



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

AUGUST 13, 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. **SITE PLAN REVIEW #6-2014 WITH VARIANCE** The application of James and Amelia Engel; relative to property commonly known as **176 Kings Road**; described as Lot 11, BOULEVARD ESTATES, according to the map or plat thereof as recorded in Plat Book 21, Page 96 Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting a site plan

review to allow the construction of a 9,574 square foot two-story, single family residence on a non-conforming platted lot which is 74.79 feet in width (as measured at the arc) in lieu of the 125 foot minimum required in the R-A Zoning District. A variance is requested to allow a parapet on a pitched roof house with an overall height of 35 feet in lieu of the 30 foot maximum allowed when using parapets. [Attorney: Maura Ziska] (*Site Plan Review portion of the application approved at the July 16th Town Council Meeting. Variance portion deferred to the August 13th Town Council Meeting, in order to get a recommendation from the Architectural Commission on the variance.*)

[Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 6-1.]

Deferred from the July 16, 2014, Town Council Meeting

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

- b. **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, June 11, 2014 and July 16, 2014, Town Council Meetings

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

- c. **SPECIAL EXCEPTION #12-2014** The application of Maurizio Ciminella, Owner/Operator of Amici; relative to property commonly known as **150 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning Districts. The applicant is requesting a special exception for a new restaurant at 150 Worth Avenue, Suite 234 which will replace GiGi's Tap and Table Restaurant (formerly Cha Cha's). The new restaurant will occupy the same square footage (5,234) and have the same number of seats (151) as the prior restaurant uses at this location. The applicant agrees to be bound by all existing conditions of approval except that he is requesting 20 exterior seats instead of 14. The café will feature Italian food and include a wine room and sale of fresh fruits and vegetables, fresh bread, cold cuts, and other pre-packaged food and beverage items for carry out and delivery within the premises. The requested hours of operation are as follows: Opening 8:00 a.m. and closing per conditions in SE#17-2011 which is on file for review in the application in the Planning, Zoning and Building Department in

Town Hall, 360 S. County Rd., Palm Beach. [Attorney: James M. Crowley]
Deferred from the July 16, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning and Building

2. New Business

- a. **SPECIAL EXCEPTION #15-2014 WITH SITE PLAN REVIEW** The application of Thomas G. Bradford, Deputy Town Manager; relative to property commonly known as **360 South County Road**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting special exception with site plan review to restore, reconstruct or repair the Memorial Park Fountain in accordance with the November 20, 2012 CSI Report, and to repair the Memorial Fountain reflecting pool and other miscellaneous elements of Memorial Park Fountain, as needed, including electrical and plumbing infrastructure repair, replacement, and upgrades to improve the flow of water to and from the various Memorial Fountain elements. [H. Paul Brazil, Director of Public Works]
Request for Withdrawal, Per E-mail Dated August 5, 2014, from Peter B. Elwell, Town Manager
John S. Page, Director of Planning, Zoning and Building
- b. **SITE PLAN REVIEW #7-2014 WITH SPECIAL EXCEPTION AND VARIANCE** The application of Meat Market; relative to property commonly known as **191 Bradley Place**; described as Lot 19, Block 4, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, FLORIDA, according to the plat thereof, as recorded in Plat Book 6, Page 78, Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a site plan review revision with special exception and variance to replace a spiral staircase on the south side of the restaurant with a 62 square foot staircase that will increase the lot coverage from 76.1% existing to 77.2% in lieu of the 70% maximum allowed in the C-TS Zoning District and modify the second floor special exception use by adding the staircase and landing. [Attorney: Maura Ziska]
[Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 6-1.]
John S. Page, Director of Planning, Zoning and Building
- c. **SITE PLAN REVIEW #8-2014 WITH VARIANCE** The application of Coral Beach Corporation; relative to property commonly known as **160 Seaview Avenue**; described as Lot 4 and the West 65' of Lot 5, THE EAST PLAZA, Plat Book 16, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 7,092 square foot (5,788 square feet enclosed) two-story home. Site Plan Review is requested to allow a single family home to be built on two (2) existing non-conforming platted lots with depths of 99.07 feet in lieu of 100 feet required. Variances requested are for a point of measurement variance for building height at 13.5 feet National Geodetic Vertical Datum (NGVD) in lieu of the 11.68 feet NVGD allowed; a point of

Page 7

Page 9

measurement variance to allow for overall building height at 13.5 feet NGVD in lieu of the 11.68 feet NGVD maximum allowed; and, a point of measurement for cubic content ratio to be at 14.5 feet NGVD (proposed finished first floor) in lieu of the 11.68 feet NVGD maximum allowed. [Attorney: Francis X. J. Lynch]

Request for Deferral to the September 10, 2014, Town Council Meeting, Per Letter Dated July 24, 2014, from Francis X.J. Lynch

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

- d. **SPECIAL EXCEPTION #14-2014** The application of John Barrett Holdings of Florida LLC; relative to property commonly known as **400 Hibiscus Avenue**; described as lengthy legal description on file; located in the C-TS Zoning Districts. The applicant is requesting a special exception approval to allow a luxury salon ("John Barrett") to operate in 3,423 square feet of gross leasable area in the C-TS Zoning District. Since the proposed space is in excess of 3,000 square feet of gross leasable area, the applicant is required to obtain Town Council approval and a finding that the proposed use is Town Serving. [Attorney: Maura Ziska]

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

- e. **MODIFIED VARIANCE #30-2014** The application of Nelson and Claudia Peltz; relative to property commonly known as **542 North County Road**; described as Lengthy Legal Description on file; located in the R-B Zoning District. The applicant is requesting a variance to add a 5,035 square foot second story addition onto the existing residence with a point of measurement of 9.43 feet National Geodetic Vertical Datum (NGVD) (below the existing house's floor elevation of 10.94 NGVD) in lieu of the 7.5 feet NGVD required for a through lot; a variance to allow second floor dormer windows in habitable space to be at a height of 25 feet in lieu of the 22 foot maximum building height allowed; and, a variance to allow the overall height of the second floor roof to be 32.75 feet in lieu of the 30 foot maximum allowed. [Attorney: Maura Ziska]
[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

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

- f. **VARIANCE #35-2014** The application of Albert and Jacqueline Togut; relative to property commonly known as **583 E. Woods Road**; described as Lot 24, Plat No. 2 of WOOD'S LANDING, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 26, Page 100; located in the R-B Zoning District. The applicant is proposing to construct a 498 square foot one story, two car garage addition which will replace a one car garage and would result in a north side yard setback of 6 feet in lieu of the 12.5 foot minimum setback required. [Attorney: Maura Ziska]

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

- g. **VARIANCE #36-2014** The application of Leverett House Condominium (Jay Denger, Manager); relative to property commonly

known as **110/120 Sunset Avenue**; described as Lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to allow two building identification signs for each condominium building (110 Sunset Ave and 120 Sunset Ave) where only one sign is allowed per code and to allow each sign to be 1.5 feet from the property line in lieu of the 10 foot minimum required for a sign on a multi-family property. [Attorney: Maura Ziska]

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

- h. **VARIANCE #37-2014** The application of Axel Ulrich, Individually and as Trustee of the Axel Ulrich Trust; relative to property commonly known as **1485 Via Manana**; described as Lot 4, VIA MANANA, according to the Plat thereof, as recorded at Plat Book 48, at Page 77 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow for a 22 kw generator to be installed with a front yard setback of 20.75 feet in lieu of the 25 foot minimum required for a lot in the R-B District. [Attorney: Jack McDonald]

John S. Page, Director of 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: August 13, 2014

Section of Agenda

Development Review - New Business

Agenda Title

SPECIAL EXCEPTION #15-2014 WITH SITE PLAN REVIEW The application of Thomas G. Bradford, Deputy Town Manager; relative to property commonly known as **360 South County Road**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting special exception with site plan review to restore, reconstruct or repair the Memorial Park Fountain in accordance with the November 20, 2012 CSI Report, and to repair the Memorial Fountain reflecting pool and other miscellaneous elements of Memorial Park Fountain, as needed, including electrical and plumbing infrastructure repair, replacement, and upgrades to improve the flow of water to and from the various Memorial Fountain elements. [H. Paul Brazil, Director of Public Works]

Request for Withdrawal, Per E-mail Dated August 5, 2014, from Peter B. Elwell, Town Manager

Presenter

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

Supporting Documents

- [E-mail Dated August 5, 2014, from Peter B. Elwell, Town Manager](#)



Withdrawal of Application for Zoning Approval for Memorial Fountain Park

Peter B Elwell to:

08/05/2014 11:18 AM

Cc: jrandolph, John Page, Paul Castro, Paul Brazil, Susan Owens, Anne Boyles, Patricia Gayle-Gordon

M&TC -

I am writing to advise that I plan to withdraw the above referenced application. Here is why:

The application filed in June addressed all elements of the proposed plan that was still under consideration by the Town Council and the Landmarks Preservation Commission at that time. In July, the Town Council reduced the current scope of the project to include just the Mizner Fountain, the reflecting pool, the related plumbing and electrical work, and the minimum necessary hardscape work to repair areas disturbed by completion of the fountain, reflecting pool, and plumbing/electrical elements of the job. When we published the legal advertisement for the August 13 development review Town Council meeting, we reduced the description of this project accordingly. As we began preparing the backup for that meeting, we realized that instead of reducing the project description, we should simply have withdrawn the application. The project which Town Council has tentatively approved and which you will be considering for final contract authorization on August 12 now constitutes only the repair, restoration, and/or replacement of features that already exist within the park. It is, therefore, a maintenance project (albeit a large scale maintenance project) and requires no zoning approval. If at some future time the Town Council decides to move ahead with other elements of the project that were being considered prior to the July Town Council action, zoning approval may be required. If so, staff will prepare and submit a new zoning application to accurately reflect only the specific project components that Town Council approves at that time.

If you agree with staff's determination in this matter, you will:

1. Act on the contracting matters related to this project which will appear on the August 12 TC agenda.
2. Approve the withdrawal of the zoning application during "Approval of the Agenda" at the August 13 TC meeting.

If you disagree with staff's determination in this matter, please advise me as soon as possible and please plan to raise your concern before any Town Council action is taken on the contracting matters on August 12.

Thanks,
Peter

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 13, 2014

Section of Agenda

Development Review - New Business

Agenda Title

SITE PLAN REVIEW #8-2014 WITH VARIANCE The application of Coral Beach Corporation; relative to property commonly known as **160 Seaview Avenue**; described as Lot 4 and the West 65' of Lot 5, THE EAST PLAZA, Plat Book 16, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 7,092 square foot (5,788 square feet enclosed) two-story home. Site Plan Review is requested to allow a single family home to be built on two (2) existing non-conforming platted lots with depths of 99.07 feet in lieu of 100 feet required. Variances requested are for a point of measurement variance for building height at 13.5 feet National Geodetic Vertical Datum (NGVD) in lieu of the 11.68 feet NVGD allowed; a point of measurement variance to allow for overall building height at 13.5 feet NGVD in lieu of the 11.68 feet NGVD maximum allowed; and, a point of measurement for cubic content ratio to be at 14.5 feet NGVD (proposed finished first floor) in lieu of the 11.68 feet NVGD maximum allowed. [Attorney: Francis X. J. Lynch]
Request for Deferral to the September 10, 2014, Town Council Meeting, Per Letter Dated July 24, 2014, from Francis X.J. Lynch

Presenter

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

Supporting Documents

- [Letter Dated July 24, 2014, from Francis X.J. Lynch](#)

The Law Offices of
BRETON, LYNCH, EUBANKS & SUAREZ-MURIAS, P.A.

Peter L. Breton
Francis X. J. Lynch
John R. Eubanks, Jr.
Marta M. Suarez-Murias
Robert J. Sniffen – Of Counsel

www.blesmlaw.com
Sender's Direct Line: (561) 721-4004
E-Mail: flynnch@blesmlaw.com

1209 North Olive Avenue
West Palm Beach, FL 33401
Phone: (561) 721-4000
Facsimile: (561) 721-4001

July 24, 2014

VIA E-MAIL

Mr. Paul Castro
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

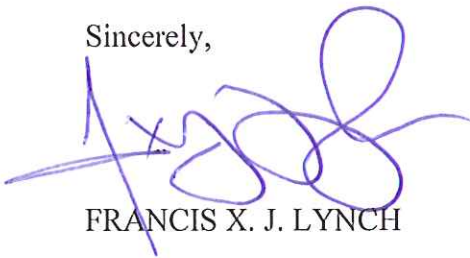
Re: Coral Beach Corporation
160 Seaview Avenue

Dear Paul:

With regard to the above, Coral Beach Corporation would like to defer this application to the September 10, 2014, Town Council meeting. The basis for this request is that ARCOM has deferred this matter to its next meeting and has not made its recommendation to Town Council.

Thank you for your assistance in this matter. Should you have any questions or comments in this regard, please feel free to contact me.

Sincerely,



FRANCIS X. J. LYNCH

FXJL/kh