



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, AUGUST 13, 2014

- 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 NO. VII.A.1.c., SPECIAL EXCEPTION #12-2014, WAS WITHDRAWN

ACTION: ITEM NO. VII.A.2.c., SITE PLAN REVIEW #8-2014 WITH VARIANCE, WAS DEFERRED UNTIL SEPTEMBER 10, 2014

ACTION: ORDINANCE NO. 10-2014, FROM YESTERDAY'S MEETING, WAS ADDED AS THE FIRST ITEM OF BUSINESS

ACTION: APPROVED, AS AMENDED ABOVE

- VII. DEVELOPMENT REVIEWS
 - A. Variances, Special Exceptions, and Site Plan Reviews
 1. Old Business

The Following Item Was Added to the Agenda:

ORDINANCE NO. 10-2014 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 130 OF THE TOWN CODE OF ORDINANCES, VEHICLES FOR HIRE, AT ARTICLE II, TAXICABS AND LIMOUSINES, AMENDING SECTION 130- 31, DEFINITIONS, PREARRANGED CHARTER AND TAXI CAB; AMENDING SECTION 130-33 BY INCLUDING A NEW SUBSECTION (e) TO PROVIDE THAT TAXICABS SHALL HAVE A

CREDIT CARD READER ON BOARD NO LATER THAN JANUARY 1, 2016; AMENDING SECTION 130-36, PENALTIES; AMENDING SECTION 130-62, CONTENTS OF APPLICATION AND REQUIRED SWORN AFFIDAVIT; AMENDING SECTION 130-63, RELATING TO APPROVAL OF APPLICATION; DENIAL, SO AS TO PROVIDE THAT TAXICAB PERMITS ARE ONLY VALID FOR USE IN THE TOWN FROM 9:00 P.M. TO 4:00 A.M. THE FOLLOWING DAY; AMENDING SECTION 130-65, INELIGIBLE RECIPIENTS, TO INCLUDE A PROVISION THAT NO PERMIT WILL BE ISSUED TO ANY PERSON, BUSINESS OR COMPANY WHICH HAS BEEN CONVICTED WITHIN THE PAST FIVE YEARS OF ANY OFFENSE RELATED TO DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OR WHILE INTOXICATED; AMENDING SECTION 130.67 RELATING TO THE NUMBER OF CERTIFICATES OF PUBLIC CONVENIENCE AND PERMITS AVAILABLE AND PROVIDING, AMONG OTHER AMENDMENTS, A NEW PROVISION TO PROVIDE A MAXIMUM OF FIVE TAXICAB PERMITS SHALL BE ALLOTTED FOR ANY ONE ENTITY TO WHICH A CERTIFICATE OF PUBLIC CONVENIENCE IS ISSUED; AMENDING SECTION 130-68, ANNUAL RENEWAL OF PERMIT, TO PROVIDE THAT TAXICAB PERMITS ARE VALID FOR A PERIOD OF ONE ~~THREE~~ YEARS FROM ISSUANCE ~~SUBJECT TO ANNUAL RENEWAL~~; AMENDING SECTION 130-69 RELATING TO INSPECTION OF VEHICLES SO AS TO INCLUDE A NEW PROVISION THAT EVIDENCE OF COMPLIANCE MAY BE A CURRENT PALM BEACH COUNTY PERMIT INDICATING THAT THE VEHICLE IN QUESTION HAS PASSED THE REQUIRED COUNTY MECHANICAL AND SAFETY INSPECTION; AMENDING DIVISION 3 RELATING TO CHAUFFER'S PERMIT AT SECTION 130-97 TO INCLUDE A NEW PROVISION 5b PROVIDING THAT THE APPLICATION FOR CHAUFFER'S PERMIT SHALL INCLUDE INFORMATION RELATING TO ANY OFFENSES RELATING TO DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OR WHILE INTOXICATED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

ACTION: APPROVED

- a. SITE PLAN REVIEW #6-2014 WITH VARIANCE The application of James and Amelia Engel; relative to property commonly known as 176 Kings Road; described as Lot 11, BOULEVARD ESTATES, according to the map or plat thereof as recorded in Plat Book 21, Page 96 Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 9,574 square foot two-story, single family residence on a non-conforming platted lot which is 74.79 feet in width (as measured at the arc) in lieu of the 125 foot minimum required in the R-A Zoning District. A variance is requested to allow a parapet on a

pitched roof house with an overall height of 35 feet in lieu of the 30 foot maximum allowed when using parapets. [Attorney: Maura Ziska] (Site Plan Review portion of the application approved at the July 16th Town Council Meeting. Variance portion deferred to the August 13th Town Council Meeting, in order to get a recommendation from the Architectural Commission on the variance.) [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 6-1.]
Deferred from the July 16, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning and Building

ACTION: VARIANCE APPROVED

- b. SPECIAL EXCEPTION #6-2014 WITH VARIANCES The application of Suntrust Bank; relative to property commonly known as 440 Royal Palm Way, Suite 102; described as Lots 52, 53 and 61, together with the North 100 feet of Lot 54, Block C, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. A Special Exception is requested to open a new bank for “Suntrust Bank” which will be 5,964 sq. ft. gross leasable area in the previous location of Northern Trust Bank. Two variances being requested for signage are as follows: to allow a business identification sign on the west side of the building with no street frontage which is not permitted; and, to allow said sign at a height above the first floor at 27 feet in lieu of the 15 foot maximum allowed. [Attorney: Maura Ziska] Deferred from the May 14, 2014, June 11, 2014 and July 16, 2014, Town Council Meetings
John S. Page, Director of Planning, Zoning and Building

ACTION: VARIANCES APPROVED, AS MODIFIED, SUBJECT TO THE CONDITION THAT THE LANDSCAPE PLAN BE MAINTAINED FOR AS LONG AS THE SIGN IS THERE

- c. SPECIAL EXCEPTION #12-2014 The application of Maurizio Ciminella, Owner/Operator of Amici; relative to property commonly known as 150 Worth Avenue; described as lengthy legal description on file; located in the C-WA Zoning Districts. The applicant is requesting a special exception for a new restaurant at 150 Worth Avenue, Suite 234 which will replace GiGi's Tap and Table Restaurant (formerly Cha Cha's). The new restaurant will occupy the same square footage (5,234) and have the same number of seats (151) as the prior restaurant uses at this location. The applicant agrees to be bound by all existing conditions of approval

except that he is requesting 20 exterior seats instead of 14. The café will feature Italian food and include a wine room and sale of fresh fruits and vegetables, fresh bread, cold cuts, and other pre-packaged food and beverage items for carry out and delivery within the premises. The requested hours of operation are as follows: Opening 8:00 a.m. and closing per conditions in SE#17-2011 which is on file for review in the application in the Planning, Zoning and Building Department in Town Hall, 360 S. County Rd., Palm Beach. [Attorney: James M. Crowley] Deferred from the July 16, 2014, Town Council Meeting.

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

ACTION: WITHDRAWN

2. New Business

a. SPECIAL EXCEPTION #15-2014 WITH SITE PLAN REVIEW

The application of Thomas G. Bradford, Deputy Town Manager; relative to property commonly known as 360 South County Road; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting special exception with site plan review to restore, reconstruct or repair the Memorial Park Fountain in accordance with the November 20, 2012 CSI Report, and to repair the Memorial Fountain reflecting pool and other miscellaneous elements of Memorial Park Fountain, as needed, including electrical and plumbing infrastructure repair, replacement, and upgrades to improve the flow of water to and from the various Memorial Fountain elements. [H. Paul Brazil, Director of Public Works] Request for Withdrawal, Per E-mail Dated August 5, 2014, from Peter B. Elwell, Town Manager
John S. Page, Director of Planning, Zoning and Building

ACTION: WITHDRAWN

b. SITE PLAN REVIEW #7-2014 WITH SPECIAL EXCEPTION AND VARIANCE

The application of Meat Market; 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 is requesting a site plan review revision with special exception and variance to replace a spiral staircase on the south side of the restaurant with a 62 square foot staircase that will increase the lot coverage from 76.1% existing to 77.2% in lieu of the 70% maximum allowed in the C-TS Zoning District and modify the second floor special exception use by adding the staircase and landing. [Attorney: Maura Ziska] [Architectural

Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 6-1.]

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

ACTION: APPROVED

- c. SITE PLAN REVIEW #8-2014 WITH VARIANCE The application of Coral Beach Corporation; relative to property commonly known as 160 Seaview Avenue; described as Lot 4 and the West 65' of Lot 5, THE EAST PLAZA, Plat Book 16, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 7,092 square foot (5,788 square feet enclosed) two-story home. Site Plan Review is requested to allow a single family home to be built on two (2) existing non-conforming platted lots with depths of 99.07 feet in lieu of 100 feet required. Variances requested are for a point of measurement variance for building height at 13.5 feet National Geodetic Vertical Datum (NGVD) in lieu of the 11.68 feet NVGD allowed; a point of measurement variance to allow for overall building height at 13.5 feet NGVD in lieu of the 11.68 feet NGVD maximum allowed; and, a point of measurement for cubic content ratio to be at 14.5 feet NGVD (proposed finished first floor) in lieu of the 11.68 feet NVGD maximum allowed. [Attorney: Francis X. J. Lynch]

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

ACTION: DEFERRED TO SEPTEMBER 10, 2014, TOWN COUNCIL MEETING

- d. SPECIAL EXCEPTION #14-2014 The application of John Barrett Holdings of Florida LLC; relative to property commonly known as 400 Hibiscus Avenue; described as lengthy legal description on file; located in the C-TS Zoning Districts. The applicant is requesting a special exception approval to allow a luxury salon ("John Barrett") to operate in 3,423 square feet of gross leasable area in the C-TS Zoning District. Since the proposed space is in excess of 3,000 square feet of gross leasable area, the applicant is required to obtain Town Council approval and a finding that the proposed use is Town Serving. [Attorney: Maura Ziska]

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

ACTION: APPROVED

- e. MODIFIED VARIANCE #30-2014 The application of Nelson and Claudia Peltz; relative to property commonly known as 542 North County Road; described as Lengthy Legal Description on file; located in the R-B Zoning District. The applicant is requesting a variance to add a 5,035 square foot second story addition onto the

existing residence with a point of measurement of 9.43 feet National Geodetic Vertical Datum (NGVD) (below the existing house's floor elevation of 10.94 NGVD) in lieu of the 7.5 feet NGVD required for a through lot; a variance to allow second floor dormer windows in habitable space to be at a height of 25 feet in lieu of the 22 foot maximum building height allowed; and, a variance to allow the overall height of the second floor roof to be 32.75 feet in lieu of the 30 foot maximum allowed. [Attorney: Maura Ziska] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

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

ACTION: APPROVED, AS MODIFIED, SUBJECT TO THE CONDITION THAT ANY OUTSTANDING CODE VIOLATIONS BE SATISFIED

- f. VARIANCE #35-2014 The application of Albert and Jacqueline Togut; relative to property commonly known as 583 E. Woods Road; described as Lot 24, Plat No. 2 of WOOD'S LANDING, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 26, Page 100; located in the R-B Zoning District. The applicant is proposing to construct a 498 square foot one story, two car garage addition which will replace a one car garage and would result in a north side yard setback of 6 feet in lieu of the 12.5 foot minimum setback required. [Attorney: Maura Ziska]

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

ACTION: APPROVED

- g. VARIANCE #36-2014 The application of Leverett House Condominium (Jay Denger, Manager); relative to property commonly known as 110/120 Sunset Avenue; described as Lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to allow two building identification signs for each condominium building (110 Sunset Ave and 120 Sunset Ave) where only one sign is allowed per code and to allow each sign to be 1.5 feet from the property line in lieu of the 10 foot minimum required for a sign on a multi-family property. [Attorney: Maura Ziska]

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

ACTION: APPROVED

- h. VARIANCE #37-2014 The application of Axel Ulrich, Individually and as Trustee of the Axel Ulrich Trust; relative to property commonly known as 1485 Via Manana; described as Lot 4, VIA MANANA, according to the Plat thereof, as recorded at

Plat Book 48, at Page 77 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow for a 22 kw generator to be installed with a front yard setback of 20.75 feet in lieu of the 25 foot minimum required for a lot in the R-B District. [Attorney: Jack McDonald]

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

ACTION: DENIED

VIII. ORDINANCES

IX. ANY OTHER MATTERS

X. ADJOURNMENT