



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, SEPTEMBER 14, 2016

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. RECOGNITIONS
- IV. PRESENTATIONS

- A. Palm House Presentation - Cary Glickstein
John S. Page, Director of Planning, Zoning and Building

ACTION: STAFF WAS DIRECTED TO REQUEST ACCESS TO THE PROPERTY FROM THE RECEIVER, SUBJECT TO A HOLD HARMLESS INDEMNITY, TO ASSESS AND CORRECT ANY PUBLIC SAFETY ISSUES, IN AN AMOUNT NOT TO EXCEED \$25,000

ACTION: RECEIVER GLICKSTEIN WAS REQUESTED TO COME BACK BEFORE THE TOWN COUNCIL, AT EITHER THE OCTOBER 10 OR OCTOBER 13, 2016, TOWN COUNCIL MEETING, TO PROVIDE A FURTHER UPDATE ON THE STATUS OF THE PALM HOUSE MATTER

- V. COMMENTS OF MAYOR GAIL L. CONIGLIO
- VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

The Following Carryover Item from Yesterday's Town Council Meeting was Added to the Agenda:

- A. RESOLUTION NO. 177-2016 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AN INCREASE TO PURCHASE ORDER NO. 161100 TO JOHNSON-DAVIS, INC., FOR THE NORTH END DRAINAGE IMPROVEMENT PROJECT, INCREASING THE CONSTRUCTION PHASE BUDGET BY \$94,490 AND ESTABLISHING A NEW CONSTRUCTION PHASE BUDGET.

ACTION: APPROVED THE PROPOSED VERSION OF THE RESOLUTION WITHOUT A SECTION 5

ACTION: COUNCIL PRESIDENT PUCILLO DIRECTED STAFF TO PROVIDE THE CHERRY LANE RESIDENTS WITH COPIES OF THE DRAINAGE PLANS FOR THE PROJECT

- VII. COMMUNICATIONS FROM CITIZENS

- VIII. APPROVAL OF AGENDA

ACTION: ITEM NO. X.C.1.b., VARIANCE #12-2016, WAS WITHDRAWN

THE FOLLOWING ITEMS WERE DEFERRED TO THE OCTOBER 13, 2016, TOWN COUNCIL MEETING:

- **X.C.1.c., SPECIAL EXCEPTION #20-2016 WITH SITE PLAN REVIEW AND VARIANCE**
- **X.C.2.d., SPECIAL EXCEPTION #24-2016 WITH SITE PLAN REVIEW**

ACTION: APPROVED, AS AMENDED ABOVE

IX. RESOLUTIONS

- A. RESOLUTION NO. 182-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for 801 South County Road, Hereinafter Described and Stating That the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."

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

ACTION: APPROVED

X. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal (A-043-2016)
Landscape/Hardscape
135 Seagate Road
John S. Page, Director of Planning, Zoning and Building
ACTION: DENIED

B. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction per Town Code
476 South Ocean Boulevard
John S. Page, Director of Planning, Zoning and Building
ACTION: APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:
- **PAYMENT OF \$30,000 TO THE TOWN WITHIN 10 DAYS TO CURE THE CURRENT ACCUMULATED FINES**
 - **EXTERIOR WORK, EXCLUDING THE FRONT AREA, IS ALLOWED UNTIL OCTOBER 31, 2016**
 - **SHOULD THE ABOVE WORK NOT BE COMPLETED BY OCTOBER 31, 2016, THEN A FINE OF \$500 PER DAY WILL BE ASSESSED. SHOULD THE ABOVE WORK CONTINUE TO BE INCOMPLETE AFTER 6 MONTHS, THEN THE FINE ASSESSED SHALL INCREASE TO \$1,000 PER DAY UNTIL THE PROJECT IS COMPLETE**
2. Construction Hours Work Extension: 2560 South Ocean Boulevard Infinity Roofing and Sheet Metal
John S. Page, Director of Planning, Zoning and Building
ACTION: APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:
- **WORK IS ALLOWED BETWEEN THE HOURS OF 7:00 A.M.-6:00 P.M., MONDAY-FRIDAY, UNTIL NOVEMBER 15, 2016**

- **THE ABOVE APPROVAL SHALL BE RESCINDED IN THE EVENT THAT REASONABLE NEIGHBOR COMPLAINTS ARE RECEIVED, IN THE DISCRETION OF TOWN STAFF, REGARDING THE WORK**

3. Request for Extended Working Hours per Town Code Chapter 42, Section 42-199 50 Cocoanut Row, Suite S-100 (Royal Poinciana Plaza)
John S. Page, Director of Planning, Zoning and Building
ACTION: APPROVED

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. SPECIAL EXCEPTION #17-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Terry R. Taylor; relative to property commonly known as 780 S. Ocean Blvd., described as lengthy legal description on file; located in the B-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review to modify an existing 500 sq. ft. beach cabana with a 500 sq. ft. addition (1,000 sq. ft. total) in the Beach Area Zoning District. The following Variances are being requested in order to expand and modify the existing beach cabana: 1) to allow a front yard setback of 22.5 feet in lieu of the 35 ft minimum setback required; 2) to allow a 16.25 ft roof height in lieu of 16 ft maximum allowed; ~~3) to retain the existing 43 inch wall in lieu of a wall at the required height of 30 inches in the beach vista area.~~ The vista is required to be 75% of the lot width in this case. [Attorney: Peter S. Broberg, Esq.] [Landmark Commission Recommendation - Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0]
Deferred from the June 15, 2016, and July 13, 2016, Town Council Meetings
John S. Page, Director of Planning, Zoning & Building
ACTION: THE VARIANCE REQUEST TO RETAIN THE EXISTING 43 INCH WALL IN LIEU OF A WALL AT THE REQUIRED HEIGHT OF 30 INCHES IN THE BEACH VISTA AREA WAS WITHDRAWN BY THE APPLICANT

ACTION: APPROVED, AS AMENDED ABOVE

- b. VARIANCE #12-2016 The application of Mitchell and Victoria Evans; relative to property commonly known as 168 East Inlet Dr., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to add a 1,595 square foot second story addition onto the existing one story residence. The proposed addition will not require the demolition of more than 50% cubic footage of the existing house. The following variances are being requested: 1) lot coverage of 37.8% in lieu of the 30% maximum allowed for a two story structure.; 2) cubic content ratio ("CCR") of 4.92 in lieu of the 3.21 existing and 3.99 maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred the project to its October 26, 2016, meeting. Carried 7-0] *Deferred from the July 13, 2016, Town*

Council Meeting. Request for Withdrawal Per Letter Dated September 1, 2016, from Maura A. Ziska.

*John S. Page, Director of Planning, Zoning & Building – **Item was Withdrawn***

- c. **SPECIAL EXCEPTION #20-2016 WITH SITE PLAN REVIEW AND VARIANCE** The application of SKIK, LLC – Zvenka V. Kleinfeld, Manager; relative to property commonly known as 232 Colonial Ln., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting to allow 1) the construction of a 2,845.5 square foot two-story, single family residence on a non-conforming lot which is 75 feet in width in lieu of the 100 foot minimum required; 82 feet in depth in lieu of the 100 foot minimum required and 6,150 square feet in area in lieu of the 10,000 square foot minimum required; 2) To have a front yard setback for one story portion of the residence to be 23 feet in lieu of the 25 foot minimum setback required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred the project to the September 28, 2016 meeting. Carried 6-1.] *Deferred from the August 16, 2016, Town Council Meeting. Request for Deferral to the October 13, 2016, Town Council Meeting Per Letter Dated August 26, 2016, from Zvenka V. Kleinfeld.*
*John S. Page, Director of Planning, Zoning & Building – **Item was Deferred to the October 13, 2016, Town Council meeting***

2. New Business

- a. **SITE PLAN REVIEW #09-2016** The application of 109 RPW LLC (Paul T. Jones); relative to property commonly known as 109 Royal Palm Way, described as lengthy legal description on file; located in the C-B Zoning District. The applicant is requesting a site plan review to install a 150 KW generator in the southwest corner of the sub-basement/parking garage. No parking spaces will be lost due to the installation of the generator. [Attorney: Maura Ziska, Esq.]
John S. Page, Director of Planning, Zoning & Building
ACTION: APPROVED
- b. **SPECIAL EXCEPTION #22-2016 WITH SITE PLAN REVIEW AND VARIANCES** The application of Harvey E. Oyer, Esq., on behalf of the Society of the Four Arts, Inc.; relative to property commonly known as 3 Four Arts Plaza, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval to rehabilitate the Gioconda and Joseph King Library ("King Library"). The design objectives of the King Library rehabilitation are as follows: maintain the public entrance facing Four Arts Plaza, maintain the first floor of the original Fatio Building as a library reading room, provide a Rare Documents Room that has proper ventilation and humidity and security, provide a meeting space on the second floor of the original Fatio Building, restore the exposed wood roof trusses on the second floor of the original Fatio Building, provide staff work stations and work space, provide accessible restroom facilities in accordance with ADA, and provide second means of egress from second floor. The following variances are requested for the new addition to the King library: 1)

To reduce the required front yard setback for the King Library to 12.0 feet in lieu of 35 feet minimum required. A variance of 23.0 feet. 2) To increase the required angle of vision to 154 degrees for the King Library in lieu of 116 degrees maximum as required. A variance of 38 degrees. 3) To increase the required building height for the addition to the King Library to be 31.0 feet in lieu of 22 feet maximum as required. A variance of 9.0 feet. 4) To allow an overall building height for the addition to the King Library to be 35.50 feet in lieu of 30 feet maximum as required. A variance of 5.50 feet. 5) To have the building height plane for the King Library to be 11.0 feet in lieu of 61.5 feet maximum as required. A variance of 50.5 feet. 6) To eliminate the requirement to provide one (1) off-street parking space required for the 649 square foot addition to the King Library. [Attorney: Harvey E. Oyer, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed special exception, site plan and variances will not cause negative architectural impacts to the subject landmark property with the exception of the variance for the front staircase. Carried 6-1.]

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

ACTION: APPROVED

- c. SPECIAL EXCEPTION #23-2016 The application of PNC Bank – successor by merger with Fidelity Federal Savings & Loan Association; relative to property commonly known as 240 Sunset Ave. & 245 Royal Poinciana Way, described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is seeking to eliminate a condition that requires the Applicant to demonstrate on an annual basis not less than 50 percent (50%) of its customers are “town persons.” Each year since 2009, Applicant has provided a confirmation letter from a certified public accounting firm. Each year, that firm has reviewed Applicant’s customer base at this location to satisfy this criteria. Since 2009, that firm has provided the Town with confirmation that Applicant’s customer base has been overwhelmingly town serving and that customer base does not change significantly from year to year. [Attorney: Francis X. J. Lynch, Esq.]

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

ACTION: APPROVED

- d. SPECIAL EXCEPTION #24-2016 WITH SITE PLAN REVIEW The application of Brian Vertesch, SMI Landscape Architecture, Agent for the Preservation Foundation of Palm Beach; relative to property commonly known as 100 Bradley Place, described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests to modify Bradley Park public open space as follows: 1) Removal and relocation of existing fountain centerpiece, located at south west area of Bradley Park. Demolition of existing fountain basin; 2) Construction of plaza and fountain basin adjacent to south side of existing structure at north/central property, often referred to as the “Tea House”; 3) Demolition of existing one story restroom and kitchen located directly east of the Tea House and the addition of a new public restroom; 4) Removal of asphalt parking adjacent to north side of existing bathroom; 5) Removal and partial replacement of sidewalks on north property line, Sunset Ave, and

east property line, Bradley Place; 6) Addition of small overlook structure to the west of the existing pump house, adjacent to the proposed lake trail; 7) Addition of Town Lake Trail extension; 8) Addition of new park entry at north east corner of park; 9) Relocation of existing Bradley Park monument; 10) Addition of stabilized grass parking adjacent to S-2 pump station; 11) Addition of site furnishings including benches, bike rack, and low train sculpture; 12) Addition of sculpture pad to south of the Tea House; 13) Addition of 30" high decorative see through fence around perimeter of park at Sunset, Bradley Place, and Royal Poinciana Way. There will be openings into park with no gates; 14) Addition of stabilized decomposed granite pathways within the park; 15) Addition of landscape lighting; 16) Landscape improvements as graphically described on the plans and specifications submitted. [Attorney: John C. Randolph, Esq.]

[Landmarks Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impacts to the subject landmark property 5 with the exception of the fence around the park. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building – Item was Deferred to the October 13, 2016, Town Council meeting

XI. ORDINANCES

A. First Reading

1. ORDINANCE NO. 16-2016 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 As Follows: Section 134-893, Lot, Yard And Area Requirements By Creating Alternative Zoning Regulations That Could Be Used For Seaview Avenue, Seaspray Avenue And Seabreeze Avenue In The R-B Zoning District; Sections 134-1113, 134-1163, 134-1213 And 134-1308 By Exempting Sub-Basements From The Maximum Building Length Requirements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1611 By Creating Separate Zoning Regulations For Lot Coverage, Setbacks And Landscape Open Space Requirements For Sub-Basements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1516 By Providing Landscape Screening Regulation For Boxes Housing Essential Services; And Section 134- 2327 By Eliminating A Specific Fee For Visitor/Service Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

ACTION: DEFERRED TO THE OCTOBER 13, 2016, TOWN COUNCIL MEETING

XII. ANY OTHER MATTERS

- A. Planning and Zoning Commission Recommendations: Record and Report Exterior Lighting and Reasonable Accommodations

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

ACTION: STAFF WAS DIRECTED TO PREPARE AN ORDINANCE INCORPORATING THE PROPOSED AMENDMENTS FOR EXTERIOR LIGHTING

ACTION: SUBJECT TO INPUT FROM THE TOWN CLERK, STAFF WAS DIRECTED TO PREPARE AN ORDINANCE INCORPORATING THE PROPOSED AMENDMENTS FOR REASONABLE ACCOMMODATIONS

XIII. ADJOURNMENT