TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

APRIL 9, 2014

9:45 AM

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
Robert N. Wildrick, President
William J. Diamond, President Pro Tem
Richard M. Kleid
Michael J. Pucillo
Penelope D. Townsend

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 will be offered immediately after the lunch break, if a lunch break is taken.)

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

A. **RESOLUTION NO. 42-2014** 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 337 Brazilian 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 No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
Deferred from the March 12, 2014, Town Council Meeting.

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

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for Waiver of Section 42-199, Hours For Construction Work at 301 Worth Avenue (Chanel) Per Letter Dated February 26, 2014, from Ean Bressack.

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

2. Extension of Time Schedule for Completion of Construction Per Town Code Chapter 18, Section 242-105.4.1.6
   330 Island Road

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **SITE PLAN REVIEW #3-2014 WITH VARIANCES** The application of Capital Construction & Development, Inc. (Josh McAlees, President); relative to property commonly known as **215 Brazilian Avenue**; described as Lot 5 and the West 84 feet of Lot 6, Block E of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a Site Plan Review to construct a two-story, four (4) unit, townhouse building with associated swimming pools and hardscape. Each unit will be approximately 5,300 square feet under air with basement garages. The following variances are proposed: to allow horizontal overlapping between individual dwelling units that is not permitted under the townhouse regulations; and, to not provide a 20 foot access to the interior of the block which is required under the townhouse regulations. [Attorney: Maura Ziska] [ARCOM Recommendation: Eliminate the chimneys on the townhouses.]
Deferred from the March 12, 2014, Town Council Meeting

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

b. **MODIFIED VARIANCE #10-2014** The application of K. Prescott Low and Susan T. Low; relative to property commonly known as **242 Jungle Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The modified Variance

Application reflects a change from a 60kw generator to a 70kw generator. Applicants request permission to install a 70KW Generac QT070 generator in the northwest corner of their property with a front yard setback of 6 feet 8 inches in lieu of 35 foot minimum required and a side yard setback of 10 feet in lieu of the 12 feet 6 inches required. [Attorney: M. Timothy Hanlon] *Deferred from the March 12, 2014, Town Council Meeting.*

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

2. New Business

a. **SPECIAL EXCEPTION #3-2014 WITH VARIANCE** The application of Keith Frankel; relative to property commonly known as **1900 South Ocean Blvd.**; described as Lengthy legal description on file; located in the R-AA Zoning District. The applicant is requesting a special exception to construct a 500 square foot beach cabana on an ocean parcel across the street from the main residence, which is located in the R-AA Zoning District; a variance is requested to allow the beach cabana with a setback of 26.83 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required. [Attorney: Maura Ziska]

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

b. **SPECIAL EXCEPTION #4-2014** The application of Buccan (Piper Quinn); relative to property commonly known as **350 South County Road**; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA 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-TS Zoning District. The applicant is requesting a special exception to modify a previously approved special exception use for the restaurant Buccan to allow a portion of the restaurant that fronts Australian Avenue (approved as restaurant office) to be used for a sandwich takeout counter for lunch hours (11:00 a.m. to 3:00 p.m.), Monday through Saturday. The restaurant's number of seats will remain the same and they will continue to follow the conditions of the approval. [Attorney: Maura Ziska]

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

c. **VARIANCE #14-2014** The application of 176 Sunset Avenue, LLC (John Flynn, Manager); relative to property commonly known as **176 Sunset Avenue**; described as Lots 84 through 89, inclusive, according to the Plat thereof as recorded in the Plat Book 2, Page 6, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. A variance is requested to allow construction of a new two story, two-family residence with a height of 26.6 feet in lieu of the 23.5 foot maximum allowed and an overall height of 34.5 feet in lieu of the 31.5 foot maximum overall height allowed. [Attorney: Maura

Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0]

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

d. **VARIANCE #15-2014** The application of International Yacht Collection, LLC; relative to property commonly known as **333 Peruvian Avenue, Suite #1**; described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a variance to permit the operation of a yacht charter and sales office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this situation. The Applicant is assuming the existing lease of the existing yacht broker office and proposes to continue the existing use. The proposed use does not meet the special exception uses requirement in Section 134-1109 (18) that there are at least 50% exiting office uses on all floors in the building or the requirement that there are more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Attorney: M. Timothy Hanlon]

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

e. **VARIANCE #16-2014** The application of Shakir Wissa; relative to property commonly known as **156 Clarke Avenue**; described as Lot 21 of PRIMAVERA ESTATES (Ocean Section), according to the plat thereof as recorded in Plat Book 6, Page 82 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. A variance is requested to construct garage doors on the south side of the residence along the alley that will have a 5.2 foot rear yard setback in lieu of the 15 feet that would be required for a new 2 story building. [Attorney: Maura Ziska]

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

f. **VARIANCE #17-2014** The application of Nancy McAllister; relative to property commonly known as **207 Mediterranean Road**; described as Lot 101 BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the Plat thereof, on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 12, Page 15; located in the R-B Zoning District. A variance is requested to add an approximate 144 square foot addition to the existing 200 square foot pool cabana with a rear yard setback of 6.1 feet in lieu of ten feet minimum required. [Attorney: M. Timothy Hanlon]

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

C. **Other**

1. Consideration of Del Frisco's Grille Restaurant Town-Serving Documentation, Special Exception No. 20-2012 with Variance

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

2. Rescission of Ordinance No. 5-2013 Relating to the PUD-5 Comprehensive Amendments.

   John C. Randolph, Town Attorney

IX. ORDINANCES

A. First Reading

1. ORDINANCE NO. 1-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2296, Issuance of Special Parking Permits Upon Application, to Include a New Subparagraph (d) to Provide for the Issuance of Temporary Group Permits; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2328, Temporary Group Permits, to Provide for an Application Fee; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

   John C. Randolph, Town Attorney

2. ORDINANCE NO. 2-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2293, Designation of Controlled Parking Residential Areas, to Delete Section 134-2293 in its Entirety ; Amending Division 2, Residential Districts; Section 134-2295, Procedures for Determining Controlled Parking Residential Areas, to Require Website Maps and Proper Display of Permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

   John C. Randolph, Town Attorney

3. ORDINANCE NO. 3-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2298, Enumerating Unlawful Acts; Section 134-2301, Penalties, Providing for Surrendering of Permits; Providing for a New Section 134-2302, Regarding Revocation of Decal/permit; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2334, Enumerating Unlawful Acts; Providing for a New Section 134-2335, Penalties; Providing for a New Section 134-2336, Revocation of Decal/permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification;

Providing an Effective Date.

John C. Randolph, Town Attorney

4. ORDINANCE NO. 7-2014 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 Creating Definitions For Attic And Veterinarian Office; Section 134-2 By Modifying The Definitions For Building, Height Of, (Applicable To Lots Or Portions Of Lots East Of The State Of Florida Coastal Construction Control Line (CCCL), Individual Business Sign, Habitable Space And Story; Section 134-172 By Creating A One Thousand Foot Property Owner Notice Requirement For Variances That Exceed The Maximum Density Allowed In The Zoning District But Do Not Exceed The Maximum Density Allowed By The Underlying Future Land Use Designation On A Property; Section 134-261 By Adding 1,000 Foot Property Owner Notice Requirement In the Appropriate Location For A Comprehensive Plan Amendment, Zoning Text Amendment Or Zoning Change That Increases The Allowable Density Or Intensity; Sections134-1108, 134-1109, 134-1257 and 134-1259 By Allowing Veterinarian Office Uses In The C-TS And C-PC Zoning Districts As A Special Exception Use; Sections 134-1157, 134-1207 And 134-1302 By Prohibiting A Veterinarian Office Use In The C-WA, C-OPI And C-B Zoning Districts Zoning Districts; Sections 134-2436 And 134-2437 By Modifying The Individual Business Sign Regulations To Allow Said Signs On The Back of Buildings In Certain Situations; Section 134-2439 By Clarifying That An Individual Business Sign Is Allowed Only To Advertise The Legal Business Name And The Nature Of The Business; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

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

5. ORDINANCE NO. 8-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 of the Town Code of Ordinances Relating to Traffic and Vehicles, at Article III, Parking, Stopping and Standing; Division 1, Generally; at Section 118-86, Regulation Generally; Tow-Away Zones, at Paragraph (a); Amending Section 118-92, Penalty for Violating Parking Regulations Generally; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

   John C. Randolph, Town Attorney

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: 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.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. 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.

Note 3: 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 4: 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 5: 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 6: 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.