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 10, 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.)

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **SPECIAL EXCEPTION #14-2011 WITH VARIANCES** The application of Palm Beach Country Club, Inc.; relative to property commonly known as **760 North Ocean Boulevard**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review modification to demolish the existing caretaker's house on the west side of the Club golf course and build a new caretaker's house in the same proximity. The proposed house will be 5,581 square feet. The following variances are being requested: to allow a front yard setback/building height plane setback for the new caretaker's house to be 19.5 feet in lieu of the 49.5 foot minimum required and to allow an angle of vision to be 136.86 degrees in lieu of the 120 degrees maximum allowed. [Attorney: Maura Ziska] [ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]
Deferred from the June 15, 2011, and July 13, 2011, Town Council Meetings (Special Circumstances).

(*i*) Proposal to Move Stambaugh House to Phipps Ocean Park.
[John Page, Director of Planning, Zoning, and Building]

b. **VARIANCE #11-2011** The application of David and Sara Hruda; relative to property commonly known as **143 Reef Road**; described as Lot 45 of NORTH SHORE ADDITION TO PALM BEACH, according to the Plat

thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests variances to construct a two car garage with a 6.25 foot west side yard setback in lieu of the 12.5 feet required; and, an angle of vision of 112 degrees in lieu of the 100 degrees allowed. [Attorney: Maura A. Ziska]
Deferred from the July 13, 2011, Town Council Meeting.
Request for Withdrawal Per Letter Dated July 21, 2011, from Maura A. Ziska.

2. New Business

a. **SITE PLAN REVIEW #9-2011 WITH SPECIAL EXCEPTION AND VARIANCE** The application of JP Morgan Chase Bank, NA; relative to property commonly known as **285 Sunrise Avenue**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting approval of revisions to the approved site plan to meet current Americans with Disabilities Act (ADA) regulatory criteria. These changes include reconfiguration of the landing for the walk-up ATM and main entrance and the pedestrian walkway and ramp adjacent to the handicap parking area on the east side of the building. In addition, the existing drive-up island will be replaced with a wider island, a new ATM machine and new bollards. In order to make the modifications required to provide safer access to the main entrance and ramp, the applicant is requesting a variance to reduce the amount of parking required by the existing site plan by one (1) parking space in the area of the handicap parking on the east side of the building. The special exception is to modify the special exception use to incorporate the requested changes. [Attorney: Noreen S. Dreyer, Esq.]

b. **VARIANCE #12-2011** The application of Alan M. Berman and Laurie Berman; relative to property commonly known as **271 Plantation Road**; described as Lot 22, Plat of EAST SHORE ADDITION, according to the Plat thereof as recorded in Plat Book 21, Page 14, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow a 36KW generator to be placed in the street side yard along North Lake Way with a setback of 15.33 feet in lieu of the 25 foot minimum required. [Attorney: Maura A. Ziska]

c. **VARIANCE #13-2011** The application of Kenneth and Claudia Silverman; relative to property commonly known as **215 Via Del Mar**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant requests variances to allow the replacement of a cooling tower with one that is the same exact size and which will be on top of an existing slab that will total a height of approximately 7 feet. The existing and proposed new cooling tower will have an 8.1 foot rear side yard setback in lieu of the 15 foot minimum setback required and a 7 foot side yard setback in lieu of the 15 foot minimum setback required. [Attorney: Maura A. Ziska]

d. **VARIANCE #14-2011** The application of 1090 North Lake Way, LLC (Glen Dubin); relative to property commonly known as **1090 North Lake Way**; described as Lot C, of Replat of Lots 19, 19, C and D, New Sierars Tract, according to the Plat thereof as recorded in Plat Book 18, Page 37, of the Public Records of Palm Beach County, Florida: together with a non-exclusive easement for access to the Atlantic Ocean as described in Deed Book 713, Page 42, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow the replacement of a 4 foot tall cooling tower with a 5.2 foot tall cooling tower which will have an 8.9 foot north side yard setback in lieu of the 12.5 foot minimum setback required.
[Attorney: Maura A. Ziska]

e. **VARIANCE #15-2011** The application of Zachary Shipley and Nicole Lawton (f/k/a Shipley); relative to property commonly known as **1498 North Ocean Way**; described as Lots 15 and 16, inclusive, together with the South 8 feet of the East 35 feet of Lot 19, and the South 8 feet of Lot 20, according to the Plat of BOCA RATONE COMPANY'S INLET SUBDIVISION, an addition to the Town of Palm Beach, in accordance with the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 12, Page 15. The applicant requests variances for an existing garage that was built in 1990 and which encroaches one (1) inch into the side and rear yard setbacks. The existing garage has a 9.9 foot rear yard setback in lieu of the 10 foot minimum setback which was required at the time of building and a 14.9 foot side yard setback in the lieu of the 15 foot minimum required at the time of building.
[Attorney: Maura A. Ziska]

f. **VARIANCE #16-2011** The application of Robert Fromer and Ann Fromer; relative to property commonly known as **340 Polmer Park**; described as Lots 6, 6A and 7, POLMER PARK, according to the Plat thereof, as recorded in Plat Book 27, Page 53 Palm Beach County, Florida, Public Records; located in the R-B Zoning District. The applicant requests a variance to construct a boat lift with a riparian side yard setback of 15.8 feet in lieu of the 25 foot minimum required. [Attorney: Maura A. Ziska]

g. **VARIANCE #17-2011** The application of Mary Brittain B. Cudlip; relative to property commonly known as **555 Island Drive**; described as Lot 35 and the North 75 feet of Lot 37, as shown on PLAT 3 OF EVERGLADES ISLAND DEVELOPMENT, Palm Beach, Florida, according to the Plat thereof, as recorded in Plat Book 23 at Page 120, of the Public Records of Palm Beach County, Florida.; located in the R-B Zoning District. The applicant requests a variance request to construct a boat lift 20.54 feet west of the U.S. Pierhead line and the Town's Bulkhead line in lieu of the 6 foot maximum allowed for a marginal dock.
[Attorney: Maura A. Ziska]

h. **VARIANCE #18-2011** The application of Edmiston & Company; relative to property commonly known as **333 Peruvian Avenue**; described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a variance to permit the operation of a yacht charter and sales office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this situation. The proposed use does not meet the special exception uses requirement in Section 134-1109(18) that there are at least 50% existing office uses on all floors in the building or the requirement that there be more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district.
[Attorney: M. Timothy Hanlon]

i. **VARIANCE #19-2011** The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as **231-233 Oleander Avenue**; described as DAISY E ERBS ADD

LTS 16 & 17; located in the R-C Zoning District. The applicant requests a variance to close in and change the fenestration of the front entrance stoop and connected exterior stair case in order to create a front entry and second floor balcony within the existing non-conforming footprint. The request is for a variance to construct an entry feature which would have a 16.33 foot front yard setback in lieu of the 25 foot minimum requirement. [Representative: Alex Hufty Griswold]

j. **VARIANCE #20-2011** The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as **237-239 Oleander Avenue**; described as DAISY E ERBS ADD LTS 14 & 15; located in the R-C Zoning District. The applicant requests a variance to close in and change the fenestration of the front entrance stoop and connected exterior stair case in order to create a front entry and second floor balcony within the existing non-conforming footprint. The request is for a variance to construct an entry feature which would have a 16.33 foot front yard setback in lieu of the 25 foot minimum requirement. [Representative: Alex Hufty Griswold]

k. **SPECIAL EXCEPTION #20-2011 WITH SITE PLAN REVIEW AND VARIANCES** The application of Andrew J. Hall; relative to property commonly known as **300 South Ocean Blvd., PH-A**; described as THREE HUNDRED SOUTH OCEAN BLVD APTS INC PENTHOUSE A; located in the R-D (2) Zoning District. The applicant requests Site Plan Review for a 417 square foot awning on one of the penthouse units (PH-A) facing east. A Special Exception is requested to erect a 30 foot x 13.9 foot awning on the 6th floor of a building where the maximum height allowed is 5 floors. Variances are requested to install said awning with a front yard setback of 41 feet in lieu of a 60 foot required, side yard setback of 25.25 feet in lieu of the 30 foot minimum required and to install an awning on the 6th floor of a building in a district that allows 5-story buildings by Special Exception. [Attorney: Peter S. Broberg]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]

l. **SPECIAL EXCEPTION #21-2011** The application of Buccan (Piper Quinn) or 350 Realty Corp, (Burt Handelsman); relative to property commonly known as **350 South County Road**; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a Special Exception to expand a 4,980 square foot/154 seat restaurant to a 6,333 square foot/177 seat restaurant. The restaurant will follow the applicable conditions of the existing restaurants' approval. The applicant is also requesting to have an additional valet stand and loading area in the current loading zone on Australian Avenue.
[Attorney: Maura A. Ziska]

m. **SPECIAL EXCEPTION #22-2011** The application of RP/SR Royal Palm Way, LLC (Matt Mitchell, GP); relative to property commonly known as **324 Royal Palm Way**; described as_Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant requests a special exception to open a new bank office for "US Bank" which would be 4,836 sq. ft. gross leasable area and have an ATM outside on the south side of the building. The Applicant is required to obtain Town Council special exception approval and a finding that the proposed use is town-serving to operate a bank in this location. [Attorney: Maura A. Ziska]

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.