



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, OCTOBER 9, 2013

9:30 A.M.

For information regarding procedures for public participation at 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

1. Appeal of Architectural Review Commission's Decision Regarding B-079-2013 (212 Coral Lane) by Michael McCloskey. [John Page, Director of Planning, Zoning and Building]

B. Time Extensions

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 125 Worth Avenue Per Letter Dated September 23, 2013, from Fine Line Construction Contractors, Inc.
2. Request for Waiver of Section 42-199, Hours of Construction Work, at 247 Worth Avenue Per Letter Dated September 20, 2013, from Maura Ziska.
3. Request for Waiver of Section 42-199, Hours of Construction Work, at 305 Worth Avenue Per Letter Dated September 19, 2013, from 212 Design.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #10-2013 WITH VARIANCES** The application of Pizza Al Fresco, LLC; relative to property commonly known as **7-14 Via Mizner (Restaurant Site) and 317 Peruvian Avenue (Parking Site)**; described as lengthy legal descriptions on file; located in the C-WA and C-TS Zoning Districts. The applicant is requesting Special Exception with Site Plan Review to modify existing Special Exception #3-2006 and #4-2012 to convert a retail store containing a total of 350 square feet (previously Winston Lighting and being Unit C-105S) to additional restaurant seating space with 21 additional seats for Pizza Al Fresco Restaurant. A Special Exception is also being requested to provide supplemental off-site shared parking in the evening at 317 Peruvian Avenue. Applicant further requesting Special Exception approval to move 15 of the additional seats from the converted space into the Via Mizner courtyard during periods of good weather. No variance is required for off street parking for 6 of the additional seats. The following

variances are required: to increase outdoor seating by 15 seats over and above the inside capacity, which is not permitted by the outdoor seating conditions in the Code and to eliminate the 5 required off-street parking spaces for 15 of the 21 additional seats being requested and to provide 5 supplemental shared parking spaces in only the evening at 317 Peruvian Avenue.

[Attorney: William W. Atterbury, III]

Deferred from the June 12, 2013, and September 11, 2013, Town Council Meetings.

- b. **SPECIAL EXCEPTION #16-2013** The application of Hillstone Restaurant Group, Inc.; relative to property commonly known as **340 Royal Poinciana Way, Suite 336**; described as lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting the removal of a previous condition of approval. When the Palm Beach Grill was approved via Special Exception #34-98 in 1999, one of the conditions of approval required that each year at the time of renewal of the occupational license (aka business tax receipt) was that the applicant provide a sworn statement from a certified public accountant which demonstrated that the restaurant meets the Town serving requirement. The statement identifies the information used in making the conclusion in the statement and the Town has the right to audit said information. The applicant is requesting that the Town-serving statements prepared each year since the original approval no longer be required as the restaurant has always been Town-serving.
[Attorney: James M. Crowley]

2. New Business

- a. **SPECIAL EXCEPTION #18-2013** The application of Cento Vini, LLC, dba Vinoutlet; 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 approval pursuant to Condition #2 in the original 1980 development order to construct the existing building on the subject property. (Special Exception #25-80. The condition requires any use other than office and professional services to obtain Town Council approval. This request is to allow a high-end wine store totaling 611 square feet. Proposed daily hours of operation for this retail use are 11:00 a.m. to 7:00 p.m. The Applicant may also seek to host “tasting

events” from time to time that may be from 7:00 p.m. to 9:00 p.m. [Attorney: Neil Schiller]

b. **SITE PLAN REVIEW #12-2013 WITH VARIANCE**

The application of Lowell House Condominium Association, Inc., Don Kirkham, Manager; relative to property commonly known as **340 South Ocean Boulevard**; described as Lowell House Cond Lts 53 & 54 Blk H Royal Park Add (PB 4 PG 1); located in the R-D (2) Zoning District. The applicant is requesting a Site Plan modification to construct a 480 sq. ft. concrete patio on the east side of the existing structure. Previously, a paver patio existed in approximately the same location, but it was removed and the area was sodded last year. The request is to construct the patio. A variance is requested to allow the construction of a patio of 480 sq. ft. resulting in landscaped open space of 15% in lieu of 16%. The landscaped open space requirement is 35%. [Attorney: James C. Paine, Jr.] [Architectural Recommendation: Implementation of the variance will cause negative impacts to the subject property. Carried 6-1]

c. **SITE PLAN REVIEW #13-2013** The application of Sterling Palm Beach LLC and Sidney Spiegel; relative to property commonly known as **340 Royal Poinciana Way**; described as Lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting Site Plan Modification to change eight areas of the existing parking lot striping to comply with the current ADA requirements. The proposal modifies eight areas of the parking lot to include required ADA parking spaces, access isles and ramps as provided for in the plan. The proposed changes do not reduce the amount of required parking but add an additional 4 parking spaces to the subject property. [Attorney: John Little]

d. **SITE PLAN REVIEW #14-2013** The application of Christopher and Margaret Sinclair; relative to property commonly known as **516 South Ocean Blvd.**; described as Lot 4, SINGERS ADDITION TO THE TOWN OF PALM BEACH, according to the map or plat thereof as recorded in Plat Book 8, Page 81, Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting Site Plan Review to allow the construction of a 9,771 square foot two-story, single family residence on a non-conforming platted lot which is 100 feet

in width in lieu of the 125 foot minimum required in the R-A Zoning District. [Attorney: Maura Ziska]

D. Other

1. Subdivision Modification Request of the Thomas P. Peterffy Amended and Restated Revocable Trust, dated September 13, 2007 for a Fifth Amendment to Blossom Estates Subdivision Agreement.
[John Page, Director of Planning, Zoning and Building]
2. Update on the Palm House Hotel.
[William J. Diamond, Town Councilmember]

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 5-2013 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, By Amending The Future Land Use Element Data & Analysis And Policies 2.3 And 11.1 To Provide For The Creation Of A PUD-5 Within An Area Of Property Designated Commercial On The Future Land Use Map, Which Is Bounded By Bradley Place, Sunset Avenue, North County Road, And Royal Poinciana Way; Further Amending Policy 2.3.3 To Provide For The Creation of Commercial/Mixed-Use PUD's, The Creation Of The PUD-5, Detailing An Increase In The Maximum Allowable Density, And Creating Maximum Lot Coverages For First, Second and Third Stories In The PUD-5 Area; Further Creating Policy 11.1.5 That Details Mixed-Use PUD Development Requirements Within Commercial Land Use Categories 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 September 11, 2013, Town Council Meeting
2. ORDINANCE NO. 6-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-476 By Creating Purpose Language For An Optional PUD-5, Historic Preservation Mixed Use Development, With A Contributing Building Report

And PUD-5 Design Guidelines Adopted By Reference For The Five Palm Beach Acres In the C-TS Zoning District Between Royal Poinciana Way And Sunset Avenue And Bradley Place And North County Road And By Prohibiting The Use Of The PUD-5 Regulations For Five Years If A Contributing Building Is Voluntarily Demolished; Section 134-477 By Creating A Review Process For The PUD-5 And Prohibiting Variances From Certain Lot, Yard And Bulk Regulations; Subdivision II, Sections 134-531, 134-532, 134-533 And 134-534 By Adding Submittal Requirements For A PUD-5; By Creating A New Approval Process For PUDs And Amendments To PUDs By Eliminating The Tentative And Final Approval Process And Replacing With A Streamlined Approval Process; And By Creating A New Completion Deadline for PUDs; By Eliminating Subdivision III, Sections 134-561 And 134-562 Related To The Tentative And Final PUD Approval Process; By Renumbering 134-563 To 134-561 Adding PUD Amendments And Eliminating Property Owner Consent To Amend PUDs; By Renumbering 134-564 To 134-562, Adding PUD Amendment Language, Eliminating The Existing Time Frame Requirement For Commencement And Providing For New Commencement Language In The PUD Resolution; Section 134-651 By Creating PUD-5 As A Special Exception And Site Plan Review; Section 134-652 By Adding The PUD-5 And Identifying The Area Where A PUD-5 May Be Applied; Section 134-653 By Adding A Maximum PUD-5 Lot Size And Providing A Provision Which Prohibits A Variance From The Maximum Lot Size; Section 134-654 By Creating A Density for the PUD-5 Of Ten Dwelling Units Per Palm Beach Acre With A Maximum Of Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Maximum Six Dwelling Units Per Acre Allowed In the Underlying C-TS Zoning District; Section 134-656 By Providing Permitted And Special Exception Uses In The PUD-5 And Creating Separation Requirements Between Residential And Commercial Uses; Section 134-657 By Creating A Minimum Public Open Space Requirement In The PUD-5 With A Provision Prohibiting A Variance From that Requirement; Section 134-687 By Providing Requirements That A PUD-5 Preserve The Main Street Character, Size And Bulk Which Currently Exists In The Five Palm Beach Acres; Section 134-688 By Providing Qualifying Language For The PUD-5 And Further Incorporating By Reference The Contributing Building Report And PUD-5 Design Guidelines; Section 134-689 By Eliminating The Requirement For Street Trees And Adding Language Which Requires Trees Bordering Projects Whenever Possible; Section 134-690 By Adding Language That A PUD-5 Is Required To Have Curb Cuts And Vehicular Access From Only Sunset Avenue; Section 134-691 By Providing A PUD-

5 Off-street Parking Exception For Replacement Of Existing Commercial Square Footage Or Intensity Of Use, New Ground Floor Retail Use, Or Retail Use Which Replaces Ground Level Off-street Parking And Curb Cuts Fronting Royal Poinciana Way; Section 134-692 By Adding Language That Prohibits Variances For Lot Coverage, Height, Overall Height and Public Open Space and Providing New Regulations Creating A PUD-5 Density Of Ten to Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Six Dwelling Units Per Acre Currently Allowed In The C-TS Zoning District, Provided Certain Conditions Being Met, By Creating Maximum Heights and Overall Heights, Including A Provision For Three Stories Where Only Two Stories Is Currently Allowed, By Adding First Floor And Second Floor Lot Coverage Of Seventy Percent And A Third Story Lot Coverage Of Thirty-five Percent, By Creating Setbacks Based On PUD Approval, By Eliminating Required Setbacks And Determining Setbacks During The Approval Process And By Creating A Minimum Thirty Percent Public Open Space Requirement; Section 134-693 By Creating Said Section And Providing A Five Year Sunset Provision Unless The Town Council Approves An Extension; Section 134-1109 Creating The PUD-5 As A Special Exception Use Within The Defined Five Palm Beach Acres In The C-TS Zoning District; By Adopting By Reference The Attached Palm Beach PUD-5 Design Guidelines And The Contributing Building Report: The Historic Character Of Royal Poinciana Way; 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]
Deferred from the September 11, 2013, Town Council Meeting.

B. First Reading

None

IX. ANY OTHER MATTERS

X. 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 "Audio (Live and Archived)." 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.
- 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. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

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.