TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE - SUBJECT TO REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

WEDNESDAY, MAY 9, 2012

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

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
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

A. RESOLUTION NO. 46-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 234 El Brillo Way Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John Page, Director of Planning, Zoning, and Building]

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision B-011-2012, 273 Tangier Avenue (per letter dated April 25, 2012, from Maura Ziska).

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **VARIANCE #13-2012** The application of Lawrence and Judith Schlager; relative to property commonly known as **125 El Mirasol**; described as Lots 12, EL MIRASOL, according to the Plat thereof, recorded in Plat Book 28, Page 60, OF THE Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a 355 square foot second story addition over the existing garage of their residence to allow a front yard setback/building height plane setback for the proposed second story addition to be 35 feet in lieu of the 49.99 foot minimum required and to allow a cubic content ratio of 4.73 in lieu of the 4.56 existing and the 3.90 maximum allowed in the R-B Zoning District.
[Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts. Carried 7-0.]
Deferred from the April 11, 2012, Town Council Meeting.

b. **SPECIAL EXCEPTION #4-2012 WITH VARIANCES** The application of Pizza Al Fresco, LLC; relative to property commonly known as **8-14 Via Mizner**; described as Condominium Units No C-106S, C-107S, C-108S and C-109S of Via Mizner South, a Condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 7069, Page 203 of the Public Records of Palm Beach County, Florida; located in the C-WA Zoning District. The applicant requests a special exception to modify existing Special Exception No. 3-2006 to allow the existing restaurant, which is a special exception use, to add 40 additional outside restaurants seats for Pizza Al Fresco Restaurant within the Via Mizner west courtyard. Variances are also requested to increase outdoor seating by 40 seats over and above the inside capacity, which is not permitted by the outdoor seating conditions in the code and to eliminate the 14 required off-street parking spaces for the 40 additional outside seats.
[Attorney: William W. Atterbury III]
Deferred from the April 11, 2012, Town Council Meeting.

2. New Business

a. **VARIANCE #14-2012** The application of 657 Island Drive Trust (Maura Ziska, Trustee); relative to property commonly known as **657 Island Drive**; described as The South 60 feet of Lot 61 and the North 75 feet of Lot 63 of LONE CABBAGE ISLAND DEVELOPMENT (NOW KNOWN AS EVERGLADES ISLAND), according to the Plat thereof, recorded in Plat Book 18, Page 31, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a one and two story new residence on a 21,600 square foot lot that would have a 27.7% lot coverage in lieu of the 25% maximum allowed in the R-B zoning distract for a lot in excess of 20,000 square feet.
[Attorney: Maura Ziska]
[ARCOM Recommendation: Variance will not cause negative architectural impact to the subject property. Carried 7-0.]

b. **VARIANCE #15-2012** The application of Joseph M. Pizza; and Lauren E. Pizza relative to property commonly known as **50 Middle Road**; described as Lots 58 & 59, SINGER ADDITION; located in the R-B Zoning District. The applicant requests a variance to allow two additions totaling 504 square feet which increase the cubic content ratio from 4.41 to 4.43 in lieu of the 3.98 maximum allowed. [Attorney: Peter S. Broberg]
[ARCOM Recommendation: Variance will not cause negative architectural impact to the subject property. Carried 7-0.]

c. **VARIANCE #16-2012** The application of Danielle Hickox Moore and Kelly Moore; relative to property commonly known as **277 Pendleton Avenue**; described as Lots 18 & 19, Block 1, REVERIE ADDITION TO THE TOWN OF PALM BEACH, according to the Plat thereof, recorded in Plat Book 7, Page 61, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow two sliding driveway gates with an eight foot 4 inch foot setback from the edge of pavement in lieu of the eighteen foot minimum required. [Attorney: Maura A. Ziska]

d. **VARIANCE #17-2012** The application of 326 Via Linda, LLC (Joseph Jacobs); relative to property commonly known as **326 Via Linda**; described as Lot 13, less the East 15 feet thereof, and Lot 13A of ALLARD SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 23, Page 186, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a portion of the basement (162 square feet) to be outside of the walls of the proposed residence and to allow the grade to be raised more than two feet above the natural grade in order to be hidden from view. The request is to raise the natural grade 4 feet in lieu of the 2 foot maximum allowed.
[Attorney: Maura A. Ziska]
Request for Withdrawal per Letter Dated May 2, 2012, from Maura A. Ziska.

e. **SITE PLAN REVIEW #3-2012 WITH SPECIAL EXCEPTION AND VARIANCES** The application of The Society of the Four Arts, Inc. (Ervin Duggan, President); relative to property commonly known as **1, 2, 3, & 4 Four Arts Plaza and 240 Cocoanut Row**; described as lengthy

legal description on file; located in the R-B Zoning District. The applicant requests a site plan review for non-profit cultural use. The applicant operates as a non-profit cultural use in an R-B zoning district by Special Exception. The request is for a modification to the existing special exception to allow the applicant to construct two (2) columns at the entrance to the property on Coconut Row at a height of 13 feet 8 inches (10 feet high to the top of the pediment plus the light fixture) and allow the installation of a 300 KW generator north of the existing library. Variances are requested to allow two (2) columns 13feet 8 inches high in lieu of 8 foot maximum allowed; to allow the two columns to be 4 feet 1 inch wide in lieu of 3 foot maximum allowed; to allow a 300KW generator in the manufacturer's approved acoustical enclosure on the north side of the library in lieu of enclosing it within a building.
[Attorney: Raymond W. Royce]
[Landmark Commission Recommendation: Variance will not cause negative architectural impact to the landmarked property. Carried 7-0.]

f. **SITE PLAN REVIEW #4-2012 WITH VARIANCE** The application of Leverett House; relative to property commonly known as **110/120 Sunset Avenue**; lengthy legal description on file; located in the R-C Zoning District. The applicant requests a site plan review to construct a 389 square foot accessory building to house a 500KW generator on the south side of the property and to convert a 580 square foot covered area under the building into a gym by enclosing the open sides with glass and walls. A variance is requested to allow the fuel tank for the proposed generator to be 19.92 feet from the street rear property line in lieu of the 25 foot minimum street yard setback required.
[Attorney: Maura A. Ziska]

D. Other

None

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."

- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.