



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 13, 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. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 1-11 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 As Last Amended On August 11, 2010, With The Adoption Of Ordinance No. 3-10, By Amending The Data & Analysis In The Future Land Use Element And Amending Policy 2.3.1 As It Addresses Square Footage Thresholds For Town-Serving Businesses; Providing For Severability; Repealing All Ordinances Or Part Of Ordinances In Conflict Hereof; Providing For Codification; And Providing an Effective Date.
[John Page, Director of Planning, Zoning, and Building]
2. ORDINANCE NO. 2-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-2 By Amending The Definition Of Town-Serving By Increasing The Square Foot Threshold In Certain Commercial Zoning Districts; Section 134-229 By Exempting Hotel, Motel and Timeshare Uses And The C-OPI Zoning District From The Town-Serving Requirements; Sections 134-1107, 134-1109, 134-1157, 134-1259, 134-1302 And 134-1304 By Increasing The Town-Serving Square Foot Threshold And Changing The Term Occupational License To Business Tax Receipt In The C-TS, C-WA And C-B Zoning Districts; Section 134-1259 By Changing The Term Occupational License To Business Tax Receipt In The C-PC Zoning District; 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]
3. ORDINANCE NO. 3-11 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 As Last Amended On August 11, 2010 With The Adoption Of Ordinance No. 3-10, By Amending The Data & Analysis In The Future Land Use Element And Amending Policy 7.3 As It Addresses Rebuilding Structures Located Seaward Of The Coastal Construction Control Line (CCCL), And Permitting Nonconforming Building And Structures To Be Rebuilt Provided Certain Conditions Are Met; 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]

4. ORDINANCE NO. 4-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, At Sections 134-419 and 134-420 By Amending the Provisions To Clarify the Regulations for Raising A Nonconforming Building To Meet the Minimum Flood Elevation Requirements and Allow A Nonconforming Building or Structure To Be Rebuilt Within A Defined Time Limit If Unintentionally Damaged Or Destroyed By Act of Terrorism Or War, Or By Fire Or Act Of God Or Nature; 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]

B. First Reading

None

VIII. 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: Deferred. Carried 7-0.]

Deferred from the June 15, 2011 Town Council Meeting.

Request for Deferral to the August 10, 2011, Town Council Meeting Per Letter Dated June 29, 2011, from Maura A. Ziska (Second Deferral - Special Circumstances).

2. New Business

a. **SITE PLAN REVIEW #7-2011 WITH VARIANCES**

The application of 1200 South Ocean Boulevard, LLC; relative to property commonly known as **947 No. Ocean Blvd.**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing to construct a new two-story residence containing 17,370 square feet on two lots on the Atlantic Ocean. The project will also include a basement (non-habitable) of 7,171 square feet and a below grade tennis loggia of 888 square feet. There will be a generator with a capacity of over 100kw in the basement. The applicant is requesting a point of measurement variance, a building height variance, and a front yard setback variance. The applicant is requesting a point of measurement of 22 feet NGVD in lieu of the maximum 17.4 feet NGVD allowed; a building height of 24.10' in lieu of the 22.75 feet allowed; a front setback of 119.83 feet at the closest point to the front lot line in lieu of the 152.67 feet minimum allowed. [Attorney: Jacqueline S. Miller, Esq.]

[ARCOM Recommendation: Implementation of the variances, as modified, will not cause negative architectural impacts to the subject property. Carried 6-1, Mr. Karakul opposed.]

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]

- c. **SPECIAL EXCEPTION #16-2011** The application of Escada US Subco, LLC; relative to property commonly known as **222 Worth Avenue**; described as Lots 17 and 18 Revised Map of Royal Park Addition Plat Book 4, Page 1; located in the C-WA Zoning District. The applicant requests a Special Exception by a new tenant of 222 Worth Avenue to continue to operate a clothing store, the same business as the previous tenant. The store has 3,763 square feet on the first floor for retail use and 3,345 square feet on the second floor for retail, office and shipping uses. The total square footage is 7,108 square feet which is 5,108 square feet in excess of the 2,000 square feet allowed as a matter of right without Special Exception, in the C-WA district. [Attorney: Raymond W. Royce]
- d. **SPECIAL EXCEPTION #18-2011WITH VARIANCE** The application of Worth Avenue Yachts, LLC; relative to property commonly known as **150 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning District. The applicant requests Special Exception approval for a commercial office operation (boat sales and charter office business) containing 3,425 sq.ft. of gross leasable area which is over the 2,000 sq.ft. limitation, which requires Town-serving approval. A Variance is also requested for approval to allow this office use to be located on the first floor which is not permitted by code in this zoning district. [Attorney: James R. Brindell]
- e. **SPECIAL EXCEPTION #19-2011 WITH SITE PLAN REVIEW AND VARIANCE** The application of The Society of the Four Arts, Inc.; relative to property commonly known as **239 Cocoanut Road** and adjacent Parking Lot, **439 Royal Palm Way, Four Arts Plaza, 1 Four Arts Plaza, 2 Four Arts Plaza**; described as lengthy legal description on file; located in the R-B Zoning District. A request for approval of a Special Exception for non-profit cultural use (Section 134-890 (8) and Section 134-229). The applicant, The Society of the Four Arts, Inc. ("Four Arts"), has purchased the landmarked old Palm Beach Public School property located at the southwest corner of Cocoanut Row and Seaview Avenue. The applicant's request is that the Town Council grant a Special Exception to allow the old school site to be used for a non-

profit cultural use and to modify the Four Arts' existing Special Exception to include the newly acquired property into the Four Arts campus, specifically a proposed connection to the existing Four Arts sculpture garden and the integration of the parking lot located west of the old school site into the site plan. The proposed changes to the old school property include: (i) the demolition of a noncontributing building on the south side of the property; (ii) conversion of the old gymnasium into a new 256 seat theater; (iii) the construction of a new courtyard and reception area on the north side of the building; (iv) the addition of a demonstration kitchen and adult art, lecture, and other cultural activities within the existing classrooms of the old school; and (v) the addition of a visiting artists residence in the building to accommodate visiting artists. Proposed improvements to the site include a new driveway and drop-off along the south side of the old school building so that vehicles can enter the site directly from Cocoanut Row. This driveway will have a new courtyard connected to the existing Four Arts sculpture garden to the south. The existing parking area on the west side of the site will be improved with new landscaped areas, new paving and new drainage. The existing emergency generator enclosure will be enlarged for a new AC chiller and a new 80 KW emergency generator. A request for approval of a Site Plan for the proposed Fitz Eugene Dixon Education Building (Section 134-329). The existing land marked Palm Beach Public School at the southwest corner of Cocoanut Row and Seaview Avenue is proposed to be converted into non-profit cultural center as part of The Society of the Four Arts. The existing two story building will remain except for the demolition of the stand alone 1950's addition on the south side, which is not historic and not in keeping with the original 1920's architectural style. Improvements to the site include the construction of a new courtyard and reception area on the north side of the building and a new driveway and drop off along the south side of the building so that vehicles can enter the site directly from Cocoanut Row; Seaview Avenue is one-way eastbound. This driveway will have a new courtyard connected to the existing Four Arts sculpture garden to the south. The existing parking area on the west side of the site will be improved with new landscaped areas, new paving and new drainage. The existing emergency generator enclosure will be enlarged for a new AC chiller and a new 80 KW emergency generator. The building will be entirely restored based

upon the original 1920's style of architecture. New windows, doors, painting and other improvements will be part of the exterior work. The interior will include new elevators, new air conditioning system, new restrooms, and new finishes throughout. The existing gymnasium will be completely remodeled into a theater with 256 seats and multipurpose room. The existing classroom and administrative area will be remodeled into adult art, lecture, demonstration kitchen and other cultural activity type of uses. There will be new administrative offices and a visiting artist residence. A request for variance for applicant's proposed reduction in parking spaces on the existing Four Arts parking lot located to the west of the old Palm Beach Public School building (Section 134-2175 (b) and Section 134-201). Applicant proposes to reduce the number of parking spaces from 45 to 35 in order to: (i) improve internal circulation within the parking lot with the addition of a new lane on the west side of the parking lot; (ii) accommodate a new driveway and drop off along the south side of the building so that vehicles can enter the site directly from Coconut Row; (iii) accommodate a new AC chiller unit and a new 80 KW emergency generator to service the old Palm Beach Public School building; and (iv) accommodate additional landscaping in the redesigned parking lot. [Attorney: Harvey E. Oyer III]

- f. **SPECIAL EXCEPTION #17-2011** The application of Ritcon Investments South, LLC; relative to property commonly known as **150 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning District. The applicant requests a Special Exception to replace the existing Trevini restaurant in Suite 234 on the second level of 150 Worth Avenue with a new restaurant called Cha-Cha's which will occupy the same square footage (5,243) and will have the same number of seats as was previously approved for Trevini (151, with 14 on the exterior of the common area). The restaurant will provide background dinner music, or entertainment, and may have dancing to live or recorded music, but will not have floorshows. Special Exception request to allow 14 of the 151 maximum seats to be allowed outside the restaurant. [Attorney: James R. Brindell]

D. Other

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 "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.