a. Was deferred indefinitely.

Item IX D.2.a. Was moved to follow IX.A.1

## VIII. RESOLUTIONS

- A. RESOLUTION 11-2019 - A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related To The Planning, Zoning & Building Department

*Item removed from agenda as it was heard at Regular Town Council meeting.*

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

## IX. DEVELOPMENT REVIEWS

- A. Declaration of Use Agreements

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

Ex-parte communications were declared by Council Member Araskog, President Pro Tem Zeidman, and Council Member Lindsay. All council members received letters and E-mails associated with this project that were included in their backup.

Discussion took place on proper procedure moving forward with Declaration of Use Agreement and the Phipps Plaza use.

Attorney Ziska provided clarification.

Anita Seltzer, Coconut Row, inquired about Town policy for someone calling into a Town Council meeting.

Director Martin provided details of Declaration of Use revisions.

**Motion was made by Council Member Crampton, and seconded by Council President Moore, to approve the Declaration of Use Agreement. A vote was not called.**

Maisy Grace, 247 Seaspray Avenue, voiced her concerns on various items in the Declaration of Use Agreement.

Gigi Tylander, 225 South County Road, voiced her concern with the Declaration of Use Agreement.

Bradley Geist, 234 Phipps Plaza, voiced his concern with Phipps Plaza Park usage.

Discussion took place on events in Phipps Plaza Park and second floor usage.

Attorney Ziska and Michael McCarty asked that if the Declaration of Use is going to be modified, that it include revision to item 12 with regard to parking.

**Motion was made by Council Member Araskog, and seconded by Council Member Lindsay to reconsider the Declaration of Use for the Carriage House. On roll call the motion called 4-1 with Council President Moore dissenting.**

Carole LeCates, 212 Seabreeze Avenue, expressed her concern with uses in CTS district and other items in the Declaration of Use Agreement.

Discussion took place on the alternative parking plan.

Ann Pepper, 333 Seaspray Avenue, expressed her concern with the Declaration of Use Agreement.

Bradford Winston, 231 Coconut Row, expressed his concern with the Declaration of Use Agreement.

Marcia Fick, 230 Seaspray Avenue, expressed her concern with notifications to Sea Street residents.

**Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve the Declaration of Use for the Carriage House with amendments to Items 1, *add after 12:00 am and 12:30 am "(closing time)"* Item 2 *"There shall be no use by the club of 2<sup>nd</sup> floor of the 270 building except for storage, office or residential use;* Item 12 to read *"Pick up and drop off for a maximum of 90 days or as may be extended by the Town Council"* Item 14 remove line *"or within Phipps Plaza Park"* and removing *"whether"*; Item 27 to read *"The Club shall not use Phipps Plaza for any use"*. On roll call, the motion carried unanimously.**

*Town Council recessed at 6:45 p.m. and reconvened at 6:50 p.m.*

B. Appeals

1. Administrative Appeals relative to the Tennis Courts, Supplemental Parking and Required 10-Foot High Tennis Court Perimeter Fencing on the Lot at 1236 South Ocean Boulevard

Attorney Hand, provided details of the appeal.

Zoning Administrator Castro provided Staff comments.

Attorney Hanlon, provided comments on behalf the owners of 1236 South Ocean Boulevard.

Discussion took place on code provisions, the time line, timeliness of the appeal, the timing of building permit issuance, and the Architectural Commission decision and what laws to apply going forward.

**Motion was made by Council Member Crampton, and seconded by Council President Moore to deny the Administrative Appeal for the two special exceptions because it the appeal was not filed in a timely manner. Motion carried 4-1 with Council Member Araskog dissenting.**

**Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, to deny appeal for the variance. On roll call, the motion carried unanimously.**

*Council recessed at 7:04 p.m. and reconvened at 7:09 p.m.*

C. Time Extensions and Waivers

1. Waiver of Town Code Section 42-199, For Extended Working Hours 301 Worth Avenue – Chanel

Attorney Oyer provided details of the project.

Director Martin provided Staff comments.

Assistant Director Bergman provided Staff comments.

**Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, to approve Town Code Section 42-199 For Extended Working Hours for Chanel, located at 301 Worth Avenue. On roll call, the motion carried unanimously.**

2. Waiver of Town Code Section 42-199, For Extended Working Hours at the Temporary Space for Chanel, Located at 150 Worth Avenue

Attorney Oyer provided details of the project.

**Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to approve Town Code Section 42-199 For Extended Working Hours at the Temporary Space for Chanel, located at 150 Worth Avenue. On roll call, the motion carried unanimously.**

D. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. 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 withdrew this project from their agenda at the December 12, 2018 meeting due to the excessive number of deferral requests. Carried 5-2.]

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

2. New Business

a. Z-19-00170 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District R-B Low Density Residential The application of PALM BEACH TOWN OF, Owner, relative to property located at 320 S LAKE DR SUITE: SITE, legal description on file, is described below. The Town is requesting a special exception with site plan review to reconstruct and expand the Town dock facilities. The reconstruction of the docks include adding additional dock lengths, larger slips; an additional dock; the redesign and reconstruction of the three existing dock buildings; the resurfacing and restriping of the associated parking lots; minimum relocation of driveway entrances, and the building a new seawall in front of the old one. [Applicant's Representative: John Randolph, Esq] [The Architectural Review Commission approved the demolition of the current docks and buildings. Carried 4-3. The Architectural Review Commission deferred the project for one month to the April meeting. Carried 7-0].

*This item was heard before item IX.A.B.1.*

Engineer Thomson provided details of the project.

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

Pat Seagraves, 2500 South Ocean Boulevard voiced his concern about this project.

Director Martin clarified separation of site plan from architecture.

**Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Special Exception No. Z-19-00170 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 Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan Review Z-19-00170 be approved, 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.**

b. Z-19-00171 VARIANCE(S) Zoning District R-B Low Density Residential  
The application of Basil Vasiliou, Applicant, relative to property located at 114 SEASPRAY AVE, legal description on file, is described below. The applicant is proposing to construct a two-story infill addition comprising of 49.6 square feet on the first floor for a butler's pantry and 56.6 square feet on the second floor for an office for a total of 106.2 square feet. The following variances are being requested: 1) a cubic content ratio ("CCR") of 4.38 in lieu of the 4.3 existing and the 3.98 maximum allowed in the R-B Zoning District for a lot that is 12,060 square feet in area. 2) a lot coverage of 33.3 percent in lieu of the 32.9 percent existing and the 30 percent maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Deputy Clerk Ruderman swore in all those would be testifying.

Architect Bacon provided details of the project.

Director Martin recommended approval.

**Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Variance No. Z-19-00171 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.**

c. Z-19-00172 VARIANCE(S) Zoning District R-A Estate Residential The application of 3200 Washington, LLC, Applicant, relative to property located at 1055 N OCEAN BLVD, legal description on file, is described below. The applicant is proposing to add a 450 sq. feet addition onto the north side of the second story to balance the roof line to correspond to the south side of the previously approved application to create a symmetrical design and is requesting a north side yard setback of 8 feet in lieu of the 15 foot minimum setback required to add the second story addition. [Applicant's Representative: Joel P Koeppel Esq] [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 approved the project as presented. Carried 6-1.]

No ex-parte communications were declared.

Deputy Clerk Ruderman swore in all those would be testifying.

Attorney Koeppel provided details of the project.

Architect Seagraves provided additional details.

Director Martin recommended approval.

**Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance No. Z-19-00172 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.**

d. Z-19-00173 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District C-TS Town-Serving Commercial The application of Chanel, Inc. (Ken Ellmer, Treasurer), Applicant, relative to property located at 301 WORTH AVE, legal description on file, is described below. The Applicant seeks approval of a Special Exception with Site Plan Review to renovate and expand the existing Chanel boutique from 9,995 sq. ft. to 12,959 sq. ft. Specifically, there is 2,964 sq. ft. of floor area adjacent to the boutique

on both the first and second floor that is vacant. The property owner is requesting to renovate and expand the Chanel store into the vacant retail space. [Applicant's Representative: Harvey E Oyer III Esq]

No ex-parte communications were declared.

Attorney Oyer provided details of the project.

Director Martin recommended approval of the project.

**Motion was made by Council Member Crampton, and seconded by Council Member Araskog, that Special Exception No. Z-19-00173 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 Council Member Crampton, and seconded by Council Member Araskog, that Site Plan Review Z-18-00173 be approved, 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.**

*This item was moved to the beginning of agenda.*

### 3. Other

#### a. Expired Permits – 70 Middle Road

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

Assistant Director Bergman provided details of this property.

Discussion took place about whether or not Town may take action on a property such as this and a property maintenance ordinance. Town Council requested that Planning, Zoning & Building assemble an ordinance as soon as possible.

## X. ORDINANCES

### A. Second Reading

1. ORDINANCE NO. 02-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Adding



A Definition Of Public Structure; Modifying The Definition Of Essential Services To Include Town-Owned Municipal Buildings And Structures, And Modifying The Definition Of Lot To Exclude Town-Owned Or Town-Leased Property; At Article IV, Nonconformities, Section 134-416, Continuation; Definition; Intent, To Exempt Town-Owned Municipal Buildings And Structures Which Are At Least Fifty (50) Years Old From Article IV, Nonconformities, Division 3, Buildings And Structures; At Article VI, District Regulations, Sections 134-790, 134-840, 134-890, 144-945, 134-1000, 134-1055, 134-1109, 134-1159, 134-1209, 134-1259, 134-1304 And 134-1354 To Add Essential Services Related To Town-Owned Municipal Buildings And Structures In All Zoning Districts As A Special Exception Use And Renumbering The Special Exception Uses In Those Sections; Article VIII, Supplementary District Regulation, Section 134-1697, Structures Over Lake Worth By Adding "Buildings" Into The Title And To Allow "Essential Services Related To Town-Owned Buildings And Structures" Over Lake Worth; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

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

**Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance 03-2019 on second reading. On roll call, the motion carried unanimously.**

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

**Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, to adopt Ordinance 04-2019 on second reading. On roll call, the motion carried unanimously.**

4. ORDINANCE NO. 05-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter

134, Zoning, Town Code Of Ordinances, At Article XI, Signs, Section 134 – 2372, General Regulations Applicable To Permitted Signs, By Adding New Subsections (12) And (13) Relating To The Nailing And Posting Of Signage And Blocking Ingress And Ingress With Signage; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

**Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to adopt Ordinance 05-2019 on second reading with the amendment that verbiage be changed from “Ingress and Ingress” to “Ingress and Egress”. On roll call, the motion carried unanimously.**

A. First Reading

1. ORDINANCE NO. 12-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 3, Procedure And Requirements, Section 18-201, Preliminary Sketch; Site Plan; Final Plan By Adding Subsection (D); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Assistant Director Bergman provided details.

Director Martin provided additional details.

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

2. ORDINANCE 14-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 54, Historical Preservation, Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect, By Adding Section 54-99, Construction Screening Plan; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

**Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Ordinance 14-2019 on first reading. On roll call, the motion carried unanimously.**

XI. ANY OTHER MATTERS

- A. Andrew Roddy, 213 Kenlyn Road, suggested that negligent properties take care of the front of a home first to appease neighbors.
- B. Council Member Araskog suggested that sent to ARCOM and LPC or ORS that if you are going to do drastic changes to the landscape plan that ARCOM has approved that you need to go back for approval.

XII. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of March 19, 2019 was adjourned at 9:51 p.m.

APPROVED:

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Danielle H. Moore, Town Council President

ATTEST:

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Kathleen Ruderman, Deputy Town Clerk