



TOWN OF PALM BEACH

PLANNING, ZONING & BUILDING DEPARTMENT

ACTIONS OF THE TOWN COUNCIL-DEVELOPMENT REVIEW MEETING HELD ON WEDNESDAY, JULY 10, 2019

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. PRESENTATIONS
 - A. Annual Report - Planning and Zoning Commission
Martin I. Klein, Chair
ACTION: APPROVED
- IV. COMMENTS OF MAYOR GAIL L. CONIGLIO
- V. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING
- VI. COMMUNICATIONS FROM CITIZENS
- VII. APPROVAL OF AGENDA
ACTION: APPROVED
- VIII. RESOLUTIONS
 - A. **RESOLUTION NO. 57-2019** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."
Josh Martin, Director of Planning, Zoning & Building

ACTION: APPROVED

IX. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal - 1236 S. Ocean Boulevard
Josh Martin, Director of Planning, Zoning & Building

ACTION: DEFERRED TO THE AUGUST 14, 2019, TOWN COUNCIL MEETING

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at **241 SEAVIEW AVE SUITE: SITE**, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 4-1. The Landmarks Preservation Commission deferred the project to the April 17, 2019 meeting at the request of the attorney. Carried 7-0.]

Request for Withdraw per Letter Dated June 18, 2019 from Maura Ziska.

ACTION: WITHDRAWN

- b. **Z-19-00194 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of Bradley Park Owner LLC (Ned Manager LLC, Manager), Applicant, relative to property located at **280 SUNSET AVE SUITE: SITE**, legal description on file, is described below. The applicant is requesting special exception approval for a proposed restaurant of 2,998 square feet (indoor area) and 184 seats at The Bradley Park Hotel. The project will include 118 interior restaurant seats (of which 20 are bar seats) and 66 courtyard seats (of which 8 are bar seats) for a

total of 184 lunch and dinner seats. Eighteen of the restaurant seats will come from the principle of equivalency from the former C'est Si Bon Gourmet Grocery retail space. The applicant is also requesting approval for valet parking at lunch and dinner. Requested hours of operation are 7:00am to 11:00pm, seven days a week. In addition to a special exception for a restaurant change of ownership, the following associated approvals are requested: A variance from Code Section 134-2176(9), schedule of off-street parking for restaurants. The new restaurant proposes 184 seats, which would require 53 parking spaces (after subtracting 18 seats available from the principle of equivalency); 30 parking spaces will continue to be provided pursuant to an existing off-site parking agreement, which formerly served Trevini Ristorante. A variance is requested for 23 parking spaces. A variance from Code Section 134-2373(10) to provide a sign on the pergola awning at the new hotel entrance. A special exception for 66 outdoor seats in the courtyard, per Code Section 134-1111(a). A special exception for 30 shared off-site required off-street parking spaces, per code Section 134-2177(3). Site plan review, including for a generator with an output capability of 250 kW, per Code Section 134-1729(2)(c). The proposed generator will be internal to the hotel building. [Applicant's Representative: James M. Crowley, Esq] [Landmarks Preservation Commission Recommendation: The awning be installed as presented. Carried 7-0.]

ACTION: APPROVED WITH 350 KW GENERATOR.

2. New Business

- a. **Z-19-00195 SITE PLAN REVIEW WITH VARIANCE(S)**
 Zoning District: R-C Medium Density Residential The application of Mark and Heather Flaherty, Applicant, relative to property located at **145 PERUVIAN AVE SUITE: 102**, legal description on file, is described below. The applicants, owners of Unit 102 in the Regency Six Condominium, are proposing to modify the outdoor space immediately adjacent to their ground floor unit to make the space more usable and aesthetically pleasing by replacing some sod and shrubs with sand-set travertine pavers and new shrubs. The existing tree in front of the unit will also be replaced. The following variances are requested: A variance from Code Section 134-948(11)d., for overall landscaped open space of 22.6% in lieu of the 26.1% existing and the minimum of 35% landscaped open space required by the Code. A variance from Code Section 134-948(11)e, for front yard landscaped open space of 33.2% in lieu of the 46% existing and the minimum of 35%

front yard landscaped open space required. [Applicant's Representative: James M. Crowley, Esq]

ACTION: APPROVED WITH THE CONDITION THE TREE REMAIN.

- b. **Z-19-00199 SPECIAL EXCEPTION** Zoning District: C-TS Town-Serving Commercial The application of The Breakers Palm Beach, Inc., Applicant, relative to property located at **212 SUNSET AVE, SUITE: SITE**, legal description on file, is described below. Per Code Section 134-1109(a)(11), the applicant is requesting approval for a restaurant to occupy the restaurant space that was approved as part of Site Plan Review #13-2014 with Special Exceptions and Variances. The applicant is a new owner. The original approval was for a restaurant of 4,110 square feet with 152 seats, of which 60 were outdoors. The proposed restaurant will have 4,193 square feet and 152 seats, all indoors. ARCOM has already approved the exterior change (windows). The requested hours of operation for this restaurant are 11:00am to 1:00am, seven days a week, with dinner until 10:00pm. The restaurant will offer valet service. [Applicant's Representative: James M. Crowley Esq]

ACTION: APPROVED WITH MODIFIED HOURS OF OPERATION.

- c. **Z-19-00200 VARIANCE(S)** Zoning District: R-A Estate Residential The application of PB Pavilion Trust, Applicant, relative to property located at **1600 S OCEAN BLVD**, legal description on file, is described below. A variance request to add a 6,175 square foot second story addition onto the existing residence to add 6 bedrooms to a 2 bedroom house that would have a point of measurement of 30.80 feet North American Vertical Datum ("NAVD") for building height and overall height in lieu of the 17.31 feet NAVD required for lots within the coastal construction control line. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. The Architectural Review Commission approved the project as presented with a condition relating to the landscaping. Carried 6-1]

ACTION: APPROVED WITH CONDITION RELATED TO A UTILITY EASEMENT.

- d. **Z-19-00201 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: B-A Beach Area The application of Michael and Frances Kettenbach,

applicant, relative to property located at **801 S COUNTY RD, SUITE: BEACH CABANA**, legal description on file, is described below. Request a special exception with site plan review to add 973 square feet to the existing 488 square foot beach cabana that would have an 18.56 foot setback from the west property line in lieu of the 35 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED, WITH THE CONDITION TO RECREATE THE OCEAN VISTA AND PROVIDE UTILITY EASEMENT IF NECESSARY.

- e. **Z-19-00202 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Justin and Meira Besikof, Applicant, relative to property located at **307 CHILEAN AVE, SUITE: SITE**, legal description on file, is described below. A request to construct a new 3,937.50 square foot, two-story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 6,250 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property.] **Request for Deferral per Letter Dated June 27, 2019 from Maura Ziska.**

ACTION: DEFERRED

- f. **Z-19-00203 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jeffrey Alderton, Applicant, relative to property located at **2283 W IBIS ISLE RD**, legal description on file, is described below. Section 134-1668 - Variance to allow the installation of a driveway gate with a 12.2 foot setback from the edge of the pavement in lieu of the 18-foot minimum required by the Zoning Code. [Applicant's Representative: David E. Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. The Architectural Review Commission approved the project as presented. Carried 7-0]

ACTION: APPROVED

- g. **Z-19-00204 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of Serena & Lily, Applicant, relative to property located at **101 N COUNTY RD, SUITE:**

SITE, legal description on file, is described below. The applicant requests approval to convert existing office space to retail use (furniture and home furnishings) in this existing one-story single use building. The building contains 3,943 square feet of gross leasable area, and the site includes 6 parking spaces. The following specific approvals are requested: Per Section 134-1109(a)(11), a special exception approval is requested as the use is over 3,000 square feet gross leasable area and has to demonstrate this said use is Town-serving. Per Code Section 134-2175(a)(3), a variance is requested for four (4) parking spaces. This number is calculated by comparing the parking demand as found in Code Section 134-2176 for 3,943 square feet of office use ($3,943/250 = 15.77 = 16$) to the parking demand for the same amount of retail use ($3,943/200 = 19.71 = 20$). There are 6 parking spaces on this site, with no ability to provide any more. [Applicant's Representative: James M. Crowley Esq]

ACTION: APPROVED

- h. **Z-19-00205 VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of PBCOF Brazilian, LLC (Alex Griswold, Authorized Agent), Applicant, relative to property located at **214 BRAZILIAN AVE, SUITE: SITE**, legal description on file, is described below. 1. Section 134-1107. Permitted uses. (a)(2): Offices and professional services are only allowed above the first floor in the C-TS zoning district. A variance is being requested to allow expansion of an existing 727 square foot architectural office by 208 square feet on the first floor in the C-TS District. The original office was approved by variance in 2010 (Variance No. 5-2010). The proposed addition converts an existing storage area and portion of an entry lobby into the architectural office. [Applicant's Representative: Jamie Torres-Cruz]

ACTION: APPROVED

3. Other

- a. ARCOM/LPC Combination Project Discussion - Six month update
Josh Martin, Director of Planning, Zoning & Building

ACTION: NONE

X. ORDINANCES

A. First Reading

1. **ORDINANCE NO. 26-2019** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 2, Administration, Town Code Of Ordinances, At Article V, Code Enforcement, Division 3, Procedure, Section 2-439, Citation Fine Schedule And Table, To Include New Sections 106-49, 106-50, 106-161, And 106-162; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Wayne Bergman, Assistant Director of Planning, Zoning & Building

ACTION: APPROVED ON FIRST READING

XI. ANY OTHER MATTERS – *None*

XII. ADJOURNMENT