



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, APRIL 10, 2013

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.)

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 63-2013 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 130 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]
- B. RESOLUTION NO. 64-2013 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 1047 South Ocean Boulevard 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. Appeal
1. Appeal of Administrative Decision Governing Hours of Operation and Related Off-street Parking Requirements, by John W. Little III, Attorney for Sterling Palm Beach, LLC, and Also From Harvey E. Oyer III, Attorney for Del Frisco's Grille, Relative To The Yet-To-Be-Established Del Frisco's Grille Restaurant in the Royal Poinciana Plaza.
[John Page, Director of Planning, Zoning and Building]
- B. Time Extensions & Waivers
- None
- C. Variances, Special Exceptions, and Site Plan Reviews
1. Old Business
- a. VARIANCE #11-2013 The application of Rabbi Moshe 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 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]
Deferred from the March 13, 2013, Town Council Meeting.

2. New Business

- a. **SITE PLAN REVIEW #4-2013** The application of Richard True; relative to property commonly known as **119 East Inlet Drive**; described as Lot 15, SEA ISLES ESTATES, according to the Plat thereof, as recorded in Plat Book 25, Page 89, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting Site Plan Review to allow the construction of a 4,694 square foot two-story single family residence on a non-conforming platted lot which is 96 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. [Attorney: Maura A. Ziska]
- b. **SPECIAL EXCEPTION #6-2013** The application of Bricktop's Palm Beach (Joe Ledbetter, Owner); relative to property commonly known as **375 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 approval to modify the previously approved restaurant and site plan as follows: to allow the new restaurant name to be changed from "BT Palm Beach" to Bricktop's Palm Beach"; modify the south elevation awning by installing a hard roof behind the fascia awning; modify the stair access to the mezzanine; modify the decorative railing on patio wall; add Nana windows to the bar for security and inclement weather; modify the seating plan to add nine booths to replace 9 four tops; change patio columns from metal with canvas cover to concrete with stucco; add planters to west elevation. [Attorney: Maura A. Ziska]
- c. **VARIANCE #13-2013** The application of Jeffrey Fisher; relative to property commonly known as **252 El Bravo Way**; described as Lot 18, SUPPLEMENTARY PLAT OF EL BRAVO PARK, according to the Plat thereof as recorded in Plat Book 9, Page 9, Public Records of Palm

Beach County, Florida; located in the R-A Zoning District. The applicant is proposing to add five feet to the east side of the existing garage, requiring a variance to allow for a 3.42 foot setback in lieu of the 15 foot minimum required in the R-A Zoning District. [Attorney: Guy Rabideau]
[Landmark Preservation Commission recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

- d. **VARIANCE #14-2013** The application of Michael Formica and Robert Hiemstra; relative to property commonly known as **218 Phipps Plaza**; described as Lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to relocate an accessory building and convert it to be a usable garage which will result in a 2.5 foot rear yard setback in lieu of the 15 foot minimum required in the R-C Zoning District. [Attorney: Maura A. Ziska]
[Landmark Preservation Commission recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]
- e. **VARIANCE #15-2013** The application of Alan Menkes; relative to property commonly known as **153 Clarke Avenue**; described as Lot 16, PRIMAVERA ESTATES (OCEAN SECTION) according to the Plat thereof as recorded in the Plat book 6, Page 82, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to demolish a non-conforming two story garage and rebuild the same size garage (1,215 square feet) in the same location which require the following variances: a west side yard setback of 5 feet in lieu of the 15 foot minimum required and 5 feet existing; a rear yard setback of 11.9 feet in lieu of the 15 minimum required and 11.9 feet existing; a cubic content ratio of 5.0 in lieu of the 3.91 maximum allowed and 5.0 existing; a two story accessory structure with an overall height of 23.75 feet on a lot under 20,000 square feet where only a one story 15 foot tall building is allowed. [Attorney: Maura A. Ziska]
[Landmark Preservation Commission recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

- f. **VARIANCE #16-2013** The application of Anchor Animal Hospital (Dr. Lindsey Naimoli); relative to property commonly known as **230 and 234 South County Road**; described as Lots 754, 756, 758, 760 and 764, LESS the easterly 15 feet of Lot 764, POINCIANA PARK 3rd ADDITION, according to the Plat thereof as recorded in the Plat Book 8, Page 72, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a variance to allow a veterinary office (Anchor Animal) on the first floor and second floor in the C-TS Zoning District where only office use on the second floor is allowed. The proposed veterinary office is proposed to be 1,661 square feet on the first floor that will contain the patient rooms, lobby and pharmacy. The second floor would be 1,170 square feet and have an office, a conference room and a residence. The total square footage is proposed to be 2,831 square feet. The hours of operation are proposed to be 7 a.m. until 6 p.m.; however, the DVM would be available for emergencies after hours. The practice would include the following services: general veterinarian practice, veterinary surgery, emergency and critical care, holistic veterinary medicine, complimentary veterinary medicine, veterinary theriogenology, veterinary pharmacy, alternative veterinary therapeutics (hyperbaric oxygen, Chinese & natural remedies), pet grievance & behavioral counseling, veterinary digital imaging, veterinarian licensed retail good and mobile (residential & hospitality industry) veterinary services. Boarding would be required in some circumstances related to post op recovery.
[Attorney: Maura A. Ziska]
- g. **VARIANCE #17-2013** The application of David A. Rosow and Jean D. Rosow, Trustees of the David A. Rosow Qualified Personal Residence Trust dated July 31, 2000; relative to property commonly known as **1460 N. Lake Way**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a variance to relocate a 6.2 foot high, 90kw generator further north from its present location with a north side yard setback of 6.5 feet in lieu of 15 foot minimum required. The generator will be enclosed with a 7 foot high wall. [Architect: Daniel Menard]

D. Other

1. Consideration Of The Testa Family, Inc., Comprehensive Plan And Zoning Text Amendment Application To Create An Overlay Within The Five Acres Of Land Between Bradley Place And North County Road And Royal Poinciana Way And Sunset Avenue. The Application Was Previously Deferred April 2012 To The February 2013 Council Meeting In Order For The Newly Established Royal Poinciana Way Committee To Study Regulations For This Area. *Deferred from the April 11, 2012, and February 13, 2013, Town Council Meetings.*
Request for Deferral to the September 11, 2013, Town Council Meeting Per Letter dated April 3, 2013, Francis X.J. Lynch.

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 "Audio (Live and Archived)." 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.
- 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.