



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, NOVEMBER 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
- VI. APPROVAL OF AGENDA
ACTION: APPROVED
- VII. DEVELOPMENT REVIEWS
 - A. Appeals – None
 - B. Time Extensions & Waivers
 1. Request for Waiver of Section 42-199, Hours of Construction Work, at 256 Worth Avenue Per Letter Dated October 24, 2013, from Maura Ziska. [John Page, Director of Planning, Zoning and Building]
ACTION: APPROVED, SUBJECT TO A \$2,000 PER DAY FINE FOR ANY WORK PERFORMED AFTER 14 DAYS
 - C. Variances, Special Exceptions, and Site Plan Reviews
 1. Old Business – None
 2. New Business
 - a. SPECIAL EXCEPTION #19-2013 The application of Sixt Rent A Car, LLC; relative to property commonly known as **340 Royal Poinciana Way, Unit 324**; described as 22-43-43, PT PF GOV LT 1 LYG S OF & ADJ TO ROYAL POINCIANA WAY & BET COCOANUT ROW & ICW R/WS IN OR3150P630 (LESS NLV

21.5); located in the C-PC Zoning District. The applicant is requesting approval to allow a boutique car rental office at 340 Royal Poinciana Way, Unit 324 without vehicle storage. Sixt is proposing to operate its office during normal business hours, Monday through Saturday. Sixt's office is proposing to be closed on Sunday. Sixt would not be servicing or storing any of its vehicles, or conducting car sales at this location. Sixt maintains a parking, storage and service facility in West Palm Beach at which the vehicles will be serviced, cleaned and stored. When Sixt would receive a reservation for a Town of Palm Beach renter, the specific vehicles would be driven to the location and given to the renter for use. Upon the vehicles return, the vehicle would be driven off Palm Beach, and back to Sixt's West Palm Beach parking facility. [Attorney: Joseph Maus]

ACTION: APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS, WHICH SHALL BE INCORPORATED INTO A DECLARATION OF USE AGREEMENT:

- **HOURS OF OPERATION SHALL BE 8:00 A.M. TO 5:00 P.M.**
- **THERE WILL BE NO DELIVERY, PICKUP, OR RETURN OF VEHICLES AT THE LOCATION**
- **THERE WILL BE A \$2,000 PER OCCURRENCE FINE FOR ANY VIOLATIONS OF THE ABOVE CONDITION**
- **APPLICANT IS REQUIRED TO COME BACK BEFORE THE TOWN COUNCIL SIX MONTHS AFTER THE BUSINESS OPENS TO PROVIDE PROOF THAT THEY ARE TOWN-SERVING**

- b. SITE PLAN REVIEW #15-2013 The application of 167 Dunbar Road, LLC, Laura Andrassy, Managing Member; relative to property commonly known as **167 Dunbar Road**; described as Lot 43, ADAMS ADDITION TO PALM BEACH, according to the map or plat thereof as recorded in Plat Book 7, Page 68 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a Site Plan Review to allow the construction of a 7,088 square foot, two-story single family residence on a non-conforming platted lot which is 90 feet in width in lieu of the 100 foot minimum required in the R-B zoning district. [Attorney: Maura Ziska]

ACTION: APPROVED

- c. VARIANCE #37-2013 The application of 340 Garden Road LLC (Maura Ziska, Manager); relative to property commonly known as

340 Garden Road; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting to construct a proposed 5,694 square foot two-story residence with 5,215 of first floor area and 479 square feet of second floor area above the garage. There are two variances being requested: 1) lot coverage of 36% in lieu of the 30% maximum allowed in the R-B Zoning District; 2) east side yard setback of 12.5 feet in lieu of the 15 foot minimum required for a two story portion of a residence in the R-B Zoning District. [Attorney: Maura Ziska]

ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-2.

ACTION: APPROVED

- d. VARIANCE #38-2013 The application of Ernst Harold Horn and Marina Horn-Golova; relative to property commonly known as **233 Oleander Avenue**; described as Lots 16 and 17, 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 a variance to construct a 247 square foot one story, one car garage addition onto the east side of the existing residence. The proposed addition requires the following variances: an east side yard setback of 3 feet in lieu of the 10 foot minimum required and 14 feet existing; a rear yard setback of 4 feet in lieu of the 15 foot minimum required and 11.5 feet existing; and, a lot coverage of 32.18% in lieu of the 30% maximum allowed and the 23.26% existing.

[Attorney: Maura Ziska]

ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.

ACTION: APPROVED

ACTION: COUNCIL PRESIDENT ROSOW REQUESTED THAT THE PLANNING & ZONING COMMISSION STUDY THE SETBACK REGULATIONS IN THIS AREA

- e. VARIANCE #39-2013 The application of David Gottlieb and Dana Barsky; relative to property commonly known as **126 Seaview Avenue**; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting variances to construct two additions on the east side of the existing residence. The first addition is proposed to be a 275 square foot pergola. The second addition is proposed to be a 371 square foot two story addition consisting of a kitchen expansion on the first floor (131 square feet) and a master bathroom expansion on the

second floor (240 square feet). The proposed additions require the following variances: (i) an east street side yard setback of 10.12 feet in lieu of the 25 foot minimum required for the one story pergola; (ii) an east street side yard setback of 9.36 feet in lieu of the 30 foot minimum required for the two story addition for the kitchen and master bath expansions; (iii) a lot coverage of 39.7% in lieu of the 30% maximum allowed and the 35.6% existing; (iv) a cubic content ratio of 7.18 in lieu of the 4.21 maximum allowed and the 6.22 existing. [Attorney: Maura Ziska]

ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.

ACTION: APPROVED

- f. VARIANCE #40-2013 The application of Terry R. Taylor; relative to property commonly known as **780 South Ocean Blvd.**; described as 35-43-43, S 267.05 ft of N 341.52 ft of Government Lot 1 East of Ocean Boulevard & S 266.52 ft of N 341.52 ft of Government Lot 1 lying between Ocean Boulevard and County Road; located in the R-A Zoning District. The applicant is requesting a variance to allow the construction of a master bathroom in the same area that was previously approved for a walk-in closet with a maximum building height of 27.5 feet in lieu of 25 feet maximum allowed. [Attorney: Peter Broberg]
- Landmarks Preservation Commission Recommendation: Implementation of the proposed variance with a modification to lower the addition by 1 foot will not negatively impact the landmark property. Carried 7-0.

ACTION: APPROVED

- g. VARIANCE #41-2013 The application of Bessemer Trust Company of Florida as Personal Representative of the Estate of Lillian M. Rousseau; relative to property commonly known as **710 South County Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a variance to split the lot horizontally which would result in 100 feet of frontage for each lot on South County Road in lieu of the 125 foot minimum width required in the R-A Zoning District. The two resulting lots would have the following areas: north parcel: 28,265 square feet; south parcel: 28,599 square feet. Both parcels would exceed the minimum area requirement in the R-A Zoning District, which is 20,000 square feet. [Attorney: Maura Ziska]

ACTION: APPROVED, SUBJECT TO THE CONDITION THAT ALL NON-CONFORMING BUILDINGS BE REMOVED PRIOR TO THE EFFECTIVE LOT SPLIT

- h. VARIANCE #42-2013 The application of 310 Australian LLC, Jonathan Rapaport, Managing Member); relative to property commonly known as **310 Australian Avenue**; described as The East 15 feet of Lot 22 and All of Lots 23 and 24, Block 6 of REVISED MAP OF ROYAL PARK ADDITION, according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to allow construction of a new 4,562 square foot two story residence on a lot with a width of 65 feet in lieu of the 75 foot minimum required and a lot area of 8,125 square feet in lieu of the 10,000 square feet minimum required in the R-C Zoning District; a variance to allow the proposed residence to have a rear yard setback of 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District. [Attorney: Maura Ziska]

ACTION: DEFERRED TO THE DECEMBER 11, 2013, TOWN COUNCIL MEETING TO ALLOW THE APPLICANT TIME TO ADDRESS THE NEIGHBORS' CONCERNS

D. Other

1. Declaration of Use Agreement – Pizza Al Fresco.
[John Page, Director of Planning, Zoning and Building]

ACTION: APPROVED

VIII. ORDINANCES

TIME CERTAIN: 1:00 P.M.

**LOCATION: SOCIETY OF THE FOUR ARTS AUDITORIUM
2 FOUR ARTS PLAZA, PALM BEACH**

A. Third Reading

1. ORDINANCE NO. 5-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan, By Amending The Future Land Use Element Data & Analysis And Policies 2.3 And 11.1 To Provide For The Creation Of A PUD-5 Within An Area Of Property Designated Commercial On The Future Land Use Map, Which Is Bounded By Bradley Place, Sunset Avenue, North County Road, And Royal Poinciana Way; Further Amending Policy 2.3.3 To Provide For The Creation of Commercial/Mixed-Use PUD's, The Creation Of The PUD-5, Detailing An Increase In The Maximum Allowable Density, And Creating Maximum Lot Coverages For First, Second and Third Stories In The PUD-5 Area; Further Creating Policy 11.1.5 That Details Mixed-Use PUD Development Requirements Within Commercial Land Use Categories Provided Certain Threshold Criteria

Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

ACTION: ADOPTED

B. Second Reading

1. ORDINANCE NO. 6-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-476 By Creating Purpose Language For An Optional PUD-5, Historic Preservation Mixed Use Development, With A Contributing Building Report And PUD-5 Design Guidelines Adopted By Reference For The Five Palm Beach Acres In the C-TS Zoning District Between Royal Poinciana Way And Sunset Avenue And Bradley Place And North County Road And By Prohibiting The Use Of The PUD-5 Regulations For Five Years If A Contributing Building Is Voluntarily Demolished; Section 134-477 By Creating A Review Process For The PUD-5 And Prohibiting Variances From Certain Lot, Yard And Bulk Regulations; Subdivision II, Sections 134-531, 134-532, 134-533 And 134-534 By Adding Submittal Requirements For A PUD-5; By Creating A New Approval Process For PUDs And Amendments To PUDs By Eliminating The Tentative And Final Approval Process And Replacing With A Streamlined Approval Process; And By Creating A New Completion Deadline for PUDs; By Eliminating Subdivision III, Sections 134-561 And 134-562 Related To The Tentative And Final PUD Approval Process; By Renumbering 134-563 To 134-561 Adding PUD Amendments And Eliminating Property Owner Consent To Amend PUDs; By Renumbering 134-564 To 134-562, Adding PUD Amendment Language, Eliminating The Existing Time Frame Requirement For Commencement And Providing For New Commencement Language In The PUD Resolution; Section 134-651 By Creating PUD-5 As A Special Exception And Site Plan Review; Section 134-652 By Adding The PUD-5 And Identifying The Area Where A PUD-5 May Be Applied; Section 134-653 By Adding A Maximum PUD-5 Lot Size And Providing A Provision Which Prohibits A Variance From The Maximum Lot Size; Section 134-654 By Creating A Density for the PUD-5 Of Ten Dwelling Units Per Palm Beach Acre With A Maximum Of Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Maximum Six Dwelling Units Per Acre Allowed In the Underlying C-TS Zoning District; Section 134-656 By Providing Permitted And Special Exception Uses In The PUD-5 And Creating Separation Requirements Between Residential And Commercial Uses; Section 134-657 By Creating A Minimum Public Open Space Requirement In The PUD-5 With A Provision Prohibiting A Variance From that Requirement; Section 134-687 By Providing Requirements That A PUD-5 Preserve The Main Street Character, Size And Bulk Which

Currently Exists In The Five Palm Beach Acres; Section 134-688 By Providing Qualifying Language For The PUD-5 And Further Incorporating By Reference The Contributing Building Report And PUD-5 Design Guidelines; Section 134-689 By Eliminating The Requirement For Street Trees And Adding Language Which Requires Trees Bordering Projects Whenever Possible; Section 134-690 By Adding Language That A PUD-5 Is Required To Have Curb Cuts And Vehicular Access From Only Sunset Avenue; Section 134-691 By Providing A PUD-5 Off-street Parking Exception For Replacement Of Existing Commercial Square Footage Or Intensity Of Use, New Ground Floor Retail Use, Or Retail Use Which Replaces Ground Level Off-street Parking And Curb Cuts Fronting Royal Poinciana Way; Section 134-692 By Adding Language That Prohibits Variances For Lot Coverage, Height, Overall Height and Public Open Space and Providing New Regulations Creating A PUD-5 Density Of Ten to Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Six Dwelling Units Per Acre Currently Allowed In The C-TS Zoning District, Provided Certain Conditions Being Met, By Creating Maximum Heights and Overall Heights, Including A Provision For Three Stories Where Only Two Stories Is Currently Allowed, By Adding First Floor And Second Floor Lot Coverage Of Seventy Percent And A Third Story Lot Coverage Of Thirty-five Percent, By Creating Setbacks Based On PUD Approval, By Eliminating Required Setbacks And Determining Setbacks During The Approval Process And By Creating A Minimum Thirty Percent Public Open Space Requirement; Section 134-693 By Creating Said Section And Providing A Five Year Sunset Provision Unless The Town Council Approves An Extension; Section 134-1109 Creating The PUD-5 As A Special Exception Use Within The Defined Five Palm Beach Acres In The C-TS Zoning District; By Adopting By Reference The Attached Palm Beach PUD-5 Design Guidelines And The Contributing Building Report: The Historic Character Of Royal Poinciana Way; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

ACTION: ADOPTED

C. First Reading – None

IX. ANY OTHER MATTERS

The Following 2 Items were Added to the Agenda:

A. Flagler Memorial Bridge Closure Update

ACTION: NONE

B. RESOLUTION NO. XXX-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing that the Town Council, in

the Event Ordinance No. 6-2013 Sunsets as Provided by its Terms or is Earlier Rescinded, Shall Immediately Consider and Adopt an Amendment to Ordinance No. 5-2013 so as to Rescind All Amendments to the Town's Comprehensive Plan Relating to the PUD-5 Historic Preservation Mixed Use Development so as to Make the Comprehensive Plan and the Town's Zoning Code Conform; Providing an Effective Date.

ACTION: ADOPTED

X. ADJOURNMENT