



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, OCTOBER 14, 2015

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: UNDERGROUND UTILITIES TASK FORCE MEMBERS JEFF SMITH AND WILBUR ROSS WERE REQUESTED TO COME BEFORE THE TOWN COUNCIL AT THE NOVEMBER 10, 2015, MEETING TO DISCUSS THE TASK FORCE'S LEVEL OF COMFORT WITH THE PACE OF THE PROJECT

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

ACTION: THE FOLLOWING ITEMS WERE DEFERRED TO THE NOVEMBER 12, 2015, MEETING:

- **VII.B.1.c., MODIFIED SPECIAL EXCEPTION #27-2015 WITH SITE PLAN REVIEW AND VARIANCES**
- **VII.B.2.b., VARIANCE #26-2015**

ACTION: ADDED CONSIDERATION OF CASE NO: 2014-CA-013648 RAMPELL VS. TOWN OF PALM BEACH AND COOLEY TO ANY OTHER MATTERS

ACTION: APPROVED, AS AMENDED ABOVE

VII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work at The Esplanade, Suite 234, Cooklyn Palm Beach, (Per Letter Dated September 30, 2015 from James M. Crowley, Esquire)
John S. Page, Director of Planning, Zoning, and Building

ACTION: DENIED

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. Consideration of a Construction Management Agreement for Redevelopment of the Testa's site (Site Plan Review #13-2014 with Special Exceptions and Variances (Modified), 221 & 231 Royal Poinciana Way, 214 & 216 Sunset Avenue, all previously approved) [Attorney: Francis X. J. Lynch]
Deferred from the June 10, 2015, July 15, 2015, and August 11, 2015, Town Council Meetings

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

ACTION: DEFERRED TO THE NOVEMBER 12, 2015, MEETING TO ALLOW THE APPLICANT A CHANCE TO ADDRESS THE CONCERNS OF THE NEIGHBORS

ACTION: ZONING ADMINISTRATOR CASTRO WAS DIRECTED TO ATTEND THE MEETINGS BETWEEN THE APPLICANT AND THE NEIGHBORS

ACTION: PUBLIC WORKS STAFF WAS DIRECTED TO ATTEND THE NOVEMBER 12, 2015, MEETING IN ORDER TO ADDRESS THE ISSUE OF WATER AT THE SITE

ACTION: THE TOWN COUNCIL DIRECTED THAT STAFF'S REQUESTED CONDITION OF APPROVAL REGARDING VIBRATION MONITORING BE INCLUDED IN THE AGREEMENT BEFORE IT COMES BACK ON NEXT MONTH

- b. SPECIAL EXCEPTION #26-2015 WITH SITE PLAN REVIEW AND VARIANCE The application of Four Seasons Resort Palm Beach; relative to property commonly known as 2800 So. Ocean Blvd., described as lengthy legal description on file; located in the R-D(2) Zoning District. The Applicant is requesting a Special Exception with Site Plan Modification to the hotel site to improve its guest facilities in terms of aesthetics, functionality, guest amenities and life safety standards. 1. The proposed modifications can be categorized into three categories. West Garden Improvements: Modifications to the site plan: a) New service vehicle entry from South Ocean Blvd. at the north side of the property; b) increase green space park area including a yoga trellis to the front of the property; c) relocate tennis court (one existing tennis court will be eliminated) to the south to create service drive at the north side of the property. Remodel Lobby Level Interiors: The interiors will be updated by relocating the Lobby Bar, adding a Show kitchen in the Dining Room and improving the Dining Terrace area. d) Renovate reception and lobby sitting area to open

up the floor plan; e) new guest retail shop; f) Renovate and downsize Guest Lounge (Living Room) to accommodate new retail shop; g) reconfigure Guest Lounge exterior hardscape; h) reconfigure dining room bar areas to reduce the size to accommodate a wider pool deck; i) new show kitchen in dining room; j) reconfigure Terrace Dining Area and add permanent roof structure to replace awning and add balcony extension above. Pool Deck Improvements: The pool deck will have an enlarged pool and a new secondary pool will be built that is sized in order to meet the current needs of the guests. Many rooms are proposed to have direct access to the pool deck with extended balconies and stairs. Ocean Views from the property will be improved by removing the existing obstructive concrete planters on the pool deck. Additionally, the existing Atlantic Bar and Grill (ABG) will be replaced with a new structure that has increased restroom capacity and improved kitchen and bar equipment. Service access to the new ABG will be from previous approval which was never built). The dune vegetation will be infilled and new growth will be encouraged. Relocate spa pool from the northeast corner of the pool deck to the northeast corner of the enlarged primary pool; extend terrace suite balconies (west building pool side) extend area in garage Mezzanine level consisting of 1,350 sq. ft. for added “back of house” space; j) create new Mezzanine level access from pool deck; k) add six temporary cabanas to the pool deck area as follows: (2) 74 sq. ft.; (2) 100 sq. ft.; and (2) 225 sq. ft.; l) infill dune landscaping and increase dune area. 2. In order to construct the Yoga Trellis, a variance is being requested to increase the lot coverage to 38.9% in lieu of the 38.7% existing and the 22% maximum allowed for 5 story building in the R- D(2) Zoning District. [Attorney: Maura Ziska, Esq.]

Deferred from the September 9, 2015, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

ACTION: APPROVED

- c. MODIFIED SPECIAL EXCEPTION #27-2015 WITH SITE PLAN REVIEW AND VARIANCES The application of Il Sogno, LLC; relative to property commonly known as 1520 S. Ocean Blvd., described as lengthy legal description on file; located in the R-A/B-A Zoning Districts. The Applicant seeks Special Exception approval to construct a pedestrian access tunnel beneath South Ocean Blvd. connecting property owned by the applicant on the east side of South Ocean Blvd. and on the west side of South Ocean Blvd. including providing electric, gas, water and other utility services to a beach house on the east side of South Ocean Blvd. This proposal will require partial closure of South Ocean Blvd. to excavate and construct tunnel and utilities under the road.

Applicant seeks Special Exception approval to construct a one story 500 sq. ft. beach house intended for the use of family and guests, without sleeping quarters, but with electric, gas, water, telephone and other utility services, on property it owns on the east side of South Ocean Blvd with the main residence located immediately to the west of the subject property on the west side of South Ocean Blvd. Applicant seeks Site Plan Review approval of the beach house and tunnel as required for all special exceptions in the R-A Zoning District. Variances are requested to construct a beach house, beach access stairs, a beach tunnel and stairs to that tunnel on land south of Southern Blvd. without a proper ocean bulkhead with a setback from the designated Ocean bulkhead line of ranging from 52.5 feet to 90.0 feet, in lieu of 150 foot minimum required by code; and, to construct tunnel stairs on the west side of South Ocean Blvd with the front yard setback of 8 feet, in lieu of 35 feet required by code. Applicant seeks to construct a seawall west of the Town's official Bulkhead Line (ranging from 5.9 feet to 80.1875 feet west of said bulkhead line), in lieu of on the bulkhead line as required by code. [Attorney: Francis X. J. Lynch] [Architectural Commission Recommendation: Applicant requested deferral to the October 28th meeting. Carried 7-0]

Deferred from the September 9, 2015, Town Council Meeting Request for Deferral to the November 12, 2015, Town Council Meeting Per Letter Dated September 18, 2015, from Francis X.J. Lynch.

*John S. Page, Director of Planning, Zoning, & Building – **Deferred to November 12, 2015***

- d. VARIANCE #25-2015 The application of Cushing Investments LLC (Richard True); relative to property commonly known as 449 Australian Ave., described as lengthy legal description on file; located in the R-C Zoning District. The Applicant is requesting to construct a new 4,042 sq. ft. two-story residence on a lot with a width of 50 ft. in lieu of the 75 ft. minimum required and a lot area of 7,000 sq. ft. in lieu of the 10,000 sq. ft. minimum required. [Attorney: Maura Ziska, Esq.]

Deferred from the September 9, 2015, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

ACTION: APPROVED

2. New Business

- a. SPECIAL EXCEPTION #29-2015 WITH VARIANCE The application of Keith Frankel; relative to property commonly known as 1900 S. Ocean Blvd., described as lengthy legal description on file; located in the R-AA Zoning District. The Applicant is

requesting a Special Exception approval to construct a 500 sq. ft. beach cabana on an ocean parcel across the street from the main residence which is located in the R-AA Zoning District (previously approved as Special Exception #3-2014 with Variance but expired). A variance is requested to allow the beach cabana to have a setback of 26.83 feet from the designated ocean bulkhead line established in Chapter 62 on lieu of the 150 foot minimum setback required (previously approved as Special Exception #3-2014 with Variance but expired). [Attorney: Maura Ziska, Esq.]

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

ACTION: APPROVED

- b. VARIANCE #26-2015 The application of Roberto and Joanne de Guardiola; relative to property commonly known as 12 Lagomar Rd., described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting variances to construct a tennis court and associated required perimeter fence with a 6.25 street side yard setback in lieu of the 35 foot minimum required and a 5.5 foot front yard setback in lieu of the 35 foot minimum required, and, to construct a 10 foot high fence around the tennis court in the front yard and street side yard setback in lieu of the 6 foot maximum allowed. [Attorney: Maura Ziska, Esq.]
[Architectural Commission Recommendation: Applicant requested deferral to the October 28th meeting. Carried 7-0]
Request for Deferral to the November 12, 2015, Town Council Meeting Per Letter Dated August 31, 2015, Maura A. Ziska.
John S. Page, Director of Planning, Zoning, and Building – Deferred to November 12, 2015
- c. VARIANCE #27-2015 The application of Nicholas Somers, Manager of Via Del Mar, LLC (Owner of 204 Via Del Mar) and Robert and Linnette Miller (owner of 210 Via Del Mar); relative to property commonly known as 204 Via Del Mar and 210 Via Del Mar, described as lengthy legal descriptions on file; located in the R-A Zoning District. The applicant is proposing a lot split which requires the following variances: to allow a lot coverage for 210 Via Del Mar to be 29% in lieu of the 25% minimum required; to allow an east side yard setback of 5 feet in lieu of the 15 foot minimum required; and, to allow a front yard landscaped open space of 37% in lieu of the 45% minimum required. [Attorney: Maura Ziska, Esq.]
[Landmark Commission Recommendation: Implementation of the variances will not cause negative architectural impacts to the landmark property and only 210 Via Del Mar is landmarked. Carried 7-0]
John S. Page, Director of Planning, Zoning, and Building

ACTION: APPROVED, SUBJECT TO THE CONDITION THAT THE APPLICANT OBTAIN PERMITS FOR, AND MOVE, THE AIR CONDITIONING UNITS

3. Other

- a. Request for Fine Reconsideration (Construction Time Allotment):
330 Island Road
Deferred from the September 9, 2015, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

ACTION: APPROVED A REDUCED FINE OF \$50,000

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 24-2015 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 VIII, Supplementary District Regulations, By Creating Section 134-1734 Regulating Playground Equipment And Prohibiting Tree Houses; By Creating Section 134-1735 Regulating Basketball Goals; 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: ADOPTED

B. First Reading

1. ORDINANCE NO. 25 -2015 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 I, In General, Section 134-2 To Modify The Definition Of Supplemental Parking; Section 134-38 By Creating A Fee For Administrative Approval Of A Parking Exception And Supplemental Off-Site Parking; Section 134-2175 By Providing Clarification And Cross Referencing Of Relevant Sections Of The Code; Section 134-2176 Providing An Exception In The C-WA District To Allow A Percentage Of Unused Off-Street Parking Within A Parking Garage To Be Shared With Other Commercial Uses In That District; Section 134-2177 Providing Regulations To Allow Administrative Approval Of Off-Site Supplemental Shared Parking; Section 134-2178 By Providing Clarification Of When Collective Use Is Permitted; Section 134- 2182 By Modifying The Existing Regulations For Off-Site Supplemental Shared Parking To Eliminate A Scriveners Error Referencing The C-PC Zoning District, Cross Reference Appropriate Sections Of The Code, Allow An Administrative Approval For

Supplemental Off-Site Parking And An Appeal Process For The Revocation Of Said Approval; Section 134- 2183 Creating A Sunset Provision For The Modification Of The Definition For Supplemental Parking And Administrative Approval Of Off-Site Supplemental Parking; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Deferred from the September 9, 2015, Town Council Meeting

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

ACTION: THE FOLLOWING AMENDMENTS WERE MADE:

- **ALL REFERENCES TO A STAY PROVISION WERE REMOVED**
- **THE FIRST WHEREAS CLAUSE WAS AMENDED TO READ, "...AND RECOMMENDED ~~THE FOLLOWING CHANGES~~ MODIFICATIONS TO THE CODE..."**
- **ALL SUNSET DATE REFERENCES WERE CHANGED TO DECEMBER 13, 2017**

ACTION: APPROVED, AS AMENDED

IX. ANY OTHER MATTERS

- A. Request for Consideration from Town Council Regarding Appeal and Potential Scheduling of Subsequent Hearing:
Case No: 2014-CA-013648 Rampell vs. Town of Palm Beach and Cooley

ACTION: APPROVED NOT APPEALLING THE COURT'S DECISION

ACTION: SCHEDULED A SUBSEQUENT HEARING ON THE APPEAL FOR NOVEMBER 4, 2015, AT 9:00 A.M., WITH EACH PARTY BEING ALLOWED TEN MINUTES TO PLEAD THEIR CASE

X. ADJOURNMENT