



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, JANUARY 12, 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 Jack McDonald
David A. Rosow, President
Gail Coniglio, President Pro Tem
William J. Diamond
Richard M. Kleid
Robert N. Wildrick

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR JACK McDONALD

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. 1-11 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 105 Banyan Road 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 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. ORDINANCES

A. Second Reading

None

B. First 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]

IX. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Administrative Decision that the Nonconforming Residential Use Located at 332 South County Road has Been Abandoned by Discontinuance for a Period of Two Years. [John Page, Director of Planning, Zoning, and Building]

2. Appeal of Administrative Decision that Valet Parking Operations are Not Permitted at the Nonconforming Parking Lot Located at 176 Sunset Avenue.
[John Page, Director of Planning, Zoning, and Building]

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business – Less than 15 Minutes

None

2. New Business – Less than 15 Minutes

a. **SITE PLAN REVIEW #1-2011 WITH VARIANCES**

The application of French Villas Association, Inc.; relative to property commonly known as **240 North County Road**; described as FRENCH VILLAS OF PALM BEACH, A CONDOMINIUM, ORB 1588, Pg 324; located in the R-C Zoning District. The applicant is requesting a Site Plan Review to modify the existing site plan to add 200 sq. ft. awning to cover a portion of the parking lot. Variances are requested to: add 360 sq. ft. of covered parking with a rear setback of 2.4 ft in lieu of the 15 ft. minimum required; add 200 sq. ft. of covered parking which would increase lot coverage from 32.13% existing to 32.75% in lieu of 30% minimum required. [Attorney: Peter S. Broberg]
[ARCOM Recommendation: Approval of the variance will not cause negative architectural. Carried 6-1.]

b. **SITE PLAN REVIEW #2-2011 WITH SPECIAL EXCEPTION & VARIANCE**

The application of HoJo Partners, LLC.; relative to property commonly known as **2880 S. Ocean Blvd.**; described as 23 / 24-44-43, SLY 150 Ft of ELY 256.9 Ft of filled land Lyg W of SR A1A & N of Lake Ave being Pt of Gov Lot 1 SEC, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a Site Plan Review to allow for the existing building (which is to be renovated) and parking areas to remain, except for the elimination of one parking space in order to add two handicap parking spaces and the relocation of the existing dumpster enclosure as indicated on the plans, all in

connection with the renovation and use of an existing building that is approximately 3,835 sq. ft. in area. A Special Exception is requested to allow a business to occupy more than 2,000 sq. ft. allowed by Code. This request is a reduction of the previous approval. A Variance is also requested to allow for an office use on the ground floor. [Attorney: Robert E. Deziel, P.A.]

- c. **VARIANCE #1-2011** The application of Robert and Helen Ficalora; relative to property commonly known as **221 Ocean Terrace**; described as Lot 12 and East 10 feet of Lot 13, OCEAN TERRACE, according to the Plat thereof, as recorded in Plat Book 20 at Page 640, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a Variance to allow a point of measurement of 10.97 feet National Geodetical Vertical Datum mean sea level (“NGVD”) for cubic content ratio in lieu of the 8.63 feet NGVD maximum allowed to construct a 510 square foot one story addition and a 1,342 square foot second story addition. If this calculation is taken from the Town’s point of measurement, which is 18 inches above the road, the proposed CCR would be 4.15 in lieu of the 3.98 maximum allowed. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variance will not cause negative architectural impacts. Carried 6-1.]
- d. **VARIANCE #2-2011** The application of Domenica L. Falcione; relative to property commonly known as **970 North Lake Way**; described as lengthy legal description on file; located in the R-B Zoning District. The following variances are being requested: To allow air conditioning equipment (cooling tower) with a north side yard setback of 1.16 feet in lieu of the 12.5 foot minimum required; to allow a front setback of 20.25 feet in lieu of the 25 foot minimum required; to allow the air conditioning equipment to be higher than the screening wall which is not permitted. [Attorney: James R. Brindell]
- e. **SPECIAL EXCEPTION #1-2011 WITH SITE PLAN REVIEW AND VARIANCES** The application of Mary T. Khawly; relative to property commonly known as **888 South Ocean Blvd.**; described as lengthy legal description on file; located in the R-A/B-A Zoning Districts. The applicant is requesting a Special Exception to construct a 414 square foot beach cabana on property across the street

from the main residence, which is in the B-A Zoning District. Variances are requested to construct a beach cabana that is on a lot with frontage of 58 feet in lieu of the 125 feet of frontage required in the R-A Zoning District; to construct a beach cabana to be 22.66 feet x 26.25 feet in lieu of the 20 foot by 25 foot maximum allowed; to have an ocean vista of 50% that is non-continuous in lieu of a continuous 50% ocean vista. [Attorney: Maura A. Ziska]

- f. **SPECIAL EXCEPTION #2-2011** The application of 128 Ocean View LLC; relative to property commonly known as **11 Lagomar Road**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Special Exceptions to allow a set of driveway gates on Ocean View Road (which is a cul-de-sac) with a 5.25 foot setback from the street pavement in lieu of the 18 foot minimum required and to allow a set of driveway gates on Lagomar Road (which is a cul-de-sac) with a 10.66 foot setback from the street pavement in lieu of the 18 foot minimum required. [Attorney: Maura A. Ziska]

- g. **SPECIAL EXCEPTION #5-2011 WITH SITE PLAN REVIEW** The application of The Town of Palm Beach; relative to property commonly known as **420 S. Lake Dr. (Lakeside Park)**; described as lengthy legal description on file; located in the R-B Zoning District. Request for Special Exception with Site Plan Review to construct a new 805 sq. ft. D-7 Storm Water Pump Station containing a 1000 KW generator and controls to be located at the south end of Lakeside Park. In addition, the request includes constructing two new wet wells below grade immediately adjacent to the existing D-6 and D-7 wet wells. The wet wells are part of an upgrade to the storm water facilities for the downtown Palm Beach commercial district and adjacent residential homes and condos.
[Contact: H. Paul Brazil, Director of Public Works]

3. Old Business – More than 15 Minutes

None

4. New Business – More than 15 Minutes

- 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: Implementation of the variance will cause negative architectural impacts. Carried 7-0. ARCOM unanimously denied the signs.]

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

b. **SPECIAL EXCEPTION #4-2011 WITH VARIANCES**

The application of Coco Palm Beach; relative to property commonly known as **290 Sunset Avenue and 139 North County Road**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting to modify the previously approved Special Exception #10-2002 to relocate the 30 off-site, shared supplemental parking spaces from 255 Sunset Avenue to 139 North County Road. A Variance is requested to allow the off-street, shared supplemental parking spaces to be 1,150 feet from the restaurant door in lieu of the 500 foot maximum allowed. [Attorney: Maura A. Ziska]

D. Other

1. Mediation Report Re: Stephen and Jill Karp, 1100 North Ocean Boulevard. [John C. Randolph, Town Attorney]
2. Presentation by Dr. Jane Day on the 2010 Historic Sites Survey. [John Page, Director of Planning, Zoning, and Building]

X. ANY OTHER MATTERS

XI. 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.