



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

TUESDAY, JUNE 22, 2010

9:30 A.M.

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

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

III. PRESENTATIONS

- A. Recognition of Town Hall Renovation Project and Expression of Appreciation to Hedrick Brothers Construction, Mark Marsh, The Preservation Foundation of Palm Beach, and Town Staff.
- B. Palm Beach Country Club Scholarship Presentations.
- C. Legislative Update Provided by Representative Mary Brandenburg.

IV. COMMENTS OF MAYOR JACK McDONALD

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

- A. MINUTES: MAY 11, 2010
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
- B. MINUTES: MAY 12, 2010
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
- C. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON MAY 26, 2010.
- D. RESOLUTIONS
 - 1. RESOLUTION NO. 60-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Expenditure of \$47,250 for the Purchase of One (1) 125-KW Baldor Standby Generator from Standby Systems, Inc., of Melbourne, Florida for the D-16 Pump Station via the Florida Sheriff's Association Contract No. 09-17-0908.
[Jay Boodheshwar, Acting Director of Public Works]

2. RESOLUTION NO. 63-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a City/County Right-of-Way Agreement for Underground Conversions (WR# 3749484) with FPL in Conjunction with the Worth Avenue Improvement Project and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager]
3. RESOLUTION NO. 64-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Creation of an Additional 5 Foot Public Utility Easement Adjacent to the Existing 2.5 Foot Public Utility Easement in Peruvian Avenue Park in Conjunction with the Worth Avenue Improvement Project and Authorizing the Town Manager to Undertake All Lawful Actions Necessary to Effectuate the Same on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager]
4. RESOLUTION NO. 65-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Kimley-Horn and Associates, Inc., for the A-7 Pump Station Improvements and In-line Booster Station, Establishing a Design Phase Budget of \$140,000 (from the Bond Proceeds Construction Fund) for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.
[Jay Boodheshwar, Acting Director of Public Works]
5. RESOLUTION NO. 67-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Expenditure of up to \$370,000 from the Bond Proceeds Construction Fund for the Purchase of Traffic Control and Video Detection Equipment from TPFL, Inc., and for the Installation of That Equipment.
[Jay Boodheshwar, Acting Director of Public Works]
6. RESOLUTION NO. 68-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Not-to-Exceed \$158,000 Contract to Applied Technology & Management, Inc., for the Annual 2010 Town-Wide Physical Monitoring Services. [Peter B. Elwell, Town Manager]

E. OTHER

1. Florida League of Cities 84th Annual Conference-Authorization of Mayor and Town Council Attendance and Designation of Mayor Jack McDonald as the Town's Official Voting Delegate.
[Peter B. Elwell, Town Manager]
2. Consent for Distribution of Funding Through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for FY 2011.
[Kirk W. Blouin, Police Chief]
3. Approval to Accept a Grant of up to \$60,000 from Palm Beach County for Communications Software that Improves the Efficiency of the Dispatch Process.
[William Amador, Fire-Rescue Chief]
4. Authorization to Approve Two Change Orders for the Replacement of Windows at the North Fire-Rescue Station, Increasing the Total Project Cost from \$202,625 to \$232,660.
[Jay Boodheshwar, Acting Director of Public Works]
5. Adoption of Revised Policy Regarding Vacant Storefronts.
[John S. Page, Director of Planning, Zoning, and Building]

IX. COMMITTEE REPORTS

- A. Administrative and Personnel Committee Meeting of June 2, 2010.
[Richard M. Kleid, Town Council Member]

X. REGULAR AGENDA

- A. Old Business

None

- B. New Business

1. Proposed Charter Amendment Regarding Certain Landmark Properties. [John C. Randolph, Town Attorney]

2. RESOLUTION NO. 66-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute a Not-to-Exceed \$205,000 Contract with Coastal Systems International, Inc., for Reach 8 Beach Restoration State and Federal Permitting. [Peter B. Elwell, Town Manager and Rob Weber, Coastal Coordinator]
3. Residents' Proposal to Rename the Par 3 Golf Course in Honor of Raymond Floyd. [Jay Boodheshwar, Director of Recreation]
4. County Budget Task Force Request for Town Council to Designate the Task Force's Mission as Fact Finding Only. [John C. Randolph, Town Attorney]
5. Street Signage and Pole Standards for Worth Avenue Project. [Thomas G. Bradford, Deputy Town Manager]
6. Consideration of Property Available for Purchase.
 - a. 159 Australian Avenue. [E. Anthony Hollis, Hollis Realty Group, Inc.]
 - b. 150 Australian Avenue. [Sharon S. Kahle, Realtor/Associate, Jeffrey A. Cloninger and Associates, Inc.]
7. Matters Related to the Completion of the Town Hall Renovation. [Peter B. Elwell, Town Manager]
 - a. Opportunity to Convert the Area Between Town Hall and Memorial Fountain Park to Greenspace.
 - b. RESOLUTION NO. 61-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Request the Florida Department of Transportation ("FDOT") to Convey Surplus Property to the Town of Palm Beach ("Town") to be Utilized for the Public Purpose of Providing Park Facilities, Transportation Facilities, or Parking Facilities, Such Property Being Identified in the Legal Description and Sketch Attached to this Resolution Labeled Exhibit "A"; Providing An Effective Date; And For Other Purposes.

- c. Review of Town Council Policy Prohibiting Board/Commission Member Participation in Town Meetings by Phone.

XI. ORDINANCES

A. Second Reading

None

B. First Reading

1. ORDINANCE NO. 11-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 1 of the Town Code of Ordinances Relating to General Provisions at Section 1-14 Relating to General Penalties; Amending Chapter 2 Relating to Administration, at Article III, Officers and Employees, Section 2-271; Amending Article IV, Boards and Commissions, Sections 2-326 and 2-334; Amending Article VI, Finance, Sections 2-491, 2-517, 2-518, 2-541, 2-542, 2-566 and 2-567; Deleting Article VII Relating to Issuance of Subpoenas in its Entirety; Amending Article VIII, Investment Policy, Section 2-604; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]
2. ORDINANCE NO. 12-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 6 of the Town Code of Ordinances Relating to Alcoholic Beverages, at Article I, in General; Amending Section 6-3 Relating to Measurement of Distances; Amending Section 6-4 Relating to Distance Between Vendors at Subsection (e); Amending Section 6-8 Relating to Hours of Sale for Off Premises Consumption; Amending Article II, Adult Entertainment Code, Section 6-37 Relating to Application for License at Subsection (3); Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]
3. ORDINANCE NO. 13-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 10 of the Town Code of Ordinances Relating to Animals, at Article I, in General, Section 10-10 Relating to Temporary Permits; Amending Article II, Dogs and Cats, Section 10-41 Relating to Registration; Inoculation; Amending Section 10-43

Relating to Running at Large Prohibited; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]

4. ORDINANCE NO. 14-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 22, Businesses, Article III, Pugilistic Exhibits, at Section 22-94 Relating to Benefit Fights; Providing for Severability; Providing For Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]
5. ORDINANCE NO. 15-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances of the Town of Palm Beach by Rescinding Chapter 26, Cable Communications, in its Entirety; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]
6. ORDINANCE NO. 16-10 An Ordinance of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 30, Consistency and Concurrency Management System, at Section 30-36 Relating To Determination of Consistency; Section 30-73 Relating to Concurrency Determinations and The Development Approval Process; Section 30-76 Relating to Limitations and Expiration of Concurrency Determinations; Section 30-111 Relating to Transportation System; Section 30-112 Relating to Sanitary Sewer; Section 30-113 Relating to Solid Waste; Section 30-114 Relating to Drainage; Section 30-115, Relating To Potable Water; and Section 30-116 Relating To Recreation Open Space; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]
7. ORDINANCE NO. 18-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environment; Article V, Noise; Section 42-199, Hours for Construction Work, So as to Modify the Definition of Construction Work by Deleting the Word "Major" and the Reference to the \$10,000 Permit Valuation; Amending Section 42-230, Lawn Maintenance Equipment Noise, by Deleting the Reference to "Major" Construction; and Further Amending Chapter 42 to Include a New Article VIII Relating to

Abandoned Real Property; Providing for Purpose and Intent; Providing for Definitions; Providing for Applicability; Providing for Registration of Abandoned Real Property; Providing for Maintenance Requirements; Providing for Security Requirements; Providing for Immunity of Enforcement Officer; Providing Additional Authority; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

[Thomas G. Bradford, Deputy Town Manager]

8. ORDINANCE NO. 19-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances of the Town of Palm Beach at Chapter 50, Floods; Article II, Flood Damage Prevention; at Section 50-34, Objectives; at Section 50-35, Definitions; at Section 50-66, Designation of Building Official; at Section 50-67, Duties and Responsibilities of the Floodplain Administrator; at Section 50-68, Establishment of Development Permit; at Section 50-69, Variance Procedures; at Section 50-91, General Standards; and at Section 50-93, Standards for Subdivision Proposals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

[Thomas G. Bradford, Deputy Town Manager]

9. ORDINANCE NO. 20-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances of the Town of Palm Beach at Chapter 62, Marine Structures; Article III, Bulkheads and Pierheads on Lake Worth; at Section 62-77 to Require Maintenance and Certification of All Bulkheads and Seawalls; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

[Thomas G. Bradford, Deputy Town Manager]

10. ORDINANCE NO. 21-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances of the Town of Palm Beach at Chapter 74, Parks and Recreation; Article II, Beaches and Aquatic Activities; Section 74-162, Regulation of Fishing; and Amending Article III, Boats and Boating, by Deleting Sections 74-263 and 74-267 in Their Entirety; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

11. ORDINANCE NO. 22-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances of the Town of Palm Beach at Chapter 66 Natural Resource Protection; Article IV Vegetation; Division 4 Design Requirements; Section 66-286 Water Conserving Landscape Design; at Subsection (d) Irrigation Sectors, To Include A New Subsection (3) Providing For Regulations Regarding “Smart Irrigation Systems”; Providing a New Subsection 4 Relating To Applicability; Providing a New Subsection 5 Relating to Violations and Penalties; Providing for Severability; Providing For Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John S. Page, Director of Planning, Zoning, and Building]

XII. DEVELOPMENT REVIEWS

A. Appeals

None

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.).
2. Request for Waiver of Section 42-199, Hours For Construction, at 760 N. Ocean Blvd. (Palm Beach Country Club) (Per Letter Dated June 2, 2010, From Steven L. Bielsky).
3. Request for Waiver of Section 42-199, Hours For Construction, at 313 Royal Poinciana Way (TooJays) (Per E-Mail dated June 3, 2010, From Bonnie Kohulka).

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business- Less Than 15 Minutes
 - a. SPECIAL EXCEPTION #6-2010 The application of Diane Wren, relative to property commonly known as **3000 S. Ocean Blvd., Unit PH6**; described as Bellaria Condominium Unit PH6, Phase South; located in the R-D(2) Zoning District. Request for Special Exception to add a 532 square foot roofed portion on the existing 5th floor patio. The height exception is required above three stories.
[Attorney: James R. Brindell, Esq.]

[ARCOM Recommendation: Approval of the Application Will Not Cause Negative Architectural Impacts Based on Option 1.]

Deferred from the May 12, 2010, Town Council Meeting (Special Circumstances).

- b. **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 June 23, 2010, ARCOM Meeting.]

Deferred from the May 12, 2010, Town Council Meeting (Special Circumstances).

Request for Deferral to the July 14, 2010, Town Council Meeting Per Letter Dated June 9, 2010, from M. Timothy Hanlon.

- c. **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, Town Council Meeting (Special Circumstances).

2. New Business- Less Than 15 Minutes

- a. SPECIAL EXCEPTION #8-2010 The application of BB&T, relative to property commonly known as **125 Worth Avenue**; described as Lots 38 through 48, inclusive, Block 16, REVISED MAP OF ROYAL PARK ADDITION, 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-WA Zoning District. Request for Special Exception to allow a new Town-serving tenant bank (BB&T) to occupy the same 12,396 square feet that the current, Town-serving tenant bank (Colonial Bank) occupies. [Attorney: John C. Dotterer, Esq.]
- b. SPECIAL EXCEPTION #11-2010 The application of Mary Mahoney, Retail Store, relative to property commonly known as **350 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning District. Request for Special Exception to relocate an existing retail store (Mary Mahoney) into a space with 3,909 square feet of gross leasable area. Since the proposed space is in excess of 2,000 sq. ft. of gross leasable area, the Applicant is required to obtain Town Council approval and a finding that the proposed use is town-serving.
[Attorney: Maura A. Ziska, Esq.]
Request for Withdrawal Per Letter Dated June 7, 2010, From Maura Ziska.

3. Old Business- More Than 15 Minutes

- a. SPECIAL EXCEPTION #3-2010 WITH SITE PLAN REVIEW AND VARIANCE The application of Roy Reeves, Restaurant Operator, relative to property commonly known as **219 Worth Avenue**; described as Lots 20, 21, 34 and 35, ROYAL PARK ADDITION, 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, Page 1; located in the C-WA Zoning District. Request for Special Exception for a 4,075 square foot upscale American cuisine restaurant which includes site plan review to allow a new entry door and 36 outdoor seats on the proposed second floor patio within the proposed expansion area. The applicant is requesting umbrellas to cover the outdoor seating. The applicant also proposes to meet all conditions of approval which were granted to the previous restaurant applicant for this tenant

space. The variance being requested is to eliminate the four additional off-street parking spaces required for the 74 proposed seats. [Attorney: Maura A. Ziska, Esq.]
Deferred from the April 14, 2010, and May 12, 2010, Town Council Meetings.

Request for Withdrawal Per Letter Dated June 14, 2010, From Maura A. Ziska.

- b. 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 June 23, 2010, ARCOM Meeting.]

Deferred from the May 12, 2010, Town Council Meeting (Special Circumstances).

Request for Deferral to the July 14, 2010, Town Council Meeting Per Letter Dated May 28, 2010, From Maura A. Ziska.

4. New Business- More Than 15 Minutes

- a. **SPECIAL EXCEPTION #9-2010** The application of Mizner Inc., relative to property commonly known as **87 Via Mizner**; described as Unit Nos, C-106N, C-107N, C-108N, and C-111N in VIA MIZNER NORTH, A CONDOMINIUM according to the Declaration thereof recorded in Official Record Book 7069, Page 317, Public Records of Palm Beach County, Florida, together with the Patio area adjacent to and lying between said Units C-106N, C-107N and C-111N. (Additional Restaurant Space: Unit Nos. C-112N, C114N, and C-115N in VIA MIZNER NORTH, A CONDOMINIUM according to the Declaration thereof recorded in Official Record Book 7069, Page 317, Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. Request for Special Exception to modify existing Special Exceptions (Nos. 5-89, 6-91 and 17-2005) to convert two retail stores containing a total of 1,265 square feet (previously Fiandaca and C. J. Laing and being Units C-112N, C-114N, and C-115N) to additional restaurant seating space with 18 additional seats. Applicant further requests authorization during periods of inclement weather to move 24 existing seats from the Via Mizner

courtyard into the converted space during the daytime and 42 existing seats from the courtyard into the converted space in the evenings. No variances are required for off street parking. Applicant further requests that the Town accept the documentation previously submitted by the Applicant and that submitted herewith as a final determination of Renato's town-serving status.

[Attorney: William W. Atterbury III, Esq.]

- b. SPECIAL EXCEPTION #10-2010 The application of Terry R. Taylor, relative to property commonly known as **780 South Ocean Boulevard**; described as lengthy legal description on file; located in the R-A Zoning District. Request for Special Exception to permit construction of a 114.2 foot tunnel for pedestrian access under South Ocean Boulevard to and from the beach parcel along the landmarked property. The applicant proposes to only close one lane of traffic at a time.

[Attorney: Peter S. Broberg, Esq.]

- c. VARIANCE #6-2010 The application of Bucephalos, LLC, relative to property commonly known as **310 Eden Road**; described as Lot 55 of EDEN PROPERTIES, an addition to the Town of Palm beach, Palm Beach County, Florida, according to the Plat thereof recorded in Plat Book 18, Page 49, of the Public Records of Palm beach County, Florida; located in the R-B Zoning District. Request for variance to allow the installation of a 4-foot high chain link fence which would be 8.66 feet in height (as measured from the neighbor's grade) in lieu of the 7 foot maximum allowed because of a significant change in the grade between the subject property and the neighbor to the east.

[Attorney: Maura A. Ziska, Esq.]

D. Other

None

XIII. ANY OTHER MATTERS

XIV. 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.

**Town of Palm Beach
Meeting Schedule**

6/17/10

Mon 06/21/2010 09:30 AM	Special Town Council Meeting Regarding Budget	Council Chambers
Tue 06/22/2010 09:30 AM	Town Council Meeting (Regular Town Business and Development Review Items)	Council Chambers
Tue 06/22/2010 01:00 PM	IAFF Negotiations	South Fire Station
Wed 06/23/2010 09:00 AM	Architectural Commission (ARCOM) Meeting	Council Chambers
Wed 06/23/2010 09:00 AM	FOP Negotiations	Chambers Conference Room
Wed 06/23/2010 01:30 PM	County Budget Task Force	EOC
Thu 06/24/2010 09:00 AM	Shore Protection Board Meeting	Council Chambers
Tue 06/29/2010 09:00 AM	Selection Committee Meeting - Audit Services	Council Chambers
Wed 06/30/2010 09:00 AM	Ordinances, Rules, and Standards Committee Meeting	Council Chambers
Mon 07/05/2010 04:00 AM	INDEPENDENCE DAY (Observed)	TOWN HALL CLOSED
Tue 07/13/2010 09:30 AM	Town Council Meeting	Council Chambers
Wed 07/14/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers
Thu 07/15/2010 02:00 PM	Code Enforcement Board Meeting	Council Chambers

Tue 07/20/2010 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers
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Wed 07/21/2010 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
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Wed 07/28/2010 09:00 AM	Architectural Commission (ARCOM) Meeting	Council Chambers
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Tue 08/10/2010 09:30 AM	Town Council Meeting	Council Chambers
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Wed 08/11/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers
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