



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

SEPTEMBER 13, 2023

9:30 AM

Welcome

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

Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie D. Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR DANIELLE H. MOORE

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. CONSENT AGENDA

- A. **ZON-23-087 625 CREST RD—VARIANCES** The applicant, 625 Crest Road, LLC, a Delaware limited liability company (Jim Hoffman, Agent), has filed an application requesting Town Council review and approval for (2) variances for a boat dock which (1) exceeds maximum dock widths (walkways and platforms) and (2) which is greater than 30% of the width of the parcel. Pg. 7

VIII. REGULAR BUSINESS

- A. **Items Pulled From Consent Agenda** Pg. 15
- B. **Update on Royal Poinciana Playhouse** Pg. 16
Maggie Zeidman, Town Council President; Wayne Bergman, Director of Planning, Zoning and Building
- C. **Discussion Regarding Revisiting Properties Once Considered for Landmarks but Not Designated** Pg. 17
1. Developing the Policy on When to Revisit a Property That Was Not Designated in the Past as a Landmark
 2. List of Properties That Have Been Previously Reviewed for Landmarking
 3. Letter to Properties
- Wayne Bergman, Director of Planning, Zoning and Building*
- D. **2023/2024 Designation Dates** Pg. 33
Wayne Bergman, Director of Planning, Zoning and Building
- E. **Discussion Regarding Declaration of Use Agreement Templates** Pg. 34
Wayne Bergman, Director of Planning, Zoning and Building
- F. **Discussion Regarding Permit Time Extensions** Pg. 51
1. Notification to Neighbors
 2. Administrative Extensions
 3. Duration of Permits
- Wayne Bergman, Director of Planning, Zoning and Building*
- G. **Review the Administrative Approval Policy for Landmarked Buildings** Pg. 54
Julie Araskog, Council Member

IX. DEVELOPMENT REVIEWS

- A. **Variances, Special Exceptions, and Site Plan Reviews**

1. Old Business

- a. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application.
This item shall be deferred pending Architectural Commission action. Pg. 70
- b. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO) – VARIANCES** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage, (2) to exceed the maximum amount of Cubic Content Ratio (CCR), (3) to exceed the maximum allowable building height, and (4) to exceed the maximum allowable overall building height, in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new clerestory. The Architectural Commission will perform design review of the application.
This item shall be deferred pending Architectural Commission action. Pg. 71
- c. **ZON-23-063 (ARC-23-039) 599 S COUNTY RD (COMBO) – VARIANCES** The applicant SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Town Council review and approval for a variance to exceed the maximum overall building height, as part of the construction of a new two-story single family dwelling. The Architectural Commission shall perform design review of the application.
This item shall be withdrawn, variance no longer needed. Pg. 72
- d. **ZON-23-059 (ARC-23-063) 1265 N LAKE WAY (COMBO) – SITE PLAN REVIEW** The applicant, 1265 N Lake Way LLC (Maura Ziska, Manager), has filed an application requesting Town Council Site Plan Review for development of single-family dwelling on a lot deficient in lot width in the R-B zoning district. The Architectural Commission shall perform design review of the application.
This item shall be deferred pending Architectural Commission action. Pg. 73
- e. **ZON-23-054 (ARC-23-064) 1473 N OCEAN BLVD (COMBO) – VARIANCES** The applicants, William C. Powers & Marianne Elaine Elmasri, have filed an application requesting Town Council review and approval for (2) variances from (1-2) north and south Pg. 74

side setback requirements. The Architectural Commission shall perform design review of the application.

This item shall be deferred, pending Architectural Commission action.

- f. **ZON-23-086 (ARC-23-088) 292 ORANGE GROVE RD (COMBO) – VARIANCE.** The applicants, Stephen and Kerri Meyers, have filed an application requesting Town Council review and approval for (1) variance to exceed the maximum Cubic Content Ratio (CCR) for the construction of a new two-story single-family residence. The Architectural Commission shall perform the design review component of the application.

Pg. 75

This item shall be deferred pending Architectural Commission action.

2. New Business

- a. **ZON-23-068 (ARC-23-090) 206 CARIBBEAN RD (COMBO)— SITE PLAN REVIEW** The applicant, Walter Wick, has filed an application requesting Town Council review and approval for Site Plan Review to allow development of a new single-family residence on a platted nonconforming parcel deficient in lot width and lot area required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application.

Pg. 76

This item shall be deferred pending Architectural Commission action.

- b. **ZON-23-070 (ARC-23-092) 217 BAHAMA LN (COMBO)— SITE PLAN REVIEW** The applicant, James and Sarah McCann, have filed an application requesting Town Council review and approval for Site Plan Review for the construction of new two-story single-family residence on a non-conforming platted lot which is 90 feet in depth in lieu of the 100-foot minimum depth required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application.

Pg. 77

This item shall be deferred pending Architectural Commission action.

- c. **ZON-23-071 (ARC-23-093) 220 ARABIAN RD (COMBO)— SPECIAL EXCEPTION.** The applicant, 206 CARIBBEAN LLC (Robert Frisbie), has filed an application requesting Town Council approval for a Special Exception for the construction of new two-story single-family residence on an existing nonconforming parcel which is deficient in lot width required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. [*The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject property. The Architectural Review Commission approved this project. Carried 7-0.*]

Pg. 78

- d. **ZON-23-077 (ARC-23-108) 162 E INLET DR (COMBO)—**
VARIANCE The applicants, David and Jill Shulman, have filed an application requesting Town Council review and approval for a variance to (1) exceed the maximum allowable Cubic Content Ratio (CCR) for the construction of enclosed additions and a rear awning to the single-family residence. The Architectural Commission shall perform the design review component of the application.
This item shall be deferred pending Architectural Commission action. Pg. 98
- e. **ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO)—**
SPECIAL EXCEPTION AND VARIANCES The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3- 6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the application.
This item shall be deferred, pending Architectural Commission action. Pg. 99

B. Time Extensions and Waivers

1. **Waiver of Town Code Section 18-237, For Building Permit Extension at 2320 S Old Ocean Blvd.** Pg. 100
2. **Waiver of Town Code Section 18-237, For Building Permit Extension at 250 Algoma Rd** Pg. 106
Wayne Bergman, Director of Planning, Zoning and Building

X. ANY OTHER MATTERS

XI. ADJOURNMENT

Procedures for Public Participation:

Note 1: **Live Stream audio:** To watch/listen live, visit the 'Public Meetings' webpage on the Town's website at www.townofpalmbeach.com. and select the "View Event" or "Click Here to Listen" button.

Note 2: **Procedures for Public Participation:** Any citizen is entitled to be heard concerning any matter under the sections entitled 'Communications from Citizens', 'Public Hearings', and 'Other Agenda Items', subject to the three-minute limitation. The public also can speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. 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. In-person or virtual Public Comment is limited to three minutes and must be preceded by your name and address for the record. As a public business meeting, the Town Council President retains the right to limit discussion on any issue.

Alternative public comment is also welcome for Town Council Meetings via four methods:

1. To make a public comment virtually (for Town Council Meetings Only), email a request to publiccomment@townofpalmbeach.com and identify the desired agenda item(s) to be addressed
2. Written public comment submittals should be sent to publiccomment@townofpalmbeach.com.
3. Direct written entry into the public meeting record through the eComment portal on the Public Meetings webpage.
4. Mail or in-person submittal of written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.

Note 3: **Appeals:** If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons needing accommodations to participate in this meeting are requested to call the Clerk's Office at (561) 838-5416 at least one day prior to the meeting.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Consent Agenda

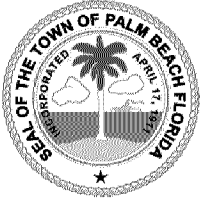
Agenda Title

ZON-23-087 625 CREST RD—VARIANCES The applicant, 625 Crest Road, LLC, a Delaware limited liability company (Jim Hoffman, Agent), has filed an application requesting Town Council review and approval for (2) variances for a boat dock which (1) exceeds maximum dock widths (walkways and platforms) and (2) which is greater than 30% of the width of the parcel.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-ARB *WB*
Director PZ&B

SUBJECT: ZON-23-087 625 CREST RD

MEETING: SEPTEMBER 13, 2023

ZON-23-087 625 CREST RD—VARIANCES. The applicant, 625 Crest Road, LLC, a Delaware limited liability company (Jim Hoffman, Agent), has filed an application requesting Town Council review and approval for (2) variances for a boat dock which (1) exceeds maximum dock widths (walkways and platforms) and (2) which is greater than 30% of the width of the parcel.

Applicant: J Michael and Pamela B Cline
Professional: 625 Crest Road, LLC
Representative: Maura Ziska

HISTORY:

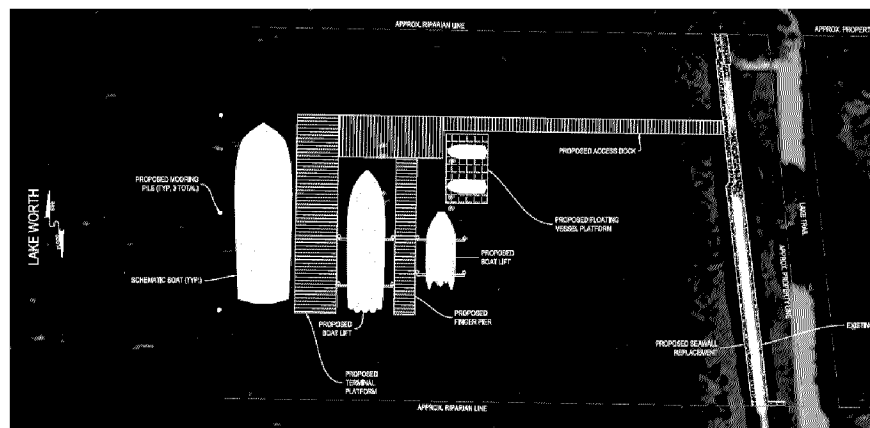
An application was reviewed and approved for a new two-story residence at the FEBRUARY 23, 2022 ARCOM meeting, pursuant to ARC-22-016. A permit for the dock cannot be issued until permits are issued for the new house previously approved on this vacant parcel.

THE PROJECT:

The applicant has submitted plans, totaling 4 sheets entitled "Dock, Boat Lifts and Floating Vessel Platform", as prepared by **Isiminger & Stubbs Engineering** stamped July 13, 2023 on the cover sheet.

The following is the scope of work for the Project:

- Installation of a new dock, boat lifts and floating vessel platform.



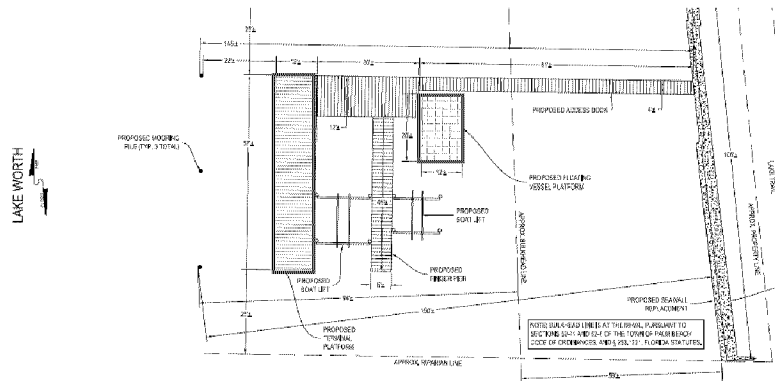
The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **VARIANCE 1: Sec. 62-74(2):** A variance to permit a dock width (walkway/platform) at 12' and 24' in lieu of the 10' maximum permitted.
- **VARIANCE 2: Sec. 62-74(2):** A variance to permit a dock which is 51% (57') of lot width in lieu of the 30% (32.4') permitted.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE FAMILY
Surrounding Properties / Zoning			
North	1950 One-story residence w/ DOCK / R-B		
South	1986 Two-story residence w/ DOCK / R-B		
East	1950 Two-story residence / R-B		
West	Lake Worth Lagoon		

STAFF ANALYSIS:

The subject property is one of three waterfront properties along Lake Worth Lagoon along Crest Road, a small dead-end right-of-way with only a total of six properties. Nearly all of the waterfront properties south of the Palm Beach Country Club have extending docks in an 'L' formation. The applicant is seeking to install a new proposed terminal "L" dock that extends 123'-0" long by 57' wide (variance #2) into the waters of Lake Worth Lagoon. Two ancillary boat lifts are also proposed. The end section of the dock is proposed at 12' in width, and another floating vessel platform is proposed at 24' (variance #1) which exceeds the 10'-0" maximum dock width permitted by Code. This section of the Code will be examined by the zoning code consultant, as the 2021 ordinance inadvertently resulted in many new boat lifts requiring variances when installed adjacent to existing marginal docks. To note, the L terminal dock also exceeds the 30% limitation of the Code which was specifically intended to target 'marginal' docks, i.e. those landside marine dock projections which 'extend' off the rear yard of any waterfront property. The applicant is seeking a dock that is 53% of the 108' wide lot in order to safely moor a larger boat, the proposal comports with both required north and south side setback requirements of 25'. Staff has no objections to the requests.



CONCLUSION:

Approval of the project will require one separate motions to be made by the Town Council: (1) for final determination of approval or denial of the variances by the Town Council, and that the variance **shall or shall not** be granted that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met.

WRB:JGM

LETTER OF INTENT
RELATED TO THE DOCK AT 625 CREST ROAD

July 13, 2023

We are pleased to submit the accompanying drawings to add a new dock at 625 Crest Road. Please note the following:

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161

Not applicable - This property is not landmarked

B) ARCOM 18-205

Not applicable

B) ARCOM 18-206

Not applicable

C) SPECIAL EXCEPTION 134-229

Not applicable

D) SITE PLAN REVIEW 134-329

Not applicable

E) VARIANCES 134-201

The applicant has filed an application requesting Town Council to review and approve a new dock on the west side of their property. The variances being requested are per Section 62-74(2) and Section 62-75(h): A variance to exceed a pier or landing dock greater than 10 feet to allow a proposed dock that is 12' wide on its own and as wide as 24' when the floating vessel platform is included; and Section 62-74(2) and Section 62-75(h): A variance to exceed 30 % of the lot width to allow construction of a proposed dock that is 53% (57') of the 108' wide lot. The following criteria is in support of the variance request:

The special conditions and circumstances peculiar to this land which are not applicable to other lands in the same zoning district are due to the design requirements for this particular dock and applicant's boat to be moored.

- 1. The special conditions and circumstances related to the variances do not result from the actions of the applicant because the 10 foot width and 30% requirements are arbitrary and do not account for different boat mooring needs.**
- 2. The granting of the variances will not confer on the applicant a special privilege because other property owners have varying widths of docks along Lake Worth.**
- 3. The hardship, which runs with the land, is that it would be impracticable to safely moor a vessel within the allowable ten (10) foot width so a variance would be justified for this property.**
- 4. The variances requested are the minimum necessary to make reasonable use of the land considering the need to have a wider dock for mooring.**
- 5. The granting of the variances will be in harmony with the general intent of the ordinance and not be injurious to the neighborhood. The intention of Section 62-76(h) is for a limitation of the width of a dock that would be adjacent to the land, not a dock that is out in the water.**

Sincerely,



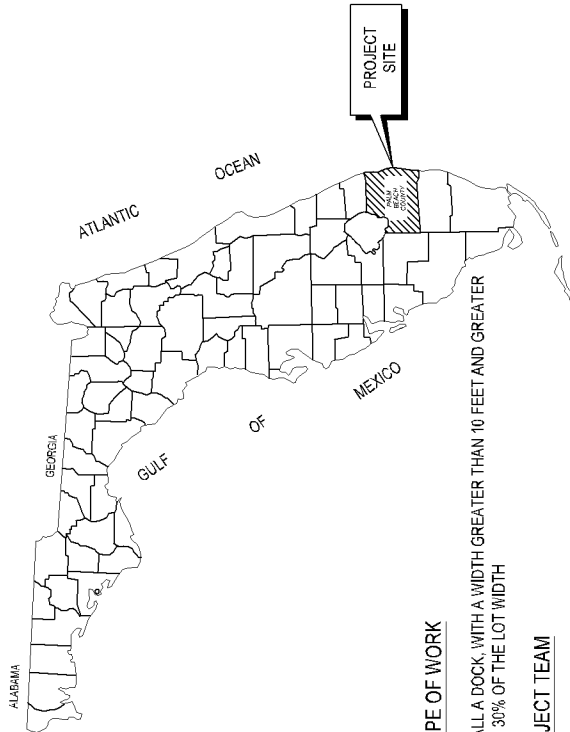
Maura Ziska

DOCK, BOAT LIFTS, AND FLOATING VESSEL PLATFORM

TC Development Review Meeting Backup 9-13-2023

LAKE WORTH
625 CREST ROAD
TOWN OF PALM BEACH
PALM BEACH COUNTY, FLORIDA
FOR:
625 CREST ROAD LLC

JULY 26, 2023



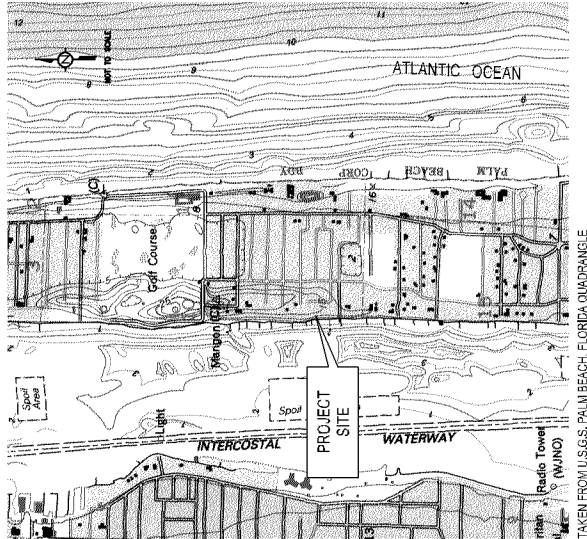
SCOPE OF WORK

INSTALL A DOCK, WITH A WIDTH GREATER THAN 10 FEET AND GREATER THAN 30% OF THE LOT WIDTH

PROJECT TEAM

MAJUBA ZISKA, ESQ., KOCHMAN & ZISKA PCL
MATTHEW D. BUTLER, P.E., ISMINGER & STUBBS ENGINEERING, INC.
CRAB WALLACE, WALLACE SURVEYING CORP.

SKETCH SUBMITTED FOR TOWN OF PALM BEACH VARIANCE REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.



TAKEN FROM U.S.G.S. PALM BEACH, FLORIDA QUADRANGLE

ZON-23-087

TOWN COUNCIL—OCTOBER 11, 2023

INDEX TO DRAWINGS

SHEET	TITLE
1	VICINITY MAP AND COVER SHEET
2	LOCATION MAP
3	PLAN VIEW
4	AERIAL PLAN VIEW

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 7/26/2023 using a Digital Signature.
Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.

SECOND SUBMITTAL

VICINITY MAP AND COVER SHEET



ISMINGER & STUBBS
ENGINEERING, INC.
COUNTY: ENVIRONMENTAL - MARINE
P.O. BOX 54702 - NORTH PALM BEACH, FL 33458 - 54702-0003

DOCK, BOAT LIFTS, AND FLOATING VESSEL PLATFORM

LAKE WORTH

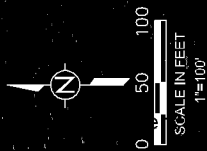
625 CREST ROAD

TOWN OF PALM BEACH, PALM BEACH COUNTY, FL

APPLICANT: 625 CREST ROAD LLC

DATE: 8/23 DRAWN: CCUR CHKD: CCUR APPRVD: MDB

DWG NO.: 2210BE1 COMPUTER FILE NO.: 2210BE2 SHEET: 1 OF 4



LAKE WORTH

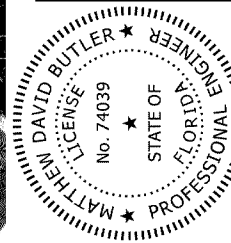


LOCATION MAP

ISNINGER & STUBBS
ENGINEERING, INC.
CONSULTING ENGINEERS - MARINE
P.O. BOX 14702 - NORTH PALM BEACH, FL 33418-4702
REGISTERED PROFESSIONAL ENGINEER
NO. 74039

DOCK, BOAT LIFTS AND FLOATING VESSEL PLATFORM
LAKE WORTH
625 CREST ROAD
TOWN OF PALM BEACH, PALM BEACH COUNTY, FL
APPLICANT: 625 CREST ROAD LLC

DATE	5/23	DRAWN	CCUR	CHKD	APPRVD	MDR
DWS NO.	22108E2					
COMPUTER FILE NO.	22108E2					
REV	2	7/23	SECOND SUBMITTAL			
SHEET	4					



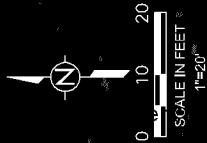
This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 7/26/2023 using a Digital Signature.
Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.

ZON-23-087

NOTES:

1. PROPERTY LINES ARE APPROXIMATE.
2. AERIAL PHOTOGRAPH FROM PALM BEACH COUNTY.

NOT FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.



LAKE WORTH

PROPOSED MOORING
PILE (TYP. 3 TOTAL)

SCHEMATIC BOAT (TYP.)

PROPOSED
TERMINAL
PLATFORM

PROPOSED
BOAT LIFT

PROPOSED
FINGER PIER

PROPOSED
BOAT LIFT

PROPOSED FLOATING
VESSEL PLATFORM

PROPOSED ACCESS DOCK

PROPOSED SEAWALL
REPLACEMENT

EXISTING SEAWALL

APPROX. PROPERTY LINE

LAKE TRAIL

APPROX. PROPERTY LINE

UPLAND
SINGLE-FAMILY
RESIDENCE

APPROX. RIPARIAN LINE

APPROX. PROPERTY LINE

AERIAL PLAN VIEW

**INSINGER & STUBBS
ENGINEERING, INC.**
CONSULTING ENGINEERS - MARINE
P.O. BOX 14702 - NORTH PALM BEACH, FL 33408-5648-0003
REGISTERED PROFESSIONAL ENGINEER
NO. 74039

DAVID BUTLER
STATE OF
FLORIDA
PROFESSIONAL
ENGINEER
No. 74039

This item has been digitally
signed and sealed by Matthew D.
Butler, P.E. on 7/26/2023 using a
Digital Signature.
Printed copies of this document
are not considered signed and
sealed, and the signature must be
verified on any electronic copies.

ZON-23-087

NOTES:

1. EXISTING LOCATIONS ARE APPROXIMATE BASED ON ON-SITE
OBSERVATIONS, 2022 PALM BEACH COUNTY AERIAL, AND SURVEY BY
WILKINSON SURVEYING CORP., REV. 07/12/23.
2. 2022 AERIAL PHOTOGRAPH FROM PALM BEACH COUNTY.

SKETCH SUBMITTED FOR TOWN OF PALM BEACH VARIANCE REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

DATE	8/23	DRAWN	CCUR	CHKD	APPRVD	MDB
DWG NO.	2210854					
COMPUTER FILE NO.	2210852					
REV	2	7/23	SECOND SUBMITTAL			
SHEET	4					
OF	4					

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Regular Business

Agenda Title

Items Pulled From Consent Agenda

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Regular Business

Agenda Title

Update on Royal Poinciana Playhouse

Presenter

Maggie Zeidman, Town Council President; Wayne Bergman, Director of Planning,
Zoning and Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Regular Business

Agenda Title

Discussion Regarding Revisiting Properties Once Considered for Landmarks but Not Designated

1. Developing the Policy on When to Revisit a Property That Was Not Designated in the Past as a Landmark
2. List of Properties That Have Been Previously Reviewed for Landmarking
3. Letter to Properties

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **PZB Staff Memorandum w/ Attachments**

TOWN OF PALM BEACH

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Landmark Matters

Date: September 1, 2023

FOR YOUR INFORMATION

REGULAR BUSINESS

B. Update On Royal Poinciana Playhouse – Town staff and Town Attorney Randolph to provide an overview of the Playhouse approvals and demolition.

C. Discussion Regarding Revisiting Properties that Were Considered in the Past, But Not Landmarked

1. Developing a Policy on When to Revisit a Property That Was Not Designated in the Past as a Landmark – The Town Council may consider adopting a policy regarding how and when to revisit properties, once considered for possible Landmark status, but never actually designated. The policy may include triggers for revisiting, such as there is a new owner, new historical information is discovered regarding the building or property, the building has reached a threshold age (50 years?), or a certain number of years has transpired since the first attempt to Landmark (15 years?).
2. List of Properties That have Been Previously Reviewed for Landmarking – An original list of passed-over properties was created by Murphy Stillings LLC that spanned the time that firm has been involved with the Town's Landmark program. That list showed 61 properties that were once considered, but never Landmarked. The staff at the Preservation Foundation of Palm Beach worked to expand that list to cover the time before Murphy Stillings worked for the Town. This revised list is now

complete and attached for your review. This list will serve as to which properties would be covered under the policy proposed above. Murphy Stillings, with your direction, can begin to review the properties to see which may be suited for another attempt.

3. Letter to Properties – a draft letter template could be prepared as contact from the Town to the present property owner. The letters could be signed by the Mayor or another Town official.

D. 2023 / 2024 Designation Dates for Town Council – It was mentioned to staff about the possibility of consolidating all upcoming season Landmark Designation Hearings into one (or two) days of special meetings. This would remove monthly Designation Hearings from your agendas and focus the reviews and decisions to one (or two) meetings to be held in accordance with Chapter 54, Sec. 54-164. This will require careful coordination on the timing of mailings to the property owners, the dates of the Landmark Preservation Commission meetings, and Landmark Preservation Commission rendered decisions, all to conform to the required time frames described in the Code. This would allow the Town Council Designation Hearing Day or Days) to occur in April of 2024. This is just an option – there is no need to do this, and it is presented today as a discussion item since some interest has been expressed regarding this novel way to proceed.

Attached: Current List of Properties Considered, But Not Designated by the LPC
 or by the Town Council
 Staff Memo dated February 1, 2023
 Seth Behn, Esq. Memo, dated January 24, 2023
 Draft Letter

PROPERTIES NOT DESIGNATED
BY IPC

#	PROPERTY NUMBER	STREET	BUILT	STYLE	ARCHITECT	OUTCOME	YEAR HEARD	NOTES	FULL ADDRESS	Column1	Column2
1	0318	Arabian Road	1940	no info	Harding	Removed from Consideration	1993	No report on file	318 ARABIAN RD	x	
2	562	Atlantic Avenue	1925	Mediterranean Revival	unknown	Removed without Prejudice	2001	**DEMO 2021**	162 ATLANTIC AVE	x	
3	340	Atlantic Avenue	1945	Art Deco	Simonson & Jolley	No Action taken by LPC	1993	No action taken due to not yet being 50 years old. **DEMO 2015**	240 ATLANTIC AVE	x	
4	14	Australian Avenue	c. 1920	Bungalow	unknown/Maass	No Action taken by LPC	1990		314 AUSTRALIAN AVE	x	
5	18	Australian Avenue	c. 1920	Bungalow	unknown	Not Ratified by Town Council	1990		318 AUSTRALIAN AVE	x	
6	30	Banyan Road	1924	Tudor Revival	unknown	Removed from Consideration	2000		130 BANYAN RD	x	
7	340	Banyan Road	1929	Mediterranean Revival	William Gordon Beecher	Not Ratified by Town Council	1990		240 BANYAN RD	x	
8	18	Barton Avenue	1924	Mediterranean Revival	W.B. Eckler - builder	Not Recommended by LPC	2017		218 BARTON AVE	x	
9	31	Barton Avenue	1924/1932	Eclectic	unknown/Wyeth	Not Recommended by LPC	1990	**DEMO POOL GUEST HOUSE 2011**	131 BARTON AVE	x	
10	337	Brazilian Avenue	1924	Mediterranean Revival	Theodore Eisoldt - builder	Not Ratified by Town Council	2014		337 BRAZILIAN AVE	x	
11	41	Brazilian Avenue	c.1920/1937	Georgian Revival	unknown/Volk	Not Recommended by LPC	1999		141 BRAZILIAN AVE	x	
12	41	Casa Benedita	1921	Mediterranean Revival	attributed to Mizner	Not Recommended by LPC	2010		No address		
13	20	Clarke Avenue	1924	Mediterranean Revival	unknown	Not Recommended by LPC	2016		126 CLARKE AVE	x	
14	30	Clarke Avenue	1934	Monterey	Major	Not Ratified by Town Council	1997		150 CLARKE AVE	x	
15	307	Dolphin Road	1958	Mid-Century Modern	Shoemate	Not Recommended by LPC	2022	Not recommended due to alterations	107 DOLPHIN RD	x	
16	36	Dunbar Road	1923	Mediterranean Revival	Kitchell	Not Recommended by LPC	2018		136 DUNBAR RD	x	
17	311	Dunbar Road	1929-1930	Mediterranean Revival	E.B. Walton	Not Recommended by LPC	2019		211 DUNBAR RD	x	
18	320	El Vedado Way	1940	Neo-Classical Revival	Mack	Not Recommended by LPC	2013		320 EL VEDADO WAY	x	
19	222	Everglade Ave	1927	Mediterranean Revival	R.C. Warner - builder	Not Recommended by LPC	2017		222 EVERGLADE AVE	x	
20	115	Flagler Drive	1924	Mediterranean Revival	Cooper Lightdown - builder	Not Recommended by LPC	1992		115 FLAGLER DR	x	
21	215	Garden Rd	1936	Monterey	Treanor & Fatio	Not Ratified by Town Council	2016		215 GARDEN RD	x	
22	8	Golf Road	1922	Mediterranean Revival	Wyeth	Not Recommended by LPC	1997	**DEMO 2013**	8 GOLF RD	x	
23	1	Golf Road	1951	Mediterranean Revival	Bennett	Removed from Consideration	1997	Removed from consideration due to "not yet of an age appropriate". No report written	1 GOLF RD	x	
24	3	Golf Road	1951	Georgian Revival	Stetson	Removed from Consideration	1997	Removed from consideration due to "not yet of an age appropriate". No report written	3 GOLF RD	x	
25	726	Hi-Mount Road	1938	Colonial Revival	Treanor & Fatio	Not Recommended by LPC	1998	**DEMO 2018**	726 HI-MOUNT RD	x	
26	350	Island Road	1940	Modern	Treanor & Fatio	Not Recommended by LPC	2012		350 ISLAND RD	x	
27	205	Nightingale Trail	1940	Modern Stylish Ranch	Seilmann	Not Recommended by LPC	2022		205 NIGHTINGALE TRL	x	
28	475	North County Road	1936	Colonial Revival	Treanor & Fatio	Not Recommended by LPC	2019		475 N COUNTY RD	x	
29	130-132	North County Road	1929/1935	Mediterranean Revival	Kitchell	Not Recommended by LPC	1992		130-132 N COUNTY RD	x	
30	146	North County Road	c. 1932	Mediterranean Revival	Kitchell	Not Recommended by LPC	1992		146 N COUNTY RD		
31	1197	North Lake Way	1937	Monterey	Treanor & Fatio	Removed from Consideration	1994		1197 N LAKE WAY	x	
32	1127	North Lake Way	1941	British Colonial	Maass/Volk	Removed from Consideration	1994		1127 N LAKE WAY	x	
33	444	North Lake Way	1969	Modern	Volk	Not Ratified by Town Council	2001	**DEMO 2003**	444 N LAKE WAY	x	
34	958	North Lake Way	1977-1979	Modern	Richard Meier	Not Ratified by Town Council	2009		958 N LAKE WAY	x	
35	1510	North Ocean Blvd	1925	Mediterranean Revival	E. Bartholomew - builder	Not Ratified by Town Council	2022		1510 N OCEAN BLVD	x	
36	1438	North Ocean Blvd	1937	Tudor Revival	Maass	Removed from Consideration	2005	No report written	1438 N OCEAN BLVD	x	
37	980	North Ocean Blvd	1948	British Colonial	Wyeth, King & Johnson	Not Recommended by LPC	2018	**DEMO 2019**	980 N OCEAN BLVD	x	
38	977	North Ocean Blvd	1963	Georgian Revival	Volk	Not Ratified by Town Council	2010		977 N OCEAN BLVD	x	
39	1545	North Ocean Way	1937	French Eclectic	Treanor & Fatio	Not Ratified by Town Council	2014		1545 N OCEAN WAY	x	
40	1565	North Ocean Way	1938	Mediterranean Revival	Wyeth & King	Removed from Consideration	1993	No report on file **DEMO 2017**	1565 N OCEAN WAY	x	
41	334	North Woods Road	1936	Georgian Revival	Major	Removed from Consideration	1993		334 N WOODS RD	x	
42	256	Orange Grove Rd	1949	Mid-Century Modern	Stetson	Not Ratified by Town Council	2022		256 ORANGE GROVE RD	x	
43	District	Parc Montceau HD	1959-1961	Regency	Mack	Not Ratified by Town Council	2016				
44	269	Park Avenue	c. 1923	Shingle	unknown	Not Recommended by LPC	1991	PART OF HISTORICALLY SIGNIFICANT BUILDING PROGRAM	269 PARK AVE	x	
45	341	Peruvian Avenue	1931	Mediterranean Revival	Wyeth	Removed from Consideration	1993	(PART OF HISTORICALLY SIGNIFICANT BUILDING PROGRAM - incorrect) DEMO TEA HOUSE	341 PERUVIAN AVE	x	
46	153-155	Root Trail	c. 1920s	Frame Vernacular	unknown	Not Ratified by Town Council	1999	2003**	153-155 ROOT TRL	x	
47	255	Royal Poinciana Way	c. 1915	Mission Revival	unknown	Not Recommended by LPC	2015		255 ROYAL POINCIANA WAY	x	
48	335	Seabreeze Avenue	1925	Mediterranean Revival	Eckler	Not Recommended by LPC	2017	**DEMO 2021**	335 SEABREEZE AVE	x	
49	357	Seabreeze Avenue	c. 1900	Shingle	unknown	Not Ratified by Town Council	1990		357 SEABREEZE AVE	x	
50	120	Seabreeze Avenue	c. 1910's	Bungalow	unknown	Removed from Consideration	1993		120 SEABREEZE AVE	x	

PROPERTIES NOT DESIGNATED
BY LPC

51	10165	Seaspray Avenue	1919	Colonial Revival	City Builders	Not Ratified by Town Council	2015	**DEMO 2018**	165 SEASPRAY AVE	x
52	10145	Seaspray Avenue	1919	Colonial Revival	City Builders	Not Ratified by Town Council	2019		145 SEASPRAY AVE	x
53	10155	Seaspray Avenue	1933	Mediterranean Revival	Wyeth & King	Not Recommended by LPC	2020		255 SEASPRAY AVE	x
54	10135	South County Road	1937	Monterey	unknown	Removed from Consideration	2020	**DEMO 2014**	535 S COUNTY RD	x
55	10155	South County Road	1941	Mediterranean Revival	Shoumate	Not Recommended by LPC	2022		755 S COUNTY RD	2 parcels
56	10115	South Lake Trail	c. 1921	Colonial Revival/Eclectic	Wyeth	Not Recommended by LPC	1991		15 S LAKE TRL	x
57	10110	South Ocean Blvd	1926	Mediterranean Revival	Wyeth	Removed without Prejudice	1998		1410 S OCEAN BLVD	x
58	10124	South Ocean Blvd	c. 1922	Shingle	unknown	Not Recommended by LPC	1991		23A S OCEAN BLVD	2 parcels
59	10141	Tanger Avenue	1936	Monterey	Major	Not Recommended by LPC	1999	**DEMO 2019**	241 TANGER AVE	x
60	10110	Tarpon Island	1931	British Colonial	Major	Not Recommended by LPC	2011	PART OF HISTORICALLY SIGNIFICANT BUILDING PROGRAM	10 TARPON ISLAND	x
61	10172	Wells Road	1928	Moorish Revival	Charles E. Snyder	Not Recommended by LPC	2012		272 WELLS RD	x
62	10112	Sunset Avenue		Demolished		Removed from Consideration	1979	White Sands, "Not considered a high priority landmark designation"	112 SUNSET AVE	
63	10147	East Main Street		Demolished		Removed from Consideration	1979	"Not considered a high priority landmark designation"	147 EAST MAIN STREET	
64	10150	South County Road		Designated 5/22/1980		Not Recommended by LPC	1979	"As per request of the Trustee of the Stuart-Plankinton estate..."	800 SOUTH COUNTY RD	Hoffstot Ing
65	10126	Phippis Plaza		Designated 5/4/1982		Deferred taking action	1979	Byron Ramsing residence	236 PHIPPS PLAZA	Hoffstot Ing
66	10120	South Ocean Avenue		Designated 4/17/1982		Removed from Consideration	1979	Removed from consideration after recommended to Town	1820 SOUTH OCEAN AVE	Hoffstot Ing
67	10144	North County Road		Designated 3/9/1990		HELD AT COUNCIL LEVEL	1979	St. Edward's Church	144 N COUNTY RD	
68	10246	Worth Avenue	c. 1891	Frame Vernacular	unknown	Referred back to LPC	1979	maybe part of Worth Ave historic district?	236-246 WORTH AVE	Hoffstot Ing
69	1013	South Lake Trail	c. 1895	Georgian Revival	Hon. Joseph A. McDonald	Not Ratified by Town Council	1979, 1980	Rabbit Hill	3 S LAKE TRAIL	Hoffstot Ing
70	1013	Cocconut Row		Georgian Revival		Not Ratified by Town Council	1980	Royal Poinciana Chapel, deferred indefinitely by LPC in 1991	60 COCONUT ROW	Hoffstot Ing
71	10095	North Ocean Blvd		Gate's Wall Designated 5/16/95		Not Ratified by Town Council	1980		1095 N OCEAN BLVD	
72	101	El Brillo Way		Designated 1/30/1985		Not Ratified by Town Council	1980		101 EL BRILLO WAY	Hoffstot Ing
73	102	Jungle Road		Designated 2/1/1990		Not Ratified by Town Council	1980	"...a great number of architects involved in the design and so it could not be called the master work of a single architect. "	102 JUNGLE RD	Hoffstot Ing
74	1425	South Ocean Blvd		Demolished		De-designated	1983	Alice Delamar, removed from 'B' grade designation, DEMOLISHED	1425 SOUTH OCEAN BLVD	Hoffstot Ing
75	341	Provan Avenue		See Above		Not Ratified by Town Council	1983		341 PERUVIAN AVE	Hoffstot Ing
76	314	Australian Ave		See Above		No Action taken by LPC	1990		314 AUSTRALIAN AVE	Hoffstot Ing
77	10095	North Ocean Blvd		See Above		No Action taken by LPC	1990		1095 NORTH OCEAN BLVD	
78	822	S County		Designated 8/27/85; Changed to Partial Designation 6/11/1995		(De-designated ?)	1990	Hoffstot residence	822 SOUTH COUNTY RD	Hoffstot Ing
79	4	South Lake Trail		Designated 1/30/1985		Not Recommended by LPC	1990	Property not 50 years old	4 SOUTH LAKE TRAIL	
80	460	Worth Avenue		Demolished		Removed from Consideration	1990		460 WORTH AVENUE	
81	102	Flagler Drive		Mixed	unknown	Not Recommended by LPC	1990		102 FLAGLER DRIVE	
82	131	Barton		See Above		Not Recommended by LPC	1990		131 BARTON AVE	
83	357	Seabreeze		See Above		Not Recommended by LPC	1990	Owner opposed to landmarking	357 SEABREEZE AVE	
84	318	Australian Ave		See Above; Under Consideration		Not Ratified by Town Council	1990	Owner opposed to landmarking	318 AUSTRALIAN AVE	
85	1800	South Ocean Blvd		De-Designated		De-designated	1990	No longer meets criteria, has undergone over 100 approved changes	1800 SOUTH OCEAN BLVD	Hoffstot Ing
86	15	South Lake Trail		See Above		Not Recommended by LPC	1991	No longer meets criteria	15 SOUTH LAKE TRAIL	
87	224	South Ocean Blvd		See Above; Address changed to 110 Seaspray Avenue		Not Recommended by LPC	1991	Doesn't meet criteria	224 SOUTH OCEAN BLVD	
88	269	Park Avenue		See Above; Now HSB		Not Recommended by LPC	1991		269 PARK AVENUE	
89	240	Atlantic Avenue		See Above; Demolished		No Action taken by LPC	1991	Property not 50 years old..	240 ATLANTIC AVENUE	
90	126	North County		See Above		Not Recommended by LPC	1992		126 NORTH COUNTY RD	
91	130	North County		See Above		Not Recommended by LPC	1992		130 NORTH COUNTY RD	
92	132	North County		See Above		Not Recommended by LPC	1992		132 NORTH COUNTY RD	
93	137	Seaspray		Designated 3/21/18		No Action taken by LPC	1992		137 SEASPRAY AVENUE	Hoffstot Ing
94	115	N Flagler Drive		See Above		Not Recommended by LPC	1992	No longer meets criteria	115 NORTH FLAGLER DRIVE	Hoffstot Ing
95	160	Wells Road		Designated 6/12/2001		Not Recommended by LPC	1992		160 WOODS ROAD	
96	120	Seabreeze		See Above		Removed from Consideration	1993		120 SEABREEZE AVENUE	
97	334	North Woods Rd		See Above; Demolished		Removed from Consideration	1993		334 NORTH WOODS ROAD	

Properties “Put Under Consideration” Not Designated by LPC or TC

<u>Address</u>	<u>Year Heard</u>	<u>Date Current Owner Purchased**</u>
318 Arabian Road	1993	2012 * New Owner
314 Australian Avenue	1990	1972
318 Australian Avenue	1990	1984
130 Banyan Road	2000	2018 * New Owner
240 Banyan Road	1990	2015 (PAPA house built in 1991)
131 Barton Avenue	1990	1998 * New Owner
218 Barton Avenue (MS)	2017	2015
141 Brazilian Avenue	1999	2012 * New Owner
337 Brazilian Avenue (MS)	2014	2008
120 Clarke Avenue (MS)	2016	1995
150 Clarke Avenue	1997	2016 * New Owner
60 Cocanut Row	1980	Prior to 1979 Royal Poinciana Chapel
126 North County Road	1992	Owned by Synagogue/Plans for Renovation
130-132 North County Road	1992	Owned by Synagogue/Plans for Renovation
475 North County Road (MS)	2019	1991
107 Dolphin Road (MS)	2022	2023 * New Owner
136 Dunbar Road (MS)	2018	1986
211 Dunbar Road (MS)	2019	2022 * New Owner
320 El Vedado Way (MS)	2013	1988
222 Everglade Avenue (MS)	2017	1993
102 Flagler Drive	1990	2020 * New Owner
115 Flagler Drive	1992	2006 * New Owner
215 Garden Road (MS)	2016	2022 * New Owner
1 Golfview Road	1997	2017 * New Owner
3 Golfview Road	1997	1993
5 Golfview Road	1997	2022 * New Owner
350 Island Road	2012	2002
3 South Lake Trail	1979/1980	Prior to 1979
1127 North Lake Way	1994	1980
1197 North Lake Way	1994	(PAPA house built in 2002)
958 North Lake Way	2009	1992
205 Nightingale Trail (MS)	2022	1980
1438 North Ocean Blvd	2005	2019 * New Owner
977 North Ocean Blvd	2010	1970
1510 North Ocean Blvd (MS)	2022	1986
1545 North Ocean Way (MS)	2014	1996
256 Orange Grove Road (MS)	2022	1989
Parc Monceau HD (MS)	2016	Various
341 Peruvian Avenue	1983	2021 * New Owner
153-155 Root Trail	1999	2015 * New Owner
255 Royal Poinciana (MS)	2015	1999
170 Seagate Road	2013	2022 * New Owner
120 Seabreeze Avenue	1993	2012 * New Owner

357 Seabreeze Avenue	1990	2015 * New Owner
145 Seaspray Avenue (MS)	2019	2019 * New Owner
255 Seaspray Avenue (MS)	2020	2021 * New Owner
755 South County Road (MS)	2022	2003
15 South Lake Trail	1991	2015 * New Owner
224 South Ocean Blvd	1991	2020 * New Owner (110 Seaspray Ave)
1410 South Ocean Blvd	1998	1994
10 Tarpon Island	2011	2021 * New Owner (HSB)
272 Wells Road	2012	1984
334 North Woods Road	1993	1998 (Papa house built in 1998)

*According to available records on PAPA; May have some discrepancies if in a trust
(MS) Reports Written & Presented by MurphyStillings

Demolished Properties Not Designated by LPC or TC

162 Atlantic Avenue
240 Atlantic Avenue
Casa Bendita Pavilion
8 Golfview Road
726 Hi-Mount Road
147 East Main Street (147 Royal Poinciana Way)
444 North Lake Way
980 North Ocean Boulevard
1565 North Ocean Way
1425 South Ocean Boulevard (had been de-designated)
335 Seabreeze Avenue
165 Seaspray Avenue
535 South County Road
112 Sunset Avenue
241 Tangier Avenue
*240 Banyan Road (1991)
*1197 North Lake Way (2002)
*334 Woods Road (1998)

*Not on Demolished list but PAPA date much later than original date so likely demolished

New Owners Since “Not Designated by LPC or TC” & “Reports not Written by MS”

318 Arabian Road	Too altered to be considered for Landmark designation
130 Banyan Road	Too altered to be considered for Landmark designation
131 Barton Avenue	
141 Brazilian Avenue	
150 Clarke Avenue	Too altered to be considered for Landmark designation
102 Flagler Drive	Too altered to be considered for Landmark designation
115 Flagler Drive	
1 Golfview Road	
5 Golfview Road	

1438 North Ocean Boulevard	Too altered to be considered for Landmark designation
341 Peruvian Avenue	
153-155 Root Trail	
120 Seabreeze Avenue	
357 Seabreeze Avenue	
170 Seagate Road	
15 South Lake Trail	Too altered to be considered for Landmark designation
224 South Ocean Boulevard (now 110 Seaspray Avenue)	
10 Tarpon Island	HSB

TOWN OF PALM BEACH

Information for Town Council Meeting on:

February 15, 2023

To: Mayor & Town Council

From: Wayne Bergman, Director of PZB

Via: Kirk Blouin, Town Manager

Re: Landmark Program

Date: February 1, 2023

At the December 14, 2022 Town Council meeting, Mayor Moore requested a discussion item to be added to a future agenda regarding the new Landmark Preservation Program. In particular, the Mayor was referring to the change made by Town Council over a year ago to double the budget for the study of Town buildings for possible landmark designations. With this change, in theory, the Town would go from about 10 buildings per year to 20 buildings to be studied and presented to the Landmarks Preservation Commission, and later to the Town Council, for consideration as landmarked buildings.

To date, the Town currently has about 360 landmarked buildings or structures and 36 historically significant buildings (HSB's); within the past five years, 32 buildings out of 71 have received the landmark designation.

Year	Properties Presented for Consideration	Properties Designated a Landmark
2018	8	5
2019	10	5
2020	5	4
2021	28	8
2022	20	10

This designation season, the group of buildings being presented for landmark consideration include many commercial buildings. One reason for this selection is due to the concerns over the new HB 423, which places severe restrictions of the ability to preserve single-family homes in Palm Beach (when such homes are located in special flood hazard areas and when property owners oppose the landmark designation), so a shift was made by the consultants to pursue commercial and multi-family buildings. There are also several single-family homes left over from last year – placed under consideration by the Landmarks Preservation Commission but not yet heard by the Town Council. These homes were deferred to this current season for hearings – most at the request of the owners. These are coming before you now.

Comments have been made by some Landmark Preservation Commissioners and some of the Town Council members that the supply of historically appropriate buildings suitable for future

landmark designation is somehow coming to an end. Therefore, the perception may exist that the recent policy shift to double the number of buildings to be studied each year may no longer be a relevant exercise.

The counterpoint to this line of thinking comes from two primary sources. The first is from the data contained within the Town of Palm Beach Historic Site Survey, December 2020, conducted by Environmental Services, Inc. (ESI). The second source is the current list of properties that were considered, at one time in the past, for landmark designation, but for a variety of reasons were never designated. This is a newly generated list, but one that should be reviewed.

1. The ESI Historic Site Survey - Introduction provides a very compelling snapshot of the Town regarding historic buildings. ESI surveyed 2,240 historic resources and completed a Florida Master Site File (FMSF) form for 1,721 of the resources. Of these 1,721 resources, 936 have the potential for local landmark designation. Further, many buildings were not fully visible during the survey (obscured by hedges or walls) or have not reached fifty (50) years of age. 120 of the surveyed resources were found to [probably] meet the criteria for individual listing on the National Register of Historic Places (NRHP). Therefore, a large number of potential landmark-ready structures exist today.

2. Murphy Stillings and staff completed a list of 61 properties that were considered by the Town in the past but NOT landmarked. Staff then questioned the past and current policy of ignoring buildings forever once they have been presented for landmarking, but the designation was not made (for a variety of reasons). Historically, these properties were not re-visited for landmarking again at any time afterwards, out of fear of *Administrative Res Judicata*. The legal concept of *Administrative Res Judicata* was looked at, and staff questioned whether this was applicable to buildings studied in the past but never landmarked; and more specifically, could the Town re-visit possible landmark designation for properties on the list of buildings that were once studied, and possibly considered, but never designated – this includes a broad span of at least 61 properties dating back to the 1990's. We asked for an independent legal review of the matter.

See attached the legal opinion from Land Use Attorney Seth Behn with Lewis, Longman & Walker. His opinion is that these buildings can be reviewed again when conditions change (change of owner, as an example) or when additional information or facts are discovered, or new background details are found. His letter states “The very nature of historic review is one of evolving scholarship and appreciation. New facts, background information, and admiration for the importance of certain properties is certain to change over time.”

The list of properties once studied and considered, but never landmarked, currently number 61 buildings, and will grow in size as more research is conducted. Staff has asked the Preservation Foundation of Palm Beach to help research this matter and to add properties that they find from their historical archives. Unfortunately, due to the policy of the past, 23% of the known buildings on this list have been demolished since being considered. However, many quality examples of historic architecture remain, and likely some preeminent standout architectural edifices exist.

As a reminder, the four criteria for the designation of a landmark building, structure, or site are found on Chapter 54, Section 54-161:

In the Town of Palm Beach, a landmark or landmark site shall meet at least one of the following four (4) criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state, or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

For comparison to another architecturally and historically rich south Florida community, these are the criteria used in Miami Beach for landmark designation of single-family homes (LDR Section 118-592):

- (1) An association with events that have made significant contributions to the city, county, state, or nation.
- (2) An association with the lives of significant individuals in the city's history.
- (3) Embodying the distinctive characteristics of an historical period, an architectural of design style, or a particular method of construction.
- (4) Possessing intrinsically high artistic merit.
- (5) Representing the work of an acknowledged master, such as a master designer/ architect/ or builder who contributed to our common historic/ aesthetic/ or architectural heritage.
- (6) Has yielded, or is likely to yield, important historic information.
- (7) Having a listing in the National Register of Historic Places.
- (8) Be part of a geographically defined and distinct area of similar structures united by similar elements, even if individual components might lack distinction.

Attached: List of Properties Not Designated by LPC
Seth Behn, Esq. Memo, dated January 24, 2023

Reply To: West Palm Beach

MEMORANDUM

TO: Wayne Bergman; James Murphy

CC: Jennifer Hofmeister-Drew

FROM: Seth Behn, Esq., AICP 

DATE: January 24, 2023

SUBJECT: Landmark Designation Review and Administrative Res Judicata

I. Question Presented

You asked: "Does the denial of a request to designate a landmark property preclude that request from coming again before the Town Commission?"

II. Brief Answer

The review of whether a single property should be designated for Landmark Status is *quasi-judicial* in nature. The inquiry is fact based, and a determination is made based upon the record information and status, as is available at that time. However, such a determination does not have the finality that a judicial ruling might carry. *Administrative Res Judicata*, while applicable in certain circumstances, does not preclude reconsideration when changed conditions or additional facts are brought to light. The discretion to determine when changed conditions are found is within the discretion of the Town Council. As a policy decision, however, the Town Council could provide limitations on how often it is willing to reconsider a property previously reviewed.

01878130-1

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See Things Differently®

III. Discussion

The actions of the Town Council in carrying out its police powers in matters of land development broadly fall into two categories, legislative and quasi-judicial. The distinction is best understood as legislative actions are those rulings which will have a broad application, versus quasi-judicial are those that apply to only a limited number of sites.¹ Examples of legislative actions would include the adoption of a future land use map, the implementation of new zoning code regulations, or the approval of a historic district. Such actions constitute policy-setting activities and will be found lawful so long as the adoption was “fairly debatable”, a highly deferential standard.

When a Town Council makes decisions that impact specific defined parties and their rights, the review is quasi-judicial and a higher standard must be met. Examples of this might include the rezoning of a single property, a request for a variance from the zoning code standards for one structure, or the designation of a single home as a landmarked property. Quasi-judicial rulings must be based upon the facts and evidence presented to the Town Council. The legal standard for quasi-judicial proceedings is “strict scrutiny”, and the ruling must be supported by “substantial competent evidence.”²

Quasi-judicial decisions in Florida are subject to the “doctrine of administrative res judicata.”³ This doctrine holds that, barring any changed circumstances or new facts, prior decisions of the ruling body should not be revisited. However, the courts have found that the application of administrative res judicata “should be applied in zoning cases with great caution.”⁴ In zoning matters, the ability to consider a project anew should be “liberally construed...to provide the necessary flexibility to the zoning ordinance.”⁵ Furthermore, the discretion to determine when such changed facts or circumstances exists lies with the Town Council itself.⁶

Turning to the specific application of administrative res judicata to the process of historic designation, it is clear this doctrine would not bar the Town from reconsidering a property previously rejected for landmark designation. The very nature of historic review is one of evolving scholarship and appreciation. New facts, background information, and admiration for the importance of certain properties is certain to change over time. Accordingly, a Town Council is vested with the power to reconsider a property previously reviewed for landmarking, upon a finding that changed circumstances and facts are present.

¹ Board of County Com'rs of Brevard County v. Snyder, 627 So.2d 469, 474 (Fla. 1993).

² Id.

³ Coral Reef Nurseries, Inc. v. Babcock Co., 410 So. 2d 648, 651 (Fla. 3d DCA 1982).

⁴ Miller v. Booth, 702 So. 2d 290, 291 (Fla. 3d DCA 1997).

⁵ Coral Reef Nurseries at 654.

⁶ Miller at 291.

In reviewing the Town's code of ordinances, there does not appear to be any specific regulations addressing the question of timing for reconsideration of a historic designation. The code does provide for "undesignation procedures", which necessarily implies the right to bring a property back before the Town Council. With that said, there is nothing to prevent the Town Council, as a matter of policy, to provide for explicit guidelines on when it is willing to reconsider, if at all, a property previously reviewed for landmark designation.⁷

⁷ While no examples were found in the Town of Palm Beach Code, the Palm Beach County Unified Land Development Code provides a typical policy stating, "An application for a [Development Order] for all or a part of the same land shall not be considered for a period of one year after the date of denial." (PBC ULDC Art. 2.A.10.D.1.)

Dear “Homeowner”:

I am writing to you as the _____ to let you know that your house appears to be eligible to be a Town of Palm Beach Landmark. Landmarked properties are many of the most prestigious and coveted properties in Town and we believe your house has potential to belong to this exclusive group. Following is a bit of history about the program and reasons why landmarking enhances the Town and benefits owners of landmarked properties.

To combat the loss of the Town’s historic resources, the Town Council adopted a Landmark’s Preservation Ordinance in 1979. The purpose of the ordinance was to study and protect Palm Beach’s historic resources, ensuring that the heritage of Palm Beach would not be lost. The main goals were to protect and enhance the perpetuation of properties that represent the town’s cultural, social, economic, political and architectural history while fostering civic pride in the beauty and notable accomplishments of the past.

Important benefits of the Landmark Preservation program include:

Economic Investment and Resiliency– A recent study, *Landmarking and Property Values in Palm Beach*, found that Landmarked properties experience a premium in the marketplace and performed better in both the declining and the recovery markets. (PalmBeachPreservation.org)

Incentives – Landmarked properties are able to take advantage of several incentives including exceptions in the Building Code and FEMA regulations that allow historic buildings to be renovated while maintaining their character and charm. Additionally, landmarked properties are eligible to participate in the ad valorem tax abatement program, which can result in substantial cost savings over a 10-year period for the restoration and renovation of a landmarked property.

Managing Palm Beach’s Heritage – With all of the changes that are rapidly occurring in Palm Beach, landmarking helps to ensure that the unique character and charm of the Town are preserved for current and future generations. Preservation is about managing change, rather than preventing it. Landmarked buildings can undergo compatible changes and additions that allow for modern updates while preserving the important character of the property.

Sustainability – “The greenest building is the one that is already built.” Maintaining these structures, as opposed to demolition and new construction, is an inherently sustainable practice. It can take up to 80 years for a new energy-efficient building to offset the negative environmental impacts of demolition and new construction.

Historic Preservation Staff and Consultants – As a Landmark property owner, you have access to the Town’s dedicated preservation staff to assist you with project planning and guide you through the application process if you wish to make changes to your Landmark.

Landmarks Preservation Commission – The LPC works with property owners, often allowing many compatible alterations and additions to historic structures. Unlike other communities, landmarking does not add an additional layer of review as landmarked structures are reviewed by the LPC in lieu of the Architectural Review Commission (ARCOM). In addition, the LPC has no

oversight regarding interior changes (unless the owner specifically applies for the tax abatement program).

Good for the Community – A recent survey of Palm Beach residents found that 93.9% attach importance to the town's historic character. In addition, the vision and mission statements of the Town's upcoming strategic plan noted the importance of preserving the Town's history, architecture and heritage.

Leaving a Meaningful Legacy – Landmark is an important title bestowed upon the buildings that represent the full extent of the Town's architectural and cultural history. From a pioneer cottage to a Mizner estate, to a Modern condominium building, Landmarks represent the Town's evolving times and styles and tangibly link us to past and future generations. Landmarking your property ensures that the place you have treasured will be maintained and protected now and in the future.

And You Get a Plaque! Although it isn't required to install your bronze Landmark plaque, many Landmark owners feel a strong sense of pride and stewardship over proudly displaying their plaque.

I know this is a lot of information to process, but our Landmark Preservation Consultants, Town Staff and Landmark Preservation Commissioners are here to assist and answer any questions you may have. Our goal is to designate worthy properties to help protect and preserve the historic and architectural heritage of Palm Beach and we hope you are proponents in having your property join the prestigious list of Town of Palm Beach Landmarks. Please contact our Town Staff with your thoughts on the landmarking of your residence and any questions you may have about the Town's Landmark Program.

Sincerely,

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Regular Business

Agenda Title

2023/2024 Designation Dates

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Regular Business

Agenda Title

Discussion Regarding Declaration of Use Agreement Templates

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **PZB Staff Memorandum w/ Attachments**

TOWN OF PALM BEACH

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: Declaration of Use Agreement Template

Date: August 23, 2023

FOR YOUR INFORMATION

As recently discussed, attached is a DRAFT Declaration of Use Agreement (“DOUA”) template. This was created by merging numerous DOUA’s together. I categorized the conditions based upon the best examples I found in recent agreements proposed and/or executed between the Town and restaurants, bars, clubs, and hotels. This template, once refined and reduced, could be provided to applicants as part of their First Submittal application. It could be completed by the applicant and returned prior to the Town Council meeting.

Having a DOUA prepared in advance may save the applicants and Town Council time in the future.

This DRAFT DOUA still needs further review and editing with Skip Randolph’s assistance.

**DECLARATION OF USE
AGREEMENT**

by

THE TOWN OF PALM BEACH

and

_____, 202_____

\

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 202____ by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "Town") and [Name & Address] (hereinafter called "_____", which terms "Town" and "_____" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the land described in Exhibit "_____" attached hereto and made a part hereof (hereinafter referred to as the "Land" or "_____ Location") is located within the municipal limits of the Town; and

WHEREAS, the _____ Location falls within the Town's _____ Zoning District; and

WHEREAS, The _____ desires a Special Exception Use / Site Plan Review / Variances at the _____ Location; and

WHEREAS, the Town Council conditionally approved Application Number _____ on _____, 202____ which granted the _____; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Special Exceptions / Site Plans / Variances are conditioned upon the representations made herein and all of the conditions herein imposed; and

WHEREAS, _____.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

ARTICLE I RECITALS

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II REPRESENTATION OF AUTHORITY

The [Name, Type of Use] has full right to enter into this Agreement and to bind the [Space, Building, Land] and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority, or other party other than any such consent which already has been unconditionally given or referenced herein. The execution of this Agreement or the consummation of the transactions contemplated herein will not violate any restriction, court order or agreement to which the [Space, Building, Land] are subject.

ARTICLE III [TYPE OF] USE

The _____ use that is the subject of this Agreement shall be as set forth in the application submitted to the Town as [File Number] and approved by the Town Council on _____, 202__ as the same may be amended from time to time (hereinafter referred to as the "Approval").

ARTICLE IV CONDITIONS

The approval shall be based upon the following conditions [Check those Conditions that are applicable and propose language and metrics to complete each Condition checked]:

[CONTINUED NONCONFORMING USE / ACCESSORY USES:]

- _____The project was approved for the continued operation of a [Name, Type of Use] with accessory _____ uses. The following licenses shall be required to be applied for, reviewed, and approved annually: _____

[OCCUPANCY / MEMBERSHIP:]

- _____The maximum membership shall be _____ people regardless of designation and whether or not dues paying. At least 50% of the members shall consist of individuals who are "town-persons" as defined in the Town's Code. [Name, Type of Use] is required to provide proof of town-serving compliance on an annual basis and per the Town's code.
- _____The maximum occupancy shall not exceed _____ people until _____ p.m. and _____ people after _____ p.m. except when there is an event as defined below in _____

which case the maximum occupancy shall not exceed _____ people after _____ p.m. The [Name, Type of Use] will return to Town Council after a period of _____ months of operation to review the aforementioned occupancy limits. Maximum occupancy shall include _____ employees. All guests and members must register at the _____ upon entry and the occupancy registry will be made available for inspection by the Town upon request.

[HOURS:]

- _____ The [Name, Type of Use] shall be located at [Location]. The hours of operation will be _____ to _____ [and _____ to _____]. All members and guests will be required to exit the [Name, Use] by closing time.
- _____ The [Name, Type of Use] shall be allowed to remain open until _____ on New Year's Eve. The [Name, Type of Use] will be required to hire _____ off duty police officers on New Year's Eve, unless an alternative arrangement is recommended by the Town police. A minimum of _____ valets shall be required for events and on New Year's Eve. Maximum occupancy for New Year's Eve shall be _____ persons.
- _____ The _____ room is approved for _____ seats and an additional _____ seats are approved for dining at the _____. The dining room may serve meals to the public and hotel guests from _____ to _____. Outside dining shall be allowed from _____ to _____ on the _____. These restrictions shall not preclude 24-hour room service.
- _____ Pool Hours shall be from _____ to _____ and Poolside beverage and food service shall be allowed between _____ **and** _____.
- _____ The hours of operation for the [Name, Type of Use] will be from _____ to _____, _____ day through _____ day [and _____ to _____, _____ day and/through _____ day.
- _____ As shown in the hour-by-hour seating plan, all food and beverage service shall close to the public no later than _____. For purposes of this Agreement, the term "close to the public" shall specifically not apply to food and beverage service in specific rooms that offer services at a given time only to hotel guests, employees, owners of the property, owners of the hotel operator and guests of hotel guests.

[FOOD & BEVERAGE SERVICE / NUMBER OF SEATS:]

- _____ There will be no dinner reservations made earlier than _____ p.m.

- _____ The lunch seating shall be limited to _____ seats. The total seats after 6:00 p.m. shall not exceed _____.
- _____ The _____ room is approved for _____ seats and an additional _____ seats are approved for dining at the _____. The dining room may serve meals to the public and hotel guests from _____ to _____. Outside dining shall be allowed from _____ to _____ on the _____. These restrictions shall not preclude 24-hour room service.
- _____ As stated in the hour-by-hour seating chart (the “hour-by-hour seating plan”) attached as part of Exhibit “____,” no more than _____ seats for food and beverage service to the public shall be open at any given time. A copy of this Agreement and the approved hour-by-hour seating plan shall be maintained on site at all times and made available for inspection by the Town, on request by a Town official. Notwithstanding anything to the contrary in this Agreement, during inclement weather, seats may be moved from the outside areas to indoor restaurant and bar areas as long as the _____ seat limitation is not exceeded.

[BUILDING:]

- _____ The main entrance to the [Name, Type of Use] shall be through _____.
- _____ No single room or space in the [Name, Type of Use], shall exceed _____ square feet in size.
- _____ The _____ doors of the _____ building can be used during outdoor events for ingress and egress, however, said doors shall not remain propped open.
- _____ The _____ doors shall remain closed after _____ p.m. and shall only be used after _____ p.m. for emergency purposes.
- _____ No [Name, Type of Use] guests, or other social or leisure activity or entertainment of any kind will be permitted on the roof of the [Name, Type of Use], the function room roof, or other accessory building roofs.
- _____ The [Name, Type of Use] shall provide state of the art exhaust vents and scrubbers and shall have them cleaned on a weekly basis.

[NOISE:]

- _____ Any violation of the noise ordinance as verified by a Town official shall be deemed a violation of this Agreement.

- _____The Owner shall construct and maintain the [Name, Type of Use] so as to achieve and preserve the Minimum Sound Transmission Rating (STC) as identified in Exhibit "_____."

[MUSIC / SOUND / D.J.'S:] :

- _____There shall be no dance floor or amplified live music, with the number of musicians limited to _____.
- _____There shall be no outside dining or music. The balconies and roof of the [Name, Type of Use]'s buildings shall not be used for any type of _____ activity.
- _____The [Name, Type of Use] will install hurricane/impact windows and doors as well as adequate soundproofing to block all interior noise from the _____ being heard outside.
- _____The main entrance exterior doors shall be revolving, or double doors designed to prevent sound escaping from the [Name, Type of Use] when opened.
- _____The only amplified music allowed in the _____ area shall be background music played via the [Name, Type of Use] custom-designed sound system that governs volume.
- _____No D.J.s with external sound equipment shall be allowed to perform in the _____ area. Vocal performances shall only be acoustical and not amplified.
- _____When live musicians perform in the _____ area, the groups are not to exceed four instruments; no live drums or percussion shall be allowed. The use of all live instruments shall end no later than _____ p.m.
- _____In the _____ area a microphone will be allowed only for an officiant or for an individual making remark. Microphone use shall end no later than _____ p.m.
- _____Recorded or live music or entertainment shall be allowed inside the [Name, Type of Use] building from _____ to _____, except New Years Eve where recorded or live music or entertainment shall be allowed until _____.
- _____There will be no outdoor music (live or recorded), no outdoor live entertainment, and no outdoor amplified sound permitted anywhere on the Land, with the exception of background live or background recorded music which will be permitted on the [Specify Location] from _____ to _____.

"Background live or background recorded music" is defined as music having a low enough volume that normal conversation can be held over the music. Background live or background recorded music shall have speakers for same directed inward to the property.

- _____ Only ambient, background music shall be permitted in the _____ area until _____ and the _____ until _____.
- _____ Inside the main [Restaurant, Bar, Lounge, Nightclub, Private Club], live and recorded music (including, without limitation, music played by a DJ) is permitted, but no subwoofers or electric guitars shall be permitted. Intended examples of permitted music inside the restaurant and nightclub are vocalists, jazz musicians, string quartets and similar styles of musicians. Operator shall take such steps to prevent music being played from being heard by neighbors outside the [Name, Type of Use].

[PARKING:]

- _____ It is the intent of this Agreement to preserve the residential character of the neighborhood and to not allow members and guests of the [Name, Type of Use] to park on residential streets.
- _____ After [Specify Time of Day], all vehicular pick-up and drop-off of all [Name, Type of Use] members, guests, and employees, (including car services, taxis, and private vehicles) must occur at the same location as the valet pick up and drop off stands provided that car services and taxis may drop off and pick up on [Specify Location]. [Name, Type of Use] Members, valets, and employees will be instructed that vehicular pick-up and drop-off of [Name, Type of Use] members, guests and employees is expressly prohibited from occurring at [Specify Other Locations].
- _____ [Name, Type of Use] employees who drive to work shall be required to park in the off- street parking lot at [Specify Location].
- _____ Prior to the issuance of any building permit, copies of the signed lease agreements regarding the [Name, Type of Use]'s right to use the parking lots at [Specify Locations] (or any other off-site parking lot acquired by the [Name, Type of Use] for its use), including any amendments thereto, will be provided, confidentially, to the Town attorney to confirm the [Name, Type of Use]'s right to use and the termination provisions thereof. The agreements may be redacted to exclude economic terms or other terms unrelated to the [Name, Type of Use]'s right to use the parking lots.
- _____ The Owner shall provide a minimum of _____ employee parking spaces and an employee shuttle service from _____ to _____ at an off-site location(s) within 15 minutes average driving time from the [Name, Type of Use]. This location shall not be within the Town limits unless specifically allowed for in Chapter 134 Zoning.

- _____ Off-Street Parking and Loading, of the Town Code of Ordinances. The Owner shall inform the Town in writing of the off-site parking location(s) outside the Town's jurisdiction. It shall be the Owner's responsibility to immediately inform the Town in writing of the loss of said parking area and make arrangements for the necessary approval(s) for alternate locations(s). Failure to insure that the off-site location is allowed by the jurisdiction in which said parking is located, or the loss of said parking may result in a reduction in dining room seating. That determination will be made by the Town Council at the earliest Town Council meeting after the Town becomes aware of the situation.
- _____ The [Name, Type of Use] operation shall include off-site parking (in [Specify Location]) of _____ parking spaces for employee and excess parking ("Employee Parking"). The Employee Parking plan shall include a shuttle bus operated by [Name, Type of Use] representatives and agents throughout the day and evening to bring employees to and from the [Name, Type of Use] to the Employee Parking facility.

[VALET SERVICES:]

- _____ Valet parking is required from _____ until closing. The valet stand and car service and taxi drop off and pick up shall be located in the parking lot at _____. Should the [Name, Type of Use] lose the right to operate a drop off and pick up stand at _____ for any reason, the [Name, Type of Use] will be required to provide an alternative location that is approved by the Town Council.
- _____ The [Name, Type of Use] must provide off-street parking with a parking lot capacity of at least _____ vehicles accessible to valet services, members, guests, and employees. The [Name, Type of Use]'s valet services shall use the off-street parking lot to park member and guest vehicles. There shall be no parking of member or guest vehicles at [List Other Locations].
- _____ The [Name, Type of Use] shall obtain and maintain a valet parking permit for their valet stand. A minimum of _____ valets shall be on duty from _____ to _____; and from _____ to _____; and a minimum of _____ valets shall be on duty from _____ to closing at _____. The number of valets may be modified by the Police Department should it be determined that more or fewer valets are required to manage the [Name, Type of Use] parking.
- _____ The [Name, Type of Use] shall purchase "street legal" golf carts to aid in valet operations.
- _____ Valet parking shall be operated in accordance with the valet circulation plan dated _____, 202____, prepared by _____, which shows a regular maximum queuing of _____ total cars.

- _____ All parking at the [Name, Type of Use] shall be valet managed with a valet parking permit approved by the Town Police Chief. Valet parking shall not be permitted on [Specify Locations]. If it is determined by the Town Manager, or his designee, that the valet parking operation at the [Name, Type of Use] is not working properly, the Town has the right to require measures as deemed necessary, including additional valet parking personnel or special duty officer(s), to resolve the issue(s). Further, the Town Council has the ability to place on their monthly agenda a discussion and resolution of any confirmed parking problem and/or requested parking revision, made by either the Town or the Owner, for a period of three (3) years, which will begin on the date the certificate of occupancy is issued for the [Name, Type of Use].
- _____ The Owner or operator of the [Name, Type of Use] shall maintain a parking agreement for the use of a combined total of _____ off-site valet parking spaces at [Specify Location(s)] (or other alternative location and/or number acceptable to the Owner and reviewed and approved by Town Staff). Owner shall furnish a redacted copy of such agreement to the Town. Only the underground garages at such facilities shall be used after 6:00 p.m. If the reserved valet parking spaces become unavailable, either the Owner or Operator shall notify the Director of Planning and Zoning within three business days after the spaces become unavailable.
- _____ Valet parking is required to be available for [Name, Type of Use] guests and food and beverage guests during all hours that the [Name, Type of Use] is open to the public for food and beverage service.

[DELIVERIES:]

- _____ The [Name, Type of Use] shall instruct its delivery services to function without using [Specify locations]. The [Name, Type of Use] shall instruct its delivery services to use the commercial loading zones at [Specify Location]. There shall be no [Name, Type of Use] deliveries or vendor services before 8:00 a.m.
- _____ Off-Street Parking and Loading, of the Town Code of Ordinances. The Owner shall inform the Town in writing of the off-site parking location(s) outside the Town's jurisdiction. It shall be the Owner's responsibility to immediately inform the Town in writing of the loss of said parking area and make arrangements for the necessary approval(s) for alternate locations(s). Failure to ensure that the off-site location is allowed by the jurisdiction in which said parking is located, or the loss of said parking may result in a reduction in dining room seating. That determination will be made by the Town Council at the earliest Town Council meeting after the Town becomes aware of the situation.
- _____ Commercial delivery services will be instructed to use the delivery location at _____.

[GARBAGE:]

- _____ All trash shall be stored inside the [Name, Type of Use] and will not be taken to the dumpster until after 8:00 a.m. the following day.
- _____ All trash shall be stored in the indoor trash room inside the [Name, Type of Use] daily and not taken to the outdoor rubbish receptacle until after 8:00 a.m. the following day.

[LIGHTING:]

- _____ The [Name, Type of Use] shall not add lighting to [Specify Location] parking lots.
- _____ All lights in the Parking lot shall be low level so that they shine downward and do not produce any light or glare which would adversely affect surrounding properties.

[OUTDOOR & SPECIAL EVENTS:]

- _____ No events shall be allowed prior to _____, no events of more than _____ people shall be allowed. There shall be no more than _____ events per month. An event is defined as an organized member sponsored function for 40 or more people within the confines of the [Name, Type of Use] property itself. Said events shall include, but are not limited to, charitable events, rehearsal dinners, wedding receptions, bar mitzvahs, Hanukkah, Christmas, or birthday parties. Only a [Name, Type of Use] member may host an event and 1 off duty police officer shall be required for all events unless an alternative arrangement is recommended by the Town police. The [Name, Type of Use] is required to maintain records of events and will make such available to the Town upon request. The [Name, Type of Use] shall be required to keep such records for a period of 12 months.
- _____ All outdoor events in the _____ area shall be concluded by _____ p.m.
- _____ The _____ area shall have a maximum capacity of _____ people per event.
- _____ There shall be no more than four events per month, and all events shall comply with the required opening and closing hours for each service area as shown in Exhibit “____,” and the events shall be subject to the seat limitations in the hour-by-hour seating plan. An event is defined as an organized function for more than 40 or more people within the [Name, Type of Use] such as wedding receptions, birthday parties and religious or other celebrations. The number of valet parkers shall be increased on an “as needed” basis for each event.

[SCREENING:]

- _____ A privacy landscape buffer shall be installed and maintained on the _____ property line. Said landscape buffer shall include a _____.

[UTILITY EASEMENT:]

- _____ Prior to the issuance of a building permit, the property owner voluntarily commits to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area.

[MAINTENANCE:]

- _____ Maintenance Provisions:

_____ The [Name, Type of Use] shall at all times be continually maintained with the upmost standards of a first-class hotel and will comply with all ordinances, rules and regulations of the Town of Palm Beach, Palm Beach County, and State of Florida, (and each of the foregoing governmental entity's respective districts, departments, and agencies) as to maintenance, health, and safety standards.

_____ All buildings and improvements shall be maintained in a first-class condition, especially as to the exterior appearance. Painting and other exterior maintenance shall be periodically performed as reasonably required. No excessive and/or unsightly mildew, rust deposits, dirt, graffiti, or deterioration shall be permitted to accumulate on any building or other improvement. The glass in windows and in glass sliding doors shall not be cracked or broken. Building openings shall not be boarded up. Foundations, exterior walls, and roofs shall be weather-tight and shall be maintained in good repair. All appurtenances to any structure, such as awnings, shutters, doors, rails, and light fixtures shall be securely attached and in working condition, and shall not be broken, hanging loose, or falling away from the structure. All walls and fences shall be maintained in good repair and in an upright condition and shall be free from graffiti, or broken, cracked, or leaning sections, or loose component pieces.

_____ All landscaping within the Land shall be regularly maintained with proper horticultural and arboricultural practices, including without limitation such replanting and, as is from time to time necessary, mowing, trimming, fertilization, and weed, insect, and disease control. All dead or diseased sod, trees, plants, shrubs, or flowers shall be

promptly replaced.

_____ Maintenance or other actions reasonably required by the Town to meet the forgoing Maintenance Provisions in Paragraph 21 shall be commenced and completed within a commercially reasonable time period as determined by the Town Director of Planning, Zoning, and Building Department within the exclusive reasonable exercise of his or her discretion, and a failure to maintain or take other curative action as so reasonably required shall be subject to being treated by the Town as a violation of the terms and conditions of this Agreement. The Maintenance Provisions of this Declaration of Use Agreement provide the Town with supplemental means to assure that the buildings and improvements on the Land are maintained and shall not create any obligation on the Town (or its officials, officers, or employees) to conduct such maintenance or enforce the Maintenance Provisions of this Declaration of Use Agreement. Further, the Maintenance Provisions of this Declaration of Use Agreement shall not prevent the Town from enforcing any building or structure maintenance or appearance law or regulation the Town may currently enforce, or that may from time to time become applicable in the future.

[CONSTRUCTION MANAGEMENT AGREEMENT:]

- _____ The [Name, Type of Use] shall enter into a Construction Management Agreement prior to the issuance of a building permit.
- _____ The demolition and construction contemplated by the Approval shall be conducted pursuant to the Construction Management Agreement(s) entered into between the [Name, Type of Use] Owners and Town prior to the issuance of a building permit for said demolition or construction.

[RETURN TO TOWN COUNCIL:]

- _____ [Name, Type of Use] shall return to the Town Council after _____ months of operation during the period from November 1 through April 30 to review the list of conditions and compliance. The [Name, Type of Use] is prohibited from seeking revision(s) to this Agreement for a period of _____ years following the date of _____ opening with the sole exception of a requested relocation of the valet stand and/or parking facility. Any future requested revisions to this Agreement will require at least 45 days notice to all property owners within a 750-foot radius. Any Town Council hearing regarding a requested revision(s) to this Agreement will only be conducted between the months of January and May.
- _____ If there are more than three verified complaints regarding noise or activities

beyond the scope of this Agreement in the _____ area, the use of the subject area shall cease and the applicant shall return to the next regularly scheduled Town Council meeting to address said complaints.

- _____ No sooner than three (3) months from the date of certificate of occupancy, the Owner or Town can come back to the Town Council to determine if the seating is working and to address any issues.
- _____ After the first and second seasons (December through April), the Owner and Operator shall return to the Town Council to review compliance with conditions imposed in this Agreement, which Town Council meeting shall take place during the months of either April or May of 2025 and April or May of 2026 (subject to deferral by Town Council to other months). If the [Name, Type of Use] is in compliance with the conditions of this Agreement described in this Article III, then Owner may at the Town Council compliance review meetings in 202____ and/or 202____ request [Additional seats, expanded hours of operation, etc.].

[COMPLIANCE:]

- _____ The Town shall have the right to conduct inspections on the Buildings and Land on a periodic basis to ascertain compliance with this Agreement. Failure to allow an inspection by the Town will constitute a violation of this Agreement.
- _____ The Owner or operator of the [Name, Type of Use] shall provide an affidavit of compliance each year at the time of renewal of the business tax receipt.

ARTICLE V VOLUNTARY AGREEMENT AND HOLD HARMLESS

The _____ agrees to be bound by the terms and conditions in this Agreement and waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE VI REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the _____ and the _____ 's representative of said violation(s) and the date upon which said violations(s) shall be corrected, _____ or _____ 's successor or assigns shall pay to the TOWN a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this

agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

In the event _____ disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this Agreement, or in the event the _____ disputes any code violation, _____ may appeal the determination of the Director of the Planning, Zoning and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days following the written notice of violation.

2. The Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default, or non-performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses, and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ARTICLE VII PROVISIONS TO RUN WITH THE [LAND, OWNER, TENANT]

This Agreement shall run with the [Land, Owner, Tenant] and shall be binding upon the _____ [and shall terminate upon the termination of the _____ 's business tax receipt for operation of a private _____, or rescission of the Approval]. This Agreement shall be recorded by the _____ in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

ARTICLE VIII ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE IX EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

ARTICLE X MISCELLANEOUS PROVISIONS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules, and regulations as well as laws of the appropriate governmental authorities.

All references in this Agreement to times of a day are stated in terms of Eastern Standard Time, i.e., whichever of Eastern Standard Time or Eastern Daylight Time may be in effect at the time. The word "day" in this Agreement means any period beginning when the time of day is midnight and ending on the next later occasion when the time of day is midnight.

This Agreement may not be amended except by written instrument signed by all parties.
hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken from this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

[Signatures, Notary, and Exhibits to follow]

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Regular Business

Agenda Title

Discussion Regarding Permit Time Extensions

1. Notification to Neighbors
2. Administrative Extensions
3. Duration of Permits

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum and Backup Dated August 23, 2023 from Wayne Bergman, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Permit Time Extensions

Date: August 23, 2023

FOR YOUR INFORMATION

Permit Time Extensions are made when existing building permits expire. Once the EnerGov software is operational in PZB (scheduled for March of 2024), expired permits will be known immediately, but currently under the Eden software, expired permits are either discovered by owners, Town staff, or contractors. Once discovered, the contractor must cease work, prepare a formal letter requesting a permit time extension and explain the reasons for not completing the project in time, provide an updated construction schedule, notify the abutting neighbors of the situation and provide the date, time, and location of the meeting in which the permit time extension is to be reviewed, and then attend the Town Council meeting to provide testimony on the matter.

The notification to neighbors is not a Town Code requirement for expired permits, but a policy matter that staff and the Town Council do their best to enforce.

In this discussion, perhaps the Town Council could consider allowing simple, short extensions of time to expired or expiring permits to be approved for short extensions by Town staff, if very limited in time (few weeks) and no negative neighbor complaints or objections.

Finally, we should review the schedule of permitted construction projects, based upon the size of the building being built or renovated. This schedule is found in Chapter 18. The multiple expired permits due to the Covid-19 have shown how the pandemic has played havoc with the timing of labor and materials, and still are causing issues today. Perhaps changes to this schedule should be considered.

TABLE 1. CONSTRUCTION SCHEDULE

	Square Footage Under Roof	New Construction* Maximum Time Permitted	Remodel/Accessory Construction Maximum Time Permitted
I.	Projects 3,999 sq. ft. or less	16 months	16 months
II.	Projects 4,000 sq. ft. to 5,999 sq. ft.	20 months	24 months
III	Projects 6,000 sq. ft. to 9,999 sq. ft.	24 months	30 months
IV	Projects 10,000 sq. ft. to 19,999 sq. ft.	30 months	36 months
V	Projects 20,000 sq. ft. to 39,999 sq. ft.	36 months	42 months
VI	Projects larger than 40,000 sq. ft.	To be determined by the town council prior to permit issuance	To be determined by the town council prior to permit issuance

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Regular Business

Agenda Title

Review the Administrative Approval Policy for Landmarked Buildings

Presenter

Julie Araskog, Council Member

ATTACHMENTS:

- ▣ **Project Designation Manual Matrix**
- ▣ **Example**



TOWN OF PALM BEACH
 Planning, Zoning & Building Department
 360 South County Road
 Palm Beach, FL 33480
 (561) 838-5430 • www.townofpalmbeach.com

PROJECT DESIGNATION MANUAL MATRIX
 Architectural Review Commission
 Landmarks Preservation Commission

*Adopted 7/13/2022

PROJECT	COMMISSION REVIEW		COMMISSION CHAIR REVIEW ↔	STAFF REVIEW	
	ARCOM MAJOR LPC: COA <i>or</i> HSB	ARCOM MINOR LPC: COA <i>or</i> HSB		STAFF APPROVAL	NEIGHBOR CONSENT
NEW CONSTRUCTION	New Residential <i>-or-</i> Commercial Building	Two-Story Accessory Structure	One Story Accessory Structure	Freestanding Unenclosed Accessory Structure (<i>pergolas, Trellises, Arbors, Follies, Canopies, etc.</i>)	
DEMOLITION	Landmark and Commercial Structures				
ADDITIONS	Two Story Addition visible from R-o-W <i>-or-</i> Additions to 3 rd Floor or Above	One Story Addition visible from R-o-W <i>-or-</i> Two Story Addition not visible from R-o-W	One Story Addition not visible from R-o-W > 400 SF <i>-or-</i> Second Floor Addition not visible from R-o-W > 200 SF	One Story Addition not visible from R-o-W < 400 SF <i>-or-</i> Second Floor Addition not visible < 200 SF	

PROJECT	COMMISSION REVIEW		COMMISSION CHAIR REVIEW ↩ ↪	STAFF REVIEW	
	ARCOM MAJOR LPC: COA <i>or</i> HSB	ARCOM MINOR LPC: COA <i>or</i> HSB		STAFF APPROVAL	NEIGHBOR CONSENT
BUILDING ALTERATIONS (Windows, Doors, Garage Doors, Roof, Siding, Gutters, Decorative Shutters, etc.)	Major Façade Alterations Impacting Architectural Style	C-WA District Street Facing Fenestration Alterations	Removal, Replacement, or Addition of Architectural Feature with Alternate Design <i>-and-</i> Installation of new "S" Tile	In-Kind Replacement of Architectural Features <i>including</i> "S" Tile Replacement	
SOLAR PANELS		Solar Panel Install			
PAINT			Change in Color Landmark & Commercial Buildings		
OUTDOOR SEATING				Furnishings Design Review	
AWNINGS				New Awnings or Recovering	
HURRICANE SHUTTERS			New Permanent Fixtures visible on Commercial	Replacement and Installation of Removable	

PROJECT	COMMISSION REVIEW		COMMISSION CHAIR REVIEW ↔	STAFF REVIEW	
	ARCOM MAJOR LPC: COA or HSB	ARCOM MINOR LPC: COA or HSB		STAFF APPROVAL	NEIGHBOR CONSENT
FENCES, WALLS, and GATES		New Visible from R-o-W -or- Use of PVC Products And Corrugated Sheet Piling		In-Kind Replacement -or- New, Interior to Lot, Not on Property Lines or Readily Visible * Moves to Minor Project without Consent	New on Side or Rear Property Lines * Moves to Minor Project without Consent
MECHANICAL EQUIPMENT Condensing Units, Pool Equipment, Cooling Towers, Water Filtration, and Generators up to 100kW* *100kW+ Generators are required to be housed in a building. See New Construction or Additions Row		New Equipment Visible from R-o-W		New Equipment Outside of Setbacks and not Visible from R-o-W* -or- Replacement Equipment in Existing Location* *Meeting all FEMA, Screening, and Zoning Requirements	New Mechanical Equipment Located within Setbacks* -or- Replacement Equipment in Non-Conforming Location meeting FEMA Requirements* * Moves to Minor Project without Consent
MODIFICATIONS to ACTIVE DEVELOPMENT APPROVALS			Maximum of (4) per year		

PROJECT	COMMISSION REVIEW		COMMISSION CHAIR REVIEW ↔	STAFF REVIEW	
	ARCOM MAJOR LPC: COA or HSB	ARCOM MINOR LPC: COA or HSB		STAFF APPROVAL	NEIGHBOR CONSENT
SITE ALTERATIONS <i>Hardscape</i> <i>Driveways, Patios, Pools, etc.</i>		Substantial Alterations to Site Hardscape	Minor Alterations to Site Hardscape	Interior to Lot, Not Readily Visible from R-o-W	
SITE ALTERATIONS <i>Landscape</i>		Substantial Alterations to Site Landscape		Alterations within Front Yard	On Side or Rear Property Lines * Moves to Minor Project without Consent
ARTIFICIAL TURF		Front Yard or Readily Visible from R-o-W		Side and Rear Yards	
LANDSCAPE LIGHTING				With TopB Exterior Lighting Affidavit	
SPORTS COURTS	Multifamily or Commercial Use	Single Family Use			
SIGNAGE	Illuminated			Non-Illuminated	

PROJECT	COMMISSION REVIEW		COMMISSION CHAIR REVIEW ↔	STAFF REVIEW	
	ARCOM MAJOR LPC: COA or HSB	ARCOM MINOR LPC: COA or HSB		STAFF APPROVAL	NEIGHBOR CONSENT
STATUARY		Visible from R-o-W -or- Over 6' in height		Not Visible from R-o-W	
VARIANCE	All Variance Requests and Corresponding Projects as Determined by Staff				

The Project Designation Manual Matrix is intended to aid homeowners, design professionals, and Town staff in determining the path and level of design review authority for the above-mentioned categories for site and construction improvements within the Town of Palm Beach.

- All applications submitted for **Staff Review** will be subject to staff design review and will require full compliance with the Town of Palm Beach Zoning Code of Ordinances. Any project which may substantially impact neighboring properties or require zoning exceptions may require design review by a Commission, subject to determination by the Director of Planning and Zoning. Projects under the **Neighbor Consent** column require a written waiver of objection to the project by the immediately adjacent/abutting neighbor. A completed Neighbor Consent Form provided by the Town shall be submitted with the staff review application. Projects where neighbor consent is not obtained shall proceed to the Architectural Commission as a Minor Project, or to the Landmarks Preservation Commission as a Certificate of Appropriates (COA) or Historically Significant Building (HSB).
- For items submitted for **Commission Chair Review**, the respective Chair will delegate the request to either Commission Review (ARCOM or LPC) or Staff Review depending on the architectural compatibility of the request and of its potential impacts. Should the Chair determine that Commission Review is required, projects will proceed to the Architectural Commission as a Minor Project, or to the Landmarks Preservation Commission as a Certificate of Appropriates (COA) or Historically Significant Building (HSB).
- Any project that requires a **Variance** will proceed to the Architectural Commission as a Major Project, or to the Landmarks Preservation Commission as a Certificate of Appropriates (COA) or Historically Significant Building (HSB).
- For projects that require **Commission Review**, please see the Town of Palm Beach Schedule of Meetings and Deadlines.

RECEIVED
By elyn at 2:43 pm, Jul 11, 2022

SAUNDERS RESIDENCE
284 MONTEREY RD.
PALM BEACH, FLORIDA 33480
RENOVATION & ADDITION

FINAL SUBMIT
05-02-2022

LANDMARKS
COA-22-028
JULY 20, 2022

284 Monterey Road - Original COA Plans
TOWN COUNCIL
ZON-22-079
AUGUST 10, 2022

SKA ARCHITECT + PLANNER
PATRICK W. SEGRAVES, A.I.A.
DANIEL A. CLAVIJO, ASSOCIATE A.I.A.

RENOVATION AND -450SQFT ADDITION TO AN EXISTING LANDMARK HOME. REPLACEMENT OF SOME EXISTING WINDOWS AND DOORS, ALONG WITH REROOF. FINAL LANDSCAPE AND HARDSCAPE TO BE INCLUDED.

1) SECTION 134-893(C) AND 134-329: SPECIAL EXCEPTION WITH SITE PLAN REVIEW TO RENOVATE A ONE STORY LANDMARKED RESIDENCE AND ADD 456 SF OF ONE STORY ADDITIONS THAT WILL DEMOLISH MORE THEN 50% OF THE CUBIC FOOTAGE ON A NON-CONFORMING LOT IN THE R-B ZONING DISTRICT. PROJECT ALSO INCLUDES: REPLACE SOME WINDOWS/DOORS, RE-ROOF AND LANDSCAPE/HARDSCAPE MODIFICATIONS;

2) SECTION 134-893(G): A VARIANCE FOR AN ANGLE OF VISION TO BE 116 DEGREES IN LIEU OF THE 100 DEGREES MAXIMUM ALLOWED;

3) SECTION 134-893(G): A VARIANCE TO ALLOW A (WEST) STREET SIDE YARD SETBACK ON NORTH LAKE WAY FOR THE EXISTING HOUSE TO REMAIN AND ADDITION TO BE 20.1 FEET IN LIEU OF THE 25 FOOT MINIMUM REQUIRED.

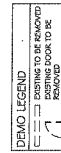
4) SECTION 134-893(7): A VARIANCE TO ALLOW AN EAST SIDE YARD SETBACK FOR THE EXISTING HOUSE TO REMAIN THE THE ADDITION TO BE 4.8 FEET IN LIEU OF THE 12.5 FOOT MINIMUM REQUIRED.

SHEET INDEX	
1	COVER
2	SURVEY
3	ZONING LEGEND
4	ZONING DIAGRAMS
5	VICINITY LOCATION MAP
6	CONTEXTUAL SITE PLAN
7	EXISTING PHOTOGRAPHS
8	EXISTING PHOTOGRAPHS
9	EXISTING PHOTOGRAPHS
10	EXISTING PHOTOGRAPHS
11	EXISTING PHOTOGRAPHS
12	EXISTING PHOTOGRAPHS
13	EXISTING PHOTOGRAPHS
14	EXISTING PHOTOGRAPHS
15	EXISTING PHOTOGRAPHS
16	EXISTING PHOTOGRAPHS
17	EXISTING PHOTOGRAPHS
18	EXISTING PHOTOGRAPHS
19	PROPOSED SITE PLAN - 1ST FLOOR
20	EXISTING FLOOR AND DEMO PLANS
21	EXISTING AND PROPOSED 1ST FLOOR PLAN
22	DRAW PLAN
23	PROPOSED FIRST FLOOR PLAN
24	EXISTING AND PROPOSED ROOF PLAN
25	PROPOSED ROOF PLAN
26	EXISTING AND PROPOSED ROOF PLAN
27	PROPOSED ROOF PLAN
28	EXISTING AND PROPOSED ROOF PLAN
29	EXISTING AND PROPOSED WEST ELEVATION
30	EXISTING AND PROPOSED SOUTH ELEVATION
31	EXISTING AND PROPOSED EAST ELEVATION
32	PROPOSED SECTION
33	TRUCK ROUTE
34	TRUCK ROUTE
35	EXISTING CONDITIONS
36	EXISTING CONDITIONS
37	EXISTING CONDITIONS
38	EXISTING CONDITIONS
39	EXISTING CONDITIONS
40	EXISTING CONDITIONS
41	EXISTING CONDITIONS
42	EXISTING CONDITIONS
43	EXISTING CONDITIONS
44	EXISTING CONDITIONS
45	EXISTING CONDITIONS
46	EXISTING CONDITIONS
47	EXISTING CONDITIONS
48	EXISTING CONDITIONS
49	EXISTING CONDITIONS

SKA Architect + Planner
249 Peruvian Avenue, Suite F-2
Palm Beach, Florida 33480
(561) 655-1116 office
(561) 832-7828 facsimile
www.skaarchitect.com

Dustin M. Mizell, M.L.A. P.L.A.#6665784
LEED® AP
Chad M. Gruber, P.E.
Gruber Consulting Engineers, Inc.
2475 Mercer Ave., Suite 305
West Palm Beach, FL 33401
Ph: 561.312.2041
Ph: 561.537.7229
Ph: 561.832.4600
m: 561.313.4124
www.EnvironmentalDesignGroup.com
The Paramount Building
139 North County Road - Suite 20-B
Palm Beach, Florida 33480
ph: 561.832.4600
m: 561.313.4124

SKA



A.A. #001345
A.R. #10,181

REVISIONS: 

SHEET NUMBER:
21

ISSUE DATE: 05-02-22
JOB #: COA-22-028
ZON-22-079

SKA
SKA ARCHITECT + PLANNER
OFFICE 561-655-1116 FAX 561-632-7828
240 PENWYLL AVE., SUITE 700 PALM BEACH, FL 33480

CONSULTANT:

PROPOSED RENOVATIONS OF RESIDENCE FOR:
SAUNDERS RESIDENCE
284 Monterey Rd PALM BEACH, FLORIDA 33480

A.A. #001345
A.R. #10,181

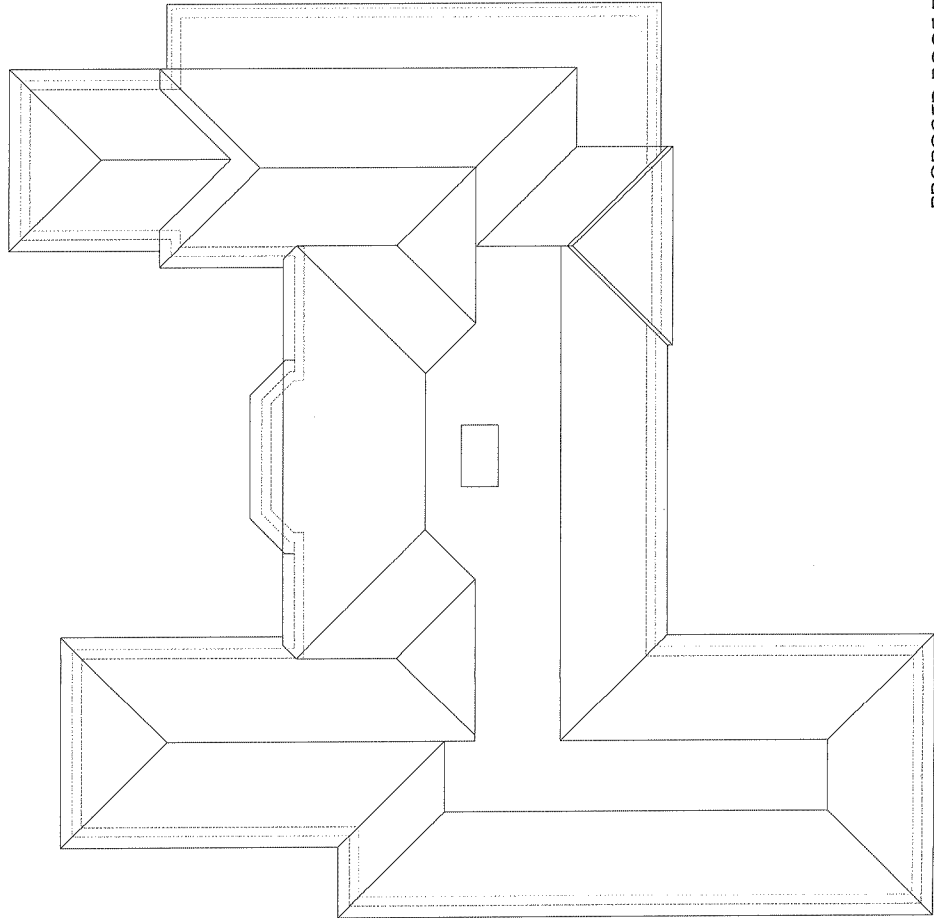
WITNESS

FEET NUMBER: 27

ISSUE DATE: 05-02-22
JOB #: COA-22-028
ZON-22-079



PROPOSED ROOF PLAN





TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S. County Rd.
Palm Beach, FL 33480
permits@townofpalmbeach.com

FOR OFFICIAL USE ONLY
RECEIVED
OCT 26 2022
TOWN OF PALM BEACH
PZB DEPARTMENT

284 Monterey Road – Staff Approval

APPLICATION FOR STAFF APPROVAL

The Architectural Review Commission (ARCOM) and Landmark Preservation Commission (LPC) have granted staff the ability to administratively approve certain initial projects, eliminating the need of a more formal hearing process involving the commissions, thus saving time and money. For more information, please see application guide on page 2.

Payment of the Staff Approval fee is due upon application submittal. Payment may be made by check payable to the Town of Palm Beach or by cash or credit card in Town Hall during normal business hours of 8:30am and 4:00pm Monday through Friday. If the subject property is Landmark the fee is \$150.00, all others are \$350.00.

APPLICATION TYPE: ☒ LPC Staff Approval \$150.00 ☐ ARCOM Staff Approval \$350.00
**If LPC, is this a tax abatement project? YES or NO

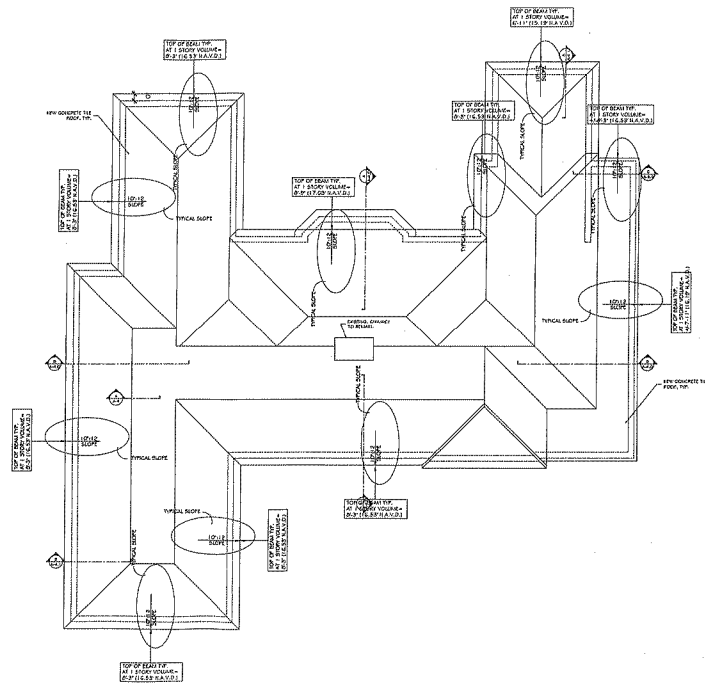
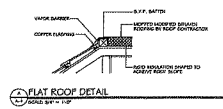
DATE: _____ MASTER PERMIT # _____ STAFF APPROVAL PERMIT # L-22-00674

- I. PROJECT ADDRESS: 284 MONTEREY ROAD
- II. DESCRIPTION OF REQUEST (Please provide a brief, comprehensive and summarized description of the proposed project below. (If needed, please include further details on a continuation sheet).
REMOVE + REPLACE ROOF SECTION EXACTLY AS EXISTING BUT FOR THE LFC REFERRED PERMITS / WINDUP MODIFICATIONS
DO NOT MODIFICATIONS ON FORM BUT ELEVATION NOT VISIBLE FROM STREET
- III. BUSINESS NAME/TENANT INFO (For commercial properties ONLY) S/A
Phone number: _____ Email: _____
- IV. DESIGN PROFESSIONAL NAME AND CONTACT INFO:
Name of Professional: SGA ARCHITECT + PLANNER (PATRICK W. SUGRANES) License #: AR0015181
Phone Number: (561) 658-1116 Email: PATRICK@SGAARCHITECT.COM; DANIEL@SGAARCHITECT.COM
- VI. CONTRACTOR NAME AND CONTACT INFO:
Construction Company: STRAND CONSTRUCTION
Phone Number: (561) 311-7773 Email: KEN@STRANDCONSTRUCTIONSMALL.COM
- VII. PROPERTY OWNER / AGENT NAME AND CONTACT INFORMATION:
Property Owner's Name: DMC MONTECALC
Owners address (if different from subject address): _____
Phone Number: (561) 155-3415 Email: DMC@DMCMONTECALC.COM
- VIII. Applicant Signature: Daniel C. Cays Date: OCTOBER 8, 2022
(Printed Name) DANIEL CAYS Title: ARCHITECT

FOR STAFF USE ONLY:

Approved 10/10/2022

284 Monterey Road – Staff Approval



PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0"

SKA
ARCHITECT & PLANNER
1000 MONTEREY BLVD., SUITE 200
PALM BEACH, FL 33480

CONSULTANT

PROPOSED RENOVATIONS OF RESIDENCE FOR:
SAUNDERS RESIDENCE
284 Monterey Rd PALM BEACH, FLORIDA 33480

A.A. MOULDER
A.E. POLK, JR.

REVISIONS
1
2
3

SHEET NUMBER
A-1.5
DATE: 08-01-22
DRAWN: CDA-22-028
CHKD: 200-22-079

SKA
SKA ARCHITECT + PLANNER
OFFICE 5801-655-1116 FAX 581-832-7828
240 PRINCEMAN AVE. SUITE 2 PALM BEACH FL 33480



STUCCO PROFILE DETAILS

SCALE: 3" = 1'-0"

PROPOSED RENOVATIONS OF RESIDENCE FOR:
SAUNDERS RESIDENCE
284 Monterey Rd PALM BEACH, FLORIDA 33480

AA #001345
AR #10,181

REVISIONS:


SHEET NUMBER:	A-3.0
ISSUE DATE:	05-02-22
JOB #:	COA-22-028 ZON-22-079

DATE APPROVAL _____
 COUNTY EDUCATION OFFICER _____
 APPROVAL DATE _____
 CONDITIONS OF APPROVAL _____
 SIGNATURE _____

284 Monterey Road – Staff Approval

SKA
SKA ARCHITECT + PLANNER
280 PERMAN AVE. SUITE #2 PALM BEACH, FL 33480
OFFICE 561-655-1116 FAX 561-652-7028

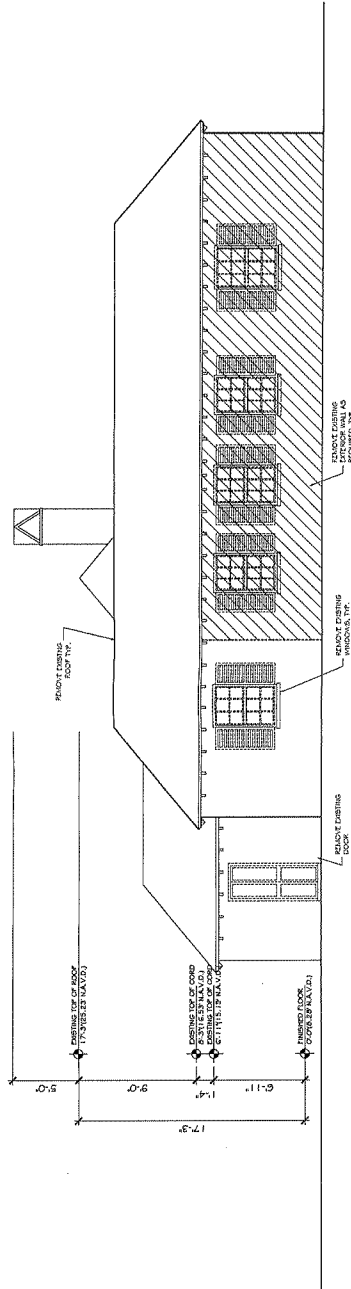
CONSULTANT:

PROPOSED RENOVATIONS OF RESIDENCE FOR:
SAUNDERS RESIDENCE
284 Monterey Rd PALM BEACH, FLORIDA 33480

AA #001845
AL #0101

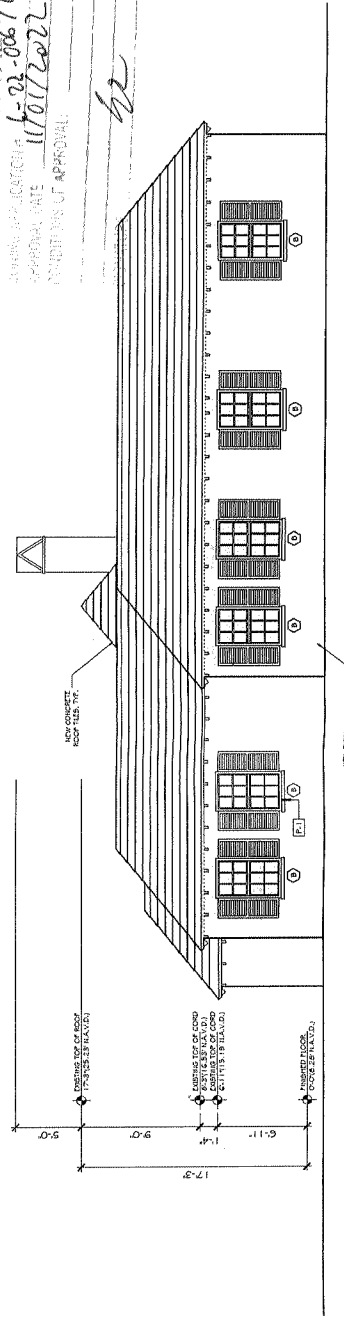
REVISIONS:

SHEET NUMBER:
A-3.1
ISSUE 05-02-22
DATE 05-23-22
JOB # 204-22-009



EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"

STAFF APPROVAL
SUBMITTED DATE 6-22-2022
APPROVAL DATE 11/01/2022
CONDITIONS OF APPROVAL:



PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"

284 Monterey Road – Staff Approval

SKA
 SKA ARCHITECT + PLANNER
 240 PERMAN AVE. SUITE 2, PALM BEACH, FL 33480
 OFFICE 561-655-1116 FAX 561-652-7828

CONSULTANT

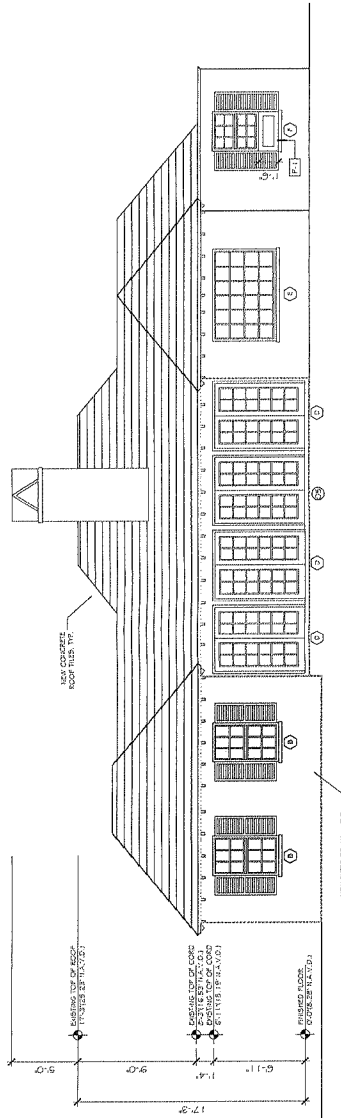
PROPOSED RENOVATIONS OF RESIDENCE FOR:
 SAUNDERS RESIDENCE
 284 Monterey Rd PALM BEACH, FLORIDA 33480

AA 001845
 AS 010181

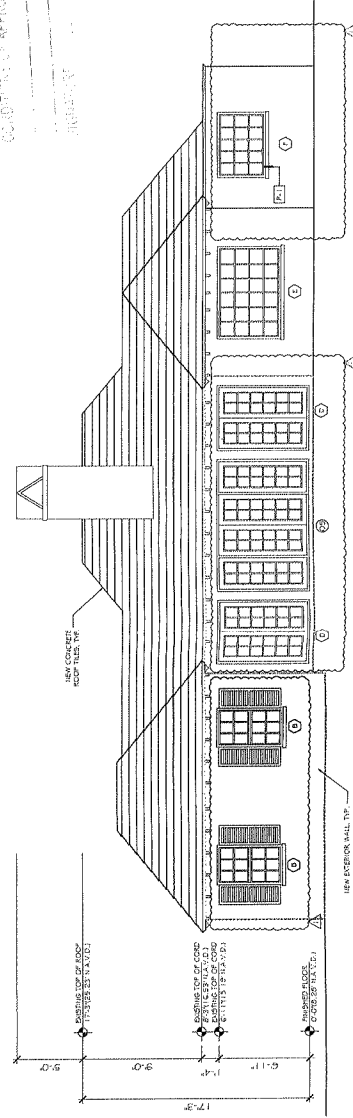
REVISIONS:
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SHEET NUMBER
A-3.2
 DATE 06-01-22
 DESIGNED COA-22-0285
 JOB # ZON-22-079

APPROVAL
 6-22-2024
 10/1/2022
 APPROVAL DATE
 CONDITION OF APPROVAL
 SIGNATURE



APPROVED SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



CURRENTLY PROPOSED SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

284 Monterey Road – Staff Approval

SKA
 SKA ARCHITECT + PLANNER
 200 PERMANENT BLVD. PALM BEACH, FL 33480
 OFFICE 561-655-1118 FAX 561-652-7838

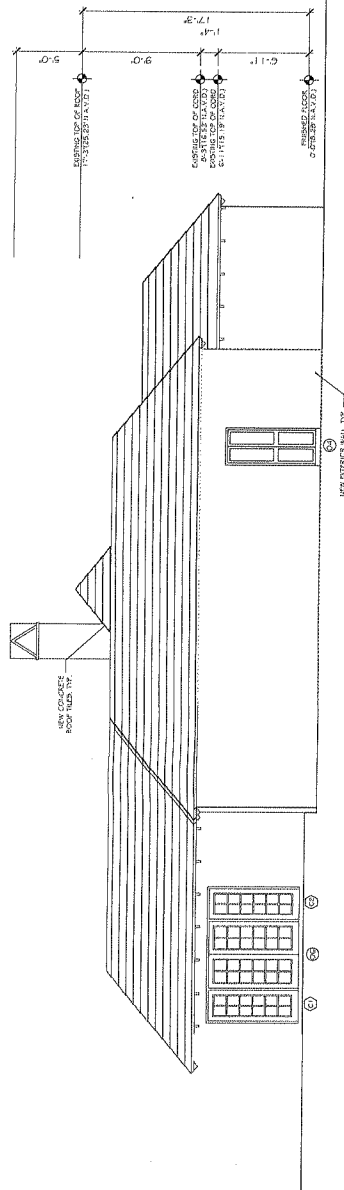
CONSULTANT

PROPOSED RENOVATIONS OF RESIDENCE FOR:
 SAUNDERS RESIDENCE
 204 Monterey Rd PALM BEACH, FLORIDA 33480

AA #201345
 AS #10161

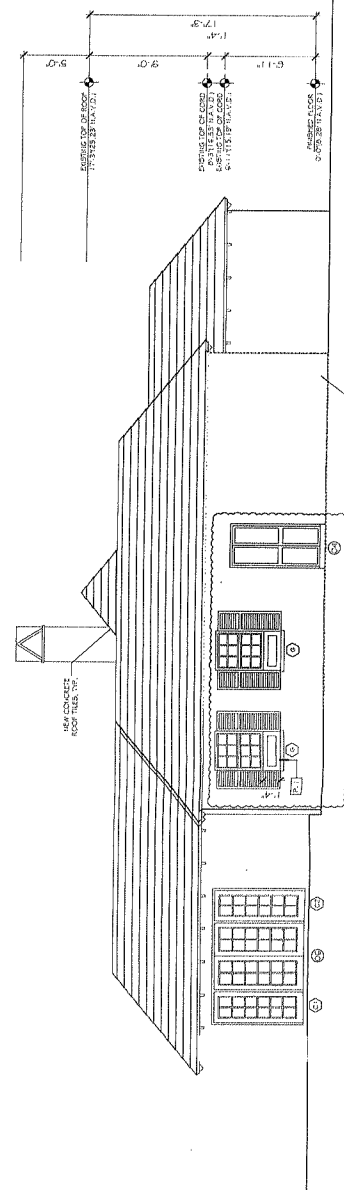
REVISIONS

SHEET NUMBER:
A-3.3
 DATE: 08-01-22
 JOB #: 2018-0073



STAFF APPROVAL
 APPROVED DATE: 11/01/2022
 JUDITH L. LARSON
 6-27-2027
 6/2

APPROVED EAST ELEVATION
 SCALE: 1/4" = 1'-0"



CURRENTLY PROPOSED EAST ELEVATION
 SCALE: 1/4" = 1'-0"

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES

The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application.

This item shall be deferred pending Architectural Commission action.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO)—VARIANCES The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage, (2) to exceed the maximum amount of Cubic Content Ratio (CCR), (3) to exceed the maximum allowable building height, and (4) to exceed the maximum allowable overall building height, in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new clerestory. The Architectural Commission will perform design review of the application.

This item shall be deferred pending Architectural Commission action.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-063 (ARC-23-039) 599 S COUNTY RD (COMBO) – VARIANCES

The applicant SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Town Council review and approval for a variance to exceed the maximum overall building height, as part of the construction of a new two-story single family dwelling. The Architectural Commission shall perform design review of the application.

This item shall be withdrawn, variance no longer needed.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-059 (ARC-23-063) 1265 N LAKE WAY (COMBO) – SITE PLAN REVIEW The applicant, 1265 N Lake Way LLC (Maura Ziska, Manager), has filed an application requesting Town Council Site Plan Review for development of single-family dwelling on a lot deficient in lot width in the R-B zoning district. The Architectural Commission shall perform design review of the application.
This item shall be deferred pending Architectural Commission action.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-054 (ARC-23-064) 1473 N OCEAN BLVD (COMBO) – VARIANCES The applicants, William C. Powers & Marianne Elaine Elmasri, have filed an application requesting Town Council review and approval for (2) variances from (1-2) north and south side setback requirements. The Architectural Commission shall perform design review of the application.

This item shall be deferred, pending Architectural Commission action.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-086 (ARC-23-088) 292 ORANGE GROVE RD (COMBO) – VARIANCE. The applicants, Stephen and Kerri Meyers, have filed an application requesting Town Council review and approval for (1) variance to exceed the maximum Cubic Content Ratio (CCR) for the construction of a new two-story single-family residence. The Architectural Commission shall perform the design review component of the application.

This item shall be deferred pending Architectural Commission action.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-068 (ARC-23-090) 206 CARIBBEAN RD (COMBO)—SITE PLAN REVIEW The applicant, Walter Wick, has filed an application requesting Town Council review and approval for Site Plan Review to allow development of a new single-family residence on a platted nonconforming parcel deficient in lot width and lot area required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application.

This item shall be deferred pending Architectural Commission action.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-070 (ARC-23-092) 217 BAHAMA LN (COMBO)—SITE PLAN REVIEW The applicant, James and Sarah McCann, have filed an application requesting Town Council review and approval for Site Plan Review for the construction of new two-story single-family residence on a non-conforming platted lot which is 90 feet in depth in lieu of the 100-foot minimum depth required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application.

This item shall be deferred pending Architectural Commission action.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - New Business

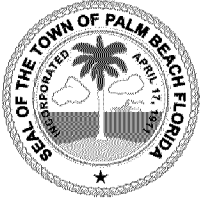
Agenda Title

ZON-23-071 (ARC-23-093) 220 ARABIAN RD (COMBO)—SPECIAL EXCEPTION. The applicant, 206 CARIBBEAN LLC (Robert Frisbie), has filed an application requesting Town Council approval for a Special Exception for the construction of new two-story single-family residence on an existing nonconforming parcel which is deficient in lot width required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject property. The Architectural Review Commission approved this project. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans**
- ▣ **Plans**
- ▣ **Plans**
- ▣ **Plans**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

FROM: Wayne Bergman, MCP, LEED-AP *WB*
Director PZ&B

SUBJECT: ARC-23-093 (ZON-23-071) 220 ARABIAN RD (COMBO)

MEETING: AUGUST 23, 2023 ARCOM
SEPTEMBER 13, 2023 TC

ARC-23-093 (ZON-23-071) 220 ARABIAN RD (COMBO). The applicant, 206 CARIBBEAN LLC (Robert Frisbie), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with landscape, hardscape, and pool on a nonconforming parcel. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-23-071 (ARC-23-093) 220 ARABIAN RD (COMBO)—SPECIAL EXCEPTION. The applicant, 206 CARIBBEAN LLC (Robert Frisbie), has filed an application requesting Town Council approval for a Special Exception for the construction of new two-story single-family residence on an existing nonconforming parcel which is deficient in lot width required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application.

Applicant: 206 CARIBBEAN LLC (Robert Frisbie)
Professional: Dailey Janssen Architect

HISTORY:

A prior application for the construction of a new two-story residence exceeding 10,000 SF was denied (4-3) at the MAY 25, 2022 ARCOM meeting, pursuant to ARC-22-074 (ZON-22-063). The demolition of the structure did not require ARCOM review. At the AUGUST 23, 2023 ARCOM meeting, a design for a new two-story residence was reviewed and approved (7-0), pursuant to ARC-23-093.

THE PROJECT:

The applicant has submitted plans, entitled "Proposed new construction at: 220 Arabian Road" as prepared by **Dailey Janssen Architects**, dated July 11, 2023.

The following is the scope of work:

- Construction of a new two-story single-family residence.
- New landscape, hardscape, and pool.

The following Special Exception, Site Plan Review and/or Variances are required to complete the project:

- **SPECIAL EXCEPTION:** Sec. 134-893(c): Special exception with site plan review for development of a nonconforming parcel in the R-B Zoning District which is 86' in width in lieu of the 100' required.

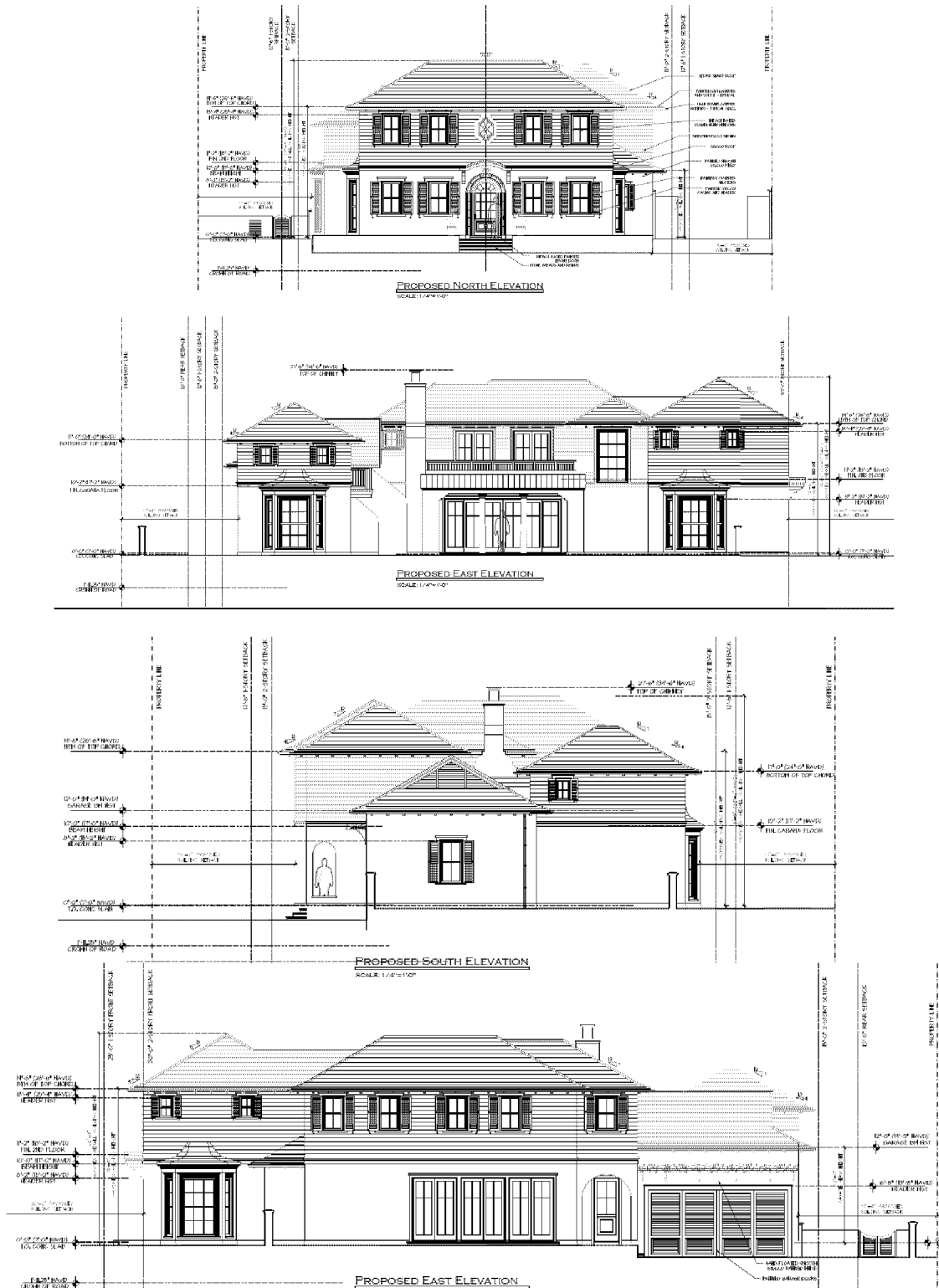
Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	11,180 SF	Crown of Road (COR)	1.94' NAVD
Total Enclosed SF	4,997 SF	FEMA Flood Zone	AE 6'
Building Height <i>from point of meas.</i>	Permitted: 22' Proposed: 19'-6"	Overall Building Height <i>from point of meas.</i>	Permitted: 30' Proposed: 26'-5"
Finished Floor Elevation	7'-2" NAVD	Point of Measurement	7' NAVD
Lot Coverage	Permitted: 30% (3,354 SF) Proposed: 26% (2,959 SF)	Maximum Fill	2'-7"
Landscape Open Space (LOS)	Required: 45% (5,031 SF) Proposed: 46% (5,327 SF)	Front Yard Landscape Open Space	Required: 40% (860 SF) Proposed: 49% (1,048 SF)
Surrounding Properties / Zoning			
North	2019 two-story residence / R-B		
South	1942 two-story residence / R-B		
East	1950 one-story residence / R-B		
West	1949 two-story residence / R-B		

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is consistent with the Town zoning code.

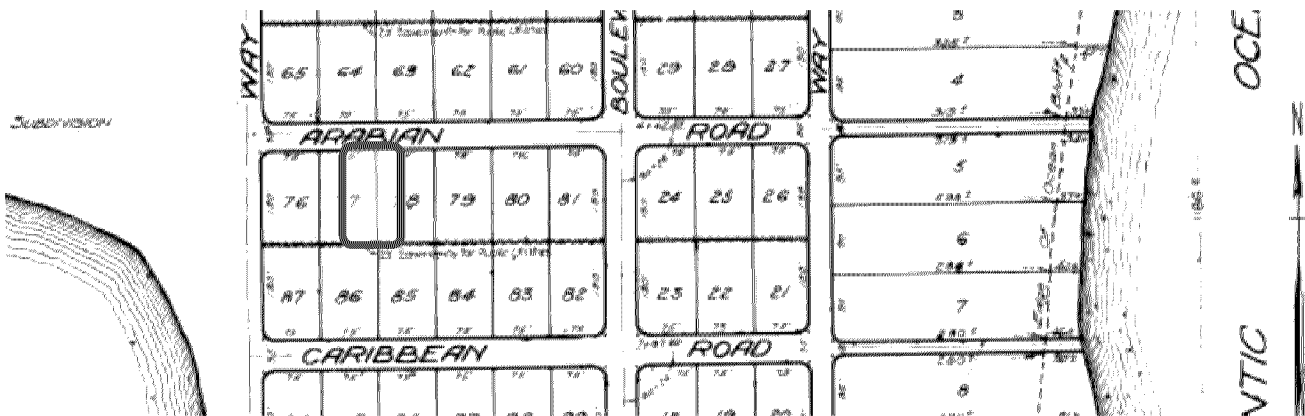
The plan features a new two-story residence with final hardscape, landscape, and swimming pool. The architect describes the residence as being designed in an Island Colonial style. The home is primarily a two-story C shaped massing, offering courtyard outdoor living space with swimming pool, loggia and open space centered and east on the parcel. A two-story cabana is proposed in the rear at the south-east corner of the parcel and is attached to the main structure. The side loaded garage at the west rear of the property is a single-story mass, offering the connection between main house and two-story cabana. The front façade of the structure is symmetrical with entry centered. A circular driveway is proposed, with the driveway leading down the west side of the property to the garage in the rear. The garage access drive along the side of the home is partitioned from the entry motor court by a vehicular gate just beyond the required front yard setback. The property beyond the front setback area is proposed to be surrounded by a masonry wall. The equipment area for A/C, pool equipment, and generator is proposed along the rear of the home, outside of the required first story rear yard setback area. The landscape plan along the property lines is dense and tropical, offering many palms. The circular drive in the front setback area is also screened from the street by landscaping, as required by zoning code. Materials for the structure include cedar shake roof, painted stucco siding and painted shutters. Dominican coral and limestone are proposed

hardscape materials. Washed cypress is proposed for the front door.



SPECIAL EXCEPTION

Special Exception review is required due to the nonconforming lot width. The portions of platted lots is deficient in minimum width (86') for the R-B Zoning district (100'), thus requires Special Exception Review and approval by Town Council. The subject property contains its portions of lots from the original geometric configuration and dimensions platted in 1928 as Lot 77 and Lot 78 within the plat of Boca Ratone Company's Inlet Subdivision; the portions of platted lots versus the outright lot of the original plat distinguishes the seemingly arbitrary distinction from the Site Plan review vs the Special Exception threshold in the Town Code for these nonconforming parcels in the R-B zoning district. Recent discussions at Town Council may lead to a zoning text amendment allowing this and other site plan review parcels of nonconforming geometries to avoid Town Council review in the near future.



Since the original plat, the property was developed on a parcel created by the eastern 57' of Lot 77 and the western 29' of Lot 78, for a total lot frontage of 86'. Staff has no objections to the granting of the Site Plan Review, as the approval would allow the development of site with a new residence on a parcel consistent in size with those others on the street in the immediate vicinity.

CONCLUSION:

This application is presented to the Commission to consider whether all criteria in Sec. 18-205 have been met. Approval of the project will require one motion to be made by the Architectural Commission: (1) for the overall design of the project in accordance with the aforementioned criteria, subject to any imposed conditions.

Approval of the project will require one motion to be made by the Town Council: (1) for the overall design of the project in accordance with the aforementioned criteria, subject to any imposed conditions.

WRB:JGM:BMF

D J A DAILEY JANSSEN ARCHITECTS, P.A.

ROGER PATTON JANSSEN, A.I.A.

Date: April 24th, 2023 (pre-application)
May 11th, 2023 (first submittal)
May 30th, 2023 (second submittal)
June 26th, 2023 (second submittal REV01)
July 11th, 2023 (final submittal)

LETTER OF INTENT RELATED TO PROPOSED NEW CONSTRUCTION AT 220 ARABIAN ROAD, PALM BEACH, FLORIDA, 33480

ARCOM: ARC-23-093TOWN COUNCIL: ZON-23-071

We are pleased to submit the accompanying drawings for the second submittal review of our project at 220 Arabian Road. The site is currently vacant and sodded. Our project is for the proposed construction of a 2-Story residence including pool, hardscape and landscape. This project does not require any variances. We have paid special attention to the cubic content and zoning requirements of the district and have increased our allowable setback, dropped the overall beams heights and included more native plantings.

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161

Not applicable

B) ARCOM 18-205

We are submitting a design that we consider tastefully designed, with harmonious and balanced elevations and to be built with the highest quality materials.

1. New 2-Story Island Colonial Residence.
2. New swimming pool.
3. New hardscape and landscape.

B) ARCOM 18-206

Not applicable

C) SPECIAL EXCEPTION 134-229

Per Section 134-893(c) Special exception with site plan review for the development of a non-conforming parcel in the R-B Zoning District which is 86' in width in lieu of the 100' required.

D) SITE PLAN REVIEW 134-329

E) VARIANCES 134-201

Not Applicable

RECEIVED
By yfigueroa at 1:38 pm, Jul 11, 2023

PROPOSED NEW CONSTRUCTION AT:

220 ARABIAN ROAD

TOWN OF PALM BEACH

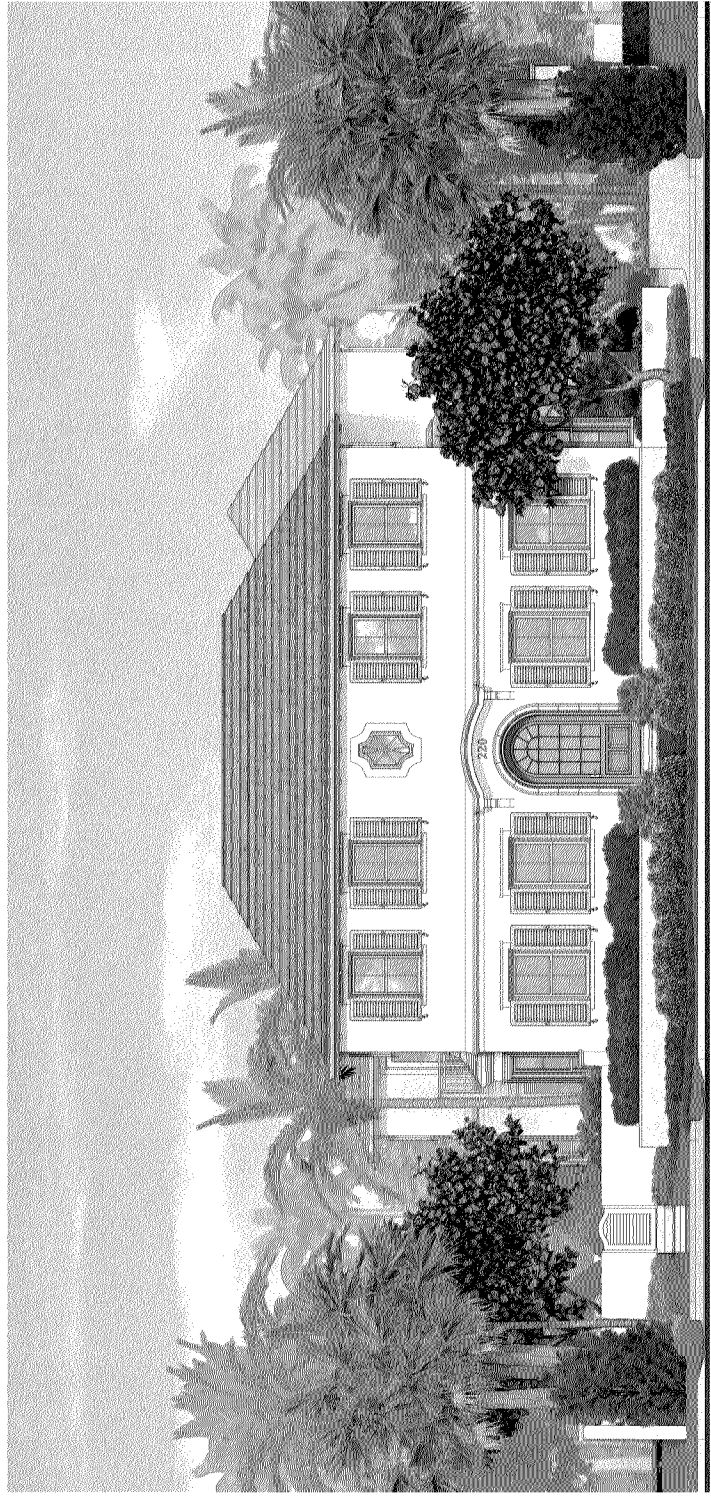
FINAL SUBMITTAL: 07.11.2023

PALM BEACH COUNTY, FLORIDA

ARC-23-093 ARCOM MEETING: 08.23.2023

ZON-23-071 TOWN COUNCIL MEETING: 09.13.2023

REQUEST SPECIAL EXCEPTION WITH SITE PLAN REVIEW (SECTION 134-893c)



DAILEY JANSSEN ARCHITECTS, P.A.
400 Clematis Street Suite #200 West Palm Beach, Florida 33401
TEL: 561-833-4707

220 ARABIAN ROAD
PALM BEACH, FLORIDA
PROPOSED RESIDENCE AT

DATE: 07/11/2023
DRAWN: LEB
PROJECT: 220 ARABIAN ROAD

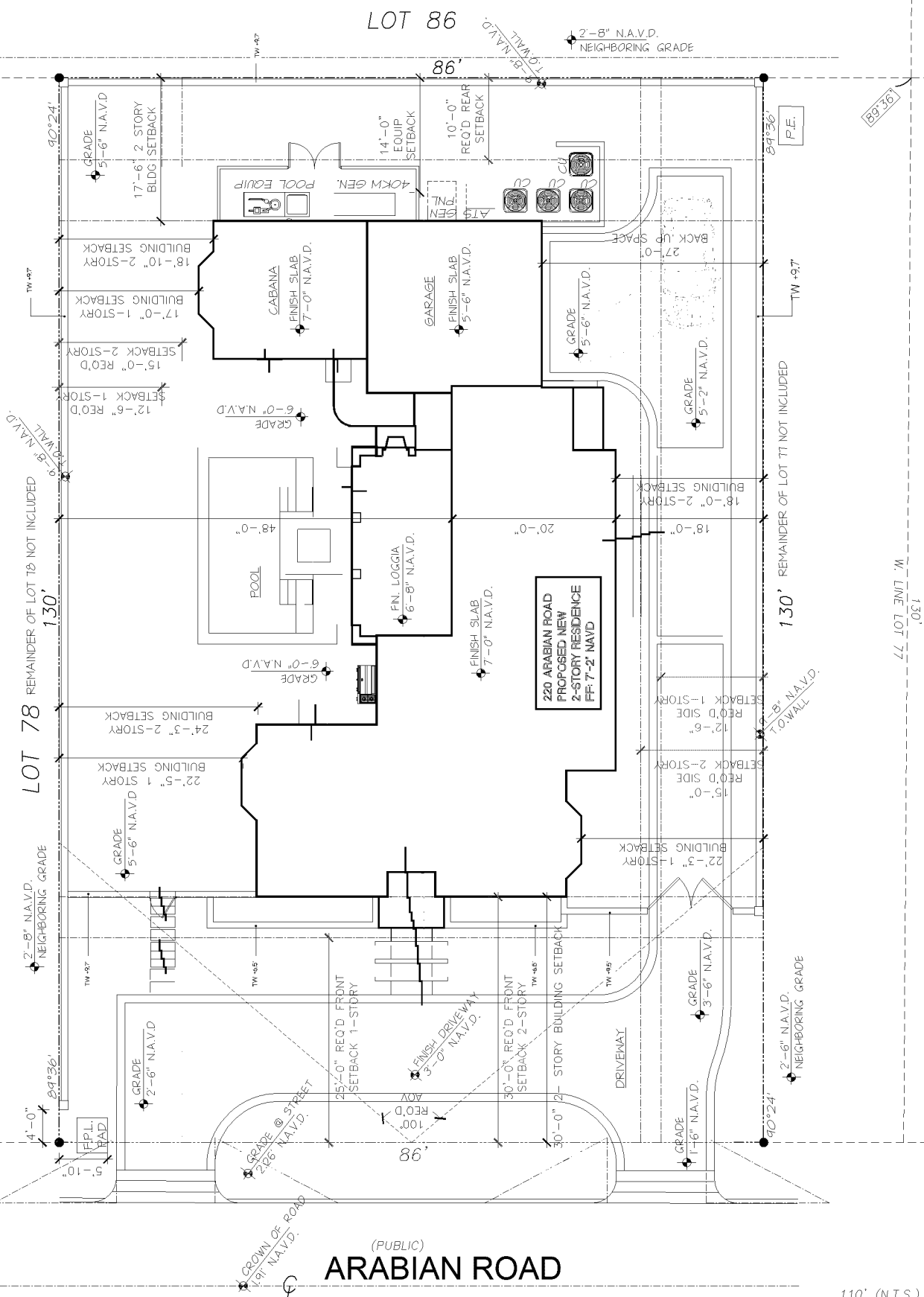
400 CLEMATIS STREET, SUITE 200 WEST PALM BEACH, FLORIDA 33401 TEL: 561-833-4707 LICENSE #A4-120014
DAILEY JANSSEN ARCHITECTS
PALM BEACH, FLORIDA

CONTRACT: 2022-09-11
DAILEY JANSSEN ARCHITECTS, P.A.
220 ARABIAN ROAD
PALM BEACH, FLORIDA 33401
220 ARABIAN ROAD

STATE OF FLORIDA
REGISTERED ARCHITECT
DAILEY JANSSEN ARCHITECTS, P.A.
AR001478
JULY 11, 2023

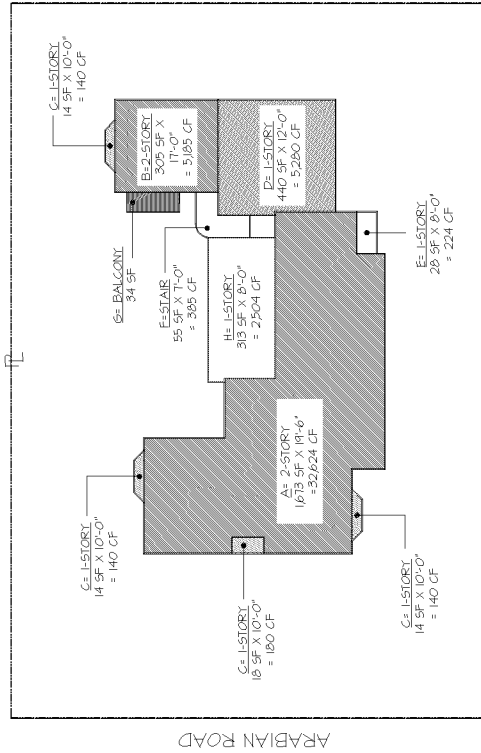
ARCOM # ARC-23-093
TC # ZON-23-071
PRINCE: LEB
A0.00

25-00



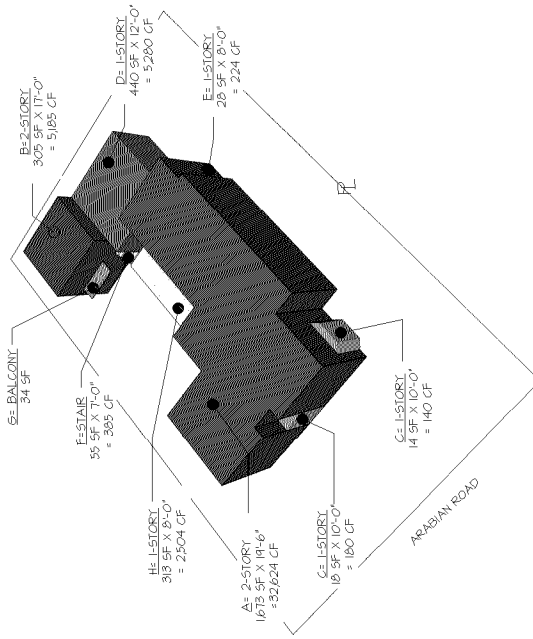
SITE PLAN - PROPOSED
SCALE: 3/16" = 1'-0"

DIAGRAM - CUBIC CONTENT



TOTAL PROPOSED CCR: 44,571 CF
TOTAL ALLOWED CCR: 44,608 CF

AXONOMETRIC - PROPOSED CUBIC CONTENT



CUBIC CONTENT CALCULATIONS				LOT COVERAGE DATA	
MAX. ALLOWED CCR = 3.50+((60,000-11,180)+50,000)(X0.5)=				220 ARABIAN ROAD	LOT = 11,180.00
CUBIC CONTENT CALCS (PROPOSED)				LOT COVERAGE DATA	
ENCLOSED AREA		SF	HT	SF	
TWO STORY AC (A)		1,673	19' 6"	FIRST FLOOR (A, B, C)	
TWO STORY AC (B)		305	17'-0"	GARAGE (D)	
ONE STORY AC (C)		60	10'-0"	REAR ENTRY (E)	
GARAGE (D)		440	12'-0"	STAIRCASE (F)	
TOTAL		43689		BALCONY (G)	
UNENCLOSED AREA				COVERED LOGGIA (H)	
REAR ENTRY (E)		28	8'-0"	TOTAL COVERED	
STAIRCASE (F)		55	7'-0"	3% ALLOWANCE FOR PERGOLA =	
COVERED LOGGIA (H)		313	8'-0"	(NOT USED)	
TOTAL		3113		TOTAL	
CREDIT FOR 5% UNENCLOSED		-2230.41		2 STORY MAX COVERAGE 30%	
ADJUSTED TOTAL		883		TOTAL ALLOWED (2-STORY)	
TOTAL ALLOWED		44608		UNDER BY:	
GRAND TOTAL		44571		395	



Town of Palm Beach

Planning Zoning and Building
360 S County Rd
Palm Beach, FL 33480
www.townofpalmbeach.com

Zoning Legend

Line #	Zoning Legend			
1	Property Address:	220 ARABIAN ROAD		
2	Zoning District:	R-B LOW DENSITY RESIDENTIAL		
3	Structure Type:	RESIDENCE		
4		Required/Allowed	Existing	Proposed
5	Lot Size (sq ft)	10,000 SF MIN.	11,180 SF	N/A
6	Lot Depth	100' MIN.	86'	N/C
7	Lot Width	100' MIN.	130'	N/C
8	Lot Coverage (Sq Ft and %)	(30%) 3,354 SF	N/A	(26%) 2,959 SF
9	Enclosed Square Footage (Basement, 1st Fl, 2nd Fl, Accessory Structures, etc)	N/A	N/A	4,997 SF
10	Cubic Content Ratio (CCR) (R-B ONLY)	(3.99) 44,608 SF	N/A	44,571 SF
11	*Front Yard Setback (Ft.)	25'-0"/30'-0"	N/A	30'-0"
12	* Side Yard Setback (1st Story) (Ft.)	12'-6"	N/A	17'-0"/22'-3"
13	* Side Yard Setback (2nd Story) (Ft.)	15'-0"	N/A	18'-0"/18'-10"
14	*Rear Yard Setback (Ft.)	10'-0"/15'-0"	N/A	17'-6"
15	Angle of Vision (Deg.)	100°	N/A	64°
16	Building Height (Ft.)	14'-0"/22'-0"	N/A	13.25'-0"/19'-6"
17	Overall Building Height (Ft.)	30'-0"	N/A	26'-5"
18	Crown of Road (COR) (NAVD)	N/A	1.94' NAVD	1.94' NAVD
19	Max. Amount of Fill Added to Site (Ft.)	2'-7" MAX	N/A	2'-7" MAX
20	Finished Floor Elev. (FEE)(NAVD)	7'-0" NAVD	N/A	7'-2" NAVD
21	Zero Datum for point of meas. (NAVD)	7'-0" NAVD	N/A	7'-0" NAVD
22	FEMA Flood Zone Designation	AE (6.0 NAVD)	AE (6.0 NAVD)	AE (6.0 NAVD)
23	Base Flood Elevation (BFE)(NAVD)	6.0 NAVD	6.0 NAVD	N/C
24	Landscape Open Space (LOS) (Sq Ft and %)	45% (5,031 SF)	N/A	48 % (5,327 SF)
25	Perimeter LOS (Sq Ft and %)	50% (2,515 SF)	N/A	56% (2,828 SF)
26	Front Yard LOS (Sq Ft and %)	40% (860 SF)	N/A	49% (1,048)SF
27	**Native Plant Species %	35%	N/A	REFER TO LA

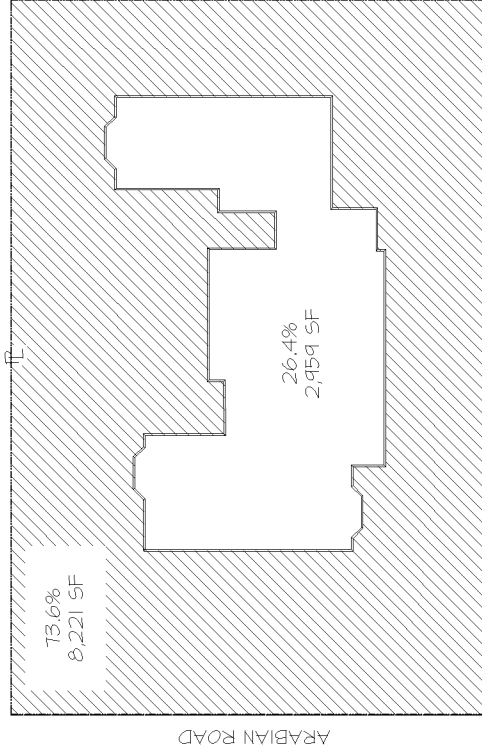
* Indicate each yard area with cardinal direction (N,S,E,W)

If value is not applicable, enter N/A

** Provide Native plant species calculation per category as required by Ord. 24-2021 on separate table

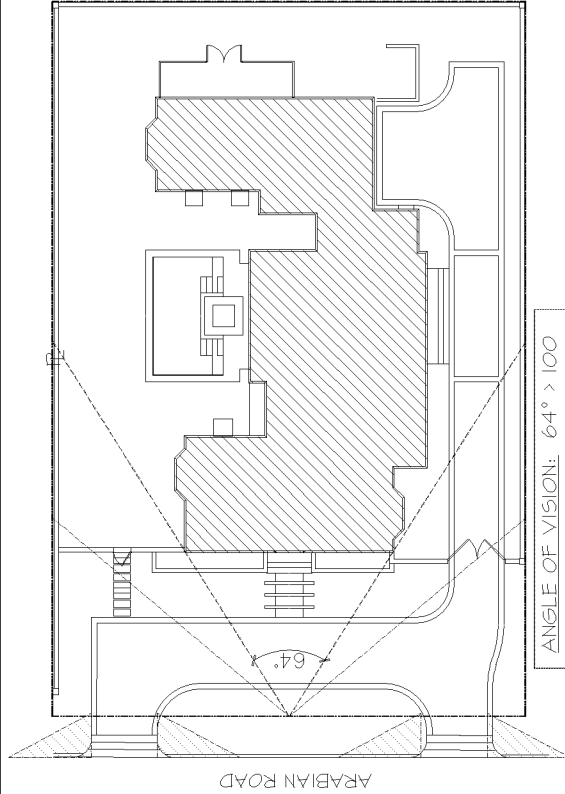
If value is not changing, enter N/C

DIAGRAM - LOT COVERAGE



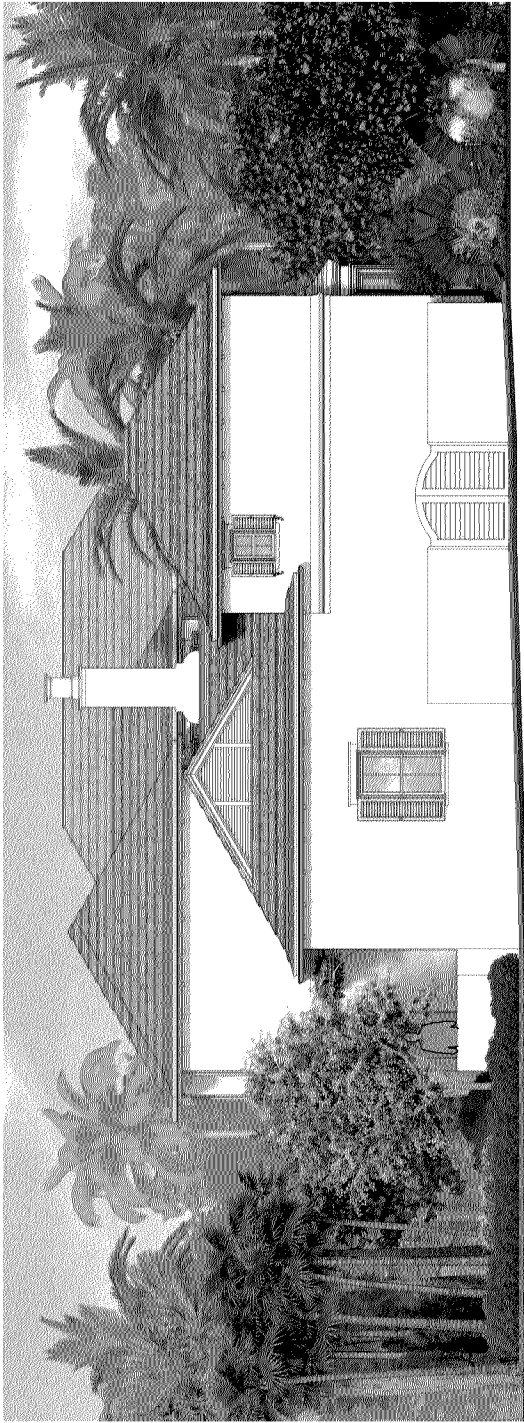
TOTAL PROPOSED LOT COVERAGE/FOOTPRINT: 26.4% AT 2,959 S.F.
TOTAL ALLOWED LOT COVERAGE/FOOTPRINT: 30 % AT 3,354 S.F.

DIAGRAM - ANGLE OF VISION AND SAFE SITE TRIANGLES

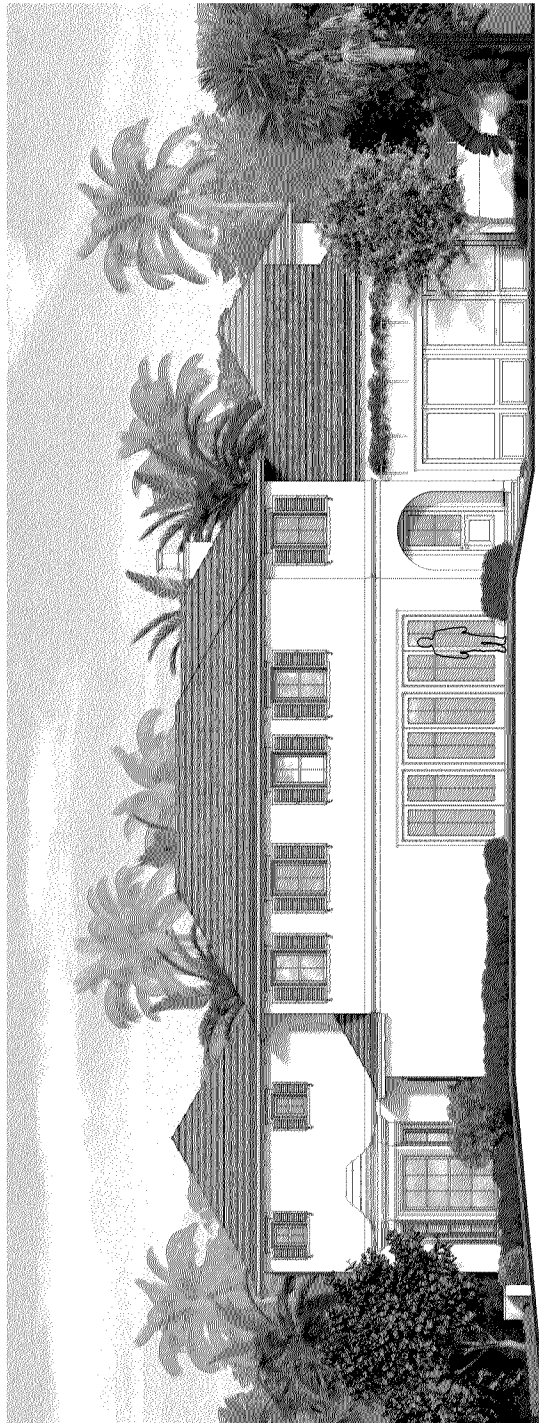


ANGLE OF VISION: 64° > 100

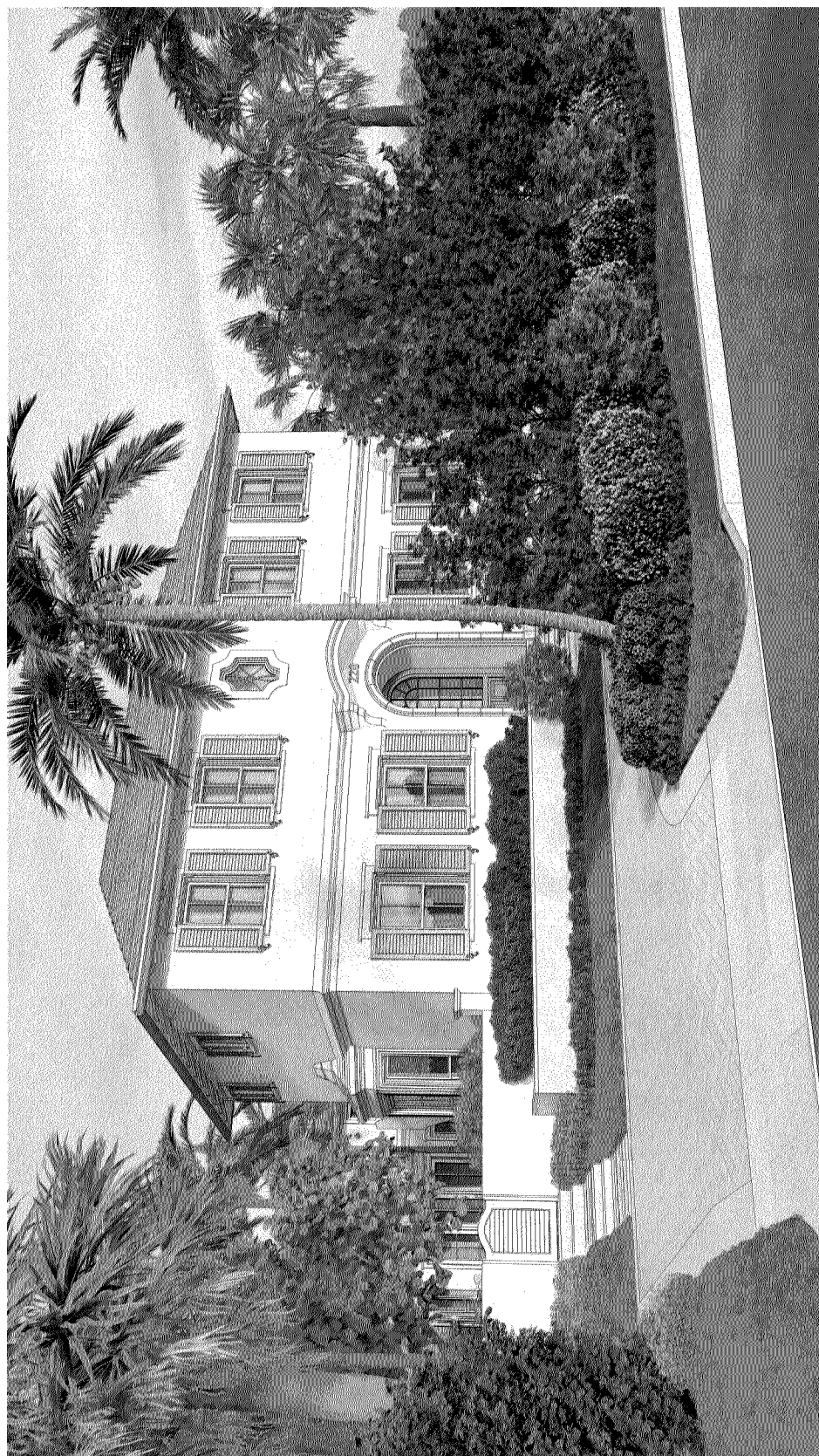




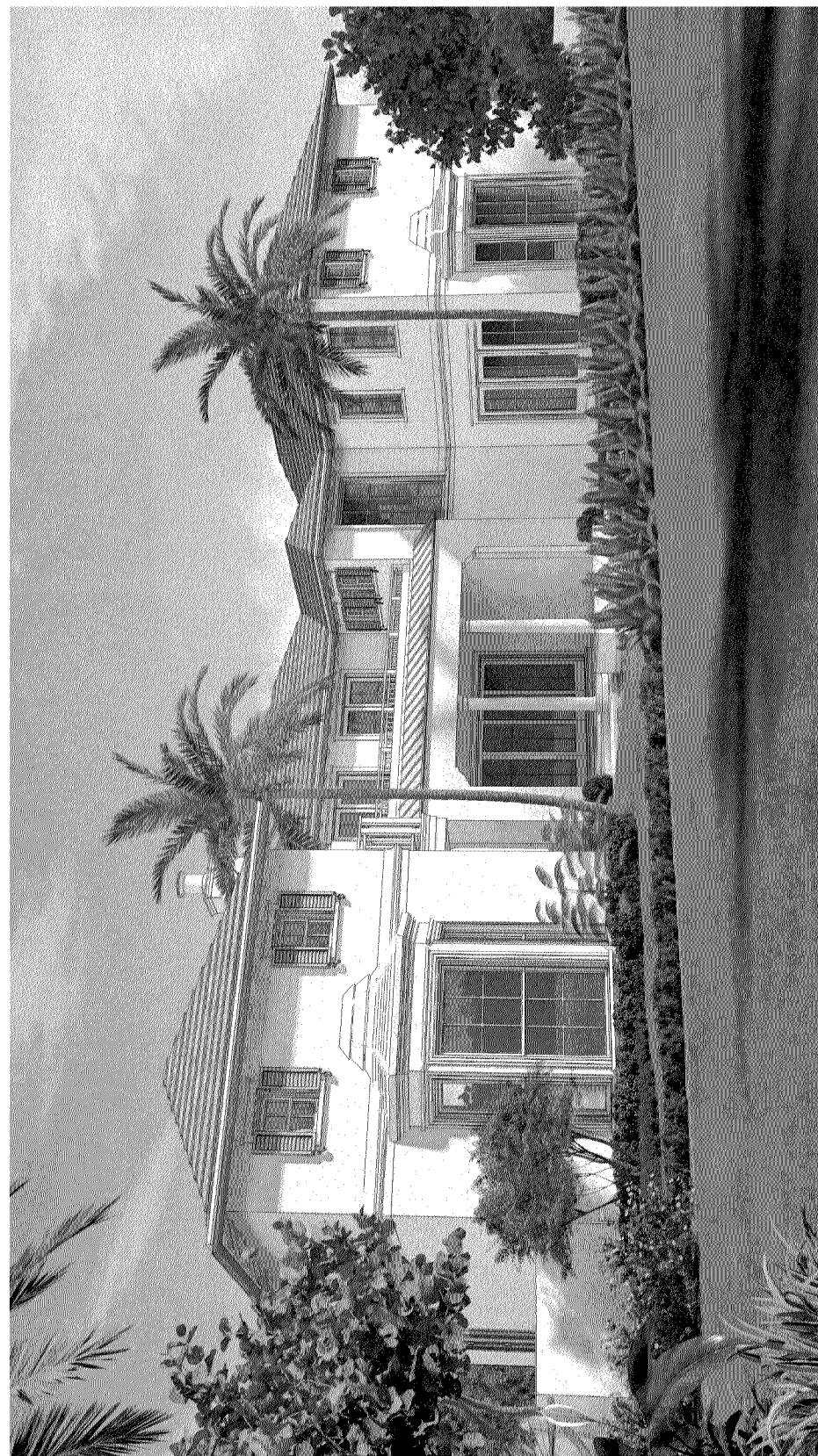
PROPOSED SOUTH ELEVATION
SCALE 1/4"=1'-0"



PROPOSED EAST ELEVATION
SCALE 1/4"=1'-0"

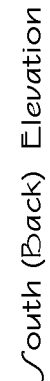
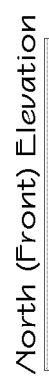


PROPOSED ENTRY PERSPECTIVE
 NTS



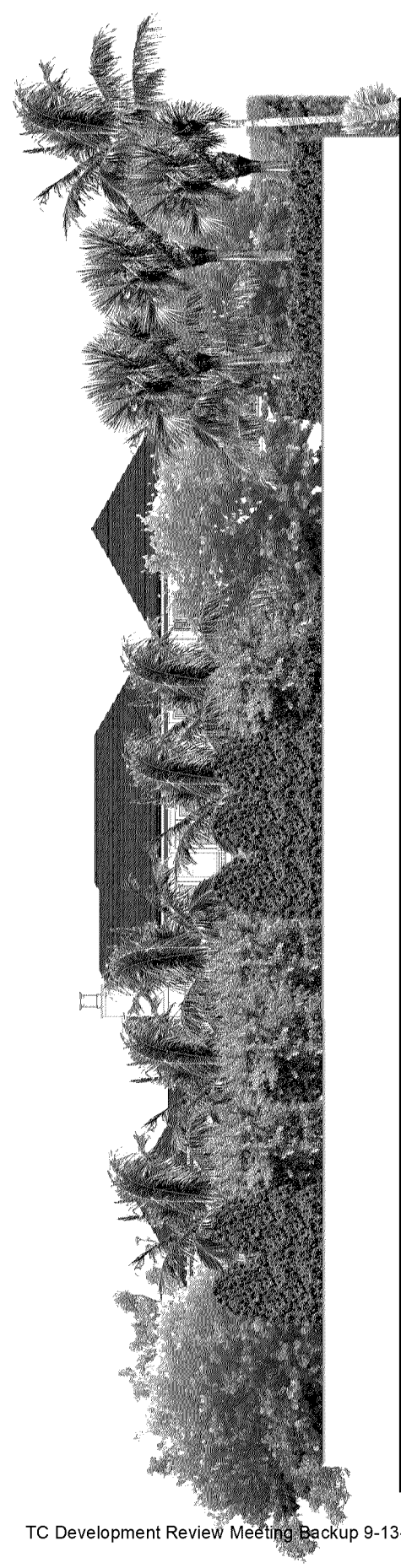
PROPOSED GARDEN PERSPECTIVE
NTS

Rendered Landscape Elevations

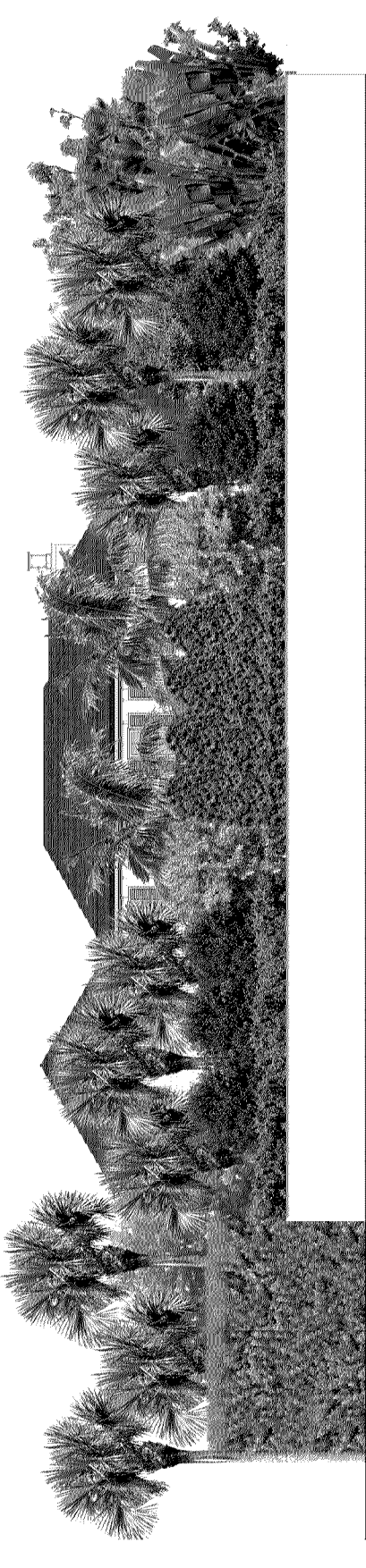


LAMCON/NEAT
DESIGN
 15000 South 24th Avenue, Suite 100
 Aurora, CO 80014
 Phone: 303.337.0000
 Fax: 303.337.0001
 Email: info@lamconneat.com
 Website: www.lamconneat.com

Private Residence
 220 Arabian Rd
 Palm Beach
 FL 33480



East Elevation



West Elevation

JOB NUMBER: # 23044-00 LA
 DRAWN BY: Lauren Freeman
 DATE: 07.05.23

SHEET L10.1

ARC-23-093
 ZON-23-071
Rendered Landscape Elevations
 SCALE IN FEET: 3/16"=1'

48 HOURS BEFORE DOUBLE
 1-800-432-4770
 10% OFF DISCOUNT

2023
 96 9 1 106

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-077 (ARC-23-108) 162 E INLET DR (COMBO)—VARIANCE The applicants, David and Jill Shulman, have filed an application requesting Town Council review and approval for a variance to (1) exceed the maximum allowable Cubic Content Ratio (CCR) for the construction of enclosed additions and a rear awning to the single-family residence. The Architectural Commission shall perform the design review component of the application.

This item shall be deferred pending Architectural Commission action.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO)—SPECIAL EXCEPTION AND VARIANCES The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3- 6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the application.

This item shall be deferred, pending Architectural Commission action.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Time Extensions and Waivers

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension at 2320 S Old Ocean Blvd.

Presenter

ATTACHMENTS:

- **Memorandum dated August 31, 2023 from Wayne Bergman, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

September 13, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: Waiver of Town Code Section 18-237, For Building Permit Extension at
2320 S Old Ocean Blvd.

Date: August 31, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Joshua Berkoff regarding a time extension in which to complete the renovations of the existing building located at 2320 S Old Ocean Blvd. and to extend the permit by one year – until August 4, 2024.

GENERAL INFORMATION

The property is owned by Lawrence A. Moens. Work on the project began in March of 2020. The residential alteration permit was valid for 30 months, and technically expired on September 11, 2022. Mr. Berkoff indicates in his letter of August 4, 2023, that the delays have been due to scheduling issues.

Staff supports the request to close out this project and permit.

Attachments: Letter from Joshua Berkoff
Letter to Neighbors for Lawrence A. Moens
Permit Summary for the Property
Property Appraiser Details for the Property

August 4, 2023

Antonette Fabrizi
Administrative Specialist
Planning, Zoning & Building Department
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Lawrence Moens at 2320 South Ocean Blvd, Palm Beach FL 33480

Dear Ms. Fabrizi,

Here is a letter requesting additional construction time, including schedule and lead times as requested per your email.

I am in the final phases of the interior construction, here is where we currently are at:

Main House

- Floors have been installed, sanded and finished.
- Interior doors, casing, baseboard installed.
- Cabinets have been installed throughout main house.
- Prepping and sanding for paint and finishes is 8-10 weeks
- Counter tops have been templated and fabrication time is 8-10 weeks.

Main House with above items, I am looking at 12-16 weeks.

There is additional time needed for:

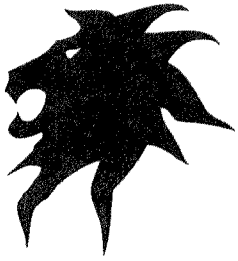
- To complete pool deck and exterior patio and railings is 16-20 weeks.
- Wine cellar installation including A/C cabinets, electric, and finishes is 12-16 weeks

Exterior Grounds

- Drainage is 10-12 weeks
- Hardscape is 16-20 weeks
- Exterior lighting is 12-16 weeks
- Landscape is 24-26 weeks
- Railings is 16-20 weeks
- Driveway is 28-32 weeks

This is our tentative construction schedule which shows approximately 32 weeks with all vendors and suppliers staying on schedule. We are looking for the town to give us a one year extension as to properly complete project and all listed items as you know construction scheduling changes. We are looking at with this above requested time frame we can meet all criteria and complete project.

Sincerely,
Joshua Berkoff
Superintendent



LAWRENCE A. MOENS ASSOCIATES, INC.

"SPECIALIZING IN PALM BEACH'S FINEST RESIDENCES"

245 SUNRISE AVENUE, PALM BEACH, FLORIDA 33480 • (561) 655-5510/FAX (561) 655-6744

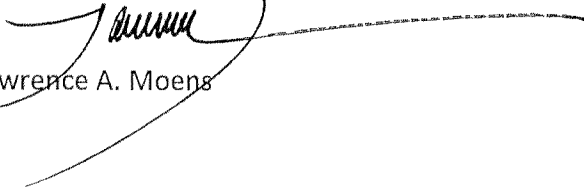
August 16, 2023

Re: 2320 South Ocean Boulevard, Palm Beach FL 33480

Dear Neighbors,

I am requesting an extension from the Town of Palm Beach in order to complete the project at 2320 South Ocean Boulevard, Palm Beach. The request will be put forward to the town council on September 13, 2023. If you have any questions, please contact me at 561-655-5510. Thank you.

Sincerely,


Lawrence A. Moens

TC Development Review Meeting Backup 9-13-2023

Parcel Control Number:	50-43-44-14-03-000-0060	Location Address: 2320 S OCEAN BLVD			
Owners:	MOENS LAWRENCE A				
Mailing Address:	2320 S OCEAN BLVD,PALM BEACH FL 33480 5304				
Last Sale:	DEC-2018	Book/Page#:	30336 / 980	Price:	\$10
Property Use Code:	0100 - SINGLE FAMILY	Zoning:	PUD-C - PLANNED UNIT DEV (50-PALM BEACH)		
Legal Description:	TRES VIDAS OF PALM BEACH UNIT F A/K/A TH PT OF LTS 130 & 131 IN OR3267P420 IN THE PALM BEACH ESTATES	Total SF:	7378	Acres	0.8121

Improvement Value	\$1,814,555
Land Value	\$4,906,300
Total Market Value	\$6,720,855
Assessed Value	\$2,720,101
Exemption Amount	\$50,000
Taxable Value	\$2,670,101
All values are as of January 1st each year.	

Ad Valorem	\$40,510
Non Ad Valorem	\$2,004
Total Tax	\$42,514

Homestead
Additional Homestead

MOENS LAWRENCE A

The left diagram is a detailed floor plan of a building. It features a large central area labeled 'AO (5035)'. To the left of this area is a corridor labeled '10'. Above the central area is a complex of rooms including '11 A4 (195)', '11 A3 (253)', '11 A2 (346)', and '11 A1 (2315)'. To the right of the central area are rooms labeled '28', '23', '17', '14', '9', and '15'. The bottom of the diagram shows a large area with rooms labeled '26', '18', '5', '21', '47', '36', '25', and '17'. The right diagram is a smaller, more compact layout. It features a large central area labeled 'A1 (545)'. To the left of this area is a room labeled 'R'. To the right of the central area is a room labeled 'A2'. The bottom of the diagram shows a large area with rooms labeled '28', '23', '17', '14', '9', and '15'.

Description	Area Sq. Footage
BAS Base Area	5035
BSM Basement	196
SFB Semi Finished Base Area	345
FUS Finished Upper Story	1549
FGR Finished Garage	253
Total Square Footage :	7378
Total Area Under Air :	6929

Description	Year Built	Unit
Pool - In-Ground	1982	1
Unit may represent the perimeter, square footage, linear footage, total number or other measurement.		

Description	
1. Exterior Wall 1	MSY: CB STUCCO
2. Year Built	1945
3. Air Condition Desc.	HTG & AC
4. Heat Type	FORCED AIR DUCT
5. Heat Fuel	ELECTRIC
6. Bed Rooms	
7. Full Baths	
8. Half Baths	
9. Exterior Wall 2	NONE
10. Roof Structure	WOOD TRUSS
11. Roof Cover	CONCRETE TILE
12. Interior Wall 1	DRYWALL
13. Interior Wall 2	N/A
14. Floor Type 1	CERAMIC/QUARRY TILE
15. Floor Type 2	N/A
16. Stories	2

Old South Ocean Blvd

A1A

S Ocean

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 13, 2023

Section of Agenda

Time Extensions and Waivers

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension at 250 Algoma Rd

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

No Attachments Available