TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, FEBRUARY 12, 2014

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

ACTION: COUNCIL PRESIDENT WILDRICK ANNOUNCED THE FOLLOWING COUNCIL COMMITTEE APPOINTMENTS:

- **ADMINISTRATIVE & PERSONNEL COMMITTEE – Council Member Kleid (Chair) and Council Member Townsend**
- **FINANCE & TAXATION COMMITTEE – Council President Pro Tem Diamond (Chair) and Council President Wildrick**
- **ORDINANCES, RULES, & STANDARDS COMMITTEE – Council Member Townsend (Chair) and Council Member Pucillo**
- **PUBLIC SAFETY COMMITTEE – Council President (Chair) and Council President Pro Tem Diamond**
- **PUBLIC WORKS COMMITTEE – Council Member Pucillo (Chair) and Council Member Kleid**

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

ACTION: ITEM NOS. VIII.B.2.c., VARIANCE #7-2014, AND VIII.B.2.d., VARIANCE #8-2014, WERE WITHDRAWN.

ACTION: APPROVED, AS AMENDED ABOVE

VII. PUBLIC HEARINGS

A. RESOLUTION NO. 25-2014 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 315 Tangier Avenue 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 S. Page, Director of Planning, Zoning and Building

ACTION: APPROVED

B. RESOLUTION NO. 26-2014 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 267 Atlantic Avenue 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 S. Page, Director of Planning, Zoning and Building

ACTION: APPROVED

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision #B-008-2014, 225 Indian Road, Per Letter dated January 23, 2014, from Maura Ziska, Esq.
John S. Page, Director of Planning, Zoning and Building

ACTION: UPHELD APPEAL AND AUTHORIZED DEMOLITION

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Items Related to Del Frisco's Restaurant in Royal Poinciana Plaza

(1) Appeal of Administrative Decision Regarding Hours of Operation and Related Off-Street Parking Requirements, by John W. Little III, Attorney for Sterling Palm Beach, LLC, and Also By Harvey E. Oyer III, Attorney for Del Frisco's Grille, Relative to Del Frisco's Grille Restaurant in the Royal Poinciana Plaza.

ACTION: DENIED

(2) SPECIAL EXCEPTION #9-2013 The application of Harvey E. Oyer, III, Attorney for Del Frisco's Restaurant Group; relative to property commonly known as 340 Royal Poinciana Way, Suites 300, 300A, 302, 302A, 306 & 308;

described as lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting modification of previous special exception approval (Special Exception #20-2012) to allow for Sunday operating hours from 10:00 a.m. to 11:00 p.m. The previously approved operating hours for Sunday were 5:00 p.m. to 11:00 p.m. No other changes to the conditionally approved operating hours are being proposed. [Attorney: Harvey E. Oyer, III]

Deferred from the June 12, 2013, Town Council Meeting

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

ACTION: DENIED

b. MODIFIED SITE PLAN REVIEW #1-2014 (WITH VARIANCE)

The application of The 2000 Condominium Assn., Inc. at Sloan's Curve; relative to property commonly known as 2000 South Ocean Blvd.; described as North and South Building at The 2000 CONDOMINIUM AT SLOAN'S CURVE, a Condominium, according to the Declaration of Condominium recorded in ORB 3645, Page 1027, Public Records of Palm Beach County, Florida; located in the PUD-B Zoning District. The applicant is requesting a Site Plan Review to install two generators, both 600 KW in size, that are proposed to be located in the northwest corner of the north garage and on the west side of the south garage, both part of the 2000 Condominium at Sloan's Curve PUD. A variance is being requested to relocate a drive aisle in the south garage with a width of 18.66 feet in lieu of the 25 foot minimum required and the 17.9 foot existing drive aisle width in the area of the proposed generator location. [Attorney: Maura Ziska]

Deferred from the January 15, 2014, Town Council Meeting

John S. Page Director of Planning, Zoning & Building

ACTION: APPROVED

2. New Business

a. SITE PLAN REVIEW #2-2014 WITH SPECIAL EXCEPTION

The application of Ambassador Hotel Co-Op (Bill Whitehead, Manager); relative to property commonly known as 2730 South Ocean Blvd.; described as AMBASSADOR HOTEL CO-OP APTS INC COMMON AREA A/K/A 23-44-43, N 216 FT OF S 385 FT OF N 3000 FT OF FRAC SEC LYG BET ELY R/WLI OF SR A-1-A & ATLANTIC OCEAN; located in the R-D (2) Zoning District. The applicant is requesting a Site Plan Review to renovate the exterior walkways of the West Building by increasing the width of the walkways by 16 inches (717.6 sq. ft. total) and

upgrading the railing using glass barriers. The new railing will be continued to the pool deck. In addition, the façade of the West Building will be improved providing for more articulation and architectural features incorporating Modern elements. The height of the West Building is currently 44.9 feet (existing nonconforming) and is proposed to be increased to 49.9 feet. (62.6 feet maximum allowed) (Sec. 134-229, Sec. 134-1060(8)(d) and Sec. 134-1064). The lot coverage of the West Building totals just 5.6% of the overall lot coverage of the site (27.47%) and would increase to 5.22% of overall lot coverage with the proposed renovations. [Attorney: Neil M. Schiller]
John S. Page Director of Planning, Zoning & Building

ACTION: ALL REQUESTS, WITH THE EXCEPTION OF THE BUILDING PARAPET HEIGHT INCREASE, WERE APPROVED.

ACTION: APPLICANT WAS DIRECTED TO MEET WITH REPRESENTATIVES OF THE 2770 SOUTH OCEAN BOULEVARD CONDOMINIUM TO ADDRESS THEIR CONCERNS REGARDING THE HEIGHT INCREASE AND TO COME BACK BEFORE THE TOWN COUNCIL AT THE MARCH 12, 2014, TOWN COUNCIL MEETING.

b. VARIANCE #6-2014 The application of Roger A. Lawson and Melanie K. Lawson; relative to property commonly known as 114 Clarke Avenue; described as Lot 9 and the East 9 feet of Lot 11 of PRIMAVERA ESTATES (Ocean Section), according to the plat thereof as recorded in Plat Book 6, Page 82 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow a 379 square foot carport/awning addition to the south side of the residence that would result in 34.9% of lot coverage in lieu of the 30% maximum allowed and the 32.8% existing. [Attorney: Maura Ziska]
[ARCOM Recommendation: Implementation of the proposed variance will not cause negative architectural impacts on the subject property. Carried 7-0]
John S. Page Director of Planning, Zoning & Building

ACTION: APPROVED

c. VARIANCE #7-2014 The application of 225 Indian Road, LLC (David Frisbie, Manager); relative to property commonly known as 225 Indian Road; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting approval to build a new 12,171 square foot two story residence with the following variances being requested: 1) to have a point of measurement for building height of 9 feet National Geodetic

Vertical Datum (NGVD) in lieu of the 7.5 feet NGVD maximum allowed for lots abutting a low street. 2) to have a point of measurement for cubic content ratio (CCR) of 9 feet National Geodetic Vertical Datum (NGVD) in lieu of the 7.5 feet NGVD maximum allowed for lots abutting a low street. 3) to have an overall height of 33.2 feet in lieu of the 30 foot maximum allowed as measured from 7.5 NGVD. 4) to allow a parapet on the gable ends on a pitched roof 6.7 feet above the maximum overall height which is permitted for a flat roof and parapet system of the point of measurement variance is granted. [Attorney: Maura Ziska]
[ARCOM Recommendation: Defer the variance requests to the February 26, 2014 ARCOM Meeting]
Request for Withdrawal from the February 12, 2014, Town Council Meeting Per Letter Dated February 4, 2014, from Maura Ziska.
John S. Page Director of Planning, Zoning & Building
ACTION: WITHDRAWN

d. VARIANCE #8-2014 The application of 219 Indian Road, LLC (David Frisbie, Manager); relative to property commonly known as 219 Indian Road; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting approval to build a new 11,447 square foot two story residence with the following variances being requested: 1) to have a point of measurement for building height of 9 feet National Geodetic Vertical Datum (NGVD) in lieu of the 7.5 feet NGVD maximum allowed for lots abutting a low street. 2) to have a point of measurement for cubic content ratio (CCR) of 9 feet National Geodetic Vertical Datum (NGVD) in lieu of the 7.5 feet NGVD maximum allowed for lots abutting a low street. 3) to have an overall height of 33.2 feet in lieu of the 30 foot maximum allowed as measured from 7.5 NGVD. 4) to allow a parapet on the gable ends on a pitched roof 6.7 feet above the maximum overall height which is permitted for a flat roof and parapet system of the point of measurement variance is granted. [Attorney: Maura Ziska]
[ARCOM Recommendation: Defer the variance requests to the February 26, 2014 ARCOM Meeting]
Request for Withdrawal from the February 12, 2014, Town Council Meeting, Per Letter Dated February 4, 2014, from Maura A. Ziska.
John S. Page Director of Planning, Zoning & Building
ACTION: WITHDRAWN

C. Other

1. Items Related to The Breakers Hotel Planned Unit Development (PUD)

(1) Application by The Breakers Palm Beach, Inc., to amend the PUD-A (Breakers Hotel and Beach Club) by Adding a 4,559 (4,190 net) square foot, Second Floor Addition above the Beach Club Restaurant with an Associated Elevator.

RESOLUTION NO. 11-2014 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Resolution 70-10, The Breakers Planned Unit Development (PUD- A), By Adding 4,559 Square Feet Of Accessory Hotel Space To The Beach Club For Construction Of Fitness Center Facility.

ACTION: APPROVED

(2) SPECIAL EXCEPTION #1-2014 WITH SITE PLAN REVIEW The application of The Breakers Palm Beach, Inc.; relative to property commonly known as 1 South County Road; described as All of that plat of Breakers Row Plat No. 1 Re-Plat, recorded in Plat Book 46, Pages 188 through 190, Public Records of Palm Beach County; located in the PUD-A Zoning District. The applicant is requesting approval for construction projects involving accessory hotel uses including the following: The construction of a handicapped beach access structure (ramp) south of the main hotel seawall. This ramp is a replacement for a similar structure which was destroyed by a hurricane. The replacement of the existing 1,588 sq. ft. pavilion on the second floor (Ocean Terrace) of the Beach Club with a 4,559 sq. ft. structure (4,190 sq. ft. under air condition) to be used for a proposed relocated fitness center. The fitness center is currently on the first floor of the Beach Club. Existing spa functions on the first floor will be expanded into that space. The second story fitness center addition will be no higher than the existing pavilion on the Ocean Terrace, which it will replace. Improvements associated with the Beach Club are a proposed new elevator, a relocated building entrance on the north side of the building, and renovation of the courtyard on the east side of the building. Except for the new elevator and the courtyard renovations, the changes to the beach club building will take place within the foot print (foundation) of the existing building. No variances are requested. [Attorney: James M. Crowley]
John S. Page, Director of Planning, Zoning and Building

ACTION: APPROVED

2. Consideration of Zoning Study Items
John S. Page, Director of Planning, Zoning and Building

ACTION:

- **ITEM 1 - APPROVED FOR FURTHER CONSIDERATION**
- **ITEM 2 - APPROVED FOR FURTHER CONSIDERATION**
- **ITEM 3 - APPROVED FOR FURTHER CONSIDERATION**
- **ITEM 4 - NO FURTHER ACTION TO BE TAKEN**
- **ITEM 5 - APPROVED FOR FURTHER CONSIDERATION**
- **ITEM 6 - APPROVED FOR FURTHER CONSIDERATION**
- **ITEM 7 - APPROVED FOR FURTHER CONSIDERATION**
- **ITEM 8 - APPROVED FOR FURTHER CONSIDERATION; THE COUNCIL PROVIDED THE FOLLOWING ADDITIONAL DIRECTION: ADD A PROVISION THAT, IN THE EVENT OF PERMIT REVOCATION, AN INDIVIDUAL WOULD NOT BE ABLE TO PURCHASE ANOTHER PERMIT FOR A PERIOD OF 1 YEAR, AND LOOK INTO A COLORING OR NUMBERING SYSTEM WHICH WILL BE DIFFERENT EACH YEAR.**

3. Instructing Town Staff to obtain a proposal from the Town's Landmarks consultants to place the entire five acre area on Royal Poinciana Way and Sunset Ave that make up the PUD-5 area on the National Register of Historic Places and designate it as a Historic District. The Staff should further explore the extent to which property owners will be eligible for Federal Tax Incentives equivalent to 20% income tax credits, and local real estate tax abatements on qualified restoration of properties within the District.
Michael J. Pucillo, Town Councilmember

ACTION: APPROVED

IX. ANY OTHER MATTERS

X. ADJOURNMENT