



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, JANUARY 9, 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. 4-2013 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 159 Australian 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. [John Page, Director of Planning, Zoning and Building]

VIII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **VARIANCE #31-2012** The application of Fred Latsko; relative to property commonly known as **320 Polmer Park Road**; described as Lot 8 of POLMER PARK, according to the Plat thereof, as recorded in Plat Book 27, Page 53 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to build a one-story accessory pool cabana containing 520 sq. ft. which will result in a lot coverage of 35.98% in lieu of 32.67% existing and 30% maximum allowed. The proposed pool cabana would also result in a landscaped open area of 34.66% in lieu of 37.98% existing and 45% minimum required.
[Attorney: M. Timothy Hanlon]
[ARCOM Recommendation: Motion to recommend approval of the variance failed 3-2 as there were not enough members present to obtain the four affirmative votes necessary.]
Deferred from the December 12, 2012, Town Council Meeting.

2. New Business

- a. **MODIFIED VARIANCE #30-2012** The application of James D. Berwind; relative to property commonly known as **320 Island Road**; described as Lot 1 and Lot 2 and the East 15 feet of Lot 3, ISLAND ROAD DEVELOPMENT ADDITION to the Town of Palm Beach, according to the Plat thereof, as recorded in Plat Book 18, Page 35 of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting variances to have a swimming pool 4.25 feet from the mean high water line in lieu of the 10 foot minimum required, and, to have a portion of the front wall at a height of 8 feet in lieu of the 6 foot maximum allowed.
[Attorney: Maura A. Ziska]
- b. **SPECIAL EXCEPTION #1-2013 WITH SITE PLAN REVIEW** The application of JP Morgan Chase Bank NA; relative to property commonly known as **411 South County Road**; described as Lengthy legal description on file; located in the C-TS/C-WA Zoning Districts. The applicant is requesting site plan approval for an automatic teller machine to be installed in the existing drive-in service facility, modification of a portion of the remote teller building for the purpose of adding to and modifying the existing pneumatic tube equipment and relocating and adding safety bollards. The proposal would eliminate the windows, teller drawer and awning from the remote teller building. The building will not be used for bank employees. Services will be provided to drive-up teller customers by employees inside the main bank building via audio/video connections. A special exception is requested to modify the previous approval of the drive-in service facility in the C-WA zoning district for the purpose of adding an automatic teller machine.
[Attorney: Noreen S. Dreyer]
- c. **SPECIAL EXCEPTION #2-2013 WITH VARIANCES** The application of Rami Yoram Weisfisch and Pnina Apolonia Weisfisch; relative to property commonly known as **280 North Ocean Blvd.**; described as The North 65 feet of Lots 37 and 37A, the South 65 feet of Lots 36 and 36A, except that part of Lot 36 lying West of the line projected due North with East line of Lot 38, ADAMS ADDITION TO THE TOWN OF PALM BEACH, according to the Plat thereof, as recorded in Plat Book 7, Page 68, Public

Records of Palm Beach County, Florida; located in the R-B/B-A Zoning District. The applicant is requesting a special exception to construct a 323.9 square foot beach cabana on property across the street from the main residence, which is in the R-B Zoning District. Variances are requested to construct a beach cabana and swimming pool with an 8.08 foot west side yard setback in lieu of the 10 foot minimum setback required; to construct a 422.5 square foot loggia addition to the west side of the house that will have a 9.94 foot side yard setback from the property line in lieu of the 15 foot setback required; to construct two (2) loggia additions totaling 609 square feet (MOL) that will increase the cubic content ratio to 4.37 in lieu of the 4.32 existing and 3.76 maximum allowed. [Attorney: Maura A. Ziska]

[Landmarks Preservation Commission Recommendation: Implementation of the variance will not cause negative architectural impact to the subject property. Carried 6-0.]

- d. **SPECIAL EXCEPTION #4-2013 WITH SITE PLAN REVIEW MODIFICATION** The application of Bethesda-By-The-Sea Episcopal Church; relative to property commonly known as **141 South County Road**; described as PENDLETON TR E G LTS 1 THRU 8; located in the R-B Zoning District. The applicant is requesting to modify a special exception use and site plan approval to enclose an existing “tea house” in the center of the property and add an ADA approved access ramp. [Attorney: Peter Broberg]
- e. **VARIANCE #1-2013** The application of Lisa Hedley (contract purchaser); relative to property commonly known as **173 E. Inlet Dr.**; described as Lot 23 SEA ISLE ESTATES, according to the Plat thereof as recorded in the Plat Book 25, Page 89, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow the proposed swimming pool with a front yard setback of 12.5 feet in lieu of the 25 foot minimum required. [Attorney: Maura A. Ziska]
- f. **VARIANCE #2-2013** The application of 700 North Lake LLC, James Goldrick, Manager; relative to property commonly known as **324 Cherry Lane**; described as Lot 11, CHERRY LANE, according to the Plat thereof as recorded in the Plat Book 23, Page 75, Public Records of

Palm Beach County, Florida, except that part of Lot 11 described as follows: Beginning at a point in the S line of Lot 11, 40 ft westerly from the SE corner of Lot 11, thence E 40 ft to the SE corner of Lot 11, thence run N 80 ft to a point in the E line of Lot 11, thence run Westerly at right angles from the E line of Lot 11 to a point 16 ft from said East line of Lot 11, then run Southwesterly to a point and the place of beginning; located in the R-B Zoning District. The applicant is requesting a variance to allow accessory structures (perimeter fence, site lighting, gates and associated operating equipment) to be built on a parcel of land that has no principal residence as required by Code. [Attorney: Maura A. Ziska]

- g. **VARIANCE #3-2013** The application of Gregory S. Kino, Esq.; relative to property commonly known as **400 Arabian Road**; described as Lot C and a portion of Lot D, LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 18, Page 5, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow the installation of four triple-pile dolphin piles associated with an existing dock that will be 49 feet from the bulkhead in lieu of the 6 foot maximum allowed. [Attorney: Gregory S. Kino]
- h. **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]

- i. **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]

[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.]

Request for Deferral to the February 13, 2013, Town Council Meeting, Per Letter Dated December 26, 2012, from Maura A. Ziska.

- j. **VARIANCE #6-2013** The application of Allan W. Kauffman and Susan M. Kauffman; relative to property commonly known as **159 Australian Avenue**; described as Lot 41 and the West one-half (w ½) of Lot 42, Block H, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, according to the Plat thereof as recorded in the Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting variances to demolish a non-conforming two story garage and rebuild a slightly larger garage in the same location. The plan also includes a proposed loggia/covered walkway to connect the garage to the main house. There is also proposed to be two additions to the main house to expand the master bedroom on the 1st floor and guest bedroom on the 2nd floor. The proposed additions would require the following variances to be requested: a west side yard setback of 4.4 feet in lieu of the 15 foot minimum required and 4.4 feet existing; a rear yard setback of 4.25 feet in lieu of the 15 foot minimum required

and 2.2 feet existing; to allow a loggia addition with a cubic content ratio of 4.3 in lieu of the 4.0 maximum allowed and the 3.67 existing. A variance is being requested to allow four (4) air conditioning units in the rear yard in lieu of the maximum of two allowed and to modify a previously approved variance for a carport to replace it with a new, larger carport with the same 8.79 foot setback in lieu of 12.5 foot minimum required and a pitched roof instead of the existing flat roof carport. The new roof would add 3 feet of height in the setback. [Attorney: Maura A. Ziska]
[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.]

- k. **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]
TIME CERTAIN: 2 PM

- l. **SITE PLAN REVIEW #2-2013 WITH VARIANCE**
The application of John D. Corey; relative to property commonly known as **327 Barton Avenue**; described as Lot 5-F, Primavera Estates, Middle Section, according to the Plat thereof, as recorded in the Plat Book 7, Page 39, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting Site Plan Review to allow the construction of 2,949 square foot two-story single family residence on a non-conforming platted lot which is 75 feet in width in lieu of the 100 foot minimum required, 85.29/87.09 in depth in lieu of the 100 foot minimum required and 6,463 square feet in area in lieu

of the 10,000 square foot minimum required. A variance is requested to allow construction of a new residence on a lot that is 75 feet in width to have a one-car garage in lieu of the two-car garage required for lots in excess of 75 feet in width. [Attorney: Maura A. Ziska]

- m. **SITE PLAN REVIEW #3-2013 WITH SPECIAL EXCEPTION AND VARIANCE** The application of 160 Royal Palm LLC (Glenn F. Straub, Manager); relative to property commonly known as **160 Royal Palm Way**; Being all of Lots 31, 32 and 33, Block F, ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the C-B Zoning District. The applicant is requesting a modification to the site plan and special exception from the approved zoning application Site Plan Review #6-2012 with Special Exception and Variances which requires approval from the Town Council. The following is a list of the proposed changes to the approved hotel plan and use: eliminate the roof top sundeck on the proposed Function Room and create a similar roof top sundeck on the roof top of the hotel above the lobby. The same approved restrictions would apply to the new sundeck. Proposal is also requesting modification of the stairs to the spa; modification of the doors and roof the proposed Function Room and elimination of stairs to the roof of the Function Room; relocation of the air conditioning units on top of the Function Room to planter area on the east side, middle portion of the property; modification to the shape of the water wall on the south side of the pool area. A variance is requested to allow a roof top sundeck on the third floor above the lobby of the non-conforming hotel where only two stories is allowed under today's Zoning Code. [Attorney: Maura A. Ziska]

D. Other

1. Sterling Organization's Update Regarding Lease of Royal Poinciana Plaza Playhouse.
[Adam Munder, Vice President, Business Development, Sterling Organization]
TIME CERTAIN: 2 PM

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.