



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, JANUARY 9, 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
- VI. APPROVAL OF AGENDA

ACTION: THE FOLLOWING AMENDMENTS WERE MADE:

1. UPDATE ON THIS MORNING'S APC MEETING WAS ADDED.
2. CONSIDERATION OF TOWN COUNCIL MEETING SCHEDULING CHANGES WAS ADDED.
3. AGENDA CORRECTED TO REFLECT THAT THE ATTORNEY FOR ITEM NO. VIII.C.2.d., SPECIAL EXCEPTION #4-2013 WITH SITE PLAN REVIEW MODIFICATIONS, WAS PETER BROBERG.
4. ITEM NO. VIII.C.2.h, VARIANCE #4-2013, WAS DEFERRED TO THE FEBRUARY 13, 2013, TOWN COUNCIL MEETING.
5. ITEM NO. VIII.C.2.i, VARIANCE #5-2013, WAS DEFERRED TO THE FEBRUARY 13, 2013, TOWN COUNCIL MEETING.
6. ITEM NO. VIII.D.1, STERLING ORGANIZATION LEASE UPDATE, WAS SCHEDULED FOR A 2:00 P.M. TIME CERTAIN.
7. ITEM NO. VIII.C.k, SITE PLAN REVIEW #1-2013, WAS SCHEDULED TO FOLLOW THE ABOVE ITEM.

ACTION: APPROVED, AS AMENDED

The Below Items Were Added to the Agenda:

1. January 9, 2013, Administrative and Personnel Committee Meeting Update.

ACTION: NONE

2. Consideration of Rescheduling the January 11, 2013, Special Town Council Meeting and March 12, 2013, Town Council Meeting.

ACTION: THE TIME OF THE JANUARY 11, 2013, SPECIAL TOWN COUNCIL MEETING WAS CHANGED FROM 9:30 A.M. TO 8:30 A.M.

ACTION: THE MARCH 12, 2013, TOWN COUNCIL MEETING WAS RESCHEDULED TO MARCH 14, 2013, AT 10:00 A.M.

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 4-2013 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 159 Australian 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 Page, Director of Planning, Zoning and Building]

ACTION: APPROVED

VIII. DEVELOPMENT REVIEWS

- A. Appeals – None
- B. Time Extensions & Waivers – None
- C. Variances, Special Exceptions, and Site Plan Reviews
 1. Old Business

- a. VARIANCE #31-2012 The application of Fred Latsko; relative to property commonly known as **320 Polmer Park Road**; described as Lot 8 of POLMER PARK, according to the Plat thereof, as recorded in Plat Book 27, Page 53 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to build a one-story accessory pool cabana containing 520 sq. ft. which will result in a lot coverage of 35.98% in lieu of 32.67% existing and 30% maximum allowed. The proposed pool cabana would also result in a landscaped open area of 34.66% in lieu of 37.98% existing and 45% minimum required.

[Attorney: M. Timothy Hanlon]

[ARCOM Recommendation: Motion to recommend approval of the variance failed 3-2 as there were not enough members present to

obtain the four affirmative votes necessary.]

Deferred from the December 12, 2012, Town Council Meeting.

ACTION: APPROVED

2. New Business

- a. MODIFIED VARIANCE #30-2012 The application of James D. Berwind; relative to property commonly known as **320 Island Road**; described as Lot 1 and Lot 2 and the East 15 feet of Lot 3, ISLAND ROAD DEVELOPMENT ADDITION to the Town of Palm Beach, according to the Plat thereof, as recorded in Plat Book 18, Page 35 of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting variances to have a swimming pool 4.25 feet from the mean high water line in lieu of the 10 foot minimum required, and, to have a portion of the front wall at a height of 8 feet in lieu of the 6 foot maximum allowed.

[Attorney: Maura A. Ziska]

ACTION: APPROVED THE PORTION OF THE VARIANCE RELATING TO THE SWIMMING POOL.

ACTION: DENIED THE PORTION OF THE VARIANCE RELATING TO THE FRONT WALL.

- b. SPECIAL EXCEPTION #1-2013 WITH SITE PLAN REVIEW The application of JP Morgan Chase Bank NA; relative to property commonly known as **411 South County Road**; described as Lengthy legal description on file; located in the C-TS/C-WA Zoning Districts. The applicant is requesting site plan approval for an automatic teller machine to be installed in the existing drive-in service facility, modification of a portion of the remote teller building for the purpose of adding to and modifying the existing pneumatic tube equipment and relocating and adding safety bollards. The proposal would eliminate the windows, teller drawer and awning from the remote teller building. The building will not be used for bank employees. Services will be provided to drive-up teller customers by employees inside the main bank building via audio/video connections. A special exception is requested to modify the previous approval of the drive-in service facility in the C-WA zoning district for the purpose of adding an automatic teller machine.

[Attorney: Noreen S. Dreyer]

ACTION: APPROVED

- c. SPECIAL EXCEPTION #2-2013 WITH VARIANCES The application of Rami Yoram Weisfisch and Pnina Apolonia Weisfisch; relative to property commonly known as **280 North**

Ocean Blvd.; described as The North 65 feet of Lots 37 and 37A, the South 65 feet of Lots 36 and 36A, except that part of Lot 36 lying West of the line projected due North with East line of Lot 38, ADAMS ADDITION TO THE TOWN OF PALM BEACH, according to the Plat thereof, as recorded in Plat Book 7, Page 68, Public Records of Palm Beach County, Florida; located in the R-B/B-A Zoning District. The applicant is requesting a special exception to construct a 323.9 square foot beach cabana on property across the street from the main residence, which is in the R-B Zoning District. Variances are requested to construct a beach cabana and swimming pool with an 8.08 foot west side yard setback in lieu of the 10 foot minimum setback required; to construct a 422.5 square foot loggia addition to the west side of the house that will have a 9.94 foot side yard setback from the property line in lieu of the 15 foot setback required; to construct two (2) loggia additions totaling 609 square feet (MOL) that will increase the cubic content ratio to 4.37 in lieu of the 4.32 existing and 3.76 maximum allowed. [Attorney: Maura A. Ziska]
[Landmarks Preservation Commission Recommendation: Implementation of the variance will not cause negative architectural impact to the subject property. Carried 6-0.]

ACTION: APPROVED, SUBJECT TO THE CONDITION THAT THE OCEAN VISTA REQUIREMENT BE MET.

- d. SPECIAL EXCEPTION #4-2013 WITH SITE PLAN REVIEW MODIFICATION The application of Bethesda-By-The-Sea Episcopal Church; relative to property commonly known as **141 South County Road**; described as PENDLETON TR E G LTS 1 THRU 8; located in the R-B Zoning District. The applicant is requesting to modify a special exception use and site plan approval to enclose an existing “tea house” in the center of the property and add an ADA approved access ramp. [Attorney: Maura A. Ziska]

ACTION: APPROVED

- e. VARIANCE #1-2013 The application of Lisa Hedley (contract purchaser); relative to property commonly known as **173 E. Inlet Dr.**; described as Lot 23 SEA ISLE ESTATES, according to the Plat thereof as recorded in the Plat Book 25, Page 89, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow the proposed swimming pool with a front yard setback of 12.5 feet in lieu of the 25 foot minimum required.
[Attorney: Maura A. Ziska]

ACTION: APPROVED

- f. VARIANCE #2-2013 The application of 700 North Lake LLC, James Goldrick, Manager; relative to property commonly known as **324 Cherry Lane**; described as Lot 11, CHERRY LANE, according to the Plat thereof as recorded in the Plat Book 23, Page 75, Public Records of Palm Beach County, Florida, except that part of Lot 11 described as follows: Beginning at a point in the S line of Lot 11, 40 ft westerly from the SE corner of Lot 11, thence E 40 ft to the SE corner of Lot 11, thence run N 80 ft to a point in the E line of Lot 11, thence run Westerly at right angles from the E line of Lot 11 to a point 16 ft from said East line of Lot 11, then run Southwesterly to a point and the place of beginning; located in the R-B Zoning District. The applicant is requesting a variance to allow accessory structures (perimeter fence, site lighting, gates and associated operating equipment) to be built on a parcel of land that has no principal residence as required by Code. [Attorney: Maura A. Ziska]

ACTION: APPROVED

- g. VARIANCE #3-2013 The application of Gregory S. Kino, Esq.; relative to property commonly known as **400 Arabian Road**; described as Lot C and a portion of Lot D, LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 18, Page 5, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow the installation of four triple-pile dolphin piles associated with an existing dock that will be 49 feet from the bulkhead in lieu of the 6 foot maximum allowed. [Attorney: Gregory S. Kino]

ACTION: APPROVED, SUBJECT TO THE CONDITION THAT REFLECTORS OR SOLAR LIGHTING BE INSTALLED ON THE DOCK.

- h. 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]

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

- i. 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]

[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.]

Request for Deferral to the February 13, 2013, Town Council Meeting, Per Letter Dated December 26, 2012, from Maura A. Ziska. – This item was deferred to the February 13, 2013, Town Council meeting.

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

- j. VARIANCE #6-2013 The application of Allan W. Kauffman and Susan M. Kauffman; relative to property commonly known as **159 Australian Avenue**; described as Lot 41 and the West one-half (w ½) of Lot 42, Block H, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, according to the Plat thereof as recorded in the Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting variances to demolish a non-conforming two story garage and rebuild a slightly larger garage in the same location. The plan also includes a proposed loggia/covered walkway to connect the garage to the main house. There is also proposed to be two additions to the main house to expand the master bedroom on

the 1st floor and guest bedroom on the 2nd floor. The proposed additions would require the following variances to be requested: a west side yard setback of 4.4 feet in lieu of the 15 foot minimum required and 4.4 feet existing; a rear yard setback of 4.25 feet in lieu of the 15 foot minimum required and 2.2 feet existing; to allow a loggia addition with a cubic content ratio of 4.3 in lieu of the 4.0 maximum allowed and the 3.67 existing. A variance is being requested to allow four (4) air conditioning units in the rear yard in lieu of the maximum of two allowed and to modify a previously approved variance for a carport to replace it with a new, larger carport with the same 8.79 foot setback in lieu of 12.5 foot minimum required and a pitched roof instead of the existing flat roof carport. The new roof would add 3 feet of height in the setback. [Attorney: Maura A. Ziska]

[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.]

ACTION: APPROVED

- k. 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]

TIME CERTAIN: 2 PM

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

- l. SITE PLAN REVIEW #2-2013 WITH VARIANCE The application of John D. Corey; relative to property commonly known as **327 Barton Avenue**; described as Lot 5-F, Primavera Estates, Middle Section, according to the Plat thereof, as recorded in the Plat Book 7, Page 39, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting Site Plan Review to allow the construction of 2,949 square foot two-story single family residence on a non-conforming

platted lot which is 75 feet in width in lieu of the 100 foot minimum required, 85.29/87.09 in depth in lieu of the 100 foot minimum required and 6,463 square feet in area in lieu of the 10,000 square foot minimum required. A variance is requested to allow construction of a new residence on a lot that is 75 feet in width to have a one-car garage in lieu of the two-car garage required for lots in excess of 75 feet in width. [Attorney: Maura A. Ziska]

ACTION: APPROVED, SUBJECT TO THE CONDITION THAT THE APPLICANT COOPERATES WITH THE NEIGHBORS AND INSTALLS LANDSCAPING TO ABATE ANY NOISE.

- m. SITE PLAN REVIEW #3-2013 WITH SPECIAL EXCEPTION AND VARIANCE The application of 160 Royal Palm LLC (Glenn F. Straub, Manager); relative to property commonly known as **160 Royal Palm Way**; Being all of Lots 31, 32 and 33, Block F, ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the C-B Zoning District. The applicant is requesting a modification to the site plan and special exception from the approved zoning application Site Plan Review #6-2012 with Special Exception and Variances which requires approval from the Town Council. The following is a list of the proposed changes to the approved hotel plan and use: eliminate the roof top sundeck on the proposed Function Room and create a similar roof top sundeck on the roof top of the hotel above the lobby. The same approved restrictions would apply to the new sundeck. Proposal is also requesting modification of the stairs to the spa; modification of the doors and roof the proposed Function Room and elimination of stairs to the roof of the Function Room; relocation of the air conditioning units on top of the Function Room to planter area on the east side, middle portion of the property; modification to the shape of the water wall on the south side of the pool area. A variance is requested to allow a roof top sundeck on the third floor above the lobby of the non-conforming hotel where only two stories is allowed under today's Zoning Code. [Attorney: Maura A. Ziska]

ACTION: APPROVED THOSE PORTIONS RELATING TO 1) MODIFICATION OF THE DOORS ON THE EASTERN SIDE OF THE FUNCTION ROOM; 2) MODIFICATION TO THE COLUMNS OF THE WATER WALL ON THE SOUTH SIDE OF THE POOL AREA; 3) REPLACEMENT OF THE STAIRS TO THE SPA AND THE TWO ARCHES WITH DECORATIVE BALLISTRY; 4) ELIMINATION OF THE ELEVATOR SHAFT AND STAIRS TO THE ROOF OF THE

FUNCTION ROOM AREA; 5) ELIMINATION OF A SUNDECK ON THE ROOFTOP OF THE FUNCTION ROOM AND CREATING A SIMILAR ROOF TOP SUNDECK ABOVE THE LOBBY-THE NEW SUNDECK MUST COMPLY WITH THE SAME RESTRICTIONS THAT THE OLD SUNDECK WAS CONDITIONED UPON; 6) ADDITION OF AN ELEVATOR SHAFT TO THE THIRD FLOOR DECK; AND, 7) PROPOSED NICHE ON THE WEST SIDE OF THE WATER WALL.

ACTION: APPROVED RELOCATION OF THE AIR CONDITIONING UNITS FROM THE OF THE FUNCTION ROOM TO PLANTER AREA ON THE EAST SIDE, MIDDLE PORTION OF THE PROPERTY, SUBJECT TO THE CONDITION THAT THEY ARE ADEQUATELY SCREENED TO PROVIDE THE ADJACENT BUILDING WITH PROTECTION FROM SIGHT AND NOISE.

ACTION: DENIED 1) PROPOSED NICHE ON THE EAST SIDE OF THE WATER WALL-THE WALL MUST CONNECT TO THE FUNCTION ROOM; 2) MODIFICATION OF THE FRENCH DOORS TO THE FUNCTION ROOM TO SLIDING DOORS; AND, 3) DIRECT BAR ACCESS TO THE POOL AREA ADJACENT IN THE LOBBY DINING ROOM.

ACTION: APPROVED CONDITION THAT THE EASTERN AND SOUTHERN BOUNDARY LINES OF THE PROPERTY SHALL BE SCREENED IN A MANNER APPROVED BY THE PROPERTY OWNERS TO THE EAST, AND THAT SAID SCREENING SHALL BE MAINTAINED IN PERPETUITY.

ACTION: A MODIFIED DECLARATION OF USE AGREEMENT SHALL BE BROUGHT BACK BEFORE THE TOWN COUNCIL AT THE FEBRUARY 13, 2013, TOWN COUNCIL MEETING TO REFLECT THESE MODIFICATIONS.

D. Other

1. Sterling Organization's Update Regarding Lease of Royal Poinciana Plaza Playhouse.
[Adam Munder, Vice President, Business Development, Sterling Organization]
TIME CERTAIN: 2 PM
ACTION: NONE

IX. ANY OTHER MATTERS

1. Approval of the Administrative and Personnel Committee's Recommendation to Dismiss the Appeal of Jason Vega with Prejudice.

ACTION: APPROVED

X. ADJOURNMENT