TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, AUGUST 10, 2011

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, August 10, 2011 at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Owens gave the invocation. Council President Rosow led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Rosow commented that Town Manager Elwell and he met with the City of West Palm Beach regarding the Town's new water contract, which would come before the Water Committee in the next two months. One issue that came up was that, as people conserve more water, the water treatment plant has less to bill on and they may need to raise their rates.

Council Member Kleid reported that the manager of his condominium mentioned that the water pressure drops when half the island is watering at the same time. He suggested that dividing up the Town into more than two areas would help maintain the water pressure.

Council President Rosow replied that they had discussed this with West Palm Beach. He reported further that West Palm Beach recommended that the Town leave its existing sewage lines in the ground because a huge effort is being made to use reclaimed water run-off for irrigation, which would be an enormous savings for the Town.

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

Laura Klein, 130 Seaspray Avenue, spoke in opposition to restrooms on the beach.

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

WITHDRAWN: Item VII.C.1.b., Variance #11-2011, was withdrawn.

DEFERRED: Item VII.C.2.i., Variance #19-2011, was deferred to the September 14, 2011 Town Council meeting.

DEFERRED: Item VII.C.2.j., Variance #20-2011, was deferred to the September 14, 2011 Town Council meeting.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve the Agenda, as amended. On roll call, the motion carried unanimously.

VII. DEVELOPMENT REVIEWS

Town Clerk Owens administered the oath to all those who would be providing testimony.

A. Appeals – None

B. Time Extensions & Waivers - None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SPECIAL EXCEPTION #14-2011 WITH VARIANCES The application of Palm Beach Country Club, Inc.; relative to property commonly known as 760 North Ocean Boulevard; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review modification to demolish the existing caretaker's house on the west side of the Club golf course and build a new caretaker's house in the same proximity. The proposed house will be 5,581 square feet. The following variances are being requested: to allow a front yard setback/building height plane setback for the new caretaker's house to be 19.5 feet in lieu of the 49.5 foot minimum required and to allow an angle of vision to be 136.86 degrees in lieu of the 120 degrees maximum allowed. [Attorney: Maura Ziska] [ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

Deferred from the June 15, 2011, and July 13, 2011, Town Council Meetings (Special Circumstances).

The following ex-parte communications were declared: Council Members Pucillo, Kleid, and Diamond, and Council President Pro Tem Wildrick spoke with Attorney Ziska, who advocated the position of her client. Council President Rosow spoke with several members of the Palm Beach Country Club, including Mr. Goldsmith. Mayor Coniglio spoke with the applicant and John Mashek.

Attorney Ziska, on behalf of the Palm Beach Country Club, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that the variances related to Special Exception #14-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-1, with Council Member Pucillo dissenting.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Special Exception #14-2011 be amended to suspend issuance of the demolition permit for 14 business days, and that it be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

(i) Proposal to Move Stambaugh House to Phipps Ocean Park. [John Page, Director of Planning, Zoning, and Building]

Joette Stambaugh Keen, 369 Potter Road, West Palm Beach, provided an overview of the family's request to move the Stambaugh house to Phipps Ocean Park.

Zoning Administrator Castro stated that if the Town Council was so inclined to entertain the project, the Council would need to authorize staff to sign, on behalf of the Town as property owner of Phipps Ocean Park, an application from the Stambaugh family requesting placement of their house at Phipps Ocean Park. He further stated that this motion does not obligate the Town to approve the application or take acceptance of the property.

Clerk's Note: Council President Pro Tem Wildrick temporarily left the meeting.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to authorize staff to sign, on behalf of the Town as property owner of Phipps Ocean Park,

an application from the Stambaugh family requesting placement of their house at Phipps Ocean Park. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

As a part of their application, the Stambaugh family was directed to come back with a plan that addresses the Town Council's concerns regarding costs, logistics, ownership, use, maintenance, and environmental issues. In the interim, Council President Rosow requested that further discussion of this item be placed on the September 14, 2011 Town Council agenda.

Town Attorney Randolph added that in order to not have a referendum, the Town would have to designate the use of this property as recreational.

b. VARIANCE #11-2011 The application of David and Sara Hruda; relative to property commonly known as 143 Reef Road; described as Lot 45 of NORTH SHORE ADDITION TO PALM BEACH, according to the Plat thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests variances to construct a two car garage with a 6.25 foot west side yard setback in lieu of the 12.5 feet required; and, an angle of vision of 112 degrees in lieu of the 100 degrees allowed. [Attorney: Maura A. Ziska] *Deferred from the July 13, 2011, Town Council Meeting. Request for Withdrawal Per Letter Dated July 21, 2011, from Maura A. Ziska.* ***This item was withdrawn.***

2. New Business

a. SITE PLAN REVIEW #9-2011 WITH SPECIAL EXCEPTION AND VARIANCE The application of JP Morgan Chase Bank, NA; relative to property commonly known as 285 Sunrise Avenue; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting approval of revisions to the approved site plan to meet current Americans with Disabilities Act (ADA) regulatory criteria. These changes include reconfiguration of the landing for the walk-up ATM and main entrance and the pedestrian walkway and ramp adjacent to the handicap parking area on the east side of the building. In addition, the existing drive-up island will be replaced with a wider island, a new ATM machine and new bollards. In order to make the modifications required to provide safer access to the main entrance and ramp, the applicant is requesting a variance to reduce the amount of parking required by the existing site plan by one (1)

parking space in the area of the handicap parking on the east side of the building. The special exception is to modify the special exception use to incorporate the requested changes. [Attorney: Noreen S. Dreyer, Esq.]

There was no ex-parte communication declared by the Town Council.

Attorney Hope Calhoun, standing in for Attorney Noreen Dreyer and representing JP Morgan Chase, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Site Plan Review #9-2011 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, that the special exception related to Site Plan Review #9-2011 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and that the variance related to Site Plan Review #9-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

b. VARIANCE #12-2011 The application of Alan M. Berman and Laurie Berman; relative to property commonly known as 271 Plantation Road; described as Lot 22, Plat of EAST SHORE ADDITION, according to the Plat thereof as recorded in Plat Book 21, Page 14, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow a 36KW generator to be placed in the street side yard along North Lake Way with a setback of 15.33 feet in lieu of the 25 foot minimum required. [Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Diamond, and Kleid spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Mr. and Mrs. Berman, provided an overview of the applicants' request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Variance #12-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

c. VARIANCE #13-2011 The application of Kenneth and Claudia Silverman; relative to property commonly known as 215 Via Del Mar; described as lengthy legal description on file; located in the R-A Zoning District. The applicant requests variances to allow the replacement of a cooling tower with one that is the same exact size and which will be on top of an existing slab that will total a height of approximately 7 feet. The existing and proposed new cooling tower will have an 8.1 foot rear side yard setback in lieu of the 15 foot minimum setback required and a 7 foot side yard setback in lieu of the 15 foot minimum setback required. [Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Diamond, and Kleid spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Mr. and Mrs. Silverman, provided an overview of the applicants' request.

Zoning Administrator Castro provided staff's comments.

Council Member Diamond commented that approvals for replacement of equipment of the same size and in the same place should be determined by staff, not the Town Council.

Council President Rosow directed that discussion regarding mechanical equipment replacement staff approvals be placed on the September 14, 2011 Town Council agenda.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Variance #13-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

d. VARIANCE #14-2011 The application of 1090 North Lake Way, LLC (Glen Dubin); relative to property commonly known as 1090 North Lake Way; described as Lot C, of Replat of Lots 19, 19, C and D, New Sierars Tract, according to the Plat thereof as recorded in Plat Book 18, Page 37, of the Public Records of Palm Beach County, Florida: together with a non-exclusive easement for access to the Atlantic Ocean as described in Deed Book 713, Page 42,

Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow the replacement of a 4 foot tall cooling tower with a 5.2 foot tall cooling tower which will have an 8.9 foot north side yard setback in lieu of the 12.5 foot minimum setback required.
[Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Diamond, and Kleid spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf Mr. and Mrs. Dubin, provided an overview of the applicants' request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Variance #14-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

e. VARIANCE #15-2011 The application of Zachary Shipley and Nicole Lawton (f/k/a Shipley); relative to property commonly known as 1498 North Ocean Way; described as Lots 15 and 16, inclusive, together with the South 8 feet of the East 35 feet of Lot 19, and the South 8 feet of Lot 20, according to the Plat of BOCA RATONE COMPANY'S INLET SUBDIVISION, an addition to the Town of Palm Beach, in accordance with 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 12, Page 15. The applicant requests variances for an existing garage that was built in 1990 and which encroaches one (1) inch into the side and rear yard setbacks. The existing garage has a 9.9 foot rear yard setback in lieu of the 10 foot minimum setback which was required at the time of building and a 14.9 foot side yard setback in the lieu of the 15 foot minimum required at the time of building.
[Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Diamond, and Kleid spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Zachary Shipley and Nicole Lawton, provided an overview of the applicants' request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Variance #15-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

g. VARIANCE #16-2011 The application of Robert Fromer and Ann Fromer; relative to property commonly known as 340 Polmer Park; described as Lots 6, 6A and 7, POLMER PARK, according to the Plat thereof, as recorded in Plat Book 27, Page 53 Palm Beach County, Florida, Public Records; located in the R-B Zoning District. The applicant requests a variance to construct a boat lift with a riparian side yard setback of 15.8 feet in lieu of the 25 foot minimum required. [Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Diamond, and Kleid spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Robert and Ann Fromer, provided an overview of the applicants' request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Variance #16-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

h. VARIANCE #17-2011 The application of Mary Brittain B. Cudlip; relative to property commonly known as 555 Island Drive; described as Lot 35 and the North 75 feet of Lot 37, as shown on PLAT 3 OF EVERGLADES ISLAND DEVELOPMENT, Palm Beach, Florida, according to the Plat thereof, as recorded in Plat Book 23 at Page 120, of the Public Records of Palm Beach County, Florida.; located in the R-B Zoning District. The applicant requests a variance request to construct a boat lift 20.54 feet west of the U.S. Pierhead line and the Town's Bulkhead line in lieu of the 6 foot maximum allowed for a marginal dock. [Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Diamond, and Kleid spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Mary Brittain B. Cudlip, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Variance #17-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

i. VARIANCE #18-2011 The application of Edmiston & Company; relative to property commonly known as 333 Peruvian Avenue; described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a variance to permit the operation of a yacht charter and sales office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this situation. The proposed use does not meet the special exception uses requirement in Section 134-1109(18) that there are at least 50% existing office uses on all floors in the building or the requirement that there be more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Attorney: M. Timothy Hanlon]

The following ex-parte communications were declared: Council Members Diamond and Kleid, Council President Rosow, and Mayor Coniglio spoke with Attorney Hanlon, who advocated the position of his client.

Town Clerk Owens administered the oath to all those who had not already been sworn in and would be providing testimony.

Attorney Hanlon, on behalf of Edmiston & Company, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Attorney Ziska, on behalf of the property owner to the west, Lawrence Moens, stated for the record that the applicant has not complied with the deed restriction relative to the windows facing Mr. Moens' residence.

Attorney Hanlon responded that screening had been done and that his client has gone above and beyond to make a good faith effort to screen all the windows.

Clerk's Note: Council President Pro Tem Wildrick returned to the meeting.

Motion was made by Council Member Diamond and seconded by Council President Pro Tem Wildrick that Variance #18-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion failed 2-3, with Council Members Kleid and Pucillo, and Council President Rosow dissenting.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to defer Variance #18-2011 to the September 14, 2011 Town Council meeting. On roll call, the motion carried unanimously.

j. VARIANCE #19-2011 The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as 231-233 Oleander Avenue; described as DAISY E ERBS ADD LTS 16 & 17; located in the R-C Zoning District. The applicant requests a variance to close in and change the fenestration of the front entrance stoop and connected exterior stair case in order to create a front entry and second floor balcony within the existing non-conforming footprint. The request is for a variance to construct an entry feature which would have a 16.33 foot front yard setback in lieu of the 25 foot minimum requirement. [Representative: Alex Hufty Griswold] – ***This item was deferred to the September 14, 2011 Town Council meeting.***

k. VARIANCE #20-2011 The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as 237-239 Oleander Avenue; described as DAISY E ERBS ADD LTS 14 & 15; located in the R-C Zoning District. The applicant requests a variance to close in and change the fenestration of the front entrance stoop and connected exterior stair case in order to create a front entry and second floor balcony within the existing non-conforming footprint. The request is for a variance to construct an entry feature which would have a 16.33 foot front yard setback in lieu of the 25 foot minimum requirement. [Representative: Alex Hufty Griswold] – ***This item was deferred to the September 14, 2011 Town Council meeting.***

1. SPECIAL EXCEPTION #20-2011 WITH SITE PLAN REVIEW AND VARIANCES The application of Andrew J. Hall; relative to property commonly known as 300 South Ocean Blvd., PH-A; described as THREE HUNDRED SOUTH OCEAN BLVD APTS INC PENTHOUSE A; located in the R-D (2) Zoning District. The applicant requests Site Plan Review for a 417 square foot awning on one of the penthouse units (PH-A) facing east. A Special Exception is requested to erect a 30 foot x 13.9 foot awning on the 6th floor of a building where the maximum height allowed is 5 floors. Variances are requested to install said awning with a front yard setback of 41 feet in lieu of a 60 foot required, side yard setback of 25.25 feet in lieu of the 30 foot minimum required and to install an awning on the 6th floor of a building in a district that allows 5-story buildings by Special Exception. [Attorney: Peter S. Broberg]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]

There was no ex-parte communication declared by the Town Council.

Town Clerk Owens administered the oath to all those who had not already been sworn in and would be providing testimony.

Attorney Broberg, representing Andrew Hall, provided an overview of the applicant's request. Architect Glen Harris provided a presentation showing the proposed site plan.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Special Exception #20-2011 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, that the Site Plan Review related to Special Exception #20-2011 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, and that the variances related to Special Exception #20-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

m. SPECIAL EXCEPTION #21-2011 The application of Buccan (Piper Quinn) or 350 Realty Corp, (Burt Handelsman); relative to property commonly known as 350 South County Road; described as Lots 11 through 17, Block 7, of 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-TS Zoning District. The applicant requests a Special Exception to expand a 4,980 square foot/154 seat restaurant to a 6,333 square foot/177 seat restaurant. The restaurant will follow the applicable conditions of the existing restaurants' approval. The applicant is also requesting to have an additional valet stand and loading area in the current loading zone on Australian Avenue.
[Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Kleid, and Diamond, and Council President Pro Tem Wildrick spoke with Attorney Ziska, who advocated the position of her client. Council President Rosow spoke with Piper Quinn.

Attorney Ziska, on behalf of Buccan, provided an overview of the applicant's request. She further stated that the applicant is withdrawing their request for a second valet stand.

Zoning Administrator Castro provided staff's comments.

Discussion ensued among the Town Council relative to parking and Buccan needing to submit Town-serving documentation.

Attorney Ziska added that the applicant is modifying the floor plan to move the sushi bar to the west side.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Special Exception #21-2011 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to the conditions that the applicant submit, within six months, satisfactory evidence that the proposed expansion will be Town-serving, and that they submit a written lease between themselves and their landlord, Mr. Burt Handelson, allowing the applicant's employees use of at least 35 parking spaces within one of his other commercial lots. If sufficient evidence of the expansion being Town-serving is not provided, then the applicant will be required to submit Town-serving evidence for the entire business. On roll call, the motion carried 4-1, with Council Member Pucillo dissenting.

Council President Rosow requested that a discussion regarding the addition of parking

meters between Seminole and Hammon Avenues, including where there is permit parking, be added to the September 14, 2011 Town Council agenda. Deputy Town Manager Bradford was directed to provide information for the that meeting regarding the number of parking spaces that would be involved, how many kiosks would be needed, the different types of kiosks available, what the approximate costs would be, enforcement options, and how the Town might deal with permits and stickers.

n. SPECIAL EXCEPTION #22-2011 The application of RP/SR Royal Palm Way, LLC (Matt Mitchell, GP); relative to property commonly known as 324 Royal Palm Way; described as_Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant requests a special exception to open a new bank office for "US Bank" which would be 4,836 sq. ft. gross leasable area and have an ATM outside on the south side of the building. The Applicant is required to obtain Town Council special exception approval and a finding that the proposed use is town-serving to operate a bank in this location. [Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Diamond, and Kleid spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of US Bank, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo that Special Exception #22-2011 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

D. Other - None

VIII. ANY OTHER MATTERS

A. As requested by the Council, Zoning Administrator Castro provided a brief history of the averaging of setbacks along the coast line.

Council President Rosow requested that he no longer receive hard copies of the development review backup. Director of Planning, Zoning, and Building Page replied that

he will work with Council President Rosow on a couple of options.

IX. ADJOURNMENT

There being no further business, the August 10, 2011 Town Council meeting adjourned at 12:39 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MMC
Town Clerk