



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

WEDNESDAY, FEBRUARY 13, 2013

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 25-2013 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 127 Dunbar Road 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.
[John Page, Director of Planning, Zoning and Building]
- B. RESOLUTION NO. 26-2013 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 256 South Ocean Boulevard 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.
[John Page, Director of Planning, Zoning and Building]

VIII. DEVELOPMENT REVIEWS

- A. Appeals
TIME CERTAIN: NOT BEFORE 11:00 A.M
1. Appeals of Landmarks Preservation Commission's Decision Regarding COA#023-2012 (Del Frisco Restaurant) by William Cooley, Palm Beach Towers, and Lory Volk.
[John Page, Director of Planning, Zoning and Building]
 2. Appeal of Landmarks Preservation Commission's Decision Regarding COA#004-2013 (Brown Harris Stevens) by Palm Beach Towers. [John Page, Director of Planning, Zoning and Building]
- B. Time Extensions & Waivers
1. Request for Waiver of Section 42-199, Hours of Construction Work, at 401 Worth Avenue Per Letter Dated January 16, 2013, from Donald B. Scott, Jr.

2. Request for Waiver of Section 42-199, Hours of Construction Work, at 301 Worth Avenue (Chanel) Per Letter Dated January 23, 2013, from Ean Bressack.
3. Request for Waiver of Section 42-199, Hours of Construction Work, at 411 S. County Road (J.P. Morgan Chase Bank) Per Letter Dated January 17, 2013, from Jorge Mitjans.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **VARIANCE #4-2013** The application of Virginia L. Mortara; relative to property commonly known as **319 El Vedado Road**; described as Lot 52 and the West 25 feet of Lot 53, REVISED PLAT OF JUNGLE POINT ADDITION TO THE TOWN OF PALM BEACH, according to the plat thereof as recorded in Plat Book 18, Page 21, of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting variances to allow construction of a 30 foot by 6 foot marginal dock located 10 feet from the West side yard property line in lieu of the 25 foot minimum set back required; to allow a 30 foot by 6 foot marginal dock located 10 feet from the Northern neighbor's South side property line in lieu of the 25 foot minimum set back required; to allow a vessel to be docked at the proposed dock, which vessel would extend beyond the Applicant's North neighbor's side property line, but not the Applicant's side property line.

[Attorney: M. Daniel Logan]

Deferred from the January 9, 2013, Town Council Meeting

- b. **VARIANCE #5-2013** The application of 101 Indian Road, LLC, Robert G. Fessler, Manager/Member; relative to property commonly known as **101 Indian Road**; described as Lengthy legal description in file; located in the R-A Zoning District. The proposal is to build a new, two story house with the following variances being requested: to allow the south side yard setback for the proposed residence to be 15 feet in lieu of the 30 foot minimum required for lots in excess of 60,000 square feet; to allow a north side yard setback for the proposed residence to be 25.67 feet in lieu of the 30 foot minimum required; to allow the proposed residence to be 25 feet from the Town Bulkhead Line in lieu of the 51.6 foot minimum required when calculating the average of the houses to the north and

south's setback from the Town Bulkhead Line; to allow the overall building height to be 52.33 feet NGVD in lieu of the 48.39 maximum allowed when comparing the heights of the houses to the north and south.

[Attorney: Maura A. Ziska]

Deferred from the January 9, 2013, Town Council Meeting

[ARCOM Recommendation: ARCOM motion to recommend approval of the variance failed 3-2 as there were not enough members present to obtain the four affirmative votes necessary.]

2. New Business

- a. **VARIANCE #7-2013** The application of The Society of the Four Arts, Inc., Ervin Duggan, President; relative to property commonly known as **1, 2, 3, and 4 FOUR ARTS PLAZA AND 240 COCOANUT ROW**; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting variances to permit sixteen (16) square feet of signage in lieu of the six (6) square feet of signage permitted by Section 134-2405(1) on the Cocoanut Row frontage of the Fitz Eugene Dixon Education Building at the Society of the Four Arts campus; to allow a two (2) square foot sign on the south elevation of the Fitz Eugene Dixon Education Building at the Society of the Four Arts campus, where signage is not permitted by the Zoning Code; to allow two (2) signs, of 2.5 square feet each, on the Seaview Avenue frontage of the Fitz Eugene Dixon Education Building at the Society of the Four Arts campus, where the Zoning Code only permits one (1) sign. [Attorney: Harvey E. Oyer, III]
[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0 with slight redesign of the sign facing Cocoanut Row.]
- b. **VARIANCE #8-2013** The application of Terry and Bonita Alfuth; relative to property commonly known as **237 OLEANDER AVENUE**; described as Lots 14 and 15, Daisy E. Erbs Addition, according to the Plat thereof as recorded in the Plat Book 9, Page 75, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting variances to construct a 278.52 square foot one car garage addition onto the existing residence. The proposed addition would require the

following variances to be requested: a west side yard setback of 3 feet in lieu of the 10 foot minimum required and 15.7 feet existing; a rear yard setback of 11.6 feet in lieu of the 15 foot minimum required and 11.6 feet existing; a front yard setback of 22.39 feet in lieu of the 25 foot minimum required and the 15.1 feet existing; and to allow lot coverage of 33.39% in lieu of the 30% maximum allowed and the 23.45 existing. [Attorney: Maura Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0]

D. Other

1. Royal Poinciana Plaza
TIME CERTAIN: NOT BEFORE 1:30 PM
 - a. Update on theatre. [Adam Munder]
 - b. **SITE PLAN REVIEW #1-2013** The application of James M. Crowley, Esq. or John W. Little, III, Esq. on behalf of Sterling Palm Beach LLC; relative to property commonly known as **340 Royal Poinciana Way**; described as Lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting a site plan review modification to the Royal Poinciana Plaza parking lot due to the realignment of the new Flagler Memorial Bridge. The Florida Department of Transportation has condemned 8,388 square feet of the Plaza's property for the realignment. The request is to restripe the Plaza, specifically the remaining portion of the northwest side of the property, to capture as many off-street parking spaces as possible of those which were lost. The redesign will result in 208 parking spaces in the northwest portion of the Royal Poinciana Plaza. [Attorneys: James M. Crowley, John W. Little]
[John Page, Director of Planning, Zoning and Building]
Deferred from the January 9, 2013 Town Council Meeting
2. Modification of Condition of Approval Regarding Temple Emanuel Zoning Application (Special Exception No. 8-2012 with Site Plan Review and Variance), 190 North County Road and 224, 226 and 234 Seminole Avenue. [John C. Randolph, Town Attorney]
3. Consideration Of The Testa Family, Inc., Comprehensive Plan And Zoning Text Amendment Application To Create An Overlay

Within The Five Acres Of Land Between Bradley Place And North County Road And Royal Poinciana Way And Sunset Avenue. The Application Was Previously Deferred April 2012 To The February 2013 Council Meeting In Order For The Newly Established Royal Poinciana Way Committee To Study Regulations For This Area.

[John Page, Director of Planning, Zoning and Building]

Deferred from the April 11, 2012 Town Council Meeting

Request for deferral to the April 10, 2013 Town Council Meeting

4. The Palm House

a. Declaration of Use Agreement Modification.

[John Page, Director of Planning, Zoning and Building]

b. Request for Waiver of Section 42-199, Hours of Construction Work, at 160 Royal Palm Way Per Letter Dated January 31, 2013, from Maura Ziska.

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Audio (Live and Archived)." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.