



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, JULY 16, 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: DEFERRED ITEM NO VII.B.2.c., SPECIAL EXCEPTION #12-2014, TO THE AUGUST 13, 2014, TOWN COUNCIL MEETING

ACTION: DEFERRED ITEM NO VII.B.2.g., VARIANCE #30-2014, TO THE AUGUST 13, 2014, TOWN COUNCIL MEETING

ACTION: THE COASTAL MATTERS DEFERRED FROM THE JULY 15, 2014, TOWN COUNCIL MEETING WERE ADDED TO THE BEGINNING OF THE AGENDA

ACTION: APPROVED, AS AMENDED ABOVE

The Following Coastal Matter Items Were Added to the Agenda from Yesterday's Town Council Meeting:

1. Coastal Matters
 - a. Coastal Update.
ACTION: NONE
 - b. RESOLUTION NO. 93-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$17,665,150 to Weeks Marine, Inc., for the Construction of the Mid-Town Beach Renourishment Project, and Establishing a Construction Phase Budget of \$18,548,000 for Said Project, and Authorizing the Town

Manager to Take Actions Necessary to Complete Said Services.

ACTION: APPROVED

- c. RESOLUTION NO. 94-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Rio-Bak Corporation, for Reaches 7 and 8 Beach and Dune Truck Haul Project, Per Bid No. 2014-39, in the Amount of \$1,324,880, and Establishing a Total Task Budget of \$1,450,000.

ACTION: APPROVED

- d. RESOLUTION NO. 95-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2015-16 Annual Funding Application to the Florida Department of Environmental Protection, Beach Erosion Control Program.

H. Paul Brazil, P.E., Director of Public Works

ACTION: APPROVED

(Clerk's Note: Item VII.B.2.k was taken out of order and heard as the first item under New Business.)

VII. DEVELOPMENT REVIEWS

A. Appeals

- 1. Appeal of Architectural Commission's Decision Regarding B-009- 2014, New Residence (167 Seagate Road), Per Letter Dated July 3, 2014, from Jorge L. Pinon, Esq. [Attorney: Jorge L. Pinon, Esq.]

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

ACTION: DENIED

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. 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 and June 11, 2014, Town Council Meetings

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

ACTION: DEFERRED TO THE AUGUST 13, 2014, TOWN COUNCIL MEETING

2. New Business

- 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]

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

ACTION: THE SITE PLAN REVIEW WAS APPROVED.

ACTION: THE VARIANCE WAS DEFERRED TO THE AUGUST 13, 2014, TOWN COUNCIL MEETING TO ALLOW ARCOM TO REVIEW PRIOR TO TOWN COUNCIL CONSIDERATION.

- b. SPECIAL EXCEPTION #11-2014 WITH VARIANCES The application of Michael and Elizabeth Chu; relative to property commonly known as 102 Angler Avenue (formerly 1340 North Ocean Blvd.); described as Lengthy legal description on file; located in the R-B/B-A Zoning Districts. The applicant is requesting special exception with site plan review to construct a 138 square foot beach cabana on an ocean parcel with 50.61 feet of frontage across the street from the applicant's main residence. Variances are requested to construct a beach cabana that is on a lot with frontage of 50.61 feet in lieu of the 100 feet of frontage required in the Beach Area district across from the R-B Zoning District; and, to allow the beach cabana to have a west setback of 1 foot from the property line in lieu of the 10 foot minimum required. [Attorney: Maura Ziska]

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

ACTION: DENIED

- 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]

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

ACTION: DEFERRED TO THE AUGUST 13, 2014, TOWN COUNCIL MEETING

- d. SPECIAL EXCEPTION #13-2014 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach, Peter B. Elwell, Town Manager; relative to property commonly known as 2345 South Ocean Blvd.; described as Lengthy legal description on file; located in the R-B Zoning District. A Special Exception with Site Plan Review is being requested to modify the Par 3 Golf Course parking lot, seating and hours of operation of the Club House restaurant and proposed addition of a new patio deck. The proposed modification is to widen the north side of the parking lot by approximately eighteen (18) feet, create tandem parking in that area of the lot and add additional parking on the south side of the lot. The request also modifies the parking vehicular circulation by creating one way drive aisle. The proposal would create twenty-six (26) additional parking spaces to the parking lot and allow valet parking in designated areas. In addition, the club house restaurant hours are proposed to change from 7:00 am – 10:00 pm to 7:00 am – Midnight with the proposed additional seventeen (17) more seats on the second floor outside verandas (total of 167 seats). In addition, request is to also add a 1,837 square foot patio on the south side of the clubhouse to allow the restaurant and golf course

to host golf outings and other special events; install spot lights facing east to light the dune line and ocean surf, outside of turtle nesting season. Variances are requested to allow tandem parking for the valet parking area, which is not permitted by Code. The Code requires that off-street parking be arranged so that a vehicle does not have to be moved in order to move another vehicle; and, to allow three (3) parking spaces in the required front yard setback, which is not permitted by Code. [Representative: Jay Boodheshwar]

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

ACTION: DENIED THE PROPOSED MODIFICATIONS TO THE PARKING LOT, WITH THE EXCEPTION OF THE THREE ADDITIONAL SPACES ON THE SOUTH SIDE OF THE LOT.

ACTION: APPROVED A MAXIMUM OF TWELVE EVENTS PER YEAR THAT CAN BE HELD UNTIL MIDNIGHT. SAID EVENTS ARE TO BE RESTRICTED TO INSIDE THE CLUBHOUSE.

ACTION: APPROVED A MAXIMUM OF TWELVE EVENTS PER YEAR THAT CAN BE HELD UNTIL 10:00 P.M. ON THE OUTSIDE PATIO. THE APPLICANT WILL COME BACK BEFORE THE TOWN COUNCIL IN ONE YEAR FOR A REVIEW OF OPERATIONS.

ACTION: DEFERRED A DECISION ON THE ADDITION OF AN OUTSIDE PATIO TO THE SEPTEMBER 10, 2014, TOWN COUNCIL MEETING IN ORDER TO GET THE PROJECT COSTS.

ACTION: DEFERRED A DECISION ON THE INSTALLATION OF SPOT LIGHTS TO THE SEPTEMBER 10, 2014, TOWN COUNCIL MEETING.

- e. VARIANCE #28-2014 The application of Kenneth and Janet Himmel; relative to property commonly known as 102 Flagler Drive; described as Lengthy Legal Description on file; located in the R-B Zoning District. The applicant is proposing to build a 589 square foot one story cabana addition on the north side of the property and a 38 square foot one story addition to the south side of the residence (total 627 square feet) that would result in a cubic content ratio (CCR) of 4.34 in lieu of the 4.15 CCR existing and the 3.97 maximum CCR allowed. [Attorney: Maura Ziska]
[Architectural Commission Recommendation: Implementation of the proposed variance will not cause architectural impacts to the subject property. Carried 7-0]

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

ACTION: APPROVED

- f. VARIANCE #29-2014 The application of Robb R. Maass and David R. Maass; relative to property commonly known as 149 Root Trail; described as Lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting permission for the addition of a small (6.33 feet by 9 inches) one story front façade improvement which requires the approval of the following variances: a front yard setback of 8.4 feet in lieu of the 25 foot minimum required; a side yard setback of 2.3 feet in lieu of the 10 foot minimum required; a lot coverage of 56% in lieu of the 55.8% existing and 30% maximum permitted. [Attorney: M. Timothy Hanlon]

[Architectural Commission Recommendation: Implementation of the proposed variance will not cause architectural impacts to the subject property. Carried 7-0]

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

ACTION: APPROVED

- g. 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 5,228 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; and, 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. [Attorney: Maura Ziska]

[Architectural Commission Recommendation: Defer to the July Architectural Commission Meeting to further study the roof.

Carried 7-0]

Request for Deferral to the August 13, 2014, Town Council Meeting Per Letter From Maura A. Ziska.

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

ACTION: DEFERRED TO THE AUGUST 13, 2014, TOWN COUNCIL MEETING

- h. VARIANCE #31-2014 The application of Rabbi Moshe Scheiner and Nechama Scheiner; relative to property commonly known as 230 Park Avenue; described as Lot 47 and the East ½ of Lot 46 of BUNGALOW PARK, as recorded in the Plat Book 7, Page 26, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to

eliminate the required one car garage on the existing house to create living space. [Attorney: Maura Ziska]

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

ACTION: APPROVED

- i. VARIANCE #32-2014 The application of A. Richard Sloane and Carolyn J. Sloane; relative to property commonly known as 1564 South Ocean Blvd.; described as Lengthy Legal Description on file; located in the R-A Zoning District. The applicant is requesting permission to allow a front yard setback for a swimming pool of 11.5 feet in lieu of the 35 foot minimum required; and, to allow a swimming pool in the street yard setback with a 30 inch hedge on the outside of the six foot high wall in lieu of the minimum 6 foot high hedge required. [Attorney: Guy Rabideau]

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

ACTION: APPROVED A 24' FRONT YARD SETBACK FOR THE SWIMMING POOL.

ACTION: APPROVED THE PORTION OF THE VARIANCE RELATED TO THE HEDGE.

- j. VARIANCE #33-2014 The application of Amy Saleeby and Nancy Llama, as Co-Trustees of the Amy Christina Saleeby Irrevocable Trust Number One dated December 27, 2012; relative to property commonly known as 359 South County Road; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The applicant has an existing nonconforming office use occupying the entire first floor of the building. A variance is requested to allow another office use to occupy a 342 square foot portion of the space which is not permitted by Code on the first floor as it does not meet the requirement that 50% of the uses within 300 feet of the proposed office use be offices. [Attorney: Guy Rabideau]

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

ACTION: APPROVED

- k. VARIANCE #34-2014 The application of Andrew Christian Anthony Thomka-Gazdik, Trustee; relative to property commonly known as 226 Via Linda; described as Lot 21, ALLARD SUBDIVISION, 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 23, Page 186; located in the R-B Zoning District. The applicant is proposing to construct a 362.1 square foot one story addition on the east side of the residence and a 274 square foot one story addition on the rear of the west side of the residence. The proposal requires the removal of the roof trusses

which results in losing the cubic volume of the existing nonconforming house. The following Variances are required and are being requested: a west side yard setback of 7.7 feet in lieu of the 12.5 foot minimum setback required to keep the existing house setback and construct a one story addition; and, an angle of vision of 112 degrees in lieu of the 100 degrees maximum allowed to maintain the non-conforming front of the house and an addition to the east side of the house that will encroach into the angle of vision. [Attorney: Maura Ziska]

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

ACTION: APPROVED, SUBJECT TO THE CONDITION THAT THE WEST WALL OF THE ADDITION BE PUSHED BACK TO 12.5'

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 9-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Ordinance No. 5-2013 In Its Entirety; Providing An Effective Date.

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

ACTION: ADOPTED

IX. ANY OTHER MATTERS

X. ADJOURNMENT