



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, DECEMBER 15, 2010

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. 131-10 RESOLUTION NO.131-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described (Breakers Hotel, One South County Road) and Stating That the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."
[John Page, Director of Planning, Zoning, and Building]

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 26-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, at Section 134-2 to Add Clarifying Language Relative to the Rules of Construction of the Zoning Ordinance; Sections 134-36, 134-145, 134-171, 134-327, 134-330, 134-561, 134-1576 and 134-1577 to Change the Reference from Building Official to Director of the Planning, Zoning and Building Department; Section 134-7 to Include Site Plan Review in Penalties for Violation; Sec. 134-235 to Not Allow Dimensional Waiver Approval If There Is Neighbor Objection; Section 134-326 to Provide Additional Requirements for Administrative Site Plan Review; Sections 134-416, 134-417, 134-418 and 134-419 to Provide Language That Allows Expansion of Nonconforming Multi-family and Commercial Buildings or Structures Provided it Does Not Make the Buildings or Structures More Nonconforming; Sections 134-446 by Modifying the Section Title and Clarifying That Residential Development and Redevelopment Is Required to Meet Density Requirements in the Town's Comprehensive Plan in Certain Situations; Section 134-888 by Expanding Accessory Commercial Uses Allowed for the Town Golf Course and Tennis Court Facilities; Sections 134-942, 134-997 and 134-1052 to Replace the Word "May" with "Shall" in Order to Require Site Plan Review in R-C, R-D(1) and R-D(2) Zoning Districts and Correct a Cross Reference; Sections 134-949, 134-1005, and 134-1061 to Eliminate the Reference to Cubic Content in the R-C, R-D(1) and R-D(2) Zoning Districts as That Term Does Not Apply in Those Zoning Districts; Section 134-1732 to Provide a Cross Reference to the Fee for a Temporary Storage Unit, Increase The Maximum Length of Time for Said Unit, Limit the Number of

Times Allowed per Calendar Year and a Suspension Provision from this Regulation During a State of Emergency; Sections 134-2172, 134-2179 and 134-2237 to Change the Required Parking Stall Dimension And/or Drive Aisle Width to Be Consistent with Other Sections of the Code; Sections 134-2296 and 134-2329 by Eliminating the Specific Costs for Parking Permits and Providing a Reference to the Fee Schedule; Section 134-2409 to Correct Typographical Errors in the Residential Political Sign Section of the Code; Section 134-2446 to Create a Section to Include a Political Sign Provisions in the Commercial Zoning Districts; Section 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 134-797, 134-847, 134-898, 134-953, 134-1009 and 134-1065 to Increase the Maximum Height of the Finished Floor from Grade and Require Building Permits to Fill and Raise the Grade of Property in the R-AA, R-A, R-B, R-C, R-D(1) and R-D(2) Residential Zoning District; Section 134-1733 by Creating Said Section for Regulations for the Screening of Existing and Future Dumpsters; 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

None

IX. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions and Waivers

1. Waiver of Section 42-199, Hours of Construction Work, at 221 Worth Avenue (Per Email Dated November 24, 2010, From James Paine).
2. Waiver of Section 42-199, Hours of Construction Work, at 265 Sunset Avenue (Publix Supermarket) (Per Letter Dated November 23, 2010, From Maura Ziska).
 - a. Presentation from Publix (Including Alternate Store Possibility).

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 #11-2010 WITH VARIANCES**

The application of Trillion, Inc.; relative to property commonly known as **309 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning District. The applicant is requesting a Site Plan Approval to permit modification to a 65.72 sq. ft. bird aviary. The variances required are as follows: to permit the bird aviary with a lot coverage of 76.67% in lieu of the 76.07% existing and 75% maximum permitted; to permit a rear setback of 0 feet in lieu of the 4.75 foot existing and the 10 foot minimum required.

[Attorney: M. Timothy Hanlon]

[ARCOM Recommendation: Approval of the variance will not cause negative architectural impacts. Carried 4-3. However, the Commission deferred the architecture for further study. Carried 7-0.]

b. **SPECIAL EXCEPTION #21-2010** The application of Wells Fargo Bank, NA; relative to property commonly known as **255 South County Road**; described as lengthy legal description on file; located in the C-TS/C-B Zoning Districts. The applicant is requesting a Special Exception to allow a new 10,794 square foot bank (“Wells Fargo Bank, NA”) which merged with Wachovia Bank, NA to operate in its existing location. This requires Town Council Approval and a finding that the new bank is “town-serving”. [Attorney: Maura A. Ziska]

c. **SPECIAL EXCEPTION #22-2010** The application of Wells Fargo Bank, NA; relative to property commonly known as **254 Sunrise Avenue**; described as The North 100 feet of lots 60 through 65, of Sunrise Avenue Addition, No. 2, Town of Palm beach, according to the Plat thereof recorded in Plat Book 8, Page 69, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning Districts. The applicant is requesting a Special Exception to allow a new 1,999 square foot bank (“Wells Fargo Bank, NA”) which merged with Wachovia Bank, NA to operate

in its existing location. This requires Town Council Approval and a finding that the new bank is “town-serving”. [Attorney: Maura A. Ziska]

- d. **SPECIAL EXCEPTION #23-2010** The application of Wells Fargo Bank, NA; relative to property commonly known as **411 South County Road**; described as lengthy legal description on file; located in the C-TS/C-WA Zoning Districts. The applicant is requesting a Special Exception to allow a new 9,598 square foot bank (Wells Fargo Bank NA) which merged with Wachovia Bank, NA to operate in its existing location. This requires Town Council Approval and a finding that the new bank is “town-serving”. [Attorney: Maura A. Ziska]
- e. **VARIANCE #23-2010** The application of Wells Fargo Bank, NA, Trustee of the 190 South Ocean Land Trust (Llwyd Eccelstone); relative to property commonly known as **190 S. Ocean Blvd.**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a Variance to allow construction of a sheet pile toe wall approximately 18 feet east of the Town’s bulkhead line which is not permitted in order to protect the existing bulkhead. [Attorney: Raymond W. Royce]
- f. **VARIANCE #24-2010** The application of Villa Artemis, LLC; relative to property commonly known as **656 North County Road**; described as lengthy legal description on file; located in the R-AA Zoning District. The applicant is requesting a the following Variances: 1. To demolish more than 50% of a nonconforming guest house and rebuild it on the same foot print with a 20.4 foot north side yard setback in lieu of the 30 foot minimum required. 2. To allow a second guest house where only one guest house is permitted by code. [Attorney: Maura A. Ziska]

3. Old Business – More than 15 Minutes

None

4. New Business – More than 15 Minutes

None

D. Other

1. Demolition Approval Procedures; Establishment of “Special Meetings”; Recommendations From Landmarks Preservation Commission.
[John Page, Director of Planning, Zoning, and Building]
2. Proposed Comprehensive Plan and Zoning Text Amendments for a Proposal to Allow Nonconforming Buildings and Structures to be Rebuilt. [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.