



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, NOVEMBER 10, 2010

9:30 AM

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

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."

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.

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR JACK McDONALD
- IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

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- 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
- None
- B. First 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]

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Time Extensions & Waivers Request for Waiver of Section 42-199, Hours of Construction Work, at 351/347 Worth Avenue (Everglades Club) (Per Letter Dated October 21, 2010, From Maura A. Ziska).

B. 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 #10-2010 WITH VARIANCES**

The application of the Town of Palm Beach; relative to property commonly known as **1060 North Lake Way**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a Site Plan Review to add an addition onto the D-10 Storm Water Pump Station and replace a 500 kw generator with a 750 kw generator. The variances to raise the height of a portion of the building and replace the generator are as follows: to

allow a front yard setback of 23.5 feet in lieu of the 25 foot minimum required; to allow a north and south side yard setback of 11 feet (south and 8.1 feet (north) in lieu of the 12.5 feet minimum required; to allow a building height of 20.5 feet in lieu of the 10.67 feet existing and the 14 foot maximum allowed; to allow an overall building height of 21.5 feet in lieu of the 12.67 feet existing and the 17 foot overall maximum building height allowed. [Attorney: John C. Randolph]
[ARCOM Recommendation: Approval of the variances will not cause negative architectural impacts. Carried 5-0.]

- b. **SPECIAL EXCEPTION #19-2010** 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 the operation of a 4,004 square foot full service bank in the C-TS zoning district and to permit the operation of 3 existing drive-thru lanes in support of bank use. [Attorney: Alfred J. Malefatto]
- c. **VARIANCE #19-2010** The application of Jason Evans; relative to property commonly known as **208 Brazilian Avenue**; described as Royal Park Addition, Lot 32, Block G; located in the C-TS Zoning District. The applicant is requesting a variance to allow a real estate brokerage office, consisting of approximately 490 square feet on the first floor which is in contradiction to the Code which does not allow an office on the first floor. The space is currently occupied by Casa Decora, LLC. [Attorney: Jason Evans]
- d. **VARIANCE #21-2010** The application of Palm Beach Newspapers, Inc.; relative to property commonly known as **249/251 Royal Palm Way**; described as Lot 15, (less the Northerly 65 ft of the Easterly 25 ft of said lot) and the South 135 ft of Lot 16, and Lot 58, all of Block A, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 4, Page 1; located in the C-OPI Zoning District. The applicant is requesting a variance to allow a business identification sign on the side of a building that does not front onto a street front or side wall. [Attorney: Maura A. Ziska]

- e. **VARIANCE #22-2010** The application of Stephen F and Camilla T. Brauer; relative to property commonly known as **131 Barton Avenue**; described lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to allow construction of a 2,926 square foot two story guest house/garage addition with a cubic content ratio (CCR) of 4.84 in lieu of the 3.99 existing and 4.07 maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Approval of the variance will not cause negative architectural impacts. Carried 4-1.]

3. Old Business – More than 15 Minutes

None

4. New Business – More than 15 Minutes

None

C. Other

- 1. Consideration of Consultant's Town Serving Report and Planning and Zoning Commission's Recommendations.
[Bill Brisson of LaRue Planning & Management Services]
- 2. Request to Consider Zoning Ordinance No. 26-10 Prior to 5:00 p.m. at Second Reading of Ordinance.
[John Page, Director of Planning, Zoning, and Building]
- 3. Further Consideration of Potential Use of Hold Harmless Agreements to Expedite Occupancy of Certain Commercial Properties. [John C. Randolph, Town Attorney]

IX. ANY OTHER MATTERS

X. 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.