

TOWN OF PALM BEACH

Office of the Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, MAY 13, 2015

1 **I. CALL TO ORDER AND ROLL CALL**

2
3 The regular Town Council meeting was called to order on Wednesday, May 13, 2015, at
4 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were
5 found to be present.

6
7 **II. INVOCATION AND PLEDGE OF ALLEGIANCE**

8
9 Town Clerk Owens gave the invocation. Council President Pucillo led the Pledge of
10 Allegiance.

11
12 **III. COMMENTS OF MAYOR GAIL L. CONIGLIO – None**

13
14 **IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER – None**

15
16 **V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE – None**

17
18 **VI. APPROVAL OF AGENDA**

19
20 Motion was made by Council President Pro Tem Kleid, and seconded by Council
21 Member Moore, to approve the Agenda. On roll call, the motion carried
22 unanimously.

23
24 **VII. PUBLIC HEARINGS**

25
26 Town Clerk Owens administered the oath to all those who would be providing testimony.

- 27
28 A. RESOLUTION NO. 65-2015 A Resolution of the Town Council of the Town of
29 Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the
30 Determination of the Landmarks Preservation Commission that the Property
31 Known as 211 Royal Poinciana Way Meets the Criteria Set Forth in Ordinance
32 No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the
33 Town of Palm Beach; and Designating Said Property as a Town of Palm Beach
34 Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article
35 IV of the Code of Ordinances of the Town of Palm Beach.

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

2
3 There was no ex-parte communication declared by the Town Council.

4
5 Historical Preservation Consultant Stillings provided an overview of the
6 Designation Report.

7
8 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
9 **Member Townsend, that the Designation Report of the property known as 211**
10 **Royal Poinciana Way be accepted and made a part of the record. On roll call, the**
11 **motion carried unanimously.**

12
13 **Motion was made by Council Member Townsend, and seconded by Council**
14 **President Pro Tem Kleid, that Resolution No. 65-2015 be adopted and designating**
15 **the property known as 211 Royal Poinciana Way as a landmark of the Town of**
16 **Palm Beach on the basis that it meets criteria as identified in the Designation Report**
17 **of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation**
18 **Ordinance No. 2-84. On roll call, the motion carried unanimously.**

19
20 B. RESOLUTION NO. 66-2015 A Resolution of the Town Council of the Town of
21 Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the
22 Determination of the Landmarks Preservation Commission that the Property
23 Known as the Regents Park Historic District Meets the Criteria Set Forth in
24 Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of
25 Ordinances of the Town of Palm Beach; and Designating Said Property as a Town
26 of Palm Beach Historic District Pursuant to Ordinance No. 2-84, Also Known as
27 Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

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

29
30 There was no ex-parte communication declared by the Town Council.

31
32 Historical Preservation Consultant Murphy provided an overview of the
33 Designation Report.

34
35 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
36 **Member Townsend, that the Designation Report of the property known as Regents**
37 **Park Historic District be accepted and made a part of the record. On roll call, the**
38 **motion carried unanimously.**

39
40 Alexander Ives, Preservation Foundation of Palm Beach President, spoke in
41 support of the designation.

42
43 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
44 **Member Townsend, that Resolution No. 66-2015 be adopted and designating the**
45 **property known as Regents Park Historic District as a landmark of the Town of**
46 **Palm Beach on the basis that it meets criteria as identified in the Designation Report**

of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal From James McCartney Wearn & Richard and Kathleen Lubin 253 Jamaica Lane B-026-2015

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

The following ex-parte communication was declared: Mayor Coniglio, Council President Pucillo, and Council Members Moore, Townsend, and Wildrick spoke with Mr. Wearn and read his brief. Council President Pucillo, Council President Pro Tem Kleid, and Council Member Moore spoke with Attorney Hanlon, who advocated the position of his client. Council Member Wildrick spoke with Architect Patrick Segraves. Council Members Moore and Townsend received and read various e-mails.

James McCartney Wearn provided an overview of his appeal.

Attorney Timothy Hanlon, on behalf of 253 Jamaica Lane, LLC, provided the owner's objections and responses to the appeal.

Mr. Wearn provided a rebuttal to the objections of the owner.

Responding to Council President Pro Tem Kleid, Town Attorney Randolph stated that e-mails are part of ex-parte communication and ARCOM has the letters and opportunity to refer and consider them without necessarily being read into the record.

Discussion ensued regarding the ARCOM deliberations, reading ex-parte e-mails into the record, due process, the notices of joinder, looking at the street in its entirety, and building height.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to deny the ARCOM appeal from James McCartney Wearn & Richard and Kathleen Lubin, regarding 253 Jamaica Lane, and B-026-2015. On roll call, the motion carried 4-1, with Council Member Townsend dissenting.

2. ARCOM appeal from Cristina Noble (via attorney James Green) 475 North County Road - B-010-2015 Gate

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

Via Town Staff, Attorney James Green requested a deferral of this item as he could not stay until the item would be heard.

By consensus of the Town Council, the appeal from Cristina Noble related to 475 North County Road was deferred to the June 10, 2015, Town Council meeting.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED) The application of T3 Family Investment, LLC; relative to property commonly known as 221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The application has been modified and the applicant is requesting the following approvals:

1. Applicant is requesting site plan approval to construct a two (2) story 63,680 square foot mixed commercial and residential use condominium development with 42,962 square foot sub-basement with 86 underground parking spaces totaling 106,642 square feet, 18,080 square feet of commercial space on the first floor and six (6) residential units on the second floor. The following other zoning approvals are being requested:

2. Special Exception to allow residential tenancy above the first floor, as required by Section 134-1109(a)(3) for six (6) condominium units.

3. Special Exception to allow two (2) stories as required by Section 134-1113(8)(c).

4. Special Exception to allow Testa's Restaurant to occupy over 3,000 square feet of gross leasable area and 152 seats as required by Section 134-1109(a)(11).

5. Special Exception to allow outdoor seating for 60 of the 152 seats outdoors for Testa's Restaurant as required by Section 134-1109(a)(11) and 134-1111(a).

6. Variance to allow portions of the underground parking sub-basement to be paved for walkways and equipment pads in lieu of being landscaped as required in Section 134-2179(a).

7. Variance to allow a total of 86 off-street parking spaces in lieu of the required 140 off street parking spaces as required by Section 134-2175.

8. Variance to allow a maximum building length of 250.9 feet in lieu of the maximum allowed 150 feet allowed per Section 134-1113(10)(b).

9. Variance to allow for a landscaped open space of 12.2% in lieu of the minimum 25% required by Section 134-1113(11)(b).

10. Variance to allow a two (2) story building to be 106,642 square feet in lieu of the maximum allowed 15,000 square feet as

1 required by Section 134-1113(12)(b).

2 11. Variance to allow lot coverage of 81.2% in lieu of 70.0%,
3 as maximum permitted by Code Section 134-1113(9)(b).

4 [Attorney: Francis X. J. Lynch]

5 [Architectural Commission Recommendation: Implementation of
6 the proposed variances related to architecture will not cause
7 negative architectural impacts to the subject property. Carried 7-0.]
8 Deferred from the October 15, 2014, November 12, 2014,
9 December 10, 2014, January 14, 2015, February 11, 2015, and
10 March 11, 2015, Town Council Meetings.

11 TIME CERTAIN: 10:30 A.M.

12 *John S. Page, Director of Planning, Zoning, & Building*

13
14 Mayor Coniglio recused herself, left the dais, and provided a
15 Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

16
17 Director Page announced that the Royal Poinciana Way model will
18 be available for public inspection in the Emergency Operations
19 Center for the next hour.

20
21 The following ex-parte communications were declared: Council
22 President Pucillo, Council President Pro Tem Kleid, and Council
23 Members Moore, Townsend, and Wildrick received and read
24 correspondence from various residents and spoke with Attorney
25 Lynch, who advocated the position of his client. Council President
26 Pucillo, Council President Pro Tem Kleid, and Council Member
27 Moore spoke with David and Suzanne Frisbee and Architect Roger
28 Janssen, who advocated their positions. Council President Pro
29 Tem Kleid also spoke with Architect Janssen's staff, who
30 advocated the position of their client. Council President Pucillo,
31 Council President Pro Tem Kleid, and Council Member Townsend
32 viewed the Royal Poinciana Way model. Council President Pro
33 Tem Kleid and Council Members Townsend and Wildrick spoke to
34 various individuals, who advocated their positions.

35
36 Town Clerk Owens administered the oath to those who had not
37 already been sworn in and would be providing testimony.

38
39 Attorney Gary Oldehoff, Lewis, Stroud & Deutsch, representing
40 the Neighborhood Alliance of Palm Beach, spoke regarding ex-
41 parte communications and the Jennings Rule. He requested copies
42 of any ex parte correspondence and that the Town Council reveal
43 the substance of their ex-parte communications.

44
45 Town Attorney Randolph advised that he would provide Attorney
46 Oldehoff with the requested correspondence and advised the Town
47 Council to state the substance of any ex-parte communications if

1 they remembered them.

2
3 Discussion ensued regarding the Jennings Rule and the public
4 obtaining copies of any ex-parte communications.

5
6 Town Attorney Randolph asked the Council Members if they will
7 have open minds and base their decision on today's evidence only.

8
9 All Town Council members answered in the affirmative.

10
11 Council President Pro Tem Kleid stated that he met with Architect
12 Roger Janssen and his staff who went over the plans with him and
13 advocated the position of the applicant.

14
15 Council Member Wildrick stated that he spoke with people in
16 passing that he did not know and they have said "we hope you're
17 *for or against* the Testa project." He added that he could not keep
18 track of those but he would tell them to come to the meeting to
19 hear the formal testimony.

20
21 Council President Pucillo stated that he met with Architect Janssen
22 who went over the variances with him and advocated the position
23 of the applicant.

24
25 Council Member Moore stated that she spoke with Architect
26 Janssen who discussed the underground parking garage and related
27 variances and advocated the position of the applicant.

28
29 Attorney Lynch, on behalf of T3 Family Investment, LLC,
30 provided an overview of the applicant's request.

31
32 Architect Janssen, Dailey Janssen Architects, provided additional
33 information regarding the project.

34
35 Discussion ensued regarding the parking garage, valet versus self-
36 parking, other commercial buildings built with variances, current
37 condition of the property, whether the property can be built on
38 without variances, the Bernard case, other reasonable uses of the
39 property, CTS zoning requirements, the hardship, when control of
40 the property was acquired, litigation, working with those opposed
41 to the project to reach a compromise, location of the property,
42 available parking in the area, traffic, parking analysis, the
43 restaurant, the reduction in retail, office, and residential usage, and
44 green space.

45
46 David Frisbee, 439 Worth Ave., T3 Family Investment, LLC,
47 stated that the existing restaurant cannot be rebuilt to the current

1 Code.

2
3 Christopher Hagen, Kimley-Horn Engineers, spoke regarding the
4 traffic study.

5
6 Randy Wertepny, Keshavarz & Associates, spoke regarding
7 drainage and soil permeability.

8
9 Discussion continued on the elimination of curb cuts, landscaping,
10 and open space and lot coverage requirements.

11
12 *(Clerk's Note: At 12:22 p.m., the Town Council recessed for lunch; at 1:03 p.m. the*
13 *Town Council reconvened the meeting.)*

14
15 Zoning Administrator Castro provided Staff's comments and
16 requested that, if the project is approved, approval be subject to the
17 execution of a construction management agreement.

18
19 William Cooley, 171 El Pueblo Way, Palm Beach Preservation
20 Alliance, spoke in opposition to the project.

21
22 Council Member Wildrick asked Mr. Cooley what it would take to
23 reach a compromise on this project.

24
25 Mr. Cooley responded that there is nothing wrong with nothing
26 being done on the property and that we need to see what can be
27 built without any variances.

28
29 Discussion ensued regarding everything in the application
30 complying with the Code except for the parking and cronyism.

31
32 The following additional people spoke in opposition to the project:

33
34 Connie Gasque, 167 Root Trl., Neighborhood Alliance of Palm
35 Beach (NAPB), on behalf of Susan Markin

36 Susan Watts, 455 Worth Ave., NAPB

37 Anne Pepper, 333 Seaspray Ave., NAPB

38 Joanne Warshaver, 223 Seminole Ave.

39 Maize Grace, 247 Seaspray Ave.

40 Attorney Gary Oldehoff, Lewis, Stroud & Deutsch, representing
41 the NAPB

42
43 The following person spoke in favor of the project:

44
45 Tanner Rose, 315 South Lake Dr.

Discussion continued regarding the Neighborhood Alliance of Palm Beach having no alternate plans, the need for a strategic planning process, and outdated codes.

Council Member Wildrick requested that a discussion on the Strategic Plan be placed on an upcoming agenda.

Discussion ensued regarding the traffic study, curb cuts, and ADA requirements, seeing something built on the property, the PUD-5 issues, the hardship, the number of variances being requested, developing the area, and the compromises made since the original proposal.

Zoning Administrator Castro spoke regarding the site plan.

Discussion continued regarding hardships and reasonable use of the property, the rationale for underground parking requirements, the landscaping variances, and sub-basement and open space requirements.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the special exceptions related to Site Plan Review #13-2015 regarding Testa's Restaurant (item numbers 4 & 5 in the title) shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to the execution of a construction management agreement. On roll call, the motion carried unanimously.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the special exceptions related to Site Plan Review #13-2015 regarding building stories and tenancy (item numbers 2 & 3 in the title) shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to the execution of a construction management agreement. On roll call, the motion carried unanimously.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the variance related to Site Plan Review #13-2015 regarding the number of parking spaces (item number 7 in the title) be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the execution of a construction management agreement. On roll call, the motion carried 3-2, with Council Members Townsend and Wildrick dissenting.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the variances related to Site Plan Review #13-2015 regarding building

length and square footage (item numbers 8 & 10 in the title) be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the execution of a construction management agreement. On roll call, the motion carried 3-2, with Council Members Townsend and Wildrick dissenting.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the variances related to Site Plan Review #13-2015 regarding landscaping and lot coverage (item numbers 6, 9, & 11 in the title) be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the execution of a construction management agreement. On roll call, the motion carried 3-2, with Council Members Townsend and Wildrick dissenting.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to defer the site plan approval related to the Site Plan Review #13-2015 (item number 1 in the title) to the June 10, 2015, Town Council meeting. On roll call, the motion carried unanimously.

2. New Business

- a. SITE PLAN REVIEW #2-2015 The application of RPP Palm Beach Property LP (Samantha David, Representative); 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 Site Plan Approval to modify the existing architecture, landscape, and off street parking area for the Royal Poinciana Plaza. The modifications include the elimination of one of the existing entrances on Cocoanut Row and the creation of two new entrances on Cocoanut Row; modification of the existing entrance on Royal Poinciana Way; change in the traffic flow pattern and parking spaces within certain locations within the north and south parking lot areas; milling, surfacing and restriping of the parking lot; parking lot and landscape lighting improvements; landscape and hardscape improvements which include modification of sidewalks, benches and patio areas; architectural improvements which include new columns, parapets, doors, windows, awnings and fenestration. The application, which includes a complete description of the proposed project, and plans are available to be reviewed between 8:30 a.m. and 5:00 p.m. at the Planning, Zoning and Building Department. [Attorney: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed site plan review modification will not cause negative architectural impacts to the subject landmark property. Carried 7-0]
John S. Page, Director of Planning, Zoning, Building

1 The following ex-parte communication was declared: Mayor
2 Coniglio, Council President Pucillo, Council President Pro Tem
3 Kleid, and Council Members Moore and Townsend spoke with
4 Samantha David, who advocated the applicant's position.
5

6 Attorney Ziska, on behalf of RPP Palm Beach Property, LP,
7 provided an overview of the applicant's request.
8

9 Zoning Administrator Castro provided Staff's comments and
10 clarified that the project has not been approved by the Landmarks
11 Preservation Commission yet.
12

13 Samantha David, representing the property owner, spoke regarding
14 the project and thanked Staff for their assistance with it.
15

16 Keith Williams, Nievera Williams Design, provided an overview
17 of the traffic engineering changes and stated that they are working
18 with John Corey to incorporate his suggestions regarding
19 pedestrian and bicycle traffic.
20

21 Architect Daniel Kahan, Smith and Moore Architects, presented
22 the architectural plans for the project and spoke regarding
23 restoration plans for the iron work.
24

25 Zoning Administrator Castro provided additional Staff comments
26 regarding the Lighting Plan.
27

28 Attorney Ziska stated that letters of support were received from
29 both the Breakers Hotel and Palm Beach Towers.
30

31 **Motion was made by Council Member Moore, and seconded by Council Member**
32 **Wildrick, that Site Plan Review #2-2015 be approved based upon the finding that**
33 **the approval of the site plan will not adversely affect the public interest and that the**
34 **Council certifies that the specific zoning requirements governing the individual use**
35 **have been met and that satisfactory provision and arrangement has been made**
36 **concerning Section 134-329, items 1 through 11. On roll call, the motion carried**
37 **unanimously.**
38

- 39 b. SPECIAL EXCEPTION #12-2015 The application of A. Richard
40 Sloane & Carolyn J. Sloane; relative to property commonly known
41 as 1564 S. Ocean Blvd., described as LAGOMAR PARK NO 2
42 SLY 89.25 FT OF LT 2 IN OR371 P21 & S 40 FT OF LT 2 A;
43 located in the R-A Zoning District. The Applicant is requesting a
44 special exception to allow two sliding gates (one at each entrance)
45 on Lagomar Road (which is a cul-de-sac street) with a setback for
46 the west gate of 7.5 feet and a setback for the east gate of 9.2 feet

1 in lieu of the 18 foot minimum required. [Attorney: Jack
2 McDonald, Esq.] *John S. Page, Director of Planning, Zoning,*
3 *Building*

4
5 There was no ex-parte communication declared by the Town
6 Council.

7
8 Attorney McDonald, on behalf of A. Richard Sloane & Carolyn J.
9 Sloane, provided an overview of the applicants' request.

10
11 Zoning Administrator Castro provided Staff's comments.
12

13 **Motion was made by Council Member Moore, and seconded by Council Member**
14 **Wildrick, that Special Exception #12-2015 shall be granted based upon the finding**
15 **that such grant will not adversely affect the public interest and that the applicable**
16 **criteria set forth in Section 134-229 of the Town Code have been met. On roll call,**
17 **the motion carried unanimously.**
18

- 19 c. VARIANCE #10-2015 The application of Reinhard and Claudia
20 Brandner; relative to property commonly known as 315 Eden
21 Road, described as the West 15.5 feet of Lot 41 and all of Lot 42,
22 EDEN PROPERTIES, according to the plat thereof, recorded in
23 Plat Book 18, Page 49, of the Public Records of Palm Beach
24 County, Florida; located in the R-B Zoning District. The Applicant
25 is requesting a variance to allow a 185 square foot master bedroom
26 addition to the front of the house that would result in an angle of
27 vision of 112 degrees in lieu of the 104 degree existing and
28 maximum allowed in the R-B Zoning District. [Attorney: Maura
29 Ziska, Esq.]

30 [Architectural Commission Recommendation: Implementation of
31 the variance will not cause negative architectural impacts to the
32 subject property. Carried 7-0]

33 *John S. Page, Director of Planning, Zoning, Building*

34
35 There was no ex-parte communication declared by the Town
36 Council.

37
38 Attorney Ziska, on behalf of Reinhard and Claudia Brandner,
39 provided an overview of the applicants' request.

40
41 Zoning Administrator Castro provided Staff's comments.
42

43 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
44 **Member Moore, that Variance #10-2015 be granted and find, in support thereof,**
45 **that all of the criteria applicable to this application as set forth in Section 134-**
46 **201(a), items 1 through 7 have been met. On roll call, the motion carried**
47 **unanimously.**

- d. VARIANCE #11-2015 The application of Paul and Elizabeth Shiverick; relative to property commonly known as 670 Island Road, described as Lot 68, and that part of Lot 66 described and bounded as follows: bounded on the south by the south of said lot 66; on the north by a line parallel to and 15 feet north of, measured at right angles to, the south boundary; on the west and east by the west and east boundaries respectively of said lot 66; said lot 68 and said lot 66 being shown and designated on the plat of Lone Cabbage Island Development (renamed as Everglades Island) on file and of record in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida, in Plat Book 18, Page 31; located in the R-B Zoning District. The Applicant is requesting a variance to allow the newly installed generator to be 8 feet above the adjacent neighbor's grade which does not meet the requirement that a generator needs to be screened by a three sided wing wall of the same height when the maximum wall height allowed is 7 feet. The generator exceeds the wall height by 1 foot; and, a variance to allow the existing 7 foot tall wall to remain at a height of 7 feet and not fully screen the newly installed generator by 1 foot as required by code. [Attorney: Maura Ziska, Esq.]

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

There was no ex-parte communication declared by the Town Council.

Zoning Administrator Castro stated that the application and notices incorrectly listed the property address as 670 Island Road, instead of 670 Island Drive, and recommended that the item be deferred and re-noticed.

Attorney Ziska responded that the notices were received by all properties within the 300' radius and stated that the only impacted neighbor has written a letter of support for the project.

Town Attorney Randolph opined that the correct people received the notices and that a deferral was not necessary. He stated that the property owners could always be re-noticed if the Council desires.

By consensus of the Town Council, further notice was determined unnecessary.

Attorney Ziska, on behalf of Paul and Elizabeth Shiverick, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Moore, and seconded by Council President Pro Tem Kleid, that Variance #11-2015 be granted and find, in support thereof, that

all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

- e. VARIANCE #12-2015 The application of John Ceriale; relative to property commonly known as 230 S. Ocean Blvd., described as Lot 528, Poinciana Park, Second Addition, Plat Book 6, Page 86; located in the R-B Zoning District. The Applicant is requesting a variance to allow the existing non-conformity porch to extend 4.08 feet to a street side yard setback at 20.16 feet in lieu of the 24.24 existing porch setback and the 25.0 foot minimum required by code; and, to allow a lot coverage of 28.9% (135 sf additional) in lieu of the 28.2% existing non-conformity and the 25% maximum allowed by code. [Agent: Jose Gonzalez]
[Architectural Commission Recommendation: Implementation of the variance will not cause negative architectural impacts to the subject property. Carried 7-0]
John S. Page, Director of Planning, Zoning, and Building

The following ex-parte communication was declared: Mayor Coniglio spoke with the owner, who advocated his position.

On behalf of the agent, Director Page stated that Mr. Gonzalez was here this morning, but that due to a scheduling conflict he was unable to stay until this item could be heard. Per Mr. Gonzalez's request, Director Page also noted for the record that the Town Council had approved a previous variance at this site.

Zoning Administrator Castro spoke regarding the previous variance and provided Staff's comments.

Motion was made by Council President Pro Tem Kleid, and seconded by Council President Townsend, that Variance #12-2015 be deferred to the June 10, 2015, Town Council meeting. On roll call, the motion carried unanimously.

3. Other

- a. 3-Strike Parking Violation 7 Lagomar Road
John S. Page, Director of Planning, Zoning, and Building

Director Page provided an overview of the 3-Strike Parking Violation rule and the current situation at the property.

Town Clerk Owens administered the oath to those who had not already been sworn in and would be providing testimony.

1 Code Enforcement Officer Moriarty spoke regarding the
2 numerous complaints received, verbal warnings given, and
3 safety hazards the violations created.
4

5 Discussion ensued regarding the multiple violations and
6 warnings, compliance incentives, and addressing the past
7 violations.
8

9 Code Enforcement/Parking Manager Houston spoke
10 regarding the fines assessed so far.
11

12 Director Page spoke regarding the length of time left on the
13 project, Staff's recommendations, and other construction
14 parking options.
15

16 George Montero, General Contractor, Montero
17 Development, Inc., spoke regarding what led to the
18 violations and how they would alleviate the problem.
19

20 Further discussion ensued regarding requiring a timeframe
21 for completion and rescinding the right-of-way parking
22 permits.
23

24 Mr. Montero stated that he had just paid to renew the right-
25 of-way parking permits.
26

27 Council President Pucillo stated that the payment could be
28 refunded if the permits were rescinded.
29

30 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
31 **Member Moore, that all right-of-way construction parking permits be rescinded,**
32 **that the renewal fees paid on May 12, 2015, be refunded, and that the stop work**
33 **order be rescinded upon:**

- 34 • **Payment of the \$250 "3-strike" parking permit penalty**
- 35 • **Payment of any other outstanding fees, if any, owed to the Town**
- 36 • **Receipt of written statements from the owner and contractor acknowledging**
37 **acceptance of all permit conditions, and verifying their intent to conform to**
38 **all construction parking rules and regulations, including the following**
39 **conditions:**
 - 40 ○ **Owner shall pay for a flagman to be present at the site at all times when**
41 **construction work is occurring in order to prohibit any construction**
42 **parking on the street**
 - 43 ○ **Any future parking violations will be assessed a fine of \$500 per vehicle,**
44 **per violation**

- The Town reserves the right to revoke any and all construction permits in the future, in the event parking violations occur prior to the end of this project

On roll call, the motion carried 4-1, with Council Member Townsend dissenting.

IX. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 13-2015 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; Article VI, District Regulations, Section 134-1107(a) To Allow Public Parks As A Permitted Use In The C-TS Commercial Zoning District; Section 134-1109(a) To Allow Private Parks As A Special Exception Use In The C-TS Commercial Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John C. Randolph, Town Attorney

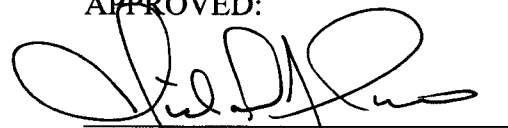
Motion was made by Council Member Wildrick, and seconded by Council Member Moore, to adopt Ordinance No. 13-2015, on second and final reading. On roll call, the motion carried unanimously.

X. ANY OTHER MATTERS – None

XI. ADJOURNMENT

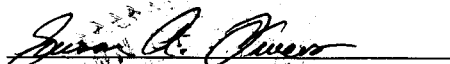
There being no further business, the May 13, 2015, regular Town Council meeting was adjourned at 4:35 p.m.

APPROVED:



Michael J. Pucillo
Town Council President

ATTEST:



Susan A. Owens, MPA, MMC
Town Clerk

6/9/15
Date