



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 9, 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 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.)

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 150 Worth Avenue, Suites 231-235, Per Letter Dated October 18, 2011, from James R. Brindell.
2. Extension of Agreed Maximum Time Schedule for Completion of Work Per Town Code 18-242.105.4.1.6, at 409 Antigua Lane, Per Letter Dated October 6, 2011, from Jeffrey W. Sullivan.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #25-2011** Declaration of Use Agreement for FEDCO Pharmacy, **2875 South Ocean Boulevard**. [Representative: Johnny Meier]
Deferred from the October 12, 2011, Town Council Meeting.

2. New Business

- a. **SPECIAL EXCEPTION #31-2011** The application of Sabadell United Bank, NA; relative to property commonly known as **180 Royal Palm Way**; described as ROYAL PARK ADD LT 34 BLK F; located in the C-TS Zoning District. The applicant requests a Special Exception to use the first and third floors of the subject building totaling 12,940 square foot as a bank (Sabadell United Bank, NA) The subject tenant space was most recently used as a Lydian Bank branch office with its customers and clients being more than 50% town-persons in satisfaction of the requirements of Section 134-299(12).
[Attorney: Peter S. Broberg]
- b. **SPECIAL EXCEPTION #32-2011 WITH SITE PLAN REVIEW AND VARIANCE** The application of Everglades Club, Inc.; relative to property commonly

known as **350 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning District. The applicant requests a Special Exception with Site Plan Modification to renovate the existing kitchen at the Everglades Club and change the front façade along Worth Avenue. The plan includes raising the parapet and eliminating mechanical equipment on the roof. A portion of the building will be demolished and setback further from the street to provide more room for loading and unloading. No additional square footage is proposed. A variance is requested to allow renovation of the existing kitchen to be phased over four years in lieu of the two year maximum completion time required. [Attorney: Maura A. Ziska]

- c. **SPECIAL EXCEPTION #33-2011** The application of The Breakers Palm Beach, Inc.; relative to property commonly known as **230 Sunrise Avenue, Suite A, Echo Restaurant**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant requests a Special Exception to remove the previous condition of approval which requires an annual Town-serving statement. [Attorney: James R. Brindell]

- d. **SITE PLAN REVIEW #13-2011 WITH VARIANCES** The application of Richard Hirsch; relative to property commonly known as **130 Sunrise Avenue, PH-1 West**; described as SUN & SURF ONE HUNDRED THIRTY COND UNIT PH 1W; located in the R-C Zoning District. The applicant requests Site Plan Review for a 203.4 square foot retractable awning. Variances are requested to install a 203.4 square foot retractable awning with a side yard setback of 19.37 feet in lieu of the 61.5 foot minimum required and to install a retractable awning on the 6th floor of a building in a district that allows 2-story buildings by right and a height of 61.5 feet in lieu of the 23.5 foot maximum required. [Attorney: Peter S. Broberg]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

- e. **SITE PLAN REVIEW #14-2011 WITH SPECIAL EXCEPTION AND VARIANCES** The application of Marilyn and John Keane; relative to property commonly known as **425 Worth Avenue, PH-B**; described as lengthy legal description on file; located in the R-D(2) Zoning District. The applicant requests Site Plan Modification

with variances to allow one (1) permanent awning totaling 840.5 square feet over the terrace on the seventh floor of a seven story building. Variances are requested to allow the awning at a height of 63.25 feet in lieu of the 60 foot maximum allowed; to allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the five story building maximum allowed; and, to allow the awning with a street side yard setback of 21.7 feet in lieu of the 126 foot minimum required for multi-family use in the R-D(2) Zoning District. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

D. Other

None

VIII. ANY OTHER MATTERS

IX. 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.