



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, JULY 14, 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. RESOLUTIONS
- A. RESOLUTION NO. 70-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 4-05, The Breakers PUD, to Correct a Scriveners Error and Correctly Update the Deadline for Requesting the Relocation of Dwelling Units Within the Breakers PUD.
[John S. Page, Director of Planning, Zoning and Building]
- VIII. PUBLIC HEARINGS
- A. RESOLUTION NO. 48-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 290 South County Road Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
Deferred from the May 12, 2010, Town Council Meeting.
- IX. DEVELOPMENT REVIEWS
- A. Appeals
1. Appeal of ARCOM Recommendation No. B6/10, Addition, 1100 North Ocean Boulevard (Per Letter Dated May 5, 2010, From 1100 North Ocean Boulevard Trust).
- B. Time Extensions & Waivers
1. Request for Waiver of Section 42-199, Hours for Construction, at 214 Worth Avenue (Cartier) (Per Letter Dated June 3, 2010, From R & R Professional Services, Inc.)
Deferred from the June 22, 2010, Town Council Meeting.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business – Less than 15 Minutes

- a. VARIANCE #4-2010 The application of Robert T. Tomsich, relative to property commonly known as **151 Via Bellaria**; described as lengthy legal description on file; located in the R-A Zoning District. Request a variance to permit the construction of a new larger two-story open loggia to replace the existing two-story loggia, which will result in a lot coverage of 25.8% in lieu of the 24.9% existing and 25% maximum allowed.
[Attorney: M. Timothy Hanlon]
[ARCOM Recommendation: Defer to the July 28, 2010, ARCOM Meeting. Request to Withdraw Application.]
Deferred from the May 12, 2010, and June 22, 2010, Town Council Meetings (Special Circumstances).
Request for Withdrawal Per Letter Dated July 1, 2010, From M. Timothy Hanlon.
- b. MODIFIED SITE PLAN REVIEW #3-2010 WITH VARIANCE
The application of Mr. & Mrs. Adler, relative to property commonly known as **7 Sloan's Curve Drive**; described as lengthy legal description on file; located in the PUD-B Zoning District. Request for Site Plan Review to construct a 135 square foot infill addition on the front entry of an existing townhouse and a 49 square foot infill addition to the breakfast atrium and a 49 square foot infill addition to an upstairs bedroom. A Variance is requested to allow two small additions that will enclose the entry feature and an interior atrium thereby increasing the lot coverage to 42.1% in lieu of the 39.5% existing and the 35% maximum allowed in the PUD-B district. The proposed additions will modify a previously approved site plan in a PUD complying with Section 134-688 (b) of the Town's Zoning Code. [Attorney: Maura A. Ziska, Esq.]
[ARCOM Recommendation: Approval of the Variance Will Not Cause Negative Architectural Impacts. Carried 7-0.]
Deferred from the May 12, 2010, and June 22, 2010, Town Council Meetings.

2. New Business – Less than 15 Minutes

- a. SPECIAL EXCEPTION #12-2010 The application of Everglades Club Inc., relative to property commonly known as **351 Worth Avenue and 405 Cocoanut Row**; described as lengthy legal

description on file; located in the C-WA and C-TS Zoning District. Request for Special Exception to allow a 6,346 square foot single family residence in Via Parigi above a first floor retail store (Fiandaca). The previous tenant for all three floors was Mary Mahoney, a retail store. The applicant proposes to join the subject property (351 Worth Avenue) with the property owned by the Everglades Club at 405 Cocanut Row. This will allow one additional residential unit on the proposed combined property to meet the density requirement. The new residential dwelling unit would occupy Mary Mahoney's previous second and third floor retail space. Fiandaca retail store will occupy Mary Mahoney's previous first floor space. By combining both properties, the proposed residential unit would not exceed the maximum ten (10) dwelling units per acre allowed. [Attorney: Maura A. Ziska]

- b. SPECIAL EXCEPTION #13-2010 The application of Gunster, Yoakley & Stewart, PA, relative to property commonly known as **255 S. County Road a/k/a 151 Royal Palm Way**; described as ROYAL PARK ADD LT 22 TO 26 INC, LT 27 (less S 103.09 FT of E 208.15 ft & TH PT of nly 3 ft in D8972 P392) & Lt 59 Blk 8; located in the C-B Zoning District. Gunster, Yoakley & Stewart P.A. has had offices in the Town since 1942. In 1985, the firm relocated the vast majority of its office space to West Palm Beach, retaining only a small amount of space in the Town. In 1995, the Applicant applied for a special exception to exceed 2,000 sq. ft. in the Palm Beach office. Per Sec 134-226 (b), the Town Council imposed a condition of approval on Special Exception #2-95 which required the submittal of an annual affidavit indicating the percentage of clients served by the office which are Town persons. The applicant is requesting that this condition be deleted because it has proven to be unnecessary as evidenced by the past 15 years of Town-serving affidavits. [Attorney: Kenneth S. Beall, Esq.]
- c. SPECIAL EXCEPTION #14-2010 The application of Christian Angle Real Estate, Inc., relative to property commonly known as **179 Bradley Place**; described as Lots 18 and 19, JEANETTE COURT ADDITION TO PALM BEACH, according to the Plat thereof, recorded in Plat Book 10, Page 15, of the Public Records of Palm beach County, Florida; located in the C-TS Zoning District. Request for Special Exception to permit operation of a real estate brokerage office on the first and second floors containing 3,294 square feet. The subject space was approved as office by Special Exception prior to Code changing. [Attorney: M. Timothy Hanlon]

- d. VARIANCE #7-2010 The application of Tina Fanjul Associates, Inc., relative to property commonly known as **220 Sunrise Avenue, Suite 103, Chairman's Club Building**; described as Lots 81 to 88, less the East 10 feet of said Lots 87 and 88, SUNRISE AVENUE ADDITION NO 2 TO PALM BEACH, 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 8, page 68, said lands situate, lying and being in Palm Beach County, Florida; located in the C-TS Zoning District. The Applicant requests a variance to allow an office use (real estate brokerage office) of approximately 842.6 square feet on the first floor of a building located in the Town-Serving Commercial District which is in contradiction of Sec 134-1107 (2), which permits such use only above the first floor.
[Attorney: Patricia Lebow, Esq.]
- e. VARIANCE #8-2010 WITH SUBDIVISION MODIFICATION
The application of Paul L. Maddock, Jr., and the Estate of Paul L. Maddock, relative to property commonly known as **301 - 306 Maddock Way**; described as Lots 1 - 6, LANDMARK ESTATE, Plat Book 111, Page 63; located in the R-B Zoning District. The applicant requests modification of a condition of approval for the Landmark Estates subdivision which requires the swimming pool on Lot 5 to be removed within 2 years of the plat being recorded. Applicant wants to allow the pool to remain until either Lot 1 or Lot 5 sells. Requests modification of a condition of approval for the Landmark Estates subdivision which requires a 2-car garage for the house on Lot 1. Applicant is requesting an additional 6 months to add the garage. The Applicant is also requesting to modify a condition of approval which requires a 2 car garage for the "Old Church" on Lot 2. Applicant is requesting to eliminate this condition and is requesting a variance for proposed Lot 2 to not construct a two car garage onto an existing landmarked house which is required by code. [Attorney: Peter S. Broberg, Esq.]
[Landmark Preservation Commission Recommendation: To allow the building to remain as it exists and eliminate the requirement for the two car garage on Lot 2. Carried 7-0.]
- f. VARIANCE #9-2010 WITH SUBDIVISION AMENDMENT
The application of Ronald S Kochman as Trustee if 1255 South Ocean Boulevard Realty Trust dated 12/16/2009; relative to property commonly known as **1255 South Ocean Boulevard**; described as Lots 7 and 8, less the south 7.5 feet of said Lot 8, THE BLOSSOM ESTATE, according to the Plat recorded in Plat Book 44, Page 122, and as re-platted in Plat Book 54, Page 127, of the Public Records of Palm Beach County, Florida; located in the

R-AA Zoning District. The applicant requests a variance to allow an accessory structure (driveway) to be built on a parcel of land that has no principal structure; this request is in conjunction with a proposed amendment to the Blossom Estate Subdivision Agreement. The Second Amendment of the Blossom Estate Subdivision Amendment (executed in 1995) proposes a driveway configuration and certain improvements on Lot 7. The proposed (third) amendment would revise the driveway configuration and remove the specific improvements in the “Buildable Envelope” to allow the future owner to have flexibility in the design of a house on the subject property. [Attorney: Maura A. Ziska.]

- g. VARIANCE #11-2010 The application of Dean O’Hare; relative to property commonly known as **300 Dunbar Road**; described as Lot 4, Replat of Lots 56 and 57, Adams Addition, according to the plat thereof as recorded in Plat Book 26, Page 3, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to permit the construction of an ornamental balustrade on the existing parapet wall, which will add additional height within the existing west side yard setback of 9.58 feet in lieu of 12.5 foot minimum required.
[Attorney: M. Timothy Hanlon]

- h. VARIANCE #12-2010 The application of Illustrated Properties Real Estate, Inc.; relative to property commonly known as **139 North County Road, Unit 15**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a variance to permit the operation of a real estate brokerage office containing approximately 1,008 square feet in the first floor of the Paramount Building which does not meet all the requirements to allow an office use on the first floor in this situation. The proposed use meets the special exception uses requirement in Section 134-1109 (18) that there are at least 50% existing office uses on all floors in the Paramount Building but does not meet the requirement that there are 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]

3. Old Business – More than 15 Minutes

- a. SITE PLAN REVIEW #4-2010 WITH SPECIAL EXCEPTION AND VARIANCES The application of Publix Super Markets, Inc., 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.

Request for a Site Plan Review and Special Exception to construct a 50,870 (43,360 gross leasable) square foot one story grocery store on 4.36 acres. The new store will provide 218 off street parking spaces. There is proposed to be an outdoor ATM and the grocery cart storage within the building. All of the proposed mechanical equipment will be contained within portions of the building and will not be seen on the roof. Part of the proposed design is to have two generators located within 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. A Special Exception is being requested to have two illuminated monument signs at the northwest and southwest entrances to the west parking lot and one illuminated business identification sign on the west entrance of the building. The following variances are being requested to construct the proposed one story grocery store: (a) to allow a building length of 245 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 10 feet in lieu of the 14 foot minimum required based on building height; (c) to allow a side yard setback for the proposed towers to be 10 feet in lieu of the 19-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 50,870 square feet in lieu of the 15,000 square foot maximum allowed; (f) to allow 8 towers in lieu of the two maximum allowed; (g) to allow the area of the 8 towers to be 12.2% of the gross floor area of the building in lieu of the 2% maximum allowed (h) to allow the parking lot light poles to be 23 feet in height in lieu of the 15-foot maximum allowed; (i) to allow the height of the proposed one story grocery store to be 22.66 feet in lieu of the 15-foot maximum allowed; (j) to allow the overall height of the proposed one story grocery store to be 37 feet in lieu of the 20-foot maximum allowed; (k) to allow a monument sign at the northwest entrance where no sign is allowed; (l) to allow a monument sign at the southwest entrance where no sign is allowed.

[Attorney: Maura A. Ziska, Esq.]

[ARCOM Recommendation: Defer to the July 28, 2010, ARCOM Meeting.]

Deferred from the May 12, 2010, and June 22, 2010, Town Council Meetings (Special Circumstances).

**Request for Deferral to the August 11, 2010, Town Council
Meeting Per Letter Dated June 8, 2010, From Maura A. Ziska.**

4. New Business – More than 15 Minutes

- a. VARIANCE #10-2010 The application of Gregory L. Wilson and Lisa C. Wilson; relative to property commonly known as **1480 North Lake Way**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant requests a variance request to construct a dock and associate appurtenances a maximum of 178 feet west of land in lieu of the 150 foot maximum allowed. The proposed dock is 150 feet from land, however the mooring piles are 20 plus feet further out.
[Attorney: Maura A. Ziska]

D. Other

None

X. ANY OTHER MATTERS

XI. 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.