



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, JUNE 12, 2013

9:30 A.M.

For information regarding procedures for public participation at 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. DEVELOPMENT REVIEWS

A. Time Extensions

None

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

None

2. New Business

- a. **SITE PLAN REVIEW #7-2013** The application of 3120 Condo Association, Inc. (aka Oasis Condominium); relative to property commonly known as **3120 S Ocean Blvd.**; described as lengthy legal description on file; located in the R-D (1) Zoning District. The applicant is requesting Site Plan review of 16 slip, T-shaped dock with 16 boat lifts, 150 feet in length from the shore but east of the Town Bulkhead Line and Pierhead Line, accessory to an existing condominium. Ten slips will accommodate up to a 39 foot boat and 6 slips will accommodate up to a 35 foot boat. [Attorney: Gregory S. Kino]

- b. Items Related to Proposed Del Frisco's Restaurant in Royal Poinciana Plaza

- (1) Appeal of Administrative Decision Regarding Hours of Operation and Related Off-Street Parking Requirements, by John W. Little III, Attorney for Sterling Palm Beach, LLC, and Also By Harvey E. Oyer III, Attorney for Del Frisco's Grille, Relative to the Yet-To-Be-Established Del Frisco's Grille Restaurant in the Royal Poinciana Plaza.

- (2) **SPECIAL EXCEPTION #9-2013** The application of Harvey E. Oyer, III, Attorney for Del Frisco's Restaurant Group; relative to property commonly known as **340 Royal Poinciana Way, Suites 300, 300A, 302, 302A, 306 & 308**; described as lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting modification of previous special exception approval (Special Exception #20-2012) to allow for Sunday operating

hours from 10:00 a.m. to 11:00 p.m. The previously approved operating hours for Sunday were 5:00 p.m. to 11:00 p.m. No other changes to the conditionally approved operating hours are being proposed. [Attorney: Harvey E. Oyer, III]

c. **SPECIAL EXCEPTION #10-2013 WITH VARIANCES**

The application of Pizza Al Fresco, LLC; relative to property commonly known as **7-14 Via Mizner (Restaurant Site) and 317 Peruvian Avenue (Parking Site)**; described as lengthy legal descriptions on file; located in the C-WA and C-TS Zoning Districts. The applicant is requesting Special Exception with Site Plan Review to modify existing Special Exception #3-2006 and #4-2012 to convert a retail store containing a total of 350 square feet (previously Winston Lighting and being Unit C-105S) to additional restaurant seating space with 21 additional seats for Pizza Al Fresco Restaurant. A Special Exception is also being requested to provide supplemental off-site shared parking in the evening at 317 Peruvian Avenue. Applicant further requesting Special Exception approval to move 15 of the additional seats from the converted space into the Via Mizner courtyard during periods of good weather. No variance is required for off street parking for 6 of the additional seats. The following variances are required: to increase outdoor seating by 15 seats over and above the inside capacity, which is not permitted by the outdoor seating conditions in the Code and to eliminate the 5 required off-street parking spaces for 15 of the 21 additional seats being requested and to provide 5 supplemental shared parking spaces in only the evening at 317 Peruvian Avenue.

[Attorney: William W. Atterbury, III]

Request for Deferral to the September 11, 2013, Town Council Meeting Per Letter Dated May 23, 2013 from William W. Atterbury, III

d. **VARIANCE #21-2013** The application of Timothy Gannon; relative to property commonly known as **1300 North Ocean Blvd.**; described as Lot1 (less the West 207.3 feet thereof) AND Lot 1A, McINTOSH HOME SITES, according to the map or Plat thereof as recorded in the Plat Book 21, Page 30, Public Records of Palm Beach County, Florida; located in the R-B/B-A Zoning Districts. The applicant is requesting approval for a variance to construct a swimming pool with a 5.33 foot rear yard setback in lieu

of the 10 foot minimum required on the beach side of the property. [Attorney: Maura A. Ziska]

- e. **VARIANCE #22-2013** The application of Arno Turkclitz; relative to property commonly known as **482/488 Island Drive**; described as Lots 25 and 26, Plat No. 3, EVERGLADES ISLAND DEVELOPMENT in the Town of Palm Beach, Florida, according to the Plat thereof as recorded in the Plat Book 23, Page 120, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting approval to split a lot (which consists of two platted lots) back into two lots. The two variances required to split the property are as follows: (i) a variance to allow lot coverage to be 28.2% in lieu of the 25% maximum allowed for the proposed lot where the home is located; and (ii) a variance to allow open landscaped open space of 35.9% in lieu of the 50% minimum required in the R-B Zoning District for lots in excess of 20,000 square feet for that same lot. [Attorney: Maura A. Ziska]
- f. **VARIANCE #23-2013** The application of Robert S. Cuillo; relative to property commonly known as **1260 North Lake Way**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting approval for a variance to construct an addition on to the existing garage and add a second floor over the garage which requires the following variances: a north side yard setback of 12.6 feet in lieu of the 15 foot minimum required; and, an increase of the maximum lot coverage to 36.5% in lieu of the 30% maximum allowed from the 34.9% existing, an increase in the maximum existing cubic content ratio from 3.82 to 4.29 in lieu of the 3.9 maximum allowed. [Attorney: Joel P. Koeppe]
Request for Deferral to the July 10, 2013, Town Council Meeting Per Letter Dated May 21, 2013, from Joel P. Koeppe.

VIII. ORDINANCES

- A. Request For Town Council Authorization To Have Readings of Ordinance No. 5-2013 and Ordinance No. 6-2013 Prior To 5:00 p.m.
[John Page, Director of Planning, Zoning, and Building]

B. Second Reading

None

C. First Reading

1. ORDINANCE NO. 5-2013 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, By Amending The Future Land Use Element Data & Analysis And Policies 2.3 And 11.1 To Provide For The Creation Of A PUD-5 Within An Area Of Property Designated Commercial On The Future Land Use Map, Which Is Bounded By Bradley Place, Sunset Avenue, North County Road, And Royal Poinciana Way; Further Amending Policy 2.3.3 To Provide For The Creation of Commercial/Mixed-Use PUD's, The Creation Of The PUD-5, Detailing An Increase In The Maximum Allowable Density, And Creating Maximum Lot Coverages For First, Second and Third Stories In The PUD-5 Area; Further Creating Policy 11.1.5 That Details Mixed-Use PUD Development Requirements Within Commercial Land Use Categories Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; 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]

2. ORDINANCE NO. 6-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-476 By Creating Purpose Language For An Optional PUD-5, Historic Preservation Mixed Use Development, With A Contributing Building Report And PUD-5 Design Guidelines Adopted By Reference For The Five Palm Beach Acres In the C-TS Zoning District Between Royal Poinciana Way And Sunset Avenue And Bradley Place And North County Road And By Prohibiting The Use Of The PUD-5 Regulations For Five Years If A Contributing Building Is Voluntarily Demolished; Section 134-477 By Creating A Review Process For The PUD-5 And Prohibiting Variances From Certain Lot, Yard And Bulk Regulations; Subdivision II, Sections 134-531, 134-532, 134-533 And 134-534 By Adding Submittal Requirements For A PUD-5; By Creating A New Approval Process For PUDs And Amendments To PUDs By Eliminating The Tentative And Final Approval Process And Replacing With A Streamlined Approval Process; And By Creating A New

Completion Deadline for PUDs; By Eliminating Subdivision III, Sections 134-561 And 134-562 Related To The Tentative And Final PUD Approval Process; By Renumbering 134-563 To 134-561 Adding PUD Amendments And Eliminating Property Owner Consent To Amend PUDs; By Renumbering 134-564 To 134-562, Adding PUD Amendment Language, Eliminating The Existing Time Frame Requirement For Commencement And Providing For New Commencement Language In The PUD Resolution; Section 134-651 By Creating PUD-5 As A Special Exception And Site Plan Review; Section 134-652 By Adding The PUD-5 And Identifying The Area Where A PUD-5 May Be Applied; Section 134-653 By Adding A Maximum PUD-5 Lot Size And Providing A Provision Which Prohibits A Variance From The Maximum Lot Size; Section 134-654 By Creating A Density for the PUD-5 Of Ten Dwelling Units Per Palm Beach Acre With A Maximum Of Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Maximum Six Dwelling Units Per Acre Allowed In the Underlying C-TS Zoning District; Section 134-656 By Providing Permitted And Special Exception Uses In The PUD-5 And Creating Separation Requirements Between Residential And Commercial Uses; Section 134-657 By Creating A Minimum Public Open Space Requirement In The PUD-5 With A Provision Prohibiting A Variance From that Requirement; Section 134-687 By Providing Requirements That A PUD-5 Preserve The Main Street Character, Size And Bulk Which Currently Exists In The Five Palm Beach Acres; Section 134-688 By Providing Qualifying Language For The PUD-5 And Further Incorporating By Reference The Contributing Building Report And PUD-5 Design Guidelines; Section 134-689 By Eliminating The Requirement For Street Trees And Adding Language Which Requires Trees Bordering Projects Whenever Possible; Section 134-690 By Adding Language That A PUD-5 Is Required To Have Curb Cuts And Vehicular Access From Only Sunset Avenue; Section 134-691 By Providing A PUD-5 Off-street Parking Exception For Replacement Of Existing Commercial Square Footage Or Intensity Of Use, New Ground Floor Retail Use, Or Retail Use Which Replaces Ground Level Off-street Parking And Curb Cuts Fronting Royal Poinciana Way; Section 134-692 By Adding Language That Prohibits Variances For Lot Coverage, Height, Overall Height and Public Open Space and Providing New Regulations Creating A PUD-5 Density Of Ten to Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Six Dwelling Units Per Acre Currently Allowed In The C-TS Zoning District, Provided Certain Conditions Being Met, By Creating Maximum Heights and Overall Heights, Including A Provision For Three Stories Where Only Two Stories Is Currently Allowed, By Adding First Floor And Second Floor Lot Coverage

Of Seventy Percent And A Third Story Lot Coverage Of Thirty-five Percent, By Creating Setbacks Based On PUD Approval, By Eliminating Required Setbacks And Determining Setbacks During The Approval Process And By Creating A Minimum Thirty Percent Public Open Space Requirement; Section 134-693 By Creating Said Section And Providing A Five Year Sunset Provision Unless The Town Council Approves An Extension; Section 134-1109 Creating The PUD-5 As A Special Exception Use Within The Defined Five Palm Beach Acres In The C-TS Zoning District; By Adopting By Reference The Attached Palm Beach PUD-5 Design Guidelines And The Contributing Building Report: The Historic Character Of Royal Poinciana Way; 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]

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 "Audio (Live and Archived)." 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.
- 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. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

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.