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 11, 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. 11-2012 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 the 400 South Ocean Boulevard Condominium, in its entirety, 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.

B. RESOLUTION NO. 12-2012 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 330 Island 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 No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

C. RESOLUTION NO. 13-2012 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 100 El Bravo 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.

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 31-2011 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Sections 134-1472 And 134-1473 By Referencing Chapter 66 For The Requirement Of Removal Of Pest Plants And Eliminating The Removal Deadline Date In The Beach Area Zoning District; 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]

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, Town Council Meeting.
TIME CERTAIN: 10:00 AM

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, Town Council Meeting.
TIME CERTAIN: 10:00 AM

IX. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **MODIFIED SPECIAL EXCEPTION #34-2011** The application of Buccan (Piper Quinn); relative to property commonly known as **350 South County Road**; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Play Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a Special Exception to expand a 6,333 square foot/177 seat restaurant into 845 square feet of adjacent space in the Bustani Building along Australian Avenue. There will be access from the restaurant to the new space which will be used for the restaurant's office and storage. The total square footage of the restaurant and proposed expansion will be 7,178 square feet. The restaurant will continue to have the same number of seats and will follow the applicable conditions of the existing restaurants' approval. [Attorney: Maura A. Ziska]
Deferred from the December 14, 2011, Town Council Meeting.

b. **SPECIAL EXCEPTION #36-2011 WITH VARIANCES** The application of Café Via Flora; relative to property commonly known as **240 Worth Avenue, Suite 3**; described as Lots 5 through 16 in Block 18, of ROYAL PARK ADDITION, TOWN OF PALM BEACH, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach, Florida, in Plat Book 4, Page 1; located in the C-WA Zoning District. The applicant requests a Special Exception use to convert a specialty food establishment with "take-out only" into a restaurant with full service dining that will have a total of 72 seats; a request for special exception to have 56 outdoor seats in the via. Variances are requested to have zero (0) off-street parking spaces in lieu of the 24 parking spaces that are required for the proposed restaurant seating and to have outdoor seating which exceeds the inside capacity of the building. [Attorney: Maura A. Ziska]
Deferred from the December 14, 2011, Town Council Meeting.

2. New Business

a. **SPECIAL EXCEPTION #1-2012 WITH SITE PLAN REVIEW** The application of 221 El Vedado, LLC; relative to property commonly known as **221 El Vedado Road**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant requests a Special Exception with Site Plan Review to permit construction of a two-story, single family residence containing approximately 6,690 square feet on an unplatted lot which is 100 feet wide, in lieu of the 125 foot minimum required and a lot area of 16,000 square feet in lieu of the minimum 20,000 square feet required.
[Attorney: Maura A. Ziska]

b. **VARIANCE #1-2012** The application of Bryson & Cynthia Cook; relative to property commonly known as **131 E. Inlet Drive**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a variance to allow a sliding driveway gate with a ten (10) foot setback from the edge of pavement in lieu of the eighteen (18) foot minimum required.
[Attorney: Maura A. Ziska]

c. **VARIANCE #2-2012** The application of 456 WA, LLC (Larry Keller, Manager); relative to property commonly known as **456 Worth Avenue**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a variance to allow construction of a 567 square foot two story loggia addition and a 576 square foot one story garage and demolition of 2,615.2 square feet of existing structures that will result in a cubic content ratio (CCR) of 4.36 in lieu of the 5.11 existing and the 3.90 maximum allowed in the R-B Zoning District.
[Attorney: Maura A. Ziska]
[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmark property. Carried 6-0.]

d. **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.]
Request for Deferral to the February 15, 2012, Town Council Meeting Per Letter Dated December 19, 2011, from Maura A. Ziska.

D. Other

None

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.