



TOWN OF PALM BEACH

Town Manager's Office

**TENTATIVE-
SUBJECT TO
REVISION**

TOWN COUNCIL MEETING

**EMERGENCY OPERATIONS CENTER (EOC)
THIRD FLOOR, CENTRAL FIRE-RESCUE STATION
355 SOUTH COUNTY ROAD**

AGENDA

WEDNESDAY, APRIL 14, 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 "Live Meeting Audio" under the "Your Government" tab. 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. 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. PUBLIC HEARINGS
 - A. RESOLUTION NO. 38-10 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 347 Worth Avenue 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 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John S. Page, Director of Planning, Zoning, and Building]
 - B. RESOLUTION NO. 39-10 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 350 Worth Avenue 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 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John S. Page, Director of Planning, Zoning, and Building]
 - C. RESOLUTION NO. 40-10 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 405 Cocoanut Row 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 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John S. Page, Director of Planning, Zoning, and Building]

VIII. ORDINANCES

A. Second Reading

None

B. First Reading

1. Royal Poinciana Way Overlay

- a. ORDINANCE NO. 1-10 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 (Section I) in the Town of Palm Beach Comprehensive Plan as Last Amended on April 15, 2009, with the Adoption of Ordinance No.6-09, by Adding New Data and Analysis Describing the Royal Poinciana Mixed-use Overlay Area, and Adding Policy 1.5 That Encourages Redevelopment of the Area in a Manner That Is Sustainable, Pedestrian Friendly, and Respectful of the Area's Character, Scale, and Historic Value, and Adding Policy 2.3.8 That Provides General Parameters of Redevelopment Including Uses, Density, Lot Coverage, Parking, and Building Height, Pursuant to Chapter 163, Florida Statutes; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; and Providing for an Effective Date.

[John S. Page, Director of Planning, Zoning, and Building]

- b. ORDINANCE NO. 2-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, by Amending Article I, Section 134-2, Definitions and Rules of Construction, by Amending the Definition of Story and Creating Definitions for Mixed Use, Mixed Use Area, Publicly Accessible Open Space; Amending Article VII, Overlay Districts by Changing the Article Title to the Royal Poinciana Mixed Use Overlay Area and Creating Overlay Regulations for Permitted and Special Exception Uses, Accessory Structures, Outdoor Seating, a Development Review Process, Minimum Lot Area, Width and Depth Requirements, Density, Setbacks, Height and Overall Height, Lot Coverage, Landscape Open Space and Publicly Accessible Open Space, Off-street Parking and a Performance Monitoring and Sunset Provision in the

Following Sections: Section 134-1501 Purpose and Intent; Section 134-1502 Essential Development Concepts, Section 134-1503 Permitted Uses; Section 134-1504 Accessory Uses; Section 134-1505 Special Exception Uses; Section 134-1506 Accessory Structures; Section 134-1507 Special Regulation for Stands, Seated Dining Areas and Open Counters for Eating and Drinking; Section 134-1508 General Review Process; Commercial Uses; Site Plan Approval for New Building, New Building Additions or Change in Permitted Uses over Certain Floor Area; Section 134-1509 Lot, Yard and Area Requirements-generally; Section 134-1510 Parking Standards; Section 134-1511 Performance Monitoring; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

[John S. Page, Director of Planning, Zoning, and Building]

2. ORDINANCE NO. 3-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Text of the Infrastructure Element (Section IV) of the Town of Palm Beach Comprehensive Plan as Last Amended on April 15, 2009, with the Adoption of Ordinance 6-09, by Amending Policy 12.3 to Include a 10-year Water Supply Facility Work Plan, Pursuant to Chapter 163.3177(6)(C), Florida Statutes (Water Supply Planning Requirements); Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; and Providing for an Effective Date. [John S. Page, Director of Planning, Zoning, and Building]

IX. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction, at 1 Via Mizner (Per Letter Dated March 9, 2010, From Tim Givens).

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business- Less Than 15 Minutes

None

2. New Business- Less Than 15 Minutes

- a. SPECIAL EXCEPTION #4-2010 The application of M. Timothy Hanlon; relative to property commonly known as **710 South Ocean Blvd.**; described as lengthy legal description on file; located in the R-A Zoning District. Request for Special Exception approval to permit construction of a 72-foot long tunnel for pedestrian access under South Ocean Blvd. to and from the beach parcel for this landmarked property. The applicant proposes to close one lane of traffic at a time during construction.
[Attorney: M. Timothy Hanlon]
- b. VARIANCE #3-2010 The application of Michael and Gayle Kalisman; relative to property commonly known as **146 Dunbar Road**; described as Lot 71 of ADAMS 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 7, Page 68; located in the R-B Zoning District. Request for a Variance to allow construction of a 144 square foot one and two story addition for an elevator and equipment room with: (I) an east side yard setback of 13.66 feet in lieu of the 15-foot minimum required for the two story portion of the addition, and (ii) a cubic content ratio (CCR) of 4.56 in lieu of the 4.4 existing and the 3.9 maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska, Esq.]
[ARCOM Recommendation: Approval of the variance. Carried 7-0.]

3. Old Business- More Than 15 Minutes

None

4. New 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.]

D. Other

- A. Proposed Additional Theme for Vacant Storefront Displays - Norton Museum of Art.
[John S. Page, Director of Planning, Zoning, and Building]

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.