



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, APRIL 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. PUBLIC HEARING

- A. RESOLUTION NO. 42-11 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 300 Barton 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 Page, Director of Planning, Zoning, and Building]

VIII. ORDINANCES

A. Second Reading

None

B. First 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]

IX. DEVELOPMENT REVIEWS

A. Appeals

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 120 Sunset Avenue (Leverett House) (Per Letter Dated March 24, 2011 from Jay Denger)

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

None

2. New Business

- a. **SPECIAL EXCEPTION #9-2011** The application of Raphael Yakoby; relative to property commonly known as **137 Woodbridge Road**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Special Exception to allow a set of driveway gates on Woodbridge Road (which is a dead end street) with a 7.92 foot setback from the street pavement in lieu of the 18 foot minimum required.

[Attorney: Maura A. Ziska]

- b. **SPECIAL EXCEPTION #10-2011** The application of Wells Fargo Bank, NA and Wells Fargo Advisors, LLC; relative to property commonly known as **239, 251 & 255 South County Road**; described as lengthy legal description on file; located in the C-TS/C-B Zoning Districts. The applicant is requesting Modifications to Special Exception #21-2010 to include the entire bank space of 26,881 square feet for Wells Fargo Bank, NA and 2,564 square feet for Wells Fargo Advisors, LLC and to eliminate the condition of approval that the applicant meet all conditions related to signage placed on the 255 South County Road property when the property was designated as a landmark. [Attorney: Harvey E. Oyer III]

- c. **SITE PLAN REVIEW #6-2011 WITH SPECIAL EXCEPTION AND VARIANCES** The application of Little Broad Beach Partners; relative to property commonly known as **95 North County Road**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a modification to the Site Plan and two Special Exception approval requests to convert the existing post office building located at 95 North County Road into an office building which will result in a second floor interior addition and will expand the current gross square footage from 10,656 square feet (5,651 gross leasable square feet) to 14,495 gross square footage (11,255 gross leasable square feet). The Special Exception requests are to expand the second floor area and to have an office

which exceeds 2,000 square feet. Since the proposed office 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. The site plan will be modified by eliminating the access driveway on the east side of the property and relocating it to the south side of the property and will also change the parking configuration. A Variance is requested to allow an office use on the first floor in the C-TS Zoning District which does not meet all of the conditions of subsection (18). The variance is to allow a first floor office use which does not meet the requirement that more than 50% of the existing first floor tenant spaces within 300 feet in the same zoning district are required to be office uses. Variances are also requested from the requirement to provide seventeen (17) additional off-street parking spaces above the amount calculated by the principal of equivalency zoning requirement to convert a 5,651 square foot post office to a 11,255 square foot office building in the C-TS Zoning District and to not provide a loading berth as required in Section 134-2211 of the Zoning Code.

[Attorney: Maura A. Ziska]

- d. **VARIANCE #7-2011** The application of Sidney Spiegel, Trustee and Sterling Group Palm Beach, LLC; relative to property commonly known as **340 Royal Poinciana Way**; described as lengthy legal description on file; located in the CPC Zoning District. The applicant is requesting to modify a condition of approval of Variance #12-2008 which required the Applicant remove all reserved and assigned parking spaces throughout the plaza along with the associated signage by October 10, 2008. The request is to allow Dr. Francis P. Conroy, DMD to retain 4 designated parking spaces until October 31, 2012.

[Attorney: Maura A. Ziska]

- e. **VARIANCE #8-2011** The application of Raymond W. Royce, Attorney for Owner; relative to property commonly known as **756 Slope Trail**; described as Lot 120 Mark Rafalsky Tract, Plat Book 11, Page 51, Public Records of Palm Beach County; located in the R-B Zoning District. The applicant is requesting a variance from the provisions of Section 134-1729 (b) 1 which do not allow the placement of a generator of over 60kw in the setback applicable to the principal structure. The applicant wishes to place an 80kw generator 5.5 feet in lieu of the 12.5 foot

minimum setback required.
[Attorney: Raymond W. Royce]

D. Other

- a. Special Exception 17-2010
Reconsideration of Conditions of Approval.
[John Page, Director of Planning, Zoning, and Building]

X. ANY OTHER MATTERS

XI. 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.