



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, FEBRUARY 16, 2011

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
William J. Diamond
Richard M. Kleid
Michael J. Pucillo
David A. Rosow
Robert N. Wildrick

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. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 6 -11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adding A New Provision To The Town Code Of Ordinances At Chapter 18, Building And Building Regulations, Section 108.2 Permit Fees; Providing For The Institution Of A Building Permit Revision Fee; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [John Page, Director of Planning, Zoning, and Building]

B. First Reading

1. ORDINANCE NO. 5-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Sections 134-172 To Change The Commencement Of Special Exceptions And Variances From Architectural Commission Or Landmark Preservation Commission Submission To Approval; Section 134-330 To Change The Commencement Of Site Plan Review As Architectural Commission Or Landmark Preservation Commission Submission To Approval; Sections 134-1107 And 134-1109 To Permit Office Uses On The First Floor In The Two Hundred Block Of Peruvian Avenue And Bradley Place In The C-TS Zoning District; Section 134-2175 By Providing An Exemption For The Two Hundred Block of Peruvian Avenue And Bradley Place In The C-TS Zoning District from Principal Equivalency For Required Parking; Sections 134-2436 And 134-2437 To Provide A Provision To Allow Hanging Business Identification Signs In Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

VIII. RESOLUTIONS

1. RESOLUTION NO. 9-11 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting A Permit Revision Fee In Accordance With Chapter 18, Section 108.2 (P) Of The Town Code Of Ordinances; Providing An Effective Date. [John Page, Director of Planning, Zoning, and Building]

2. RESOLUTION NO. 17-11 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting An Application Fee And Renewal Fee For Administrative Approval Of Outdoor Seating In Accordance With Chapter 134, Section 134-2104(b) Of The Town Code Of Ordinances; Providing An Effective Date.
[John Page, Director of Planning, Zoning, and Building]

IX. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 206 Worth Avenue (Per Email Dated January 28, 2011, From Michael K. Vaughn).

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SPECIAL EXCEPTION #3-2011 WITH VARIANCES

The application of Worth Avenue Associates; relative to property commonly known as **150 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning District. The applicant is requesting a Special Exception to modify the special exception for the arcade which was approved in 1998 (Site Plan Review No. 4-98 with Special Exception and Variance) to allow for the addition of signs. Variances are requested to allow signs to be erected within the right-of-way of Worth Avenue and for those signs to exceed the allowable sign area for Gucci. All of Gucci's signs will total 28.92 square feet, while the code allows a 20 square foot maximum.

[Attorney: James R. Brindell]

[ARCOM Recommendation: Approval of the variances as requested and the signage and architectural changes necessary for the signage to occur. Specifically, ARCOM approved the Gucci, Tory Burch and Lacoste signage placed on existing bands, and the Vilebrequin, Christofle and Pucci signage on the existing keystones over the arches

(Option 1); no architectural changes are needed to accommodate this signage. ARCOM also approved the Louis Vuitton sign on an added single band under one of the curved arches (Option 2). Carried 6-1.]

Deferred from the January 12, 2011, Town Council Meeting.

- (1) Appeal of ARCOM Decision B-070-2010, 150 Worth Avenue (Per Letter Dated December 22, 2010, from James R. Brindell).

2. New Business

a. **SITE PLAN REVIEW #3-2011 WITH VARIANCE**

The application of Lydian Bank; relative to property commonly known as **180 Royal Palm Way**; described as lengthy legal description on file; located in the C-OPI Zoning District. The applicant is requesting a Site Plan Review to request a modification to the parking lot which required changes to the handicap spaces to meet the American with Disabilities Act (“ADA”). The changes require variances: to have 11 parking spaces in lieu of the 12 parking spaces that exist and to have a drive isle width of 24 feet in lieu of the 25 foot minimum required.

[Attorney: Maura A. Ziska]

- b. **SITE PLAN REVIEW #4-2011** The application of 210 Emerald Lane, LLC.; relative to property commonly known as **210 Emerald Lane**; described as Lot 34 of REVISED PLAT OF STOTESBURY PARK, according to the Plat thereof as recorded in Plat Book 20, Page 42, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a Site Plan Review to permit construction of a 3,197 square foot two-story single family residence on a platted lot with a width of 90 feet in lieu of the minimum 100 foot lot width required within the R-B District.

[Attorney: M. Timothy Hanlon]

c. **SPECIAL EXCEPTION #6-2011 WITH VARIANCES**

The application of Terry R. Taylor; relative to property commonly known as **780 South Ocean Blvd.**; described as lengthy legal description on file; located in the R-A Zoning District. Variances are requested to install a tennis court with a rear yard setback of 10 feet in lieu of the 35 foot minimum required; to allow an associated 10 foot high fence with a side yard setback of 15 feet in lieu of the 30

foot minimum required and to install light poles at a height of 23 feet in lieu of the 15 foot maximum required. A Special Exception is requested to install night lighting which will meet all requirements in the Code, including a light timer switch to ensure the lights will operated only from 9:00 a.m. to 9:00 p.m. [Attorney: Peter S. Broberg]

- d. **SPECIAL EXCEPTION #7-2011** The application of Robert 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. A Special Exception is being requested to allow a set of driveway gates on Polmer Park (which is a cul-de-sac) with a 5 foot setback from the street pavement in lieu of the 18 foot minimum required. [Attorney: Maura A. Ziska]
- e. **SPECIAL EXCEPTION #8-2011** The application of Bank United; relative to property commonly known as **2875 South Ocean Blvd.**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a Special Exception to permit a 618 square foot expansion to the operation of an approved 4,004 square foot full service bank in the C-TS Zoning District, for a total of 4,622 square feet. [Attorney: Alfred J. Malefatto]
- f. **VARIANCE #3-2011** The application of Matt and Tracy Smith; relative to property commonly known as **1240 North Ocean Blvd.**; described as Lots 1, 1-A, 2 and 2-A, of Alto Lido, according to the Plat thereof, as recorded in Plat Book 11 at Page 36, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a Variance to allow the minimum perimeter landscape area to be 6,909 square feet in lieu of the 8,010 square foot minimum required to meet the 50% of the 45% in the code for the perimeter of a lot in the R-B Zoning District.
[ARCOM Recommendation: Implementation of the proposed variance would not cause negative architectural impacts. Carried 7-0.]
[Landmark Commission Recommendation: Landmark Commission recommends that the statue can be modified to conform to the Code without the need for a variance. Carried 7-0.]
[Attorney: Maura A. Ziska]

- g. **VARIANCE #4-2011** The application of Richard and Patsy Johnson; relative to property commonly known as **751 Island Drive**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to convert two patio awnings to permanent loggias, enlarge the family room, and convert the front entry awning into a permanent structure. The proposed additions will require a variance to allow an increase in the lot coverage to 34.6% in lieu of the 27.3% existing and 30% maximum allowed in the R-B Zoning District. Variances are also requested to: allow an existing boat lift to remain in the same location after the reconstruction of the seawall which is currently at 20 feet west of the U.S. Pierhead line the Town's Bulkhead line in lieu of the 6 foot maximum allowed; to allow a marginal dock to be 20 feet from the north property line in lieu of the 25 foot minimum required; to allow a marginal dock to be 20 feet from the south property line in lieu of the 25 foot minimum required. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variance would not cause negative architectural impacts. Carried 7-0.]
- h. **VARIANCE #5-2011** The application of John J. Cafaro Revocable Family Trust u/a/d 11/1/95, as amended and restated; relative to property commonly known as **860 South Ocean Blvd.**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a variance to permit a statue/fountain which is 14 feet in height in lieu of the 12 foot maximum allowed. [Attorney: M. Timothy Hanlon]

D. Other

1. ARCOM Recommendation Regarding Revised Plans at 1100 North Ocean Boulevard (Karp/Castle).
[John Page, Director of Planning, Zoning, and Building]
Time Limit: 15 Minutes Per Side
2. Request to Consider Zoning Ordinance No. 5-11 Prior to 5:00 p.m. at the March 9, 2011, Town Council Meeting.
[John Page, Director of Planning, Zoning, and Building]

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** 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.
- Note 2:** 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.
- Note 3:** 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.
- Note 4:** 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.