



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013

- I. CALL TO ORDER AND ROLL CALL
- 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
ACTION: STAFF WAS DIRECTED TO LOOK INTO PLACING ADDITIONAL SIGNAGE ALONG EAST INLET DRIVE FOR BICYCLISTS
- VI. APPROVAL OF AGENDA
ACTION: APPROVED
- VII. PUBLIC HEARINGS
 - A. RESOLUTION NO. 25-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 127 Dunbar Road Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John Page, Director of Planning, Zoning and Building]
ACTION: APPROVED, WITH THE STIPULATION THAT ALL MODIFICATIONS MADE AFTER 1930 ARE NON-CONTRIBUTING.
 - B. RESOLUTION NO. 26-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 256 South Ocean Boulevard Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the

Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John Page, Director of Planning, Zoning and Building]

ACTION: APPROVED

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeals of Landmarks Preservation Commission's Decision Regarding COA#023-2012 (Del Frisco Restaurant) by William Cooley, Palm Beach Towers, and Lory Volk.
[John Page, Director of Planning, Zoning and Building]

ACTION: DISMISSED THE APPEAL BY WILLIAM COOLEY DUE TO LACK OF STANDING.

ACTION: REJECTED THE APPEALS OF PALM BEACH TOWERS AND LORY VOLK, AND UPHELD THE DECISION OF THE LANDMARKS PRESERVATION COMMISSION.

2. Appeal of Landmarks Preservation Commission's Decision Regarding COA#004-2013 (Brown Harris Stevens) by Palm Beach Towers. [John Page, Director of Planning, Zoning and Building]

ACTION: APPEAL WITHDRAWN BY APPLICANT.

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 401 Worth Avenue Per Letter Dated January 16, 2013, from Donald B. Scott, Jr.

ACTION: APPROVED

2. Request for Waiver of Section 42-199, Hours of Construction Work, at 301 Worth Avenue (Chanel) Per Letter Dated January 23, 2013, from Ean Bressack.

ACTION: DENIED

3. Request for Waiver of Section 42-199, Hours of Construction Work, at 411 S. County Road (J.P. Morgan Chase Bank) Per Letter Dated January 17, 2013, from Jorge Mitjans.

ACTION: APPROVED

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. VARIANCE #4-2013 The application of Virginia L. Mortara; relative to property commonly known as **319 El Vedado Road**; described as Lot 52 and the West 25 feet of Lot 53, REVISED PLAT OF JUNGLE POINT ADDITION TO THE TOWN OF PALM BEACH, according to the plat thereof as recorded in Plat Book 18, Page 21, of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting variances to allow construction of a 30 foot by 6 foot marginal dock located 10 feet from the West side yard property line in lieu of the 25 foot minimum set back required; to allow a 30 foot by 6 foot marginal dock located 10 feet from the Northern neighbor's South side property line in lieu of the 25 foot minimum set back required; to allow a vessel to be docked at the proposed dock, which vessel would extend beyond the Applicant's North neighbor's side property line, but not the Applicant's side property line.

[Attorney: M. Daniel Logan]

Deferred from the January 9, 2013, Town Council Meeting

ACTION: DEFERRED TO THE MARCH 13, 2013, TOWN COUNCIL MEETING.

- b. VARIANCE #5-2013 The application of 101 Indian Road, LLC, Robert G. Fessler, Manager/Member; relative to property commonly known as **101 Indian Road**; described as Lengthy legal description in file; located in the R-A Zoning District. The proposal is to build a new, two story house with the following variances being requested: to allow the south side yard setback for the proposed residence to be 15 feet in lieu of the 30 foot minimum required for lots in excess of 60,000 square feet; to allow a north side yard setback for the proposed residence to be 25.67 feet in lieu of the 30 foot minimum required; to allow the proposed residence to be 25 feet from the Town Bulkhead Line in lieu of the 51.6 foot minimum required when calculating the average of the houses to the north and south's setback from the Town Bulkhead Line; to allow the overall building height to be 52.33 feet NGVD in lieu of the 48.39 maximum allowed when comparing the heights of the houses to the north and south.

[Attorney: Maura A. Ziska]

Deferred from the January 9, 2013, Town Council Meeting

[ARCOM Recommendation: ARCOM motion to recommend approval of the variance failed 3-2 as there were not enough members present to obtain the four affirmative votes necessary.]

ACTION: APPROVED, SUBJECT TO CONDITIONS

2. New Business

- a. VARIANCE #7-2013 The application of The Society of the Four Arts, Inc., Ervin Duggan, President; relative to property commonly known as **1, 2, 3, and 4 FOUR ARTS PLAZA AND 240 COCOANUT ROW**; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting variances to permit sixteen (16) square feet of signage in lieu of the six (6) square feet of signage permitted by Section 134-2405(1) on the Cocoanut Row frontage of the Eugene “Fitz” Dixon Education Building at the Society of the Four Arts campus; to allow a two (2) square foot sign on the south elevation of the Eugene “Fritz” Dixon Education Building at the Society of the Four Arts campus, where signage is not permitted by the Zoning Code; to allow two (2) signs, of 2.5 square feet each, on the Seaview Avenue frontage of the Eugene “Fritz” Dixon Education Building at the Society of the Four Arts campus, where the Zoning Code only permits one (1) sign. [Attorney: Harvey E. Oyer, III]
[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0 with slight redesign of the sign facing Cocoanut Row.]

ACTION: APPROVED

- b. VARIANCE #8-2013 The application of Terry and Bonita Alfuth; relative to property commonly known as **237 OLEANDER AVENUE**; described as Lots 14 and 15, Daisy E. Erbs Addition, according to the Plat thereof as recorded in the Plat Book 9, Page 75, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting variances to construct a 278.52 square foot one car garage addition onto the existing residence. The proposed addition would require the following variances to be requested: a west side yard setback of 3 feet in lieu of the 10 foot minimum required and 15.7 feet existing; a rear yard setback of 11.6 feet in lieu of the 15 foot minimum required and 11.6 feet existing; a front yard setback of 22.39 feet in lieu of the 25 foot minimum required and the 15.1 feet existing; and to allow lot coverage of 33.39% in lieu of the 30% maximum allowed and the 23.45 existing. [Attorney: Maura Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0]

ACTION: APPROVED

D. Other

1. Royal Poinciana Plaza

- a. Update on theatre. [Adam Munder]

ACTION: NONE

- b. SITE PLAN REVIEW #1-2013 The application of James M. Crowley, Esq. or John W. Little, III, Esq. on behalf of Sterling Palm Beach LLC; relative to property commonly known as **340 Royal Poinciana Way**; described as Lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting a site plan review modification to the Royal Poinciana Plaza parking lot due to the realignment of the new Flagler Memorial Bridge. The Florida Department of Transportation has condemned 8,388 square feet of the Plaza's property for the realignment. The request is to restripe the Plaza, specifically the remaining portion of the northwest side of the property, to capture as many off-street parking spaces as possible of those which were lost. The redesign will result in 208 parking spaces in the northwest portion of the Royal Poinciana Plaza. [Attorneys: James M. Crowley, John W. Little]

[John Page, Director of Planning, Zoning and Building]

Deferred from the January 9, 2013 Town Council Meeting

ACTION: APPROVED APPLICANT'S DRAWING #3, WITH MODIFICATIONS

2. Modification of Condition of Approval Regarding Temple Emanu-El Zoning Application (Special Exception No. 8-2012 with Site Plan Review and Variance), 190 North County Road and 224, 226 and 234 Seminole Avenue. [John C. Randolph, Town Attorney]

ACTION: REMOVED THE CONDITION OF APPROVAL REQUIRING WRITTEN AUTHORIZATION FROM ST. EDWARDS CHURCH TO USE THEIR LOT FOR THE TEMPLE'S VALET PARKING.

3. Consideration Of The Testa Family, Inc., Comprehensive Plan And Zoning Text Amendment Application To Create An Overlay Within The Five Acres Of Land Between Bradley Place And North County Road And Royal Poinciana Way And Sunset Avenue. The Application Was Previously Deferred April 2012 To The February 2013 Council Meeting In Order For The Newly Established Royal Poinciana Way Committee To Study Regulations For This Area.

[John Page, Director of Planning, Zoning and Building]

Deferred from the April 11, 2012 Town Council Meeting

Request for deferral to the April 10, 2013 Town Council Meeting

ACTION: DEFERRED TO THE APRIL 10, 2013, TOWN COUNCIL MEETING.

4. The Palm House

- a. Declaration of Use Agreement Modification.
[John Page, Director of Planning, Zoning and Building]

ACTION: APPROVED

- b. Request for Waiver of Section 42-199, Hours of Construction Work, at 160 Royal Palm Way Per Letter Dated January 31, 2013, from Maura Ziska.

ACTION: DENIED

IX. ANY OTHER MATTERS

X. ADJOURNMENT