



TOWN OF PALM BEACH

Planning, Zoning & Building Department

SUMMARY OF THE ACTIONS TAKEN AT THE DEVELOPMENT REVIEW TOWN COUNCIL MEETING HELD ON WEDNESDAY, MAY 15, 2019

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR GAIL L. CONIGLIO
- IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING
- V. COMMUNICATIONS FROM CITIZENS
- VI. APPROVAL OF AGENDA

ACTION: THE FOLLOWING CHANGES WERE MADE TO THE AGENDA:

ITEM VII.B.1.a. WAS DEFERRED TO THE JULY 10, 2019 MEETING

ITEM VII.B.1.b. WAS DEFERRED TO THE JUNE 12, 2019 MEETING

ORDINANCE NO. 21-2019 ADDED TO ANY OTHER MATTERS

ORDINANCE NO. 23-2019 ADDED TO ANY OTHER MATTERS

ORDINANCE NO. 24-2019 ADDED TO ANY OTHER MATTERS

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 30-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 145 Seaspray Avenue, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

ACTION: NOT APPROVED

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision of B-046-2017, 1236 S Ocean Blvd at March 27, 2019 meeting.

TIME CERTAIN 1:30 P.M.

ACTION: DENIED

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 Deferral to the July 10, 2019 Town Council Meeting per Letter Dated May 7, 2019 from Maura Ziska.

ACTION: DEFERRED

b. Z-19-00174 VARIANCE(S) Zoning District R-C Medium Density Residential The application of Zachary Potter, Applicant, relative to property located at 254 N COUNTY RD, legal description on file, is described below. Request for a variance to allow a swimming pool at the northwest corner of the property with a 1.5 foot rear yard setback in lieu of the 10-foot minimum setback required. [Applicant's Representative: Maura Ziska Esq]

ACTION: DEFERRED

2. New Business

a. Z-19-00185 LOT SPLIT Zoning District R-A Estate Residential The application of 89 Middle Rd LLC, Applicant, relative to property located at 125 EL BRAVO WAY, legal description on file, is described below. Request a lot split of Parcel E, El Bravo-Singer Island Annex Plat (part of the original 89 Middle Rd Estate) into two conforming single-family lots. Pursuant to the subdivision approval, the Town Council allowed the applicant to return to Town Council after 18 months to request to split Parcel "E" into two lots. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

b. Z-19-00187 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: PUD-A Planned Unit Development A The application of The Breakers Palm Beach Inc, (Alex Gilmurray Chief Financial Officer), Applicant, relative to property located at 1 S COUNTY RD SUITE: SITE, legal description on file, is described below. The Breakers is requesting site plan review with special exception approval to construct a new security guardhouse and gates, to re-align the road, and to add a landscaped island on the south side of the proposed guardhouse, which will be located in the median of North Breakers Row (near its intersection with Main Street). The project, which is to improve hotel security, includes swing arms to control access from Main Street into the north parking lot. [Applicant's Representative: James M. Crowley Esq]

ACTION: APPROVED

c. Z-19-00188 VARIANCE(S) Zoning District: R-A Estate Residential The application of William Moody and Dana Landry, Applicant, relative to property located at 3 PELICAN LN, legal description on file, is described below. A request for a flood plain variance in order to re-build a landmarked residence with a finished floor elevation of 6.25 feet North American Vertical Datum ("NAVD") in lieu of the 7 feet NAVD required when construction exceeds 50% of the market value of the residence. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

d. Z-19-00189 SPECIAL EXCEPTION Zoning District: C-OPI Office, Professional and Institutional The application of Manufacturers and Traders Trust Company (M&T Bank) and Wilmington Trust, Applicant, relative to property located at 230/240 ROYAL PALM WAY SUITE: SITE, legal description on file, is described below. A request for a special exception with site plan review to allow private banking services for Wilmington Trust (owned by Manufactures and Traders Trust Company, also known as M&T Bank) in the C-OPI Zoning District. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

e. Z-19-00190 VARIANCE(S) Zoning District: R-A Estate Residential The application of Roberto and Joanne de Guardiola, Applicant, relative to property located at 12 LAGOMAR RD, legal description on file, is described below. 1. A variance request to construct a tennis court and associated required perimeter fence with a 6.25 street side yard setback in lieu of the 35 foot minimum required and a 5.5 foot front yard setback In lieu of the 35 foot minimum required in the R-A Zoning District. 2. A variance request to construct a 10-foot high fence around the tennis court in the front yard and street side yard setback in lieu of the 6 foot maximum height allowed. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

f. Z-19-00192 VARIANCE(S) Zoning District: R-A Estate Residential The application of Howard Cox, Applicant, relative to property located at 330 ISLAND RD, legal description on file, is described below. A variance to allow the new marginal dock to extend 8.25 feet (18 inch seawall; 9 inch cap; 6 foot marginal dock) south of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

g. Z-19-00193 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Thought Development, LLC (Edward Kettenbach, Manager), Applicant, relative to property located at 220 JUNGLE RD, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 8,186 square foot two-story residence on a non-conforming lot with a width of 120 feet in lieu of the 125 feet minimum required in the R-A zoning district and a lot area of 19,200 square feet in lieu of the 20,000 square foot minimum required in the R-A zoning district. There is an existing 929 square foot two-story garage on the property to remain and be added onto the proposed new house. The total square feet of the new residence and the existing garage together is 9,115 square feet. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of special exception with site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

h. Z-19-00198 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Richard and Rosemary McCready, Applicant, relative to property located at 212 CHERRY LN, legal description on file, is described below. The applicant is proposing to add a one-story 224 square foot addition for a guest bedroom on the west side of the house that require the following variance request: 1) A west side yard setback of 10.3 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

3. Other

a. Proposed Zoning Text Amendment Application from the Breakers Palm Beach, Inc. to Study a Zoning Code change to make a "Resort Hotel" a Permitted Use in the PUD-A Zoning District

ACTION: IT WAS THE CONSENSUS OF THE TOWN COUNCIL TO REVIEW THE ZONING TEXT AMENDMENT APPLICATION

b. Construction Site Monitoring

ACTION: NONE

IX. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 10-2019 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, At Article VIII, Supplementary District Regulations, At Section 134-1516. Underground Location Of Utility Service Lines, By Excluding Boxes Housing Essential Services From Lot Coverage And Landscape Open Space Calculations; Creating Section 134-1518, Which Prohibits The Docking Or Storage Mobility Stations For Shared Scooters In The Town; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED

2. ORDINANCE NO. 11-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article II, Streets, In Creating Section 106-49, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters On Public Or Private Streets; And Creating Section 106-161, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Scooter On Sidewalks; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED

A. First Reading

1. ORDINANCE NO. 16-2019 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 V, Coastal Construction Code, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

2. ORDINANCE NO. 17-2019 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 VI, District Regulations, Sections 134-791, 134-841, 134-891, 134-946, Accessory Structures, By Clarifying The Ten Foot Minimum Side And/Or Rear Setback Requirement For Unenclosed Accessory Structures; Sections 134-1107 And 134-1207, Permitted Uses, And 134-1109 And 134-1209, Special Exception Uses, By Making Residential Use Above The First Floor A Permitted Use Rather Than Special Exception Use In The C-TS And C-OPI Commercial Zoning Districts;

Section 134-1157, Permitted Uses, By Clarifying That Residential Use Above The First Floor In The C-WA Commercial Zoning District Is A Permitted Use; Sections 134-1109, 134-1159, 134-1209 And 134-1304, Special Exception Uses, In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts, By Eliminating Broad Language Which Allows By Special Exception Either Any Retail And Service Activity Or Commercial Use Over The Maximum Town-Serving Threshold Provided Said Use Demonstrates That It Is Town-Serving And Replacing With Language Allowing Permitted Uses Or Uses Not Specifically Enumerated As A Permitted Use Provided Said Uses Demonstrate They Will Have Traffic, Patronage And Intensity Of Use Characteristics Similar To Permitted Uses In Those Commercial Zoning Districts; Creating New Sections 134-1472 And 134-1473, Permitted And Special Exception Uses And Structures In The B-A, Beach Area Zoning District, And Renumbering Existing Sections Of The Code To Follow; At Article VIII, Supplementary District Regulations, Creating Section 134-1519 Which Prohibits The Docking, Parking And Storage Stations For Shared Bicycles And Shared Dockless Bicycles In The Town; At Article XI, Signs, Section 134-2437, Building Identification, Business Identification And Property Identification Signs, And 134-2438, Size Of Sign, By Modifying Existing Language To Provide Clearer Business Identification Sign Regulation Language And By Allowing Business Identification Signage Based On Business Frontage And Not On First Floor Tenant Frontage; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED AS AMENDED

3. ORDINANCE NO. 18-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article II, Streets*, In Creating Section 106-50, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles On Public Or Private Streets; And Article V, Sidewalks, Creating Section 106-162, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Bicycles And Dockless Bicycles On Any Public Or Private Sidewalk, Via Or Esplanade; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED

4. ORDINANCE NO. 19-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, Article II, Conditions On Private Property, Divisions 1 And 2, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

5. ORDINANCE NO. 20-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 88, Property Maintenance Code, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

X. ANY OTHER MATTERS

- A. Marcia Mulford Cini Landmarks Preservation Commission Attendance Exception

ACTION: APPROVED

- B. ORDINANCE NO. 21-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environmental, Article IX, Fertilizer-Friendly Use, Section 42-372 “Definitions” and Section 42-376, “Timing Of Fertilizer”, Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

ACTION: APPROVED

- C. ORDINANCE NO. 23-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article IX, Division 2, Titled Prohibition Of Single Use Plastic Straws; Prohibiting The Distribution Of Plastic Straws; Providing Penalties For Any Such Distribution; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing An Effective Date.

ACTION: DEFERRED

- D. ORDINANCE NO. 24-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article IX, Titled Prohibition Of Polystyrene Containers And Single Use Carry Out Plastic Bags; Prohibiting The Use Of Expanded Polystyrene Containers And Single Use Carry Out Plastic Bags Within The Corporate Limits Of The Town; Providing For Penalties And Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED

- E. RECONSIDERATION OF:

ORDINANCE NO. 25-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-257, Subsection (1) Of The Town Code Of Ordinances Titled Regulations Relating To Special Events; Providing For A Prohibition On The Use Of Phipps Plaza Park For A Special Event Due To The Close Residential Proximity Of This Public Space; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: DENIED

ACTION: STAFF DIRECTED TO COME BACK TO JUNE TOWN COUNCIL MEETING WITH LOCATIONS AND SIZES OF PARKS THROUGHOUT TOWN.

XI. ADJOURNMENT