



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, MARCH 9, 2016

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. RECOGNITIONS
- IV. COMMENTS OF MAYOR GAIL L. CONIGLIO
ACTION: NONE
- V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
ACTION: NONE
- VI. COMMUNICATIONS FROM CITIZENS
ACTION: NONE
- VII. APPROVAL OF AGENDA
ACTION: THE FOLLOWING AMENDMENTS WERE MADE:
 - **ITEM NO. VIII.B.1.a., SITE PLAN REVIEW #8-2015 WITH VARIANCE, WAS DEFERRED TO THE APRIL 13, 2016, MEETING**
 - **ITEM NO. VIII.B.1.c., SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW AND VARIANCES, WAS DEFERRED TO THE APRIL 13, 2016, MEETING**
 - **ITEM NO. VIII.B.2.d., SPECIAL EXCEPTION #08-2016 WITH SITE PLAN REVIEW AND VARIANCES, WAS DEFERRED TO THE APRIL 13, 2016, MEETING**
 - **SPECIAL EXCEPTION #04-2016 WITH SITE PLAN REVIEW, 608 ISLAND DRIVE, WAS ADDED UNDER OLD BUSINESS**
 - **RECONSIDERATION OF RESOLUTION NO. 32-2016 WAS ADDED UNDER ANY OTHER MATTERS****ACTION: APPROVED, AS AMENDED ABOVE**
- VIII. DEVELOPMENT REVIEWS
 - A. Time Extensions and Waivers
 1. Extension of Time Schedule for Completion of Construction per Town Code

ACTION: APPROVED A FOUR (4) MONTH TIME EXTENSION, SUBJECT TO REPLACEMENT OF THE GATE AND HEDGE, TAKING CARE OF THE POOL AND WALL OF THE BEACH HOUSE, AND A DAILY FINE OF \$500 SHOULD THE WORK NOT BE COMPLETED WITHIN THE EXTENDED TIMEFRAME. APPLICANT WAS FURTHER DIRECTED TO COORDINATE REPLACEMENT OF THE HEDGE WITH THE RESPECTIVE NEIGHBOR.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. SITE PLAN REVIEW #8-2015 WITH VARIANCE The application of 201 Debra Lane, LLC (Juan M. Naveja Diebold, Manager); relative to property commonly known as 201 Debra Ln., described as lengthy legal description on file; located in the R-B Zoning Districts. The Applicant seeks Site Plan approval to construct a 3,814 square foot two story home on a platted lot that is 98.55 feet deep in lieu of the 100 foot minimum required and 91.61 foot wide in lieu of the 100 foot minimum required. A variance is requested to permit installation of a pool in the street side yard with a setback of 6.25 feet in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon]

[Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 5-2.]

Deferred from the December 9, 2015, January 13, 2016, and February 10, 2016, Town Council Meetings.

Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated March 2, 2016, from M. Timothy Hanlon.

John S. Page, Director of Planning, Zoning & Building – Deferred to the April 13, 2016, meeting

- b. MODIFIED SPECIAL EXCEPTION #27-2015 WITH SITE PLAN REVIEW AND VARIANCES Request for Waiver Construction Hours and Proposed Construction Management Agreement for Tunnel Project at 1520 South Ocean Boulevard. [Attorney: Francis X.J. Lynch]

Deferred from the February 10, 2016, Town Council Meeting.

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

ACTION: APPROVED WAIVER OF CONSTRUCTION HOURS, SUBJECT TO THE CONDITION THAT THE WORK BE PERFORMED BETWEEN THE MONTHS OF JULY AND AUGUST, 2016

ACTION: AMENDED THE CONSTRUCTION MANAGEMENT AGREEMENT TO REFLECT THE REVISED AUTHORIZED WORK MONTHS OF JULY AND AUGUST, 2016, AND TO ADD A MAINTENANCE OF TRAFFIC (MOT) REQUIREMENT.

ACTION: APPROVED THE CONSTRUCTION MANAGEMENT AGREEMENT, AS AMENDED ABOVE

- c. SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW AND VARIANCES The application of Robert and Denise Benedickson; relative to property commonly known as 222 Seaspray Ave., described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish an existing 2,444 square foot residence with a 800 square foot garage and build it back in the same location with a proposed total square footage of 3,802 on a non-conforming platted lot which is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 minimum required in the R-B Zoning District. The following variances are being requested: to allow a west side yard setback of 11.33 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for a one story section of the house; to allow a west side yard setback of 8.33 feet in lieu of the 12.5 foot minimum required for the proposed covered entry for the front door; to allow an east side yard setback of 9.67 feet in lieu of the 15 foot minimum required for the proposed second story of the house; and to allow a lot coverage to be 31% in lieu of the 30% maximum allowed; to allow a cubic content ratio to be 6.11 in lieu of the 4.38 maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred the project to the January 27th meeting. Carried 7-0]
Deferred from the February 10, 2016, Town Council Meeting.
Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated February 19, 2016, from Maura A. Ziska.
John S. Page, Director of Planning, Zoning & Building– Deferred to the April 13, 2016, meeting

The Following Item was Deferred from the February 10, 2016, Town Council meeting to the March 9, 2016, Town Council meeting, but was Inadvertently Left Off the March 9, 2016, Agenda and Subsequently Added Back on Under Approval of the Agenda:

- d. SPECIAL EXCEPTION #04-2016 WITH SITE PLAN REVIEW The application of Denis P. Coleman and Annabelle G. Coleman; relative to property commonly known as 608 Island Dr., described

as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review to allow the construction of a 7,815 sq. ft. two-story single family residence on a portion of a platted lot which is 95 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. [Attorney: Maura Ziska, Esq.]

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

Deferred from the February 10, 2016, Town Council meeting in order to refer the item to the Architectural Commission for their review.

[Architectural Commission Recommendation: Deferred project to the March 23, 2016, ARCOM meeting. Carried 7-0.]

ACTION: APPROVED

2. New Business

- a. SITE PLAN REVIEW #02-2016 The application of Palm Beach Property LP (Samantha P. David, Agent); relative to property commonly known as 340 Poinciana Way, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is seeking to modify the previously approved site plan approvals to correct the gross leasable area (GLA) of the Plaza; and thus the parking calculation of the Royal Poinciana Plaza. The 1979 Agreement and subsequent 1982 Fact Sheet Addendum represents that the Royal Poinciana Plaza has 141,187 SF of office and retail space, as well as several restaurant uses. The 1979 Agreement further stipulates that retail and office square footage shall be calculated at 1 parking space per 300 SF of GLA and restaurants are calculated at 1 parking space per 3 seats. Several changes have occurred since 1979 that have affected the overall square footage at the Plaza, including changes to the Slat House, common areas, and precise technology that allows property owners to accurately survey and calculate square footage. The applicant had a survey done of the property in 2015 and independent verification will confirm survey results to finalize the actual square footage for the Royal Poinciana Plaza. The correct square footage for office/retail GLA is 112,085 Sq. Ft. This does not include restaurant or theater requirements. [Attorney: Maura Ziska, Esq.]

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

ACTION: APPROVED THE 111,574 SQ. FT. CALVIN GIORDANO CALCULATION OF THE PLAZA'S GROSS LEASEABLE AREA (NOT INCLUDING ANY RESTAURANTS, THE THEATRE, THE CELEBRITY ROOM, OR THE HIBBLE MUSEUM), AND DIRECTED THAT SAID SQUARE FOOTAGE BE MADE A PART OF THE SITE PLAN

- b. SPECIAL EXCEPTION #06-2016 The application of Sant Ambroeus (Dimitri Pauli); relative to property commonly known as 340 Royal Poinciana Way, Suite 304, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is requesting a Special Exception approval to operate a 5,973 square foot, 120 seat restaurant which will feature upscale Italian cuisine. The proposed restaurant will be located in the northeast corner of the Plaza where a restaurant was previously approved; however, the proposed restaurant will have less square footage and less seats. The proposed hours of operation are to be: Sunday through Thursday – Breakfast, Lunch and Dinner – 8:00 a.m. to 10:00 p.m. Friday and Saturday – Breakfast, Lunch and Dinner – 8:00 a.m. to 11:00 p.m. **The proposed restaurant is not to be open for lunch on the days that the theater has matinees** [Attorney: Maura Ziska, Esq.]

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

ACTION: APPROVED , SUBJECT TO THE CONDITION THAT THE NUMBER OF SEATS IN THE ROYAL POINCIANA THEATER BE REDUCED TO 725, AND THAT SAID REDUCTION BE MEMORIALIZED IN A DECLARATION OF USE AGREEMENT TO COME BEFORE THE TOWN COUNCIL AT ITS APRIL 13, 2016, MEETING

- c. SPECIAL EXCEPTION #05-2016 WITH SITE PLAN REVIEW The application of Alex Gilmurray, CFO of The Breakers Palm Beach, Inc.; relative to property commonly known as 1 S. County Rd., described as lengthy legal description on file; located in the PUD-A Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish Building #4 (2,726 sf) in The Breakers maintenance complex near the west end of the Pine Walk and replace it with a new building of 3,581 sf. The building, which serves as the carpentry shop, will physically resemble the other buildings in the maintenance complex. [Attorney: James M. Crowley, Esq.]

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

ACTION: APPROVED

- d. SPECIAL EXCEPTION #08-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of 280 NCR, LLC; relative to property commonly known as 280 N. County Rd., described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with site plan review to allow the construction of a 7,205 square foot two-story single family residence on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the

100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following three variances are being requested: to construct a two-story house with a second story street side yard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required; to construct a two-story house with an angle of vision of 133 degrees in lieu of the 116 degrees maximum allowed; and, to construct a two story addition with a second story street side yard setback (east side of the property) of 20 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Attorney: Guy Rabideau, Esq.] [Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 7-0]

Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated February 29, 2016, from Guy Rabideau.

John S. Page, Director of Planning, Zoning & Building – Deferred to the April 13, 2016, meeting

IX. ORDINANCES

A. First Reading

1. ORDINANCE NO. 4-2016 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 IV, Nonconformities, Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134- 446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134- 893, Lot, Yard And Area Requirements-Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134-948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134-1729, Generators And Swimming Pool Equipment, To Require A Concrete Block Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall

For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete Block Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134-2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front-Lit Signs From The Special Exception Requirement; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

ACTION: AMENDED THE FOLLOWING SECTIONS AS FOLLOWS: "...CONCRETE BLOCK MASONRY FINISHED...":

- SECTION 134-1729(1)d. – Page 8
- SECTION 134-1729(2)d. – Page 9
- SECTION 134-1728(c) – Page 11

ACTION: APPROVED, AS AMENDED ABOVE

X. ANY OTHER MATTERS

The Following Item was Added to the Agenda:

1. RECONSIDERATION OF RESOLUTION NO. 32-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way, Amending Chapter XII-Miscellaneous Provisions Regarding Construction Parking; Providing an Effective Date.

H. Paul Brazil, P.E., Director of Public Works

ACTION: RECONSIDERATION APPROVED

ACTION: APPROVED AMENDED VERSION OF RESOLUTION NO. 32-2016 PRESENTED BY TOWN ATTORNEY RANDOLPH

XI. ADJOURNMENT