



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, AUGUST 11, 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

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

1. ORDINANCE NO. 3-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Text of the Infrastructure Element (Section VI) of the Town of Palm Beach Comprehensive Plan as Last Amended on April 15, 2009 with the Adoption of Ordinance No. 6-09, by Amending Policy 12.3 to Include a 10-Year Water Supply Facility Work Plan, Pursuant to Chapter 163.3177(6)(C), Florida Statutes (Water Supply Planning Requirements); Providing for Severability; Repealing all Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; and Providing an Effective Date.
[John S. Page, Director of Planning, Zoning and Building]

B. First Reading

1. ORDINANCE NO. 23-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, at Section 134-36 to Change the Use of the Term Building Official to Director of Planning, Zoning and Building and to Add a Provision Which Allows the Town Council to Waiver Certain Zoning Provisions in Chapter 134 for a Town Event, Public Rights-of-Way, Town Building, Town Structure or Town Property Provided Certain Conditions are Met; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John S. Page, Director of Planning, Zoning and Building]

VIII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business – Less than 15 Minutes

None

2. New Business – Less than 15 Minutes

- a. SPECIAL EXCEPTION #15-2010 The application of 2875 Investors LLC; 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 a Special Exception request to permit operation of 3 existing drive-thru lanes in support of bank use. [Attorney: Alfred J. Malefatto]
- b. VARIANCE #13-2010 The application of Andres B. Fanjul and Catherine A. Fanjul; relative to property commonly known as **109 Wells Road**; described as Lot 2, LINDA VISTA; located in the R-B Zoning District. The applicant is requesting a variance to allow an unenclosed accessory structure to be constructed 5 feet from the side property line in lieu of the 10 foot minimum setback required. [Attorney: Peter S. Broberg]
- c. VARIANCE #14-2010 The application of South Ocean Boulevard, LLC, Thomas C. Iskalis, President; relative to property commonly known as **126 South Ocean Blvd.**; described as Lengthy Legal Description on File; located in the R-B Zoning District. The applicant is requesting a variance from the provisions of Section 62-38, 62-39 and Section 134-1701 which do not allow construction east of the bulkhead line. The variance is proposed to allow construction of a sheet pile toe wall 22 feet east of the Town's bulkhead line in order to protect the existing bulkhead. [Attorney: Raymond W. Royce]
- d. VARIANCE #15-2010 The application of Flagler Drive Holdings, LLC, Thomas c. Iskalis; relative to property commonly known as **115 Flagler Drive**; described as Lengthy Legal Description on File; located in the R-B Zoning District. The applicant is requesting a variance from the provisions of Section 62-38, 62-39 and Section 134-1701 which do not allow construction east of the bulkhead line. The variance is proposed to allow construction of a sheet pile toe wall 22 feet east of the Town's bulkhead line in order to protect the existing bulkhead. [Attorney: Raymond W. Royce]

3. Old Business – More than 15 Minutes

- a. MODIFIED SITE PLAN REVIEW #4-2010 WITH SPECIAL EXCEPTION AND VARIANCES The application of Publix Super Markets, Inc. and Sunset Avenue Corp.; relative to property commonly known as **265, 255, 235, 231 Sunset Avenue and 240 Sunrise Avenue**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting Site Plan Review and Special Exception to construct a 53,272 (44,018 gross leasable) square foot one story grocery store on 4.36 acres. The new store will provide 201 off-street parking spaces. There is proposed to be an outdoor ATM and the grocery cart storage will be within the building. All of the proposed mechanical equipment will be contained within portions of the building and will not be seen as equipment on the roof. Part of the proposed design is to have two generators located on the southeast corner of the proposed store that will contain a 100 KW standby generator and a 500 KW main generator. There is proposed to be two loading areas within the loading dock on the east side of the building that will be screened. The proposed store will have a pharmacy, deli, bakery and a larger selection of food items and other products. Since the proposed grocery store is in excess of 2,000 square feet, the applicant is required to obtain Town Council approval of a special exception and a finding that the proposed use is town serving. The following variances are being requested to construct the proposed one story grocery store: (a) to allow a building length of 257'-5" feet in lieu of the 150 foot maximum allowed; (b) to allow a front yard setback at the northwest corner of the proposed building of 6'7" feet in lieu of the 10 foot minimum required based on building height; (c) to allow a side yard setback of 3'9" feet in lieu of the 10 foot minimum required; (d) to allow two loading spaces in lieu of the three spaces required by code; (e) to allow the proposed building to be a total square footage of 53,272 square feet in lieu of the 15,000 square foot maximum allowed; (f) to allow a rear yard setback of 14'2" in lieu of the 15 foot minimum required; (g) to allow an architectural tower to be on the entry façade that is not permitted by Code; (h) to allow the height of the business identification sign to be 22 feet in lieu of the 15 foot maximum allowed; (i) to allow the height of the proposed one story grocery store to be 25 feet in lieu of the 15 foot maximum allowed; (j) to allow the overall height of the proposed one story grocery store to be 36 feet in lieu of the 20 foot maximum allowed; (k) to allow 201 parking spaces in lieu of the 220 required (a deficit of 19 parking spaces); (l) to allow a 4 parking spaces with a depth of 17'6" in lieu of the 18 feet minimum required.
- [Attorney: Maura A. Ziska, Esq.]

[ARCOM Recommendation: Defer to the August 25, 2010, ARCOM meeting.]
Deferred from the May 12, 2010, June 22, 2010, and July 14, 2010, Town Council Meetings (Special Circumstances).

4. New Business – More than 15 Minutes

None

D. Other

None

IX. ANY OTHER MATTERS

X. ADJOURNMENT

XI. 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.