



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JUNE 11, 2014

9:30 AM

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Robert N. Wildrick, President
William J. Diamond, President Pro Tem
Richard M. Kleid
Michael J. Pucillo
Penelope D. Townsend

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

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #6-2014 WITH VARIANCES** The application of Suntrust Bank; relative to property commonly known as **440 Royal Palm Way, Suite 102**; described as Lots

52, 53 and 61, together with the North 100 feet of Lot 54, Block C, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. A Special Exception is requested to open a new bank for "Suntrust Bank" which will be 5,964 sq. ft. gross leasable area in the previous location of Northern Trust Bank. Two variances being requested for signage are as follows: to allow a business identification sign on the west side of the building with no street frontage which is not permitted; and, to allow said sign at a height above the first floor at 27 feet in lieu of the 15 foot maximum allowed.

[Attorney: Maura Ziska]

Deferred from the May 14, 2014, Town Council Meeting

John S. Page, Director of Planning, Zoning and Building

2. New Business

- a. **SITE PLAN REVIEW #5-2014 WITH VARIANCES** The application of Palm Beach Towers Condominium Association, Inc.; relative to property commonly known as **44 Cocoanut Row**; described as Lengthy legal description on file; located in the R-D(2) Zoning District. The applicant is requesting a site plan review modification to upgrade paving, drainage and lighting of the parking lot and entrance to the Palm Beach Towers as follows: To bring the parking lot and vehicular drop off at the main building entry into compliance with the American with Disabilities Act (ADA), and change the material of a portion of the entry drive aisles from asphalt to pavers. The improvements include ramps and the required number of properly sized handicapped parking spaces; to redesign the parking lot lighting with fewer and shorter poles using energy efficient lighting, improving the photometric distribution of lighting on the property; to remove the top one inch (1") of existing asphalt paving, repair subsurface issues, repave and restripe the existing parking lot, replacing same with the same size drive isles and number of parking spaces as currently exist; modify the existing storm water drainage in four areas of the parking lot to meet the 2 inch storm water retention for drainage to Cocoanut Row, improving the quality of water flowing from the subject property into the Town's storm water system; to reduce the area of asphalt paving and add 2,757 square feet landscape areas in four interior island to the parking lot as part of the scope of the project; to replace an existing water feature and identification sign with a new feature and sign. Variances are requested to allow drive aisle widths of a minimum of 18 feet in lieu of 25 foot minimum required for maneuvering into a 90 degree off-street parking space as required by code; to allow a drive aisle width of a minimum of 12 feet in lieu of the 20 foot minimum required for maneuvering into a 60 degree off-street parking space as required by code; and, to allow a new

Page 6

identification sign with an area of 15.5 square feet in lieu of the 6 sq. ft. maximum allowed by code and 44.4 sq. ft. existing. This proposed sign would replace an existing 44.4 square foot identification sign. [Attorney: Francis X. J. Lynch]

John S. Page, Director of Planning, Zoning and Building

- b. **SPECIAL EXCEPTION #8-2014** The application of Symphony Workplaces, LLC (Nick Logothetis, Managing Member); relative to property commonly known as **2875 South Ocean Boulevard**; described as Lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting special exception approval to expand a previously approved executive office suite (Suite 200) from 9,536 gross leasable square feet (GLA) to 16,164 GLA and an increase from 40 to 53 executive suite offices on the second floor. [Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

- c. **SPECIAL EXCEPTION #9-2014 WITH SITE PLAN REVIEW AND VARIANCE** The application of Ocean Terrace Beach Club, Inc. (Sean Heyniger, President); relative to property commonly known as **1331 North Ocean Boulevard**; described as Unnumbered tract of land lying South of Lot 9-A, and unnumbered Tract lying North of Lot 24-A, in OCEAN TERRACE, according to the Plat thereof recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 20, Page 64. Together with that part of Albee Avenue (now Ocean Terrace) lying East of the East line of Ocean Boulevard, according to the Plat of OCEAN TERRACE, as recorded in Plat Book 20, Page 64, of the Public Records of Palm Beach County, Florida; located in the R-B/B-A Zoning Districts. A Special Exception with site plan review is requested to construct a 330 square foot beach cabana on an ocean parcel with 159 feet of frontage across from Ocean Terrace which is used in common by the homeowners in the Ocean Terrace Beach Club, Inc. A variance is requested to allow the beach cabana to have a west setback of one inch (1") from the front property line in lieu of the 10 foot minimum required. [Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

- d. **SPECIAL EXCEPTION #10-2014 WITH SITE PLAN REVIEW** The application of Everglades Club, Inc.; relative to property commonly known as **500 South County Road**; described as Lengthy legal description on file; located in the R-A Zoning District. A Special Exception with Site Plan Review is being requested to allow the construction of a 2,631 square foot one story golf administration building for a break room, small equipment storage area and office located on the north side of the 17th hole green (located on the south side of the golf course;

and, to construct a 308 square foot accessory building to house a 400 kw generator on the Everglades property adjacent to Golfview Road on the east side of the golf club building.
[Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

- e. **VARIANCE #25-2014** The application of John David Corey; relative to property commonly known as **426 Australian Avenue**; described as Lots 43 and 44, Block 5 of ROYAL PARK ADDITION, according to the Plat thereof as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting to modify a previously approved variance (VAR #11-2014) to construct a new 3,750 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. The request is to change the proposed roof of the house from a flat roof to a pitched roof. [Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

- f. **VARIANCE #27-2014** The application of Charles and Deborah Royce; relative to property commonly known as **10 S. Lake Trail**; described as Lot 2 of LAKE TRAIL ESTATES, according to the plat thereof as recorded in Plat Book 62, Page 86, OF THE Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting modifications to an existing landmark residence by expanding a one story garage by 374.39 square feet with a side yard setback ranging from 5 feet to 10.4 feet in lieu of the 15 foot minimum required in the R-A Zoning District. [Attorney: Maura Ziska]
[Landmark Preservation Commission Recommendation: Implementation of the variance will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

Page 10

John S. Page, Director of Planning, Zoning and Building

B. Other

1. BrickTop's Restaurant Operations: Six Month Review,
Special Exception #21-2012, 375 South County Road

Page 13

John S. Page, Director, Planning, Zoning and Building

VIII. ORDINANCES

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: 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.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. 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.

Note 3: 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.

Note 4: 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.

Note 5: 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.

Note 6: 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. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

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.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 11, 2014

Section of Agenda

Development Review - New Business

Agenda Title

SITE PLAN REVIEW #5-2014 WITH VARIANCES The application of Palm Beach Towers Condominium Association, Inc.; relative to property commonly known as **44 Coconut Row**; described as Lengthy legal description on file; located in the R-D(2) Zoning District. The applicant is requesting a site plan review modification to upgrade paving, drainage and lighting of the parking lot and entrance to the Palm Beach Towers as follows: To bring the parking lot and vehicular drop off at the main building entry into compliance with the American with Disabilities Act (ADA), and change the material of a portion of the entry drive aisles from asphalt to pavers. The improvements include ramps and the required number of properly sized handicapped parking spaces; to redesign the parking lot lighting with fewer and shorter poles using energy efficient lighting, improving the photometric distribution of lighting on the property; to remove the top one inch (1”) of existing asphalt paving, repair subsurface issues, repave and restripe the existing parking lot, replacing same with the same size drive isles and number of parking spaces as currently exist; modify the existing storm water drainage in four areas of the parking lot to meet the 2 inch storm water retention for drainage to Coconut Row, improving the quality of water flowing from the subject property into the Town's storm water system; to reduce the area of asphalt paving and add 2,757 square feet landscape areas in four interior island to the parking lot as part of the scope of the project; to replace an existing water feature and identification sign with a new feature and sign. Variances are requested to allow drive aisle widths of a minimum of 18 feet in lieu of 25 foot minimum required for maneuvering into a 90 degree off-street parking space as required by code; to allow a drive aisle width of a minimum of 12 feet in lieu of the 20 foot minimum required for maneuvering into a 60 degree off-street parking space as required by code; and, to allow a new identification sign with an area of 15.5 square feet in lieu of the 6 sq. ft. maximum allowed by code and 44.4 sq. ft. existing. This proposed sign would replace an existing 44.4 square foot identification sign. [Attorney: Francis X. J. Lynch]

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [E-mail Dated June 4, 2014, from Francis X.J. Lynch, Esq.](#)



Palm Beach Towers Application SPR #05-2014 with Variances

Gail Coniglio to: Coniglio, Gail

06/04/2014 04:52 PM

Sent by: **Anne Boyles**

Cc: Patricia Gayle-Gordon, jrandolph, Paul Castro, John Page

From: Francis Lynch <flynch@blesmlaw.com>
To: "gconiglio@townofpalmbeach.com" <gconiglio@townofpalmbeach.com>
Date: 06/04/2014 08:51 AM
Subject: FW: Palm Beach Towers Application SPR #05-2014 with Variances

Dear Gail:

Please be advised that I represent the Palm Beach Towers Condominium Association, Inc. (the "Towers") with regard to the above-referenced application. We are seeking to renovate the existing parking lot, landscaping, drainage, signage and lighting.

As you may be aware, the property is non-conforming as to its existing lot coverage and signage. Because the renovations exceed more than fifty percent (50%) of the existing parking lot, town council approval is required to perform the renovations.

The work to be done is as follows:

1. to bring the parking lot and vehicle drop off of the main building into compliance with the Americans with Disabilities Act ("ADA"), including ramps and sufficient handicapped parking spaces,
2. to change a portion of the entry drive from asphalt to pavers, and replace existing entry drive pavers,
3. to redesign the parking lot lighting with fewer shorter poles using energy efficient lighting,
4. to remove the top one inch (1") of the existing surface, repair subsurface issues, repave, restripe the lot with the same isle widths and number of parking spaces,
5. to modify the existing storm water drainage in four (4) areas of the lot to meet the required two inch (2") required retention for those areas, improving the quality and reducing the quantity of water flowing from the property to the town's storm water system,
6. to reduce the paved areas and increased landscaped areas by 2,757 square feet by adding new landscape medians between parking bays and replacing plants and palms in existing parking medians to match the new median plantings and
7. to replace the existing water feature and identification sign with a smaller sign.

To accomplish the foregoing, we will need three (3) variances:

1. to allow the width of the isle widths to remain at their existing eighteen feet (18') in lieu of twenty-five feet (25') required for the ninety (90) degree parking spaces,
2. to allow the width of the isle widths to remain at their existing twelve feet (12') in lieu of twenty feet (20') required for the sixty (60) degree parking spaces and
3. to allow a sign with an area of fifteen and one-half feet (15.5) to replace the existing sign of forty four and 4/10ths feet (44.4') existing in lieu of six feet (6') required by the code.

The hardship related to these variance requests is that the conditions currently exist, the changes proposed reduce the size of the non-conformities, yet allow the applicant the ability to modernize and improve the property, and improve the safety of the parking lot, for the benefit of its residents.

I would appreciate the opportunity to discuss this with you.

I look forward to hearing from you.

Thanks,
Frank

Francis X. J. Lynch, Esq.
Breton, Lynch, Eubanks & Suarez- Murias, P. A.
1209 North Olive Avenue
West Palm Beach, FL 33401
(561) 721-4000 main line
(561) 721-4004 direct line
(561) 721-4001 fax
flynch@blesmlaw.com

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this electronic mail transmission may be attorney/client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect at 561-721-4000. Thank you.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 11, 2014

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #27-2014 The application of Charles and Deborah Royce; relative to property commonly known as **10 S. Lake Trail**; described as Lot 2 of LAKE TRAIL ESTATES, according to the plat thereof as recorded in Plat Book 62, Page 86, OF THE Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting modifications to an existing landmark residence by expanding a one story garage by 374.39 square feet with a side yard setback ranging from 5 feet to 10.4 feet in lieu of the 15 foot minimum required in the R-A Zoning District. [Attorney: Maura Ziska]
[Landmark Preservation Commission Recommendation: Implementation of the variance will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [E-Mail Dated May 28, 2014, from Francis X.J. Lynch, Esq.](#)



Fw: Royce Site Plans. (10 S. Lake Trail)

Paul Castro to: Patricia Gayle-Gordon, Anne Boyles

05/29/2014 08:38 AM

Pat and Anne,

This email of no objection is for Variance #27-2014 which is on the June 11th agenda.

Thanks,

Paul

----- Forwarded by Paul Castro/PalmBeach on 05/29/2014 08:36 AM -----

From: Maura Ziska <MZiska@floridawills.com>
To: "pcastro@townofpalmbeach.com" <pcastro@townofpalmbeach.com>,
Date: 05/28/2014 04:59 PM
Subject: FW: Royce Site Plans. (10 S. Lake Trail)

Can you include this in the file/back up for our 10 S. Lake Trail project. Frank represents the owner to the north on Antiqua. Thanks. Maura

From: Francis Lynch [mailto:flynch@blesmlaw.com]
Sent: Wednesday, May 28, 2014 1:07 PM
To: 'Jackie'
Cc: Maura Ziska
Subject: RE: Royce Site Plans. (10 S. Lake Trail)

Based on this, my client has no objection and supports the plan.
Thanks!

Francis X. J. Lynch, Esq.
Breton, Lynch, Eubanks & Suarez- Murias, P. A.
1209 North Olive Avenue
West Palm Beach, FL 33401
(561) 721-4000 main line
(561) 721-4004 direct line
(561) 721-4001 fax
flynch@blesmlaw.com

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this electronic mail transmission may be attorney/client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect at 561-721-4000. Thank you.

From: Jackie [<mailto:jackie@jackiealbarran.com>]
Sent: Tuesday, May 27, 2014 8:25 PM
To: Francis Lynch
Cc: Maura Ziska
Subject: Fwd: Royce Site Plans. (10 S. Lake Trail)

Frank,

I am forwarding the Existing and Proposed Site Plans so that you can compare them.

We are doing extensive interior remodeling.

On the exterior:

We are replacing all windows and doors (in existing openings) with new hurricane impact.

We are replacing or repairing existing roofs as required, redoing the stucco, painting, etc.

Otherwise, the only additions are on the West (enlarging the existing Loggia shown shaded) and on the South where we are enlarging the existing 1 car garage to achieve a 2 car garage.

This needs a variance shown on the Site Plan as a crosshatch.

I hope this helps explain the drawings.

Please call me if you want to discuss any further.

Off: (561)655-7676

Cell. (561)346-9892

Best, Jackie

Sent from my iPad

Begin forwarded message:

From: "Donayda Alonso" <2alonsos@comcast.net>

Date: May 27, 2014 5:45:34 PM EDT

To: <jackie@jackiealbarran.com>

Subject: Royce Site Plans

Reply-To: <2alonsos@comcast.net>

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 11, 2014

Section of Agenda

Development Review - Other

Agenda Title

BrickTop's Restaurant Operations: Six Month Review,
Special Exception #21-2012, 375 South County Road

Presenter

John S. Page, Director, Planning, Zoning and Building

Supporting Documents

- [Memorandum dated May 29, 2014 from John S. Page, Director of Planning, Zoning and Building](#)

TOWN OF PALM BEACH

Information for Town Council Meetings on: June 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director, Planning, Zoning & Building Department

Re: BrickTop's Restaurant Operations: Six Month Review, Special Exception #21-2012,
375 South County Road

Date: May 29, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council allow the restaurant to continue operating per existing "conditions of approval" with the exception of deliveries and valet operations. Staff recommends that the delivery condition be modified to require restaurant deliveries between 8:00 a.m. and Noon with the larger delivery trucks restricted to the loading zone in the 200 block of Peruvian Avenue, and all other related deliveries from the loading zone in front of the restaurant. In addition, Staff recommends that the condition related to valet operations be modified to require the valets to direct overflow parking from the restaurant to the Apollo parking lot.

GENERAL INFORMATION

On August 15, 2012, the Town Council conditionally approved the subject zoning application for a new restaurant at the above location. One of the conditions of approval required the applicant return to the Town Council six months after the restaurant opens to determine if compliance with all conditions exists and whether or not any negative impacts to the surrounding area have emerged. As such, the applicant is required to return to the Town Council on June 11, 2014 to address its operations. The following are the conditions of approval for the restaurant:

1. The applicant shall rebuild the trellis which screened that parking from the neighbors to the east.
2. The outside part of the bar shall be designed so that it can be closed off from the outside seating area at night.
3. The outside portion of the bar shall be closed and shut by 11:00 p.m.
4. The employees shall not be allowed to loiter in the garage.
5. The applicant shall come back to the Town Council meeting six months after the restaurant opens for business to consider whether the applicant had met all conditions of approval and is not negatively impacting the surrounding area.
6. The applicant shall meet all conditions of approval for previous restaurants approved at this location. Those conditions are as follows:

- All vendors with large trucks currently using the loading zone adjacent to Scotti's on Chilean Avenue will be required to use a newly created loading zone (in front of the restaurant). All deliveries will be made prior to 12:00 p.m. Passenger parking will be allowed in the loading zone after 12:00 p.m.
- Applicant will notify the vendors that deliveries must occur at the new loading zone (in front of the restaurant) before noon.
- There shall be no dinner orders placed in the outside dining area after 10:00 p.m.
- There shall be no dinner ordered in this business after 12:00 midnight.
- The last call at the inside bar shall be 1:00 a.m.
- Only the windows along South County Road and the southwest corner of Peruvian Avenue may be opened (This specifically excludes the windows on the portion of the restaurant that was expanded by the approval of Special Exception No. 16-95 and the windows in the bar area along Peruvian Avenue).
- Valet parking shall be required. The applicant must obtain a valet parking permit from the Police Department.
- The applicant shall have state of the art smoke scrubbers on the wood burning stove to mitigate the odors from said stove.
- The applicant shall come back to the Town Council six (6) months after the restaurant opens for business to consider whether the applicant has met all previous and new conditions of approval placed on the operation of the restaurant (If it is determined that the outside dining area is negatively impacting the surrounding area, the Town Council can eliminate any or all of the outside dining on the south side of the building).
- Prior to the issuance of an occupational license (business tax receipt), the applicant shall enter into a parking agreement acceptable to the Town for the 22 required parking spaces at the Apollo parking lot.
- All garbage, including glass, shall be stored in the restaurant after 6:00 p.m. and not placed in the dumpster area until after 8:00 a.m. the next morning.
- The kitchen air filters (scrubbers) for the restaurant shall be cleaned on a weekly basis.
- The kitchen door at the back of the restaurant shall remain closed after 6:00 p.m. and not be opened until after 8:00 a.m.

Staff believes that with the exception of deliveries, equipment noise issues and valet parking, the applicant has been meeting its other conditions of approval. There have been no complaints relative to the actual operation of the restaurant and outside dining and bar area. There have been issues however, with deliveries, roof top equipment and valet parking.

In January and February 2014 there were three separate warnings to a driver and one to the restaurant manager that led to the issuance of two citations on separate dates relative to large Sysco delivery trucks blocking the Chilean Avenue right-of-way (not in a loading zone). There was also a warning for delivering to the restaurant too early in the morning. The trucks were immediately moved in those situations and the applicant has resolved the delivery issues at this time. In order to ensure this issue does not occur again, Staff recommends that the Council modify the previous condition of approval relative to deliveries, requiring that any deliveries by tractor trailers occur from the loading zone in the 200 block of Peruvian Avenue. In addition, all other deliveries should be required to use the loading zone on the east side of South County Road, adjacent to Brick Tops. Staff

recommends all deliveries be required before Noon as stated in the existing delivery condition.

There have also been several noise complaints between December 2013 and February 2014. Four noise violations were issued for a roof top refrigeration unit and exhaust fan for the restaurant. The equipment was repaired and further screened, and those violations were closed.

The complaints related to the valet parking operation pertain to valet parking in on-street parking spaces on Peruvian Avenue and South County Road. When the on-site garage parking is full, valets should be taking cars to the Apollo parking lot. There are twenty two parking spaces required at that location. The condition of approval for valet parking should be modified to require the valet operation to utilize the Apollo parking lot when overflow restaurant parking occurs.

Staff recommends that the restaurant be allowed to continue to operate with the modified conditions of approval outlined in this Memorandum. All other conditions of approval should remain in place. If you have any questions about this issue please contact Paul Castro, Zoning Administrator at 227-6406.

cc: Thomas Bradford, Deputy Town Manager
Veronica B. Close, Asst. Director, Planning, Zoning & Building
Susan A. Owens, Town Clerk
Bill Bucklew, Building Official
Kirk Blouin, Director of Public Safety
zf & pf