



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 15, 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. SWEARING IN OF ELECTED OFFICIALS

The Honorable Judge Peter D. Blanc

(Mayor Becomes the Presiding Officer)

IV. ORGANIZATIONAL ITEMS

- A. Election of the Town Council President
Pursuant to Section 3.01 of the Town Charter

(Town Council President Becomes the Presiding Officer)

- B. Election of the Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VII. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE
**(Another opportunity for communications from citizens will be offered
immediately after the lunch break.)**

VIII. APPROVAL OF AGENDA

IX. ORDINANCES

- A. Second Reading

None

- B. First Reading

1. ORDINANCE NO. 29-2011 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On July 13, 2011, With The Adoption Of Ordinance Nos. 1-11 And 3-11, By Amending The Future Land Use Element And Amending Policy 2.3.3 To Provide For The Creation Of An Overlay Area Within The C-TS Zoning District Within The Area Bounded By The East Right Of Way Line Of Bradley Place To The West, The South Right Of Way Line Of Sunset Avenue To The North, The West Right Of Way Line Of North County Road To The East And The North Right Of Way Line Of Royal Poinciana Way To The South; Further Amending Policy 2.3.3 To Provide Increases In Height From Three (3) Stories To A Maximum Of Four (4) Stories, Change In Density From Six (6) Units Per Palm Beach Acre To A Maximum Of Twenty-Four (24) Units Per Palm Beach Acre And Change In Lot Coverage From Seventy-Five Percent (75%) To Eighty-Five Percent (85%) On The First Floor, Sixty-Five Percent (65%) On The Second Floor, Fifty Percent (50%) On

The Third Floor And Forty Percent (40%) On The Fourth Floor Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.

[John Page, Director of Planning, Zoning, and Building]

Deferred from the December 14, 2011, and January 11, 2012, Town Council Meetings.

2. ORDINANCE NO. 30-2011 An Ordinance Of The Town Council Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article VI, District Regulations, Division 8 By Creating Section 134-1121 Royal Poinciana Village Overlay Area ("RPVOA") Within A Portion Of The Commercial Town-Serving Zoning District Bounded By The East Right-Of-Way Line Of Bradley Place To The West, The South Right-Of-Way Line Of Sunset Avenue To The North, The West Right-Of-Way Line Of North County Road To The East And The North Right-Of-Way Line Of Royal Poinciana Way To The South, Which Allows For The Use Of The Following Zoning Code Provisions If Eligibility And Threshold Criteria In The RPVOA, As Provided For In This Ordinance, Are Met: Provision Of A "Purpose" Section; Provision Of RPVOA Permitted Uses, Special Exception Uses, Prohibited Uses And Accessory Uses; Provision For Accessory Structures; Varied Lot, Yard And Bulk Requirements As Follows: Increased Minimum Lot Size From Four Thousand (4,000) Square Feet To Forty Thousand (40,000) Square Feet; Increased Minimum Lot Depth And Lot Width Based On The Through Lot Requirement For The RPVOA; Increased Residential Density From Six (6) Dwelling Units To A Maximum Of Twenty-Four (24) Dwelling Units Per Palm Beach Acre; A Residential Component Of Not Less Than Twenty-Five (25) Percent Of The Total Development; Increased Number Of Stories From A Maximum Of Two (2) Stories To A Maximum Of Four (4) Stories; Increased Lot Coverage From Seventy (70) Percent To Almost One-Hundred (100) Percent In The Sub-Basement, Eighty-Five (85) Percent On The First Floor, Sixty-Five (65) Percent On The Second Floor, Fifty (50) Percent On The Third Floor And Forty (40) Percent On The Fourth Floor; Increased Height From A Maximum Of Twenty-Five (25) Feet To Fifty (50) Feet By Special Exception; Increased Overall Height From Thirty-Five (35) Feet To Sixty (60) Feet; A Two (2) Foot Front Setback For A Sub-Basement And Differing Building Setback Requirements For Taller Buildings; Decreased Landscape Open Space From A Minimum Of Twenty-Five (25)

Percent To Ten (10) Percent; Increased Building Length From A Maximum Of One Hundred Fifty (150) Feet To Three Hundred (300) Feet; Providing A Sunset Provision For The Overlay Regulations; Providing The Elimination Of The Maximum Floor Area Requirement; Providing A Sunset Provision For The Overlay Regulation; Providing A Site Plan Review Process; Creating New Definitions For The RPVOA; 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]

Deferred from the December 14, 2011, and January 11, 2012, Town Council Meetings.

X. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **VARIANCE #3-2012** The application of Anand and Neeta Khubani; relative to property commonly known as **108 El Mirasol**; described as Lots 7 and 8, 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 proposes to build a 17,655 square foot, two story house on a 44,360 square foot lot and requests Variances to: allow a front yard setback for a one story portion of the proposed residence to be 26.6 feet in lieu of the 35 foot minimum required for an R-B lot in excess of 20,000 square feet and with a lot depth of 160 feet; to allow a front yard setback/building height plane setback for the proposed stair tower to be 38.75 feet in lieu of the 48.8 foot minimum required; to allow a front yard setback/building height plane setback for the front entry feature to be 39.1 feet in lieu of the 44 foot minimum required; and, to allow the minimum perimeter landscape area to be 7,256.35 square feet in lieu of the 9,981.1 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.

[Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the front yard setback/building height plane setback variances will cause negative impacts to the subject property. Implementation of the perimeter landscape open space variance will not cause negative impacts to the subject property. Both Carried 7-0.]

Deferred from the January 11, 2012, Town Council Meeting.

Request for Deferral to the March 14, 2012, Town Council Meeting Per Letter Dated January 25, 2012, from Maura A. Ziska. (Second Deferral, Special Circumstances)

2. New Business

- a. **VARIANCE #4-2012** The application of Ronald J. Berk; relative to property commonly known as **273 Tangier Avenue**; described as Lot 6, Plat of TANGIER ESTATES, according to the plat thereof as recorded in Plat Book 12, Page 16 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to demolish more than 50% of the existing one story house in order to add a one story addition and a second story addition which would require a variance to allow the existing west side yard setback to be 4.99 feet to 9.49 feet in lieu of the 12.5 foot minimum required under the current zoning code in the R-B Zoning District. [Attorney: Maura A. Ziska]
- b. **VARIANCE #5-2012** The application of Brown Harris Stevens; relative to property commonly known as **351 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning District. The applicant requests a variance to permit an office use on the first floor in the C-WA Zoning District, which is not permitted. An existing real estate office on the first floor of 353 Worth Avenue (Brown Harris Stevens) requests to expand into adjacent space on the first floor of 351 Worth Avenue. The existing office is 876 square feet and the proposed expansion would add 1,999 square feet, for a total square footage of 2,875 square feet. [Attorney: Maura A. Ziska]
- c. **VARIANCE #6-2012** The application of US Bank; 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 variance to allow two business identification signs for “US Bank” on the rear of the building which is not permitted in the zoning code. Business identification signs are only allowed to front on streets. In addition, a variance is also being requested to allow a business logo on each of those business identification signs which exceeds the one allowed and front location allowed. Only one logo is allowed in this case. The applicant already has one logo in the front of the building. [Attorney: Maura A. Ziska]

Request for Deferral to the March 14, 2012, Town Council Meeting Per Letter Dated January 31, 2012, from Maura A. Ziska.

- d. **VARIANCE #7-2012** The application of Gregory S. Kino, Esq.; relative to property commonly known as **2 Via Los Incas**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests variances to allow a 26’7” front yard setback for a 644 square foot second story addition for a caretaker’s bedroom in lieu of the 30 foot minimum required; a 26’1” front yard setback for an architectural parapet feature to match the second story addition in lieu of the 30 foot minimum required; a 10’1” side yard setback for the second story addition in lieu of the 15 foot minimum required; and a lot coverage of 35.8% (35.3% existing) in lieu of the 30% maximum allowed for the second story addition. [Attorney: Gregory S. Kino, Esq.]

Request for Deferral to the March 14, 2012, Town Council Meeting Per Letter Dated January 31, 2012, from Gregory S. Kino.

- e. **VARIANCE #8-2012** The application of Francis X. J. Lynch, Esq.; relative to property commonly known as **1348 North Lake Way**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a variance to construct a new house with a perimeter landscape open space of 6,796 square feet in lieu of the 8,159 square foot minimum required.

[Attorney: Francis X. J. Lynch, Esq.]

[ARCOM Recommendation: Implementation of the

perimeter landscape open space variance will not cause negative impacts to the subject property. Carried 7-0.]

D. Other

1. Proposed Fourth Amendment to the Blossom Estates Subdivision Agreement, Lot 7, for 1255 South Ocean Boulevard Realty Trust.
[John Page, Director of Planning, Zoning, and Building]

XI. ANY OTHER MATTERS

XII. 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.