TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, OCTOBER 10, 2012

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ACTION: ITEM VII.A.1., APPEAL OF ARCOM DECISION 229 RIDGEVIEW ROAD, WAS WITHDRAWN

ACTION: APPROVED, AS AMENDED

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision, 229 Ridgeview Road Per letter dated August 20, 2012, from Paul Rampell.

ACTION: WITHDRAWN

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 125 Worth Avenue Per Letter Dated September 21, 2012, from Maura A. Ziska.

ACTION: APPROVED WAIVER UNTIL NOVEMBER 21, 2012, SUBJECT TO STAFF CONDITIONS

2. Request for Waiver of Section 42-199, Hours of Construction Work, at 150 Worth Avenue Per Letter Dated September 7, 2012, from The Goodman Company.

ACTION: APPROVED, SUBJECT TO STAFF CONDITIONS

3. Request for Waiver of Section 42-199, Hours of Construction Work, at 256 Worth Avenue Per Letter Dated October 3, 2012, from Maura A. Ziska.

ACTION: APPROVED, SUBJECT TO STAFF CONDITIONS

4. Request for Waiver of Section 42-199, Hours of Construction Work, at 353 Worth Avenue Per Letter Dated September 21, 2012, from Maura A. Ziska.

ACTION: APPROVED, SUBJECT TO STAFF CONDITIONS

ACTION: DIRECTED STAFF TO NOTIFY THE WORTH AVENUE ASSOCIATION THAT THE TOWN COUNCIL IS NOT GOING TO LOOK FAVORABLY UPON TIME EXTENSIONS FOR CONSTRUCTION ON WORTH AVENUE; ADDITIONALLY, THERE SHALL BE NO CONTRACTOR PARKING, WHATSOEVER, ALONG WORTH AVENUE AFTER NOVEMBER 1ST.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **MODIFIED SPECIAL EXCEPTION #8-2012 WITH SITE PLAN REVIEW AND VARIANCE** The application of Temple Emanu-El of Palm Beach, Inc.; relative to property commonly known as **190 No. County Road; 224, 226, 234 Seminole Avenue;** described as Lengthy legal description on file; located in the C-TS/R-C Zoning District. The applicant (Temple Emanu-El of Palm Beach) recently obtained ownership of 23,200 square feet of garden/vacant land adjacent to the west of the existing synagogue. The Temple is requesting approval to use the adjacent vacant property as an accessory use to the Temple for religious services and other Temple related activities such as blessing of the animals, sukkot and any other uses that are incidental to a house of worship. The proposed garden activity area will have a fence along the rear/south side of the property, an 800 square foot pergola, a pathway around the perimeter of the garden, and a few benches. A house of worship is a special exception use in the R-C Zoning District and expanding the use of the Temple into the garden area requires special exception approval with site plan review. A Special Exception is also requested to allow 308 additional permanent seats to the Temple Sanctuary. The total number of permanent seats existing today is 553. A special exception request is required for expanding the seating in the sanctuary from 245 seats to 553 seats. A variance is requested to provide zero (0)

additional onsite parking spaces in lieu of the additional 77 parking spaces that would have been required for the 308 additional seats that were installed.
[Attorney: Maura A. Ziska]
Deferred from the July 15, 2012, and August 15, 2012, Town Council Meetings.

WITH REGARD TO THE ONSITE PARKING VARIANCE AND THE SPECIAL EXCEPTION FOR THE ADDITIONAL 308 PERMANENT SEATS:

ACTION: APPROVED, SUBJECT TO THE CONDITION THAT ST. EDWARDS CHURCH PROVIDES WRITTEN AUTHORIZATION ANNUALLY FOR THE TEMPLE TO UTILIZE ST. EDWARDS' PARKING FACILITIES FOR TEMPLE OVERFLOW PARKING.

WITH REGARD TO THE SPECIAL EXCEPTION & SITE PLAN REVIEW FOR THE EXPANDED USE OF THE TEMPLE INTO THE GARDEN AREA:

ACTION: APPROVED, SUBJECT TO THE DECLARATION OF USE AGREEMENT REFERENCED BELOW.

(1) Declaration of Use Agreement.
[John Page, Director of Planning, Zoning, and Building]
TIME CERTAIN: 2:15 PM

ACTION: APPROVED, AS MODIFIED DURING CONSIDERATION OF THE APPLICATION.

b. **SPECIAL EXCEPTION #20-2012 WITH VARIANCE** The application of Harvey E. Oyer, III, Attorney for Del Friscos 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 requests a Special Exception for a 260 seat, 8,399 square foot restaurant use in the C-PC district to be located in combined tenant spaces on the northeast side of the Royal Poinciana Plaza, as permitted by Section 134-1259 (a)(5). The proposal also includes the elimination of 2,589 square feet of existing second floor office space, the addition of a bar, a wine room, and two private dining rooms. The proposed hours of operation are: lunch and dinner (from 11am to 11pm) Monday through Wednesday, lunch and dinner (from 11am to midnight) Thursday through Saturday, and dinner only (5pm to 11pm) on Sunday. A special exception is requested for changes in use for more than 2,000 square feet in C-PC district, permitted by Section

134-1261, for a Town-Serving restaurant. A variance is also requested to eliminate the requirement to provide 72 off-street parking spaces to accommodate the 260 seat restaurant.
[Attorney: Harvey E. Oyer, III]
Deferred from the August 15, 2012, Town Council Meeting.
TIME CERTAIN: NO EARLIER THAN 3:00 PM

ACTION: DEFERRED TO NOVEMBER 16, 2012, SPECIAL TOWN COUNCIL MEETING

c. **VARIANCE # 26-2012** The application of 2310 Investors LLC; relative to property commonly known as **2310 South Ocean Blvd.**; described as lengthy legal description on file; located in the R-C Zoning District. The applicant is proposing a dock which a portion runs adjacent to the seawall the length of the property and is 8 feet deep. The other portion of the proposed dock would be 48 feet long with a platform and boat lift. The variances being requested are as follows: to allow a zero (0) north riparian side yard setback in lieu of the 25 foot minimum required; to allow a zero (0) south riparian side yard setback in lieu of the 25 foot minimum required; to allow the length of the dock to be 48 feet deep and west of the US Pierhead line and the Town's Bulkhead line in lieu of the 6 foot maximum allowed for a marginal dock. [Attorney: Maura A. Ziska]
Deferred from the August 15, 2012, Town Council Meeting.

ACTION: APPROVED

2. New Business

a. **VARIANCE #29-2012** The application of CSC Brazilian LP.; relative to property commonly known as **301 Australian Avenue**; described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to keep 1050 square feet of artificial turf in the center of the north courtyard, which results in a landscaped open space of 23.3% in lieu of the 24.5% existing and the 35% minimum required in the R-C Zoning District. [Attorney: Maura A. Ziska]
[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will cause negative architectural impact to the subject property. Carried 6-1]

ACTION: DENIED

b. **SITE PLAN REVIEW #10-2012 WITH VARIANCE** **The** application of NDL Palm Beach Property LLC; relative to property commonly known as **191 Bradley Place**; described as Lot 19, Block 4, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, FLORIDA, according to the plat thereof, as recorded in

Plat Book 6, Page 78, Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a site plan review and variance to raise the building height in the restaurant north dining room from 12.1 feet to 14 feet and the overall height of the building from 12.1 feet to 19.83 feet by replacing the flat roof with a pitched roof. A variance is requested to raise the height and overall height of the building with an existing 1.5 foot rear setback in lieu of the 10 foot minimum required.
[Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the variance will not cause negative architectural impact to the subject property. Carried 6-1.]

ACTION: APPROVED, SUBJECT TO STAFF CONDITIONS RELATIVE TO INSTALLATION OF IMPROVED VENTILATION SYSTEM, FIXED DOORS, AND IMPACT GLASS, AND A RELIANCE ON THE GOOD FAITH EFFORTS OF THE PARTIES, AS PRESENTED. THE DUMPSTER SCREENING/ENCLOSURE ELEMENT MUST GO BEFORE ARCOM, FOLLOWING STAFF REVIEW.

D. Other

1. Review of the Proposed Declaration of Use Agreement for the Palm House, 160 Royal Palm Way, Site Plan Review No. 6-2012 with Special Exceptions and Variance.

   ACTION: APPROVED

2. Request for Reconsideration of Town Council Decision, 95 North County Road (per letter dated July 25, 2012, from Hunter Johnson, Woolems, Inc.).
   Deferred from the August 15, 2012, Town Council Meeting.

   ACTION: APPROVED A REDUCTION OF THE PENALTY FEE TO A TOTAL SUM OF $10,000.

VIII. ANY OTHER MATTERS

IX. ADJOURNMENT