TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

AUGUST 12, 2024

9:45 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
Bobbie D. Lindsay, President
Lew Crampton, President Pro Tem
Julie Araskog
Ted Cooney
Bridget Moran

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. REGULAR BUSINESS

A. Discussion Regarding the Draft Shortened Land Use Application Process Outlined in the Proposed Ordinances and Project Design Matrix

B. Update and Review of Draft 2024 Comprehensive Plan Including the Planning and Zoning Commission Recommendations
TIME CERTAIN: NOON

C. 100 Casa Bendita Verbal Update

VIII. RESOLUTIONS

A. Proposed Resolution to add Two Padel Courts at The Breakers Tennis Centre

RESOLUTION NO. 073-2024: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 3-00, The Breakers Planned Unit Development (PUD-A), to Authorize the Modification to a Previously Approved Renovation, Expansion and Reconstruction of The Breakers Tennis Courts to Add Two Padel Courts.

[Recommended to Town Council by the Planning & Zoning Commission at the August 6, 2024, meeting. Carried 7-0.]

IX. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **ZON-24-0012 240 PARK AVE - SITE PLAN REVIEW** The applicant, Town of Palm Beach, has filed an application requesting Town Council review and approval of site wide landscape and hardscape improvements to an existing park.

b. **ZON-24-0013 247 PARK AVE - SITE PLAN REVIEW** The applicant, Town of Palm Beach, has filed an application requesting Town Council review and approval of site wide landscape and hardscape improvements to an existing park. ***[This project has been withdrawn by the applicant.]***

c. **ZON-24-043 (ARC-24-035) 620 N LAKE WAY (COMBO) - VARIANCES** The applicant Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker), has filed an application requesting Town Council review and approval for two (2) variances, (1) to exceed maximum permitted building height and (2) to exceed maximum permitted cubic content ratio (CCR), as it relates to the construction of a new residence. The

Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-0.] [The Architectural Review Commission approved the project with conditions. Carried 5-1.]*

d. **ZON-24-0005 (ARC-24-0004) 260 COLONIAL LN (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN, REVIEW AND VARIANCE** The applicant, Maura Ziska (attorney) in conjunction with SKA Architect + Planner, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review approval to develop a nonconforming parcel in the R-B zoning district and once (1) variance to reduce the rear yard setback for a swimming pool in relationship with the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform design review of the application. ***[This project has been withdrawn by the applicant.]***

e. **ZON-24-0006 (ARC-24-0011) 1741 S OCEAN BLVD (COMBO) - VARIANCES** The applicant, Maura Ziska (attorney) in conjunction with SKA Architect + Planner, has filed an application requesting Town Council review and approval for four (4) variances to (1) increase the maximum allowable lot coverage, (2) to allow existing non-conforming front yard setback to remain, (3) to allow existing side yard setback to remain, and (4) to allow landscape open space to increase from existing but still not meet minimum requirement as it relates to the existing structure and site improvements being modified. The Architectural Commission (ARCOM) shall perform design review of the application. ***[This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]***

f. **ZON-24-0010 (ARC-24-0023) 515 NORTH LAKE WAY (COMBO) - SPECIAL EXCEPTION AND VARIANCE** The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval for a special exception review to develop the existing nonconforming lot, and one variance 1) to exceed the permitted angle of vision for the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform design review of the application. ***[This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]***

2. New Business

a. **ZON-24-025 (ARC-24-015) 153 AUSTRALIAN AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE** The applicant,

Rabbi Zalman Levitin, has filed an application requesting Town Council review an approval for a special exception to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to reduce the number of required enclosed garage parking spaces to one (1). This is an amended application. The Architectural Commission (ARCOM) shall perform design review of the application. [Town Council remanded this project back to ARCOM at the May 15, 2024, Town Council meeting.] *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Motion Carried 6-0.] [The Architectural Review Commission approved the project with conditions. Carried 6-0.]*

b. **ZON-24-0014 (ARC-24-0022) 1246 N LAKE WAY (COMBO) – VARIANCES** The applicant, Myron and Michelle Miller, has filed an application requesting Town Council review and approval of a variance for exceeding allowable cubic content ratio (CCR). The Architectural Commission (ARCOM) shall perform the design review of the application. ***[This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]***

c. **ZON-24-0022 (HSB-24-0003) 346 SEASPRAY AVE (COMBO) - VARIANCES** The applicant, Rafael Portuondo with Portuondo-Perotti, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the side yard setback for mechanical equipment, and 2) to increase a site wall height in the side yard. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance number two (2) will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission only approved variance number two (2) listed avbove with the project to return on the remaining variance. Carried 7-0.]*

d. **ZON-24-0028 (ARC-24-0032) 272 VIA MARILA (COMBO) - VARIANCE** The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform design review of the application. ***[This project shall be deferred to the September 11, 2024, Town Council meeting pending Architectural Review.]***

e. **ZON-24-0027 (ARC-24-0049) 2 S COUNTY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council

review and approval for Special Exceptions with Site Plan Review for (1) modifications to the Breakers Tennis Centre site plan, (2) the construction of two new padel sport courts, (3) the installation of related sport court lighting. Two (2) variances are required to (1) exceed the maximum permitted height of light poles and (2) to install a sport court enclosure lower than the minimum height required. The Architectural Commission shall perform design review of the application. *[After Town Council zoning review, this project will travel to the Architectural Review Commission at the August 28, 2024, meeting.]*

f. **ZON-24-0029 (COA-24-0004) 134 SEABREEZE AVE (COMBO) - VARIANCES** The applicant, Jaime Torres-Cruz with Fairfax & Sammons, has filed an application requesting Town Council review and approval of four (4) variances to 1) reduce the side yard setback, 2) increase lot coverage, 3) exceed the maximum allowable cubic content ratio (CCR), and 4) reduce the landscape open space for removal of existing loggia and construction of a new loggia. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]*

g. **ZON-24-0031 (COA-24-0002) 195 VIA DEL MAR (COMBO) - VARIANCES** The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting Town Council review and approval of (1) variance to increase the maximum building height associated with a second-story addition. The Landmarks Preservation Commission shall perform design review of the application. ***This project shall be deferred to the September 11, 2024, Town Council meeting pending Landmarks Preservation Review.]***

h. **ZON-24-0034 (ARC-24-0020) 336 W AUSTRALIAN AVE (COMBO) – VARIANCES** The applicant, Sharon Handler Loeb, has filed an application requesting Town Council review and approval of three (3) variances to (1) not providing minimum required landscaped open space, (2) to allow pool equipment and generator to be installed without the minimum required setback and (3) pool equipment located further than the maximum of 25 feet from water's edge. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Motion Carried 6-0.] [The Architectural Review Commission approved the project as presented with the exception of the landscaping and wall*

improvements along the common shared line of both sides of the duplex residences which shall be reviewed as an administrative application requiring neighbor consent or appear back to the Commission for review. Carried 6-0.]

i. **ZON-24-0036 0 ROYAL POINCIANA WAY - MEDIANS – SITE PLAN REVIEW** The applicant, Town of Palm Beach, in conjunction with the Garden Club of Palm Beach has filed a site plan review application requesting Town Council review and approval for landscape and gravel path improvements to the medians for this historic vista. ***[This project shall be deferred to the September 11, 2024, Town Council meeting.]***

B. Time Extensions and Waivers

1. Waiver Request of Resolution No. 069-2024: Zoning in Progress Moratorium for **261 Royal Poinciana Way** regarding Restaurant Space
2. Waiver Request of Resolution No. 069-2024: Zoning in Progress Moratorium for **2875 S Ocean Blvd.,** Regarding Restaurant Space
3. Waiver of Town Code Section 18-237, For Building Permit Extension for **210 Palmo Way,** Permit Extension - B-22-96215
4. Waiver of Town Code Section 18-237, For Building Permit Extension for **255 Wells Road -** Permit Extension B-22-926215
5. Waiver of Town Code Section 18-237, For Building Permit Extension for **500 Regents Park,** Permit Extension - B-21-92420
6. Waiver of Town Code Section 18-237, For Building Permit Extension for **224 Southland Rd.,** Permit Extension - B-22-97455
7. Waiver of Town Code Section 18-237, For Building Permit Extension for **363 Cocoanut Row**, Permit Extension - B-23-98323
8. Waiver of Town Code Section 18-237, For Building Permit Extension for **870 S Ocean Blvd.,** Permit Extension - B-21-92487

X. ORDINANCES

A. First Reading

1. ORDINANCE NO. 020-2024**:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida; Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan Pursuant To Chapter 163, Florida Statutes; Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Designation For Parcels Of Land More Particularly Described In Exhibit C, From "Public", "Recreation" And "Single Family", Respectively To "Private Group Use"; Providing For Inclusion Into The Comprehensive Plan; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

[Recommended to Town Council by the Planning & Zoning Commission at the August 6, 2024, meeting. Carried 7-0.]

2. ORDINANCE NO. 021-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Amended Official Zoning Map Of The Town Of Palm Beach Updated July 26, 2022; Rezoning Parcels Of Land More Particularly Described In Exhibit B, From "R-B Low Density Residential" District, To "CI Cultural Institution" District; Providing For Inclusion On The Zoning Map; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

   [Recommended to Town Council by the Planning & Zoning Commission at the August 6, 2024, meeting. Carried 7-0.]

XI. ANY OTHER MATTERS

XII. 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: Any citizen is entitled to be heard concerning any matter under the sections entitled 'Communications from Citizens' and 'Public Hearings', 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 virtual public comment, please register for the Microsoft Teams meeting. This link will be available prior to the meeting on the Public Meeting page or on the Town's calendar of events, which both can be found at townofpalmbeach.com.

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: August 12, 2024

Section of Agenda
Regular Business

Agenda Title
Discussion Regarding the Draft Shortened Land Use Application Process Outlined in the Proposed Ordinances and Project Design Matrix

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Draft Ordinance No. 28-2024: ARCOM**
- **Draft Ordinance No. 29-2024: LPC**
- **Draft Resolution No. 017-2024: Project Designation Matrix**
- **Draft Project Designation Matrix - ARCOM**
- **Draft Project Designation Matrix - LPC**
- **Currently Adopted Matrix**

TOWN OF PALM BEACH

Information for Town Council D. R. Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of PZB and James Murphy, Asst. Director of PZB

Re: Draft Ordinances to Create a Shortened Land Use Application for Certain ARCOM Minor Projects (Ord. No. 028-2024) and LPC Single-Family Home Projects (Ord. No. 029-2024) – AND – Revisions to the Project Designation Matrix– Res. No. 17-2024

Date: July 18, 2024

STAFF RECOMMENDATION

The two goals with this item are to create a shorter, simplified process for small ARCOM Minor projects and Landmark Preservation Commission (LPC) single-family home projects – AND – to bifurcate the Project Designation Manual aka "design matrix" into separate ARCOM and an LPC workflows to be more relevant and user-friendly for all in involved in the design review process. Staff recommends that the Town Council approve on First Reading the two proposed ordinances, detailed below, and adopt the proposed resolution to revise the Project Designation Matrix, formerly referred to as the ARCOM Project Designation Manual, as presented.

GENERAL INFORMATION
SHORTENED, SIMPLIFIED MINOR PROJECT NOTICE REQUIREMENTS:

As you know, a few years ago the Town Council supported uniform notice requirements for all ARCOM, LPC and Town Council incoming applications. Staff worked to create a process that was uniform for all applications. These changes placed a 30-day notice in the codes for mailing and newspaper advertisements. Since this time, criticism has been heard coming from the development community that the new land use process, with the 30-day notice, has created a lengthier process for applicants. ARCOM members have explained this concern at public meetings. And Councilman Ted Cooney last month asked staff if we could propose a more simple, quicker process for minor applications.

Staff created a new category of simple ARCOM Minor projects, called ARCOM Minor Shorts. This category of simple projects would be listed in the revised Project Designation Matrix and mandated to require only a 15-day notice. Changes to the application process and calendar, including the removal of two weeks (15-days) of notice could shorten these applications by almost a month. On the Landmark side of the Matrix, all single-family homes would be subject to the new 15-day notice and simplified process.

Two ordinances are proposed for your consideration. Ord. No. 028-2024 would make a small series of changes to Chapter 18, Buildings and Building Regulations relative to ARCOM

applications. Ord. No. 029-2024 would revise that all single-family landmarked and historically significant building applications would be subject to the shortened, simplified process.

GENERAL INFORMATION
PROJECT DESIGNATION MATRIX:

In 2015, the Project Designation Manual was first adopted by Resolution by Town Council, pursuant to Resolution # 037-2015; later amended on August 12, 2020, May 12, 2021, and July 13, 2022, which summarizes the classification of projects to assist applicants in determining the type of architectural review required for their project.

The modifications proposed are slight as they pertain to the bifurcation, or separation, between the two design Commissions.

The most recent draft of the Matrix incorporates a new category of applications—ARCOM MINOR SHORT—that will have a shortened 15-day notice requirements to the Town's adopted Uniform Development Review Procedure, as presented at the June 12, 2024, Town Council meeting. Additionally, staff proposes a similar shortened notice requirement for landmarked and historically significant single-family residences, to facilitate those homeowners' seeking improvements.

Descriptions are provided as examples only and are not intended to be all-inclusive. The Director of the Planning, Zoning and Building Department, or his or her designee, may determine that the particular characteristics of a proposed project may warrant notice and/or further review by the Commission.

Attached: Draft Ord. No. 028-2024 – ARCOM
Draft Ord. No. 029-2024 – LPC
Draft Resolution 17-2024 – Project Designation Matrix
Proposed Project Designation Matrix
Currently Adopted LPC/ARCOM Designation Manual

ORDINANCE NO. 028-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, AT ARTICLE III, ARCHITECTURAL REVIEW, DIVISION 2, ARCHITECTURAL COMMISSION, SECTION 18-175, ISSUANCE OF PERMITS, CHANGING THE NAME OF THE ARCOM PROJECT DESIGNATION MANUAL TO THE PROJECT DESIGNATION MATRIX; AMENDING ARTICLE III, ARCHITECTURAL REVIEW, DIVISION 3, PROCEDURE AND REQUIREMENTS, SECTION 18-202, UNIFORM DEVELOPMENT REVIEW PROCEDURE, BY CHANGING THE NAME OF THE ARCOM PROJECT DESIGNATION MANUAL TO THE PROJECT DESIGNATION MATRIX, BY ADDING HISTORICALLY SIGNIFICANT BUILDINGS TO THE LIST OF POSSIBLE DEVELOPMENT PROJECTS, AND AMENDING THE NOTICE PROVISIONS BY ADDING A 15-DAY NOTICE REQUIREMENT FOR ARCOM MINOR SHORT PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended at Article III, Architectural Review, Division 2, Architectural Commission, Section 18-175, Issuance of Permits, by changing the name of the "Arcom Project Designation Manual" to the "Project Designation Matrix", with changes to the code text as follows:

"Sec. 18-175. - Issuance of permits.

(a) Approval of request. Unless requests for demolition of structures, other than single-family residential (request shall be reviewed considering proposed date to demolish, construct, and future use of new construction), building and landscaping plans, elevations and proposed signs for buildings or structures, or alterations thereto, including reroofing that involves a significant change in materials or appearance, have been approved by the architectural commission, or by the town council on appeal, no permit shall be issued for any such demolition of structures, other than single-family residential, building, structure, sign, or other development of property, or appurtenances or alterations thereto. In addition to the criteria outlined in sections 18-113 and 18-205, such requests will be reviewed in accordance with the procedures set forth in the ~~ARCOM~~ Project Designation Matrix ~~Manual~~, as adopted by the town council by resolution and amended by the town council from time to time by resolution after review and recommendation by the architectural commission.

(b) Prior to approval of a building permit for construction for all primary structures other than single family structures in the town, the owner/applicant shall provide financial proof of ability to complete the construction. In addition, the owner/applicant shall provide to the town

a financial guarantee in writing executed by all parties in interest to the property, including mortgagees, if any, in an amount to be adopted by resolution of the town council and amended by adoption of a resolution by the town council representing a percentage of the estimated cost of demolition of the construction when complete as verified by the town's building official, as well as the cost of returning the property to grade, and to be sodded, landscaped and irrigated. The financial guarantee shall provide that in the event the construction is not completed within 12 months of the maximum time permitted for construction as set forth in section 18-237 of this Code, the town may call in the financial guarantee which shall be secured in the form of a bond, cash deposit or clean, irrevocable letter of credit, and cause the demolition of the structure permitted herein, including bringing the property back to grade, sodded, irrigated and landscaped as required. The financial guarantee shall be recorded in the public records of Palm Beach County, Florida, so as to provide notice of said guarantee to all who may have or obtain an interest in the property. This subsection, requiring a financial guarantee, shall apply only to new construction on vacant lots and shall not be required for restoration or renovation of existing structures or structures accessory to an existing primary structure.

(c) Exceptions.

(1) When in the opinion of the planning, zoning and building department director or his or her designee, the improvements contemplated in an application for a construction permit are minimal in nature, and are not included in the listing of projects subject to architectural review contained within the ~~ARCOM~~ Project Designation Matrix ~~Manual~~, and such improvements do not defeat the purposes and objectives of this article, he or she may grant the permit without requiring architectural review, notwithstanding any other provisions of this section or this article. The decision of the planning, zoning and building department director or his/her designee shall be subject to appeal made to the town council in accordance with the provisions of section 18-177.

(2) Individual structures and/or properties that have been designated or are under consideration or in an historic district are subject to review by the landmark preservation commission and shall not be subject to review by the architectural commission."

Section 2. Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended at Article III, Architectural Review, Division 3, Procedure and Requirements, Section 18-202, Uniform Development Review Procedure, by changing the name of the "Arcom Project Designation Manual" to the "Project Designation Matrix", by adding Historically Significant Buildings to the list of possible development projects, and amending the notice provisions by adding a 15-day notice requirement for "Arcom Minor Short" projects, with changes to the code text as follows:

"Sec. 18-202. - Uniform development review procedure.

(a) Application. All applications for development review by ARCOM shall be filed with the director of planning, zoning and building by the property owner or a designee, agent, or representative who is authorized to file an application by power of attorney, which must be filed with the director of planning, zoning and building. Applications shall be completed and

submitted per the application instructions and shall include all items identified in the application checklist, which can be amended by town staff from time to time. All applications shall include the application fee as set forth in the town fee schedule. The classification of the application is designated within the ~~ARCOM~~ Project Designation Matrix ~~Manual~~, adopted by the town council, and amended from time to time.

(b) Determination of sufficiency. The director of planning, zoning and building, or their designee, shall review the application and required documents and determine whether it is competent and complete. If the director, or their designee, determines that the application is not competent or complete, the director of planning, zoning and building, or their designee, shall notify the applicant as to the nature of the deficiency. In this case, no other action shall be taken on the application until the deficiency is remedied. If the director, or their designee, determines that the application is competent and complete, the department will process the application.

(c) Schedule of meetings and deadlines. The director of planning, zoning and building shall produce each year a schedule of public meetings and deadlines for all development review applications, which can be amended from time to time. The director shall place the schedule of meetings and deadlines on the town website.

(d) Notice of public hearings. Public hearings for all development review projects, which includes the ARCOM ~~major~~ projects, landmarks preservation commission certificates of appropriateness, historically significant buildings, and town council special exceptions, variances, and site plan review, shall be noticed in accordance with the following provisions:

(1) Advertisement. At least 30 days prior to the public hearing date, or at least 15 days for ARCOM Minor Short Projects, as defined in the Project Designation Matrix, a description of the project or request, the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. The notice will be prepared and placed in the newspaper by town staff.

(2) Mail notice. At least 30 days prior to the public hearing date, or at least 15 days for ARCOM Minor Short Projects, the applicant shall mail a notice containing a description of the request, the date, start time of the meeting and location of the hearing, to the owners of record of property lying within 300 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department and identified in the application instructions.

(3) Posting. At least 30 days prior to the public hearing, or at least 15 days for ARCOM Minor Short Projects, the town will post a copy of the hearing notice within a conspicuous place in Town Hall and physically post the subject properties for multi-family and commercial projects.

~~(4) ARCOM minor projects with notice shall meet the advertisement and mail notice provisions of (a) and (b) above, except that the mail notice is only required to be provided to owners of property adjacent to and across the street from the subject property.~~

~~*(5) ARCOM minor projects without notice are not required to meet the advertisement and mail notice provisions of (a) and (b) above, and a competent and complete application may be submitted in accordance with the scheduled "Final Submittal" date, shown on the schedule of public meetings and deadlines, or a date otherwise determined by the director of planning, zoning and building.*~~"

Section 3. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2024, and for second and final reading on this _____ day of _____, 2024.

_____
Danielle H. Moore, Mayor

_____
Bobbie D. Lindsay, Town Council President

_____
Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Bridget Moran, Town Council Member

ORDINANCE NO. 029-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 54, HISTORICAL PRESERVATION, AT ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 1, GENERALLY, SECTION 54-71, REQUIRED, BY ADDING THAT THE PROJECT DESIGNATION MATRIX WILL DIRECT THE TYPE OF REVIEW; AMENDING DIVISION 2, PROCEDURES AND EFFECT, SECTION 54-93, UNIFORM DEVELOPMENT REVIEW PROCEDURES, BY ADDING THAT THE PROJECT DESIGNATION MATRIX WILL DIRECT THE TYPE OF REVIEW , BY ADDING HISTORICALLY SIGNIFICANT BUILDINGS TO THE LIST OF POSSIBLE DEVELOPMENT PROJECTS, AND AMENDING THE NOTICE PROVISIONS BY ADDING A 15-DAY NOTICE REQUIREMENT FOR LANDMARKED AND HISTORICALLY SIGNIFICANT BUILDING DESIGNATED SINGLE-FAMILY HOME PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 54, Historical Preservation, of the Town Code of Ordinances, is hereby amended at Article III, Certificate of Appropriateness, Division 1, Generally, Section 54-71, Required, by adding that the Project Designation Matrix will direct the type of review, with changes to the code text as follows:

"ARTICLE III. - CERTIFICATE OF APPROPRIATENESS
DIVISION 1. - GENERALLY

Sec. 54-71. - Required.

(a) No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.

(b) The commission shall not consider interior arrangement or use, except as this may affect a request for exterior changes.

(c) Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design or material or that do not affect the outward appearance of a building.

(d) The commission shall exercise only those powers and duties granted by this article and those powers and duties that may be assigned to it at a later date by the town council.

(e) In addition to the criteria outlined in division 3 of this article, requests for exterior changes will be reviewed in accordance with the procedures set forth in the Project Designation Matrix, as adopted by the town council by resolution and amended by the town council from time to time by resolution after review and recommendation by the landmark preservation commission.

~~(e)~~ (f) For an exterior change project consistent with division 3 of this article, a determination may be made that this is a minor exterior change and the requirement of a certificate of appropriateness may be waived. Such determination shall be made by the landmarks project coordinator, with the concurrence of the chair or such other member of the commission as may be designated by the commission, who will so advise the building official, who may then issue a building permit.

~~(f)~~ (g) An exterior change project determined by the landmarks project coordinator to be inappropriate, potentially controversial or precedent setting shall be submitted by the staff to the commission for review. No exterior change project with an estimated expenditure exceeding $2,000.00 as determined by the building official shall fall within the definition of this minor project category.

~~(g)~~ (h) Review of minor exterior change projects for which certificates of appropriateness have been waived will be reviewed quarterly by the commission."

Section 2. Chapter 54, Historical Preservation, of the Town Code of Ordinances, is hereby amended at Article III, Certificates of Appropriateness, Division 2, Procedures and Effect, Section 54-93, Uniform Development Review Procedures, by adding that the Project Designation Matrix will direct the type of review, by adding Historically Significant Buildings to the list of possible development projects, and amending the notice provisions by adding a 15-day notice requirement for landmarked and historically significant building designated single-family home projects, with changes to the code text as follows:

"DIVISION 2. - PROCEDURES AND EFFECT
Sec. 54-93. - Uniform development review procedures.

(1) *Application.* All applications for development review, being either a certificate of appropriateness for a landmarked building or structure, or a review of a historically

significant building, shall be filed with the director of planning, zoning and building by the property owner or a designee, agent, or representative who is authorized to file an application by power of attorney, which must be filed with the director of planning, zoning and building. Applications shall be completed and submitted per the application instructions and shall include all items identified in the application checklist, which can be amended by town staff from time to time. All applications shall include the application fee as set forth in the town fee schedule. The classification of the application is designated within the Project Designation Matrix, adopted by the town council, and amended from time to time.

(2) *Determination of sufficiency*. The director of planning, zoning and building, or their designee, shall review the application and required documents and determine whether it is competent and complete. If the director, or their designee, determines that the application is not competent or complete, the director of planning, zoning and building, or their designee, shall notify the applicant as to the nature of the deficiency. In this case, no other action shall be taken on the application until the deficiency is remedied. If the director, or their designee, determines that the application is competent and complete, the department will process the application.

(3) *Schedule of meetings and deadlines*. The director of planning, zoning and building shall produce each year a schedule of public meetings and deadlines for all development review applications, which can be amended from time to time. The director shall place the schedule of meetings and deadlines on the town website.

(4) *Notice of public hearings*. Public hearings for all development review projects, which includes the architectural review commission ~~major~~ projects, landmarks preservation commission certificates of appropriateness, historically significant buildings, and town council special exceptions, variances, and site plan review, shall be noticed in accordance with the following provisions:

(a) *Advertisement*. At least 30 days prior to the public hearing date for multi-family building and commercial projects, and at least 15 days for landmarked and historically significant building designated single-family homes, a description of the project or request, the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. The notice will be prepared and placed in the newspaper by Town staff.

(b) *Mail notice*. At least 30 days prior to the public hearing date for multi-family building and commercial projects, and at least 15 days for landmarked and historically significant building designated single-family homes, the applicant shall mail a notice containing a description of the request, the date, start time of the meeting and location of the hearing, to the owners of record of property lying within 300 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department and identified in the application instructions.

(c) *Posting*. At least 30 days prior to the public hearing for multi-family buildings and commercial projects, and at least 15 for landmarked and historically significant building designated single-family homes, the town will post a copy of the hearing notice within a conspicuous place in Town Hall and physically post the subject properties for multi-family buildings and commercial projects.

Section 3. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2024, and for second and final reading on this _____ day of _____, 2024.

_____
Danielle H. Moore, Mayor

_____
Bobbie D. Lindsay, Town Council President

_____
Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Bridget Moran, Town Council Member

RESOLUTION NO. 017-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING THE PROJECT DESIGNATION MATRIX AS REFERENCED IN CHAPTER 18 AND CHAPTER 54 OF THE TOWN CODE OF ORDINANCES, PROVIDING AN EFFECTIVE DATE.

*****

WHEREAS, Ordinance 011-2015, adopted on April 14, 2015, provided an amendment to Chapter 18, Buildings and Building Regulations, Article III, Architectural Review, and

WHEREAS, that amendment contains references to an ARCOM Project Designation Manual in Section 18-175, Issuance of Permits, and

WHEREAS, such a manual is intended to provide users with a means to determine the type of review and notice that is required for projects requiring ARCOM approval, and

WHEREAS, the Town Council has identified the need to provide updates to the various projects and information contained in the manual, and

WHEREAS, the ARCOM Project Designation Manual has consequently been amended on August 12, 2020 (Resolution # 058-2020), May 12, 2021 (Resolution # 054-2021, and July 13, 2022 (Resolution # 079-2022),

WHEREAS, the ARCOM Project Designation Manual will now be referred to as the Project Designation Matrix,

WHEREAS, the Town Council meeting wherein this Resolution is adopted is held in accordance with Chapter 2, Administration, Division 3, Town Council Rules of Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: This Resolution is hereby adopted to include the ARCOM and LPC project Designation Matrix as Exhibit "A" attached and made a part hereto.

Section 2. This Resolution shall become effective immediately.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of August 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

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

PROJECT DESIGNATION MATRIX
Architectural Review Commission
DRAFT REVIEW 07.22.24

ARCHITECTURAL REVIEW COMMISSION (ARCOM)

PROJECT DESCRIPTION	COMMISSION REVIEW *Submit Development Review Application*		ADMINISTRATIVE REVIEW *Submit Administrative Review Application* ***A Maximum of four (4) per year for any site.***	
	ARCOM MAJOR	**ARCOM MINOR**	**CHAIR REVIEW**	**STAFF REVIEW**
NEW CONSTRUCTION	New Residential *-or-* Commercial Building	2 Story Accessory Structures, *-or-* 1 Story Accessory Structures > 500 SF	1 Story Accessory Structures (< 500SF)	
ADDITIONS	Two Story Additions visible from R-o-W *-or-* Additions to 3rd Floor or Above	One Story Addition visible from R-o-W *-or-* Second Floor Addition visible from R-o-W	One Story Addition not visible from R-o-W > 400 SF *-or-* Second Floor Addition not visible from R-o-W > 200 SF	One Story Addition not visible from R-o-W < 400 SF *-or-* Second Floor Addition not visible from R-o-W < 200 SF
SINGLE FAMILY / DUPLEX ALTERATIONS (*Windows, Doors, Garage Doors, Roofs, Siding, Gutters, Decorative Shutters, Exterior finishes, etc.)*		Façade or Building Alterations impacting Architectural Style	Removal/Replacement/ Addition of Architectural Feature(s) with Alternate Design	*In-Kind Replacement of Architectural Features
DEMOLITION (COMMERCIAL, OFFICE, MULTIFAMILY)	FULL	PARTIAL		
PAINT (COMMERCIAL, OFFICE, MULTIFAMILY)			ALL	
HURRICANE SHUTTERS			New Permanent Visible from R-o-W	Replacement or Installation of New Removable
SPORTS COURTS	Multifamily or Commercial	Single Family		
SIGNAGE	Illuminated			Non- Illuminated
OUTDOOR SEATING				Commercial Furnishings
AWNINGS				New or Replacement

ARCHITECTURAL REVIEW COMMISSION (ARCOM)				
PROJECT	**ARCOM MAJOR**	**ARCOM MINOR SHORT**	**CHAIR REVIEW**	**STAFF REVIEW**
COMMERCIAL, OFFICE, MULTIFAMILY BUILDING ALTERATIONS**	Façade or Building Alterations impacting Architectural Style	Façade or Building Alterations, minor in nature, including all C-WA District Fenestration Alterations visible from R-o-W	Removal/Replacement/ Addition of Architectural Feature(s) with Alternate Design *-or-* Façade or Building Alterations minor in nature, not visible from R-o-W	*In-Kind Replacement of Architectural Features
MECHANICAL EQUIPMENT *Condensing Units, Pool Equipment, Cooling Towers, and Generators over 100kW** *101kW+ 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 *-or-* Replacement of Equipment in Existing Conforming Location *-or-* New Mechanical Equipment Located within Setbacks or in Non-Conforming Location with ***Neighbor Consent***
SITE ALTERATIONS ***Hardscape*** *Driveways, Patios, Pools, etc.* ***Landscape***		Substantial Alterations to Site Hardscape or Substantial Alterations to Landscape	Minor Alterations to Site Hardscape or Alterations within Front Yard	Interior to Lot, Not Readily Visible from R-o-W or Alterations On Side or Rear Property Lines with ***Neighbor Consent***
FENCES, WALLS and GATES		Use of PVC Products, Corrugated Sheet Piling, or other incompatible material	New within Front Yard Setback	*In-Kind Replacement *-or-* New inside minimum yard setbacks *-or-* New on Side or Rear Property Lines with ***Neighbor Consent***
LANDSCAPE LIGHTING				With ToPB Exterior Landscape Lighting Affidavit
ARTIFICIAL TURF OR SOLAR PANELS OR		All		
STATUARY		Visible from R-o-W		Not Visible from R-o-W and fully screened by landscaping

ARCOM MINOR SHORT refers to 15-day public notice requirement (mailing and newspaper) as opposed to 30-day notice.
ADMINISTRATIVE REVIEW all applications outlined above must comport with all zoning requirements of the Town of Palm Beach.
APPLICATIONS requiring variance or some other form of zoning relief shall be reviewed by the Architectural Commission as minor or major projects as determined by the Director of Planning, Zoning and Building or his/her designee.
COMMISSION REVIEW applications are determined as Major or Minor or Minor Short projects. Please contact PZB Staff to schedule a pre-application meeting.

CHAIR REVIEW is required for those applications outlined above. The Chair or his/her designee may refer the application to full Commission Review at their discretion requiring either 30-day notice or 15-day notice, as applicable.
NEIGHBOR CONSENT FORM is required for projects which may substantially impact neighboring properties. A completed Neighbor Consent Form provided by the Town shall be submitted with the Administrative Review application. Absent a completed Neighbor Consent Form the application must proceed as a Minor Short to full Commission Review requiring a 15-day notice.

***Please note** that requests for in-kind replacements shall utilize the same or substantially similar product in size, design, and other visually related qualities as the existing feature. Documentation on the existing feature and replacement feature shall be provided.

****Please note** alterations to multi-tenant buildings (condominiums, commercial, townhouses, etc.), require a signed approval letter from the building's governing body (HOA, Condo Association, etc.) as part of the application.

TOWN OF PALM BEACH
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PROJECT DESIGNATION MATRIX
Landmarks Preservation Commission
DRAFT REVIEW 07.22.24

LANDMARKS PRESERVATION COMMISSION (LPC)

Landmarks, Districts, and Historically Significant Buildings

PROJECT DESCRIPTION	COMMISSION REVIEW *Submit Development Review Application*	ADMINISTRATIVE CHAIR REVIEW *Submit Administrative Review Application* ***A Maximum of four (4) per year for any site.***
NEW CONSTRUCTION	New Residential or Commercial Building *-or-* 2 Story/1 Story greater than 500 SF Accessory Structure	1 Story Accessory Structure (500SF or less)
ADDITIONS	Additions Visible from R-o-W *-or-* Additions to 3rd Floor or Above	One Story Addition not visible from R-o-W *-or-* Second Floor Addition not visible from R-o-W
BUILDING ALTERATIONS	Major Façade Alterations impacting Architectural Style or Original Features	Removal, Replacement, or Addition of Architectural Features
DEMOLITION	Landmarked Structures	Non-Original Features *-or-* Non-Original / Not Visible Buildings or Additions
PAINT		Change in Color
HURRICANE SHUTTERS		New or Replacement
SPORTS COURTS	All	
SIGNAGE	Illuminated	Non-Illuminated
OUTDOOR SEATING		Commercial Furnishings
AWNINGS		New or Replacement
MECHANICAL EQUIPMENT *Condensing Units, Pool Equipment, Cooling Towers, and Generators over 100kW** *101kW+ Generators are required to be housed in a building. See New Construction or Additions	New Equipment Visible from R-o-W	New Equipment Outside of Setbacks *-or-* Replacement of Equipment in Existing Location *-or-* New Mechanical Equipment Located within Setbacks with ***Neighbor Consent*** *-or-* Replacement Equipment in Non-Conforming Location with ***Neighbor Consent***
SITE ALTERATIONS ***Hardscape*** *Driveways, Patios, Pools, etc.*	Substantial Alterations to Site Hardscape	Minor Alterations to Site Hardscape

LANDMARKS PRESERVATION COMMISSION (LPC)		
PROJECT	**COMMISSION REVIEW**	**ADMINISTRATIVE CHAIR REVIEW**
SITE ALTERATIONS ***Landscape***	Substantial Alterations to Site Landscape	Minor Alterations to Site Landscape *-or-* Alterations On Side or Rear Property Lines with ***Neighbor Consent***
FENCES, WALLS, and GATES	Use of PVC Products, Corrugated Sheet Piling, or other incompatible material	*In-Kind Replacement -or- New in Front Yard Setback, Interior to Lot -or- New on Side or Rear Property Lines with ***Neighbor Consent***
LANDSCAPE LIGHTING		With ToPB Exterior Landscape Lighting Affidavit
ARTIFICIAL TURF OR SOLAR PANELS	ALL	
STATUARY	Visible from R-o-W *-or-* Over 6' in height	Not Visible from R-o-W and fully screened by landscaping

ALL LANDMARKED AND HISTORICALLY SIGNIFICANT RESIDENCES are subject to a 15-day public notice requirement (mailing and newspaper) as opposed to 30-day notice.
ADMINISTRATIVE REVIEW all applications outlined above must comport with all zoning requirements of the Town of Palm Beach. **APPLICATIONS** requiring variance or some other form of zoning relief shall be reviewed by the Architectural Commission as minor or major projects as determined by the Director of Planning, Zoning and Building or his/her designee.
COMMISSION REVIEW applications are determined as Major or Minor or Minor Short projects. Please contact PZB Staff to schedule a pre-application meeting.

CHAIR REVIEW is required for those applications outlined above. The Chair or his/her designee may refer the application to full Commission Review at their discretion requiring either 30-day notice or 15-day notice, as applicable.
NEIGHBOR CONSENT FORM is required for projects which may substantially impact neighboring properties. A completed Neighbor Consent Form provided by the Town shall be submitted with the Administrative Review application. Absent a completed Neighbor Consent Form the application must proceed as a Minor Short to full Commission Review requiring a 15-day notice.

***Please note** that requests for in-kind replacements shall utilize the same or substantially similar product in size, design, and other visually related qualities as the existing feature. Documentation on the existing feature and replacement feature shall be provided. Alterations to multi-tenant buildings (condominiums, commercial, townhouses, etc.), require a signed approval letter from the building's governing body (HOA, Condo Association, etc.) as part of the application.

****Please note** alterations to multi-tenant buildings (condominiums, commercial, townhouses, etc.), require a signed approval letter from the building's governing body (HOA, Condo Association, etc.) as part of the application.

TOWN OF PALM BEACH
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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 *or* HSB	**ARCOM MINOR** LPC: COA *or* HSB		STAFF APPROVAL	NEIGHBOR CONSENT
NEW CONSTRUCTION	New Residential *-or-* Commercial Building	Two Story Accessory Structure	One Story Accessory Structure	Freestanding Unenclosed Accessory Structure *(Pergolas, Trellises, Arbors, Follies, Canopies, etc.)*	
DEMOLITION	Landmark and Commercial Structures				
ADDITIONS	Two Story Addition visible from R-o-W *-or-* Additions to 3rd Floor or Above	One Story Addition visible from R-o-W *-or-* Two Story Addition not visible from R-o-W	One Story Addition not visible from R-o-W > 400 SF *-or-* Second Floor Addition not visible from R-o-W > 200 SF	One Story Addition not visible from R-o-W < 400 SF *-or-* Second Floor Addition not visible < 200 SF	

PROJECT	COMMISSION REVIEW		COMMISSION CHAIR REVIEW ⇦ ⇨	STAFF REVIEW	
	ARCOM MAJOR LPC: COA *or* HSB	**ARCOM MINOR** LPC: COA *or* 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 *-and-* Installation of new "S" Tile	In-Kind Replacement of Architectural Features *including* "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	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 ***Hardscape*** *Driveways, Patios, Pools, etc.*		Substantial Alterations to Site Hardscape	Minor Alterations to Site Hardscape	Interior to Lot, Not Readily Visible from R-o-W	
SITE ALTERATIONS ***Landscape***		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.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Regular Business

Agenda Title
Update and Review of Draft 2024 Comprehensive Plan Including the Planning and Zoning Commission Recommendations
TIME CERTAIN: NOON

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: **Ordinance No. 015-2024 - 2024 Evaluation and Appraisal Review of the Comprehensive Plan**

Date: August 6, 2024

STAFF RECOMMENDATION

Attached please find Ordinance No. 015-2024 to adopt the 2024 Evaluation and Appraisal Review (EAR) of the Town of Palm Beach Comprehensive Plan. Staff recommends that the Town Council accept the updates to the 2024 Evaluation and Appraisal Review (EAR) of the Town of Palm Beach Comprehensive Plan and transmit to the Department of Commerce (FloridaCommerce), the state land planning agency.

GENERAL INFORMATION

The importance of comprehensive planning in the state of Florida cannot be understated, as the document serves as the vision for a community and provides the data and analysis for local government policy decisions. More specifically, as stated in §163.3177, Fla. Stat., the comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of a community that reflects commitments to implement the plan and its elements.

These principles and strategies must guide future decisions in a consistent manner and contain programs and activities to ensure comprehensive plans are implemented. It is not the intent to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the overall local strategy to realize the vision of the community. The comprehensive plan is intended to establish meaningful and predictable measures for the use and development of land and provide guidelines for the more detailed land development regulations provided for in a zoning code.

Pursuant to §163.3191, Fla. Stat., at least once every seven years, every local government in the state of Florida is required to evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state law since the last update of the comprehensive plan and notify the FloridaCommerce as to its determination. Local governments are also encouraged to comprehensively evaluate and, as necessary, update their comprehensive plans to reflect changes in local conditions. If the local government finds that amendments to their comprehensive plan are necessary, the amendments are required to be transmitted to the FloridaCommerce within one year of such determination.

The last time the Town's Comprehensive Plan was updated was in 2017. According to the statewide Evaluation and Appraisal Notification Schedule, the Town was required to determine if amendments to its Comprehensive Plan were necessary to reflect changes in state requirements and notify the state planning agency of its determination by April 1, 2023. On March 31, 2023, a notification letter was sent to the FloridaCommerce, see Exhibit A, indicating that the Town of Palm Beach Department of Planning, Zoning & Building (PZB) has evaluated its Comprehensive Plan and determined that amendments are necessary to reflect changes in state law and local conditions.

Pursuant to Code Section 2-333, the Planning and Zoning Commission (PZC) acts in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The PZC follows the concepts and contents of the Town's Comprehensive Plan in all planning, zoning and development related deliberations and decisions. As such, a review of the updates to the Comprehensive Plan by the PZC is required and any recommended changes are then conveyed to the Town Council.

As required by §163.3191(2), Fla. Stat., the PZB staff was on track to transmit the EAR-based 2024 Comprehensive Plan to the state land planning agency within one year, which was April 1, 2024. In fact, the first completed draft of the EAR-based comprehensive plan was presented to the Planning and Zoning Commission on October 17, 2023. The reaction to the first draft was of mixed review. It was requested that staff bring back a strike through and underlined version of the Data and Analysis portion of the Comprehensive Plan to distinguish the information that is to remain, be removed or requires updating. Since October 2023, the PZC has convened for public review of the EAR-based 2024 Comprehensive Plan eight times, in addition to providing independent reviews with written comments and suggestions to staff. During these last ten months, an engaged group of residents has also been providing meaningful and substantial input into the planning process.

The Town's existing Comprehensive Plan encompasses the following eleven elements:

Data and Analysis and Goals, Objectives, and Policies

1	Future Land Use
2	Transportation
3	Housing
4	Infrastructure
5	Coastal Management/Conservation
6	Recreation and Open Space
7	Intergovernmental Coordination
8	Capital Improvement
9	Historic Preservation
10	Public Safety
11	Private Property Rights

The proposed amendments to the Comprehensive Plan are based on a review of each Element of the adopted 2017 Evaluation and Appraisal Report, including required legislation, demographics data from the updated 2020 Census, and information that reflects the Town's existing conditions and future community trends.

The proposed 2024 Comprehensive Plan update has been amended, as follows.

- ✓ The Coastal Management/Conservation Element has been separated into two (2) distinct Elements.
- ✓ The Public Safety Element now has Data and Analysis, which was not present with the 2017 Comprehensive Plan.
- ✓ The Transportation Element has the addition of a Parking Sub-Element and proposed changes to the Level of Service Standards.
- ✓ The Recreation and Open Space has a new Recreational Programming Sub-Element.
- ✓ Lastly, the order of the Elements has been amended to tell the story of the Town of Palm Beach.

The proposed 2024 Comprehensive Plan update composition is as follows.

Data and Analysis and Goals, Objectives and Policies

	Introduction
1	Future Land Use Element
2	Transportation Element
3	Housing Element
4	Historic Preservation Element
5	Public Safety Element
6	Infrastructure Element
7	Recreation and Open Space
8	Coastal Management Element
9	Conservation Element
10	Property Rights Element
11	Capital Improvements Element
12	Intergovernmental Coordination Element
	GIS Map Series

The proposed 2024 Comprehensive Plan also includes an update of the existing maps in the Map Series and the addition of the following 11 maps:

New Maps

1.	Location Map
2.	Origin and Destination (OD) Map
3.	Historically Significant Structures
4.	Historic Markers Map
5.	Historic Specimens Map

6.	Public Buildings Map
7.	Seawall Map
8.	Beach Access Map
9.	100 Year Flood Plan Map
10.	Town Spoils Map
11.	Natural and Artificial Reef Map

This EAR-based amendment to the Town's Comprehensive Plan is subject to the State Coordinated Review process, pursuant to §163.3184(4) Fla. Stat. A summary of this process is outlined below.

1. After initial local hearings (Local Planning Agency and Town Council) approving the proposed amendment to the Comprehensive Plan, the Town is required to transmit the complete proposed plan amendment to the State Land Planning Agency.
2. Next, within 60 days of receiving the complete amendment proposal, the State Land Planning Agency must issue an Objection, Recommendation, and Comments Report (ORC) to the local government.
3. The Town is required to hold a second public hearing to adopt the amendment to the Comprehensive Plan.
4. The complete adopted Comprehensive Plan amendment must then be submitted back to the State.
5. Finally, within 45 days of receiving the complete adopted plan amendment, the State Land Planning Agency issues a Notice of Intent to find the plan in compliance or not in compliance, which is posted on its website.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends the Town Council transmit the draft 2024 Evaluation and Appraisal Review of the Town of Palm Beach Comprehensive Plan to the Florida Department of Commerce.

TOWN ATTORNEY REVIEW

Ordinance No. 015-2024 has been reviewed and approved for legal form and sufficiency.

WRB: JHD

Attachments: Determination letter to Florida Department of Commerce
Ordinance No. 015-2024
EAR-based 2024 Comprehensive Plan

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP

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

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Planning and Zoning Commission

TO: Chair and Members of the Commission

THRU: Wayne Bergman, MCP, LEED-AP
Director PZ&B

FROM: Jennifer Hofmeister-Drew, AICP
Planner III

SUBJECT: EVALUATION AND APPRAISAL REVIEW (EAR) OF THE TOWN'S COMPREHENSIVE PLAN

MEETING: April 27, 2023

RECOMMENDED ACTION

Pursuant to Code Section 2-333, the Planning and Zoning Commission (PZC) shall act in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The PZC shall follow the concepts and contents of the Town's comprehensive plan in all planning, zoning and development related deliberations and decisions. Therefore, staff recommends that the PZC hear the presentation by staff and provide any suggested recommendations.

GENERAL INFORMATION

The importance of comprehensive planning in the state of Florida cannot be understated, as the document serves as the vision for a community and provides the data and analysis for local government policy decisions. More specifically, as stated in Section 163.3177, F.S., the comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of a community that reflects commitments to implement the plan and its elements.

These principles and strategies must guide future decisions in a consistent manner and contain programs and activities to ensure comprehensive plans are implemented. It is not the intent to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the overall local strategy to realize the vision of the community. The plan is intended to establish meaningful and predictable measures for the use and development of land and provide guidelines for the more detailed land development regulations provided for in a zoning code.

Pursuant to Section 163.3191, F.S., at least once every seven (7) years, every local government in the state of Florida is required to evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state law since the last update of the comprehensive plan and notify the Department of Economic Opportunity (DEO), the state land planning agency, as to its determination. Local governments are also encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect

changes in local conditions. If the local government determines amendments to their comprehensive plan are necessary, the amendments must be transmitted to DEO within one (1) year of such determination.

The last time the Town's comprehensive plan was updated was in 2017. Additionally, the Town amended its comprehensive plan to update the Water Supply Plan and incorporate the mandatory Property Rights Element, in 2021 and 2022, respectively. According to the Department of Economic Opportunity website, the statewide Evaluation and Appraisal Notification Schedule requires the Town of Palm Beach to determine if amendments to its Comprehensive Plan are necessary to reflect changes in state requirements and notify the state planning agency of its determination by April 1, 2023.

On March 31, 2023, a notification letter, see Attachment A, was sent to the DEO indicating that the Town of Palm Beach Department of Planning, Zoning & Building has evaluated its Comprehensive Plan and determined that amendments are necessary to reflect changes in state law and local conditions. As required by Section 163.3191(2), F.S., the Town understands that the necessary amendments to its Comprehensive Plan must be transmitted to the state land planning agency within one (1) year, which is by April 1, 2024.

WRB:JGM:JHD

Attachment A

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

March 31, 2023

Barbara Powell, Regional Planning Administrator
Bureau of Community Planning and Growth
Division of Community Development
Florida Department of Economic Opportunity
107 East Madison Street, MSC 160
Tallahassee, FL 32399-4120

Dear Ms. Powell:

In accordance with the requirements of Chapter 163.3191, Florida Statutes (F.S.) and Rule Chapter 73C-49, Florida Administrative Code (F.A.C), the Town of Palm Beach is required to determine whether the need exists to amend its comprehensive plan to reflect changes in state requirements since the last time the Town's comprehensive plan was updated, which was 2017. Additionally, the Town amended its comprehensive plan to update the Water Supply Plan and incorporate the mandatory Property Rights Element, in 2021 and 2022, respectively. According to the Department of Economic Opportunity website, Evaluation and Appraisal Notification Schedule, 4/1/2016 to 4/1/2023, the Town of Palm Beach must determine if amendments to its Comprehensive Plan are necessary to reflect changes in state requirements and notify the state planning agency of its determination by April 1, 2023.

Please accept this letter as the Town of Palm Beach's notification letter indicating that the Town of Palm Beach Department of Planning, Zoning & Building has evaluated its Comprehensive Plan and determined that amendments are necessary to reflect changes in state law. As required by Section 163.3191(2), F.S., the Town understands that the necessary amendments to its Comprehensive Plan must be transmitted to the state land planning agency within one (1) year, which is by April 1, 2024.

As stated, the Town amended its comprehensive plan in 2017, with subsequent amendments in 2021 to update the Water Supply Plan and incorporate a new Property Rights Element in 2022. The Town of Palm Beach will amend again its Comprehensive Plan within one (1) year to address changes in statutory regulations and consider amendments to the following elements to address issues of local concern.

1. Future Land Use Element
2. Transportation Element
3. Housing Element
4. Infrastructure Element
5. Coastal Management/Conservation Element
6. Recreation/Open Space Element
7. Intergovernmental Coordination Element
8. Capital Improvement Element
9. Historic Preservation Element
10. Public Safety Element
11. Property Rights Element

Should you have any questions, please do not hesitate to contact me at 561-227-6426 or Jennifer Hofmeister-Drew, AICP, Planner III, at 561-227-6406.

Respectfully,

Wayne R. Bergman, MCP, LEED® AP
Director of Planning, Zoning & Building
Town of Palm Beach

ORDINANCE NO. 015-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH'S COMPREHENSIVE PLAN BY AMENDING THE DATA & ANALYSIS, AS WELL AS THE GOALS, OBJECTIVES, AND POLICIES WITHIN THE PLAN BASED ON THE TOWN'S RECENT EVALUATION AND APPRAISAL OF THE COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITHIN; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.3161, Florida Statutes, the "Community Planning Act", the Town of Palm Beach, Florida, is required to adopt and periodically amend its Comprehensive Plan; and

WHEREAS, on October 23, 1989, the Town amended the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89; and

WHEREAS, on October 14, 1997, pursuant to Section 163.3191, Florida Statutes, "Evaluation and Appraisal of Comprehensive Plan", the Town of Palm Beach adopted an amended Comprehensive Plan based upon an Evaluation and Appraisal Report (EAR) with the adoption of Ordinance No. 14-97; and

WHEREAS, on April 15, 2009, the Town of Palm Beach adopted an amended Town of Palm Beach Comprehensive Plan based upon an Evaluation and Appraisal Report (EAR) with the adoption of Ordinance No. 6-09; and

WHEREAS, on August 9, 2017, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan based on the Town's Evaluation and Appraisal Review of the Comprehensive Plan with the adoption of Ordinance No. 9-2017; and

WHEREAS, on January 13, 2021, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan by amending the Infrastructure Element, as well as the 10-Year Water Supply Facility Work Plan; and

WHEREAS, on November 15, 2022, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan by creating a Property Rights Element with the adoption of Ordinance No. 15-2022; and

WHEREAS, on May 15, 2024, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2. 3. 6 related to the Private Group Use Future Land Use designation to remove the maximum lot coverage and to allow, in limited circumstances, the maximum building height to be three stories with Town Council approval with the adoption of Ordinance No. 5-2024; and

WHEREAS, the Town of Palm Beach is amending the Data & Analysis (D&A) as well as the Goals, Objectives, and Policies (GOPs) based upon the Town's recent Evaluation and Appraisal of the Town of Palm Beach Comprehensive Plan; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council, acting as the Local Planning Agency (LPA) at its , 2024, meeting, considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and recommended that the Town Council adopt the amendments to the Comprehensive Plan more particularly described in Exhibit A (the "Amendments"), and transmit said ordinance to the Florida Department of Commerce; and

WHEREAS, the Town Council accepts the LPA's recommendation to adopt the Amendments; and,

WHEREAS, pursuant to Section 163.3184(11), Florida Statutes, the Town Council has conducted a public hearing, and after considering public comments has voted to transmit the Amendments to the Florida Department of Commerce, appropriate reviewing agencies, and any other local government or governmental agency that made a written request of the Town pertaining to the Amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals

The above recitals are incorporated as fully set forth herein.

Section 2. Findings

The proposed Comprehensive Plan amendments, as more particularly described in Exhibit A, have been determined by the Town Council to promote the public health, safety and welfare and are consistent with the requirements in Florida Statutes, and all elements of the adopted Comprehensive Plan.

Section 3. Amendment of the Comprehensive Plan

The Town of Palm Beach Comprehensive Plan is hereby amended to incorporate those amendments set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect

without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 5. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. Codification.

This Ordinance shall be codified and made a part of the official Comprehensive Plan of the Town of Palm Beach.

Section 7. Effective Date.

This Ordinance shall take effect 31 days subsequent to its enactment on second and final reading, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading the, 2024, and for second and final reading this *(date)* day of *(Month)*, 2024.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Edward A. Cooney, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

Ron DeSantis
GOVERNOR

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Meredith Ivey
ACTING SECRETARY

April 3, 2023

RESPONSE VIA E-MAIL ONLY

Mr. Wayne Bergman, MCP, LEED, AP
Director of Planning, Zoning & Building
Town of Palm Beach
360 South County Road
Post Office Box 2029
Palm Beach, Florida 33480

Subject: Town of Palm Beach Evaluation and Appraisal Notification Letter

Dear Mr. Bergman:

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter, which was due on April 1, 2023 and received by the Department on March 31, 2023.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by **March 31, 2024**, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the **State Coordinated Review Process** as outlined in Section 163.3184(4), Florida Statutes.

Yazmin Valdez of the Department's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at 8524.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Donna Harris, Plan Processor, at 850.717.8491.

Sincerely,

Barbara Powell, Deputy Bureau Chief
Bureau of Community Planning and Growth

BP/dh

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via Florida Relay Service at 711.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Regular Business

Agenda Title
100 Casa Bendita Verbal Update

Presenter

ATTACHMENTS:

- **100 Casa Bendita Update**

100 Casa Bendita Update

7-26-24

Update of Current Status

- North side screening started 7-15-24 and completed 7-26-24
- Front screening started 7-22-24 and will finish 7-29-24
- Interior demolition continues
    - Master wing is completed per plan
    - Future spa area is completed per plan with the exception of the flooring
    - Kitchen area is completed per plan with the exception of the flooring
- Security camera installation started 7-25-24
- Window shop drawing review in progress

Two Week Look Ahead

- Temporary drainage and parking rock will start 8-5-24
- Interior demolition will continue scheduled through October
    - Guest wing to start 7-29-24
    - Flooring removal in kitchen and spa area 7-29-24
- Installation of power to security booth 7-30-24
- Power being run to future temp HVAC locations 7-30-24

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Resolutions

Agenda Title
Proposed Resolution to add Two Padel Courts at The Breakers Tennis Centre

RESOLUTION NO. 073-2024: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 3-00, The Breakers Planned Unit Development (PUD-A), to Authorize the Modification to a Previously Approved Renovation, Expansion and Reconstruction of The Breakers Tennis Courts to Add Two Padel Courts.

[Recommended to Town Council by the Planning & Zoning Commission at the August 6, 2024, meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Resolution No. 073-2024**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Resolution No. 073-2024 – The Breakers Padel Courts

Date: August 6, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the Resolution on first reading accepting the proposed change to the Breakers PUD.

GENERAL INFORMATION

Attached please find the application and draft Resolution No. 073-2024, which amends the prior Resolution (Resolution No. 043-2023) and the original Approved PUD Resolution (Resolution No. 3-00) to the Breakers Planned Unit Development (PUD-A). The subject application will authorize the renovation and reconstruction of the Breakers Tennis Centre to add two padel courts at 2 South County Road, which is the Breakers Hotel property on the west side of South County Road.

The previously Approved PUD adopted pursuant to Resolution No. 043-2023 referenced specific plans and locations which included the renovation and slight expansion of the existing Tennis Centre area to allow for the replacement of ten existing tennis courts with six "Hydrocourts," two hard courts, two pickleball courts, and four grass courts, with only two grass courts being used at any one time to allow for regrowth of the grass courts after use and wear. White shade structures were also previously approved for the four new Hydrocourts and the two pickleball courts.

The subject PUD Modification (Resolution No. 073-2024) will amend the existing Tennis Centre Site Plan for a new project that includes the addition of two padel courts to the recently approved Tennis Centre modifications project. The current modification will also include a slight expansion of the previously approved low decorative fencing around the courts, and other minor adjustments to the service paths and landscaping. The application will require approval by the Town Council for a combination development project requiring special exception, site plan review, and variances for deficient tennis court enclosure height and to exceed maximum light pole height permitted. As such, the Town Council will also review the application as it pertains to zoning relief/approval.

Per Code Section 134-478, a Planned Unit Development, when a special exception use is required shall be subject to the approval of the Town Council after a review and report by the Planning and Zoning Commission and after a public hearing is held by the Town Council in accordance with law. The review by the Planning and Zoning Commission shall be to make findings pursuant to sections 134-227 through 134-233 (related to Special Exception Uses) and other applicable sections of this chapter and to make recommendations thereon.

BOARD OR COMMISSION RECOMMENDATION

On August 6, 2024, the Planning and Zoning Commission recommended Resolution No. 073-2024 move forward to the Town Council for adoption.

TOWN ATTORNEY REVIEW

The subject Resolution has been reviewed and approved for legal form and sufficiency.

WRB:JHD

Attachment: Applicant Letter of Intent and Resolution

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP

Our File Number: 01446-09000
Writer's Direct Dial: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

July 1, 2024

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: LOI for 2 South County Road - Zoning Case Number: ZON-24-0000
ARCOM Case Number: ARC-24-0000

On behalf of The Breakers Palm Beach, Inc. ("The Breakers"), we are pleased to submit this Letter of Intent ("LOI") and accompanying materials ("Project Submittal") in support of our application for PUD Modification, Site Plan, Special Exception and Variance Approval for a new project at 2 South County Road, Palm Beach, FL (the "Property"), which is the Breakers Hotel property on the west side of South County Road. The proposed work includes the addition of two (2) padel courts to the recently approved Tennis Centre modifications project, which included the renovation and slight expansion of the existing Tennis Centre area to allow for the replacement of ten (10) existing "Har-Tru" tennis courts with six (6) "Hydrocourts," two (2) hard courts, two (2) pickleball courts, and four (4) grass courts, with only two (2) grass courts being used at any one time to allow for regrowth of the grass courts after use and wear. White shade structures were also previously approved for the four (4) new Hydrocourts and the two (2) pickleball courts. The modification will also include the slight expansion of the previously approved low decorative fencing around the courts, and other minor adjustments to the service paths and landscaping (the "Project"). All of the existing tennis courts utilize 21-foot lighting poles and fixtures, which will be kept as previously approved, although additional lighting will be added for the padel courts that is designed specifically for the illumination of the padel courts, and are different than the other courts in that they have their own enclosures, therefore, these lights do not match the approved lighting for the Tennis Centre. The padel court lights are 19 feet, 8 inches in height, and there are four (4) lights for each court, which totals eight (8) additional lights for the overall Tennis Centre. Variance approval is required for the proposed padel court lighting because the height of the lighting for the padel courts exceeds the 15-foot maximum permitted by Code.

The following is a brief listing of the special exceptions and variances required as part of this application:

Special Exceptions:

(1) A special exception for private tennis/racquet court use in the Planned Unit Development (PUD) zoning district per Section 134-1395(1).

(2) A special exception for the construction of two (2) padel courts at the Breakers Tennis Centre per Section 134-1759(d) & (e).

(3) A special exception for night lighting of tennis or other similar courts for the additional eight (8) 19 feet, 8-inch light poles with fixtures for the two (2) padel courts at the Breakers Tennis Centre per Section 134-1759(g).

Variances Requested:

(1) A request for Variance from the Tennis Court Fencing requirements in Section 134-1759(c), to allow for portions of the padel court fencing along the sides of the courts to be 9 feet, 10 inches in lieu of the ten (10)-foot high tennis court fencing required by code.

(2) A request for Variance from the Outdoor Lighting Equipment requirements in Section 134-1731, to allow for eight (8) additional 19 feet, 8-inch light poles with fixtures at the padel courts in lieu of the 15-foot maximum permitted by code.

Please note the following as it relates to this application:

A. Architectural Commission review in accordance with Section 18-205.

(a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

(1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.

(2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

(3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

(4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

(5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

a. Apparently visibly identical front or side elevations;
b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

(6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

a. Height of building or height of roof.
b. Other significant design features including, but not limited to, materials or quality of architectural design.
c. Architectural compatibility.
d. Arrangement of the components of the structure.
e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
f. Diversity of design that is complimentary with size and massing of adjacent properties.
g. Design features that will avoid the appearance of mass through improper proportions.
h. Design elements that protect the privacy of neighboring property.

(7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

(8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).

(9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

(10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

(b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request.

© A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission or the planning, zoning and building department director or his/her designee has been made.

The Project will be visually compatible with existing buildings and the environment of The Breakers as set forth below. The proposed modifications to the recently approved Tennis Centre modifications include a small expansion of the court area at the northwest side to allow for two (2) padel courts, as well as small shade structures next to these courts. The project as proposed will not physically alter the existing hotel buildings, and are consistent with the gross volume, width & height of the façades of the adjacent hotel buildings. The modified Tennis Centre area will be screened by existing and additional recently approved landscaping, which is detailed on the proposed landscape plan and detail sheets. The proposed project will not affect the architectural quality or historic character of the Breakers Hotel. The proposed court fencing will meet all code requirements, except that the fencing in some portions along the sides of the padel court enclosures will be lower in height than the ten (10) feet required for tennis court fencing, which is detailed below. The proposed look, materials and color of the small court-side shade structures and other fencing, in conjunction with the minor landscaping adjustments, have been designed to minimize the visual impact from South County Road, which will ensure that the rhythm of the street will essentially remain unaltered. The design of the small padel court expansion will have a simple but pleasing architectural design, and also include quality materials that complement the Tennis Centre area and other nearby buildings. The structures proposed are not too similar, nor are they too dissimilar to the existing nearby buildings or site in general. The existing and recently approved perimeter landscaping will soften the appearance of all of the structures, which will allow for these structures to better blend into the Property and not draw attention. Finally, as mentioned previously, existing light poles and fixtures will be used, with additional lights being added to the padel courts that

are specifically designed for the padel courts, and therefore will not match the existing lights.

B. Special Exception Approval in accordance with Section 134-229.

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

(2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

(4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

(5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

(6) The use will comply with all elements of the comprehensive plan.

(7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

(8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

(10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the

credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

(13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

(14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

Private tennis or other private racquet court use is listed as a special exception use within the Planned Unit Development (PUD) zoning district (Sec. 134-1395(1)), and a special exception is also required for the construction of the two (2) padel courts (Sec. 134-1759(d) & (e)). Furthermore, night lighting of tennis or other similar courts also requires special exception approval (Sec. 134-1759(g)); therefore, altering the existing and recently approved tennis/racquet facility, including the small expansion of the court area and the modifications/additions to the court lighting, requires special exception use approval, and a determination that the special exception criteria listed above are being met. As mentioned previously, the project is simply a small expansion of the existing tennis court area for the Breakers Hotel to allow for two (2) padel courts, which will be available to guests of the Breakers Hotel. The use of the Tennis Centre for racquet sports is not new, and has existed for many years. Given the location of the Tennis Centre, the fact that only a few additional light poles and fixtures are proposed with this project, and the great distance from this area to any adjacent properties, there will be absolutely no impact on properties adjacent to the Breakers Hotel in terms of noise, glare, odor, etc. The use will also have no impact on ingress and egress onto the property, nor shall it adversely impact vehicular traffic, pedestrian movement, or fire and utility services. The Tennis Centre will continue to be an essentially 100% town-serving business in that it will be used by out-of-town hotel guests, or residents that may be staying at the hotel. Finally, no historic or specimen trees will be affected by the project, and the expansion of the Tennis Centre is so small that the impact on municipal services such as police and fire will be de minimus.

C. Site Plan Review Approval in accordance with Section 134-329.

(1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

(2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

(3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

(4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

(5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

(6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

(7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

(8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

(9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

(10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

(11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

The Breakers has had permanent maintenance control over the entire property for a century, and will continue to maintain the Property to the standard that has made it a world class resort hotel and iconic landmark, and no portion of the Property will become a future liability for the Town of Palm Beach. The scope of the Project is limited to the Tennis Centre area and the small addition of two (2) padel courts, and no changes to the existing hotel buildings are proposed. There is no change in the intensity of use at the Property. The proposed expansion for the padel courts will be screened by existing and recently approved landscaping, and have been designed to complement existing design elements on the Property. The Project will therefore be in harmony and compatible with the existing uses at the Property and with adjacent uses. Existing ingress and egress, parking, stormwater, and utilities will remain unchanged. The scale of the proposed structures and fencing was carefully designed to provide for the best padel court experience for hotel guests, while also providing a beneficial aesthetic look. Given the vast size of the Property and the minimal scope of the Project, we have only included plans and sections of those portions of the Property that are impacted by this application. Finally, as mentioned previously, eight (8) additional light poles and fixtures that are 19 feet, 8 inches in height will be located adjacent to the padel courts, and are designed specifically for the padel courts, and therefore do not match the previously approved and existing Tennis Centre lighting.

D. Variance in accordance with Section 134-201(a).

Variance Criteria:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

(2) The special conditions and circumstances do not result from the actions of the applicant.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other properties in the same zoning

district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:

a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and

b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:

1. Be granted only for the continuation of the same hotel or residential use; and

2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

(7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with the town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

Variances Requested:

(1) A request for Variance from the Tennis Court Fencing requirements in Section 134-1759(c), to allow for portions of the padel court fencing along the sides of the courts to be 9 feet, 10 inches in lieu of the ten (10)-foot high tennis court fencing required by code.

(2) A request for Variance from the Outdoor Lighting Equipment requirements in Section 134-1731, to allow for eight (8) additional 19 feet, 8-inch light poles with fixtures at the padel courts in lieu of the 15-foot maximum permitted by code.

Justification for Variances Requested:

Current Town Code requires that tennis courts shall include a fence or wall structure surrounding the court that is at least ten (10) feet in height; the rationale for this requirement is to keep tennis balls from leaving the court area, and adversely impacting neighboring properties. The design of the enclosures for the padel courts are an industry standard of 13 feet, 2 inches at the ends and corners of the courts, and 9 feet, 10 inches along portions of the sides of the courts. These enclosure dimensions have been found to keep the padel balls within the padel court, and therefore this is how the padel courts are premanufactured prior to being installed. The 2-inch difference from what is required by code for tennis courts is extremely de minimus in nature, and therefore, we respectively request the approval of this minor relief. As stated previously, there are many existing and recently approved 21-foot light poles and fixtures that are part of the Tennis Centre, and we simply request to add the minimum number needed (8) for the additional two (2) padel courts. The additional lighting being requested is absolutely the minimum needed for the use of the proposed padel courts during non-daylight hours.

E. PUD Modification

Finally, because the prior resolution authorizing the construction of the amended Tennis Centre (Resolution No. 043-2023) referenced specific plans and locations for the various courts, we are requesting to modify the Breakers PUD resolution to clarify that the current proposal is authorized within the Breakers PUD.

Attached is a site history for the Breakers Hotel property.

Sincerely,

James M. Crowley

BREAKERS SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
3/25/1970	Town of Palm Beach adopts new Zoning Code. First reference to "PUD". Adopted amended zoning map by reference; Breakers shown as PUD	Ordinance 3-70	Ordinance later declared unconstitutional by Florida Supreme Court.
9/10/1970	Detailed list of existing improvements on Breakers Hotel property submitted to Town of Palm Beach.		Information provided by Town to aid in conversion to dwelling units under new Zoning Ordinance.
9/17/1970	Town's consultant refines dwelling unit conversion for Breakers property proposed PUD.		Conversion totals 346 equivalent dwelling units.
10/30/1970	The Breakers "Proposed Plan Unit Development" submitted to Town of Palm Beach by Flagler System, Inc.		Initial PUD document totals 39 pages including several appendices and a number of drawings. Request is for PUD-A designation. Included phasing schedule with 10 proposed phases.
3/31/1971	Resolution passed by Town Council giving tentative approval for Planned Unit Development as submitted by Flagler System, Inc. on October 30, 1970 'in accordance with Ordinance 3-70'	**Resolution 6-71** **ORIGINAL PUD APPROVAL**	Approval contains a number of conditions of approval, including detailed phasing schedule. Approval also included density reduction, stipulated structural locations and open space protection, building height reduction and road improvements.
9/1971-3/1972	Time extensions approved for the finalization of Resolution 6-71		Additional time needed to finalize details
6/23/1971	Request for temporary supervised recreational program on Breakers Hotel complex property.		Refers to Tract 2. Temporary approval granted through June 1, 1972.
3/22/1972	Revised PUD master plan submitted to Town.	**Resolution 12-71**	Revision reflects reduced dwelling unit densities in various phases, relocation and revised "lateral spread" of structures in Phases 1, 2, and 10, reduced building heights in certain areas, and designation of various phases as circled numbers on

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			Master Plan. Included revised Condition #3 re open space preservation. **NEVER ADOPTED**
4/25/1972	Resolution amending Resolution 6-71 for tentative approval for Planned Unit Development.	**Resolution 9-72** amends Res. 6-71	Revised density reductions but not schedule. Open space protection. Building heights Subterranean crossing
5/16/1972	Town notifies Flagler System that they have "identified the formerly zoned 'business district' and have transferred that information to a copy of the revised Master Plan for the Planned Unit Development".		None
10/9/1972	Approval of additional temporary tennis courts adjacent to those in existence.		None
3/5/1973	Town notifies Flagler System that they are exempt from building moratorium.		Applies to Tract 2 (=1970 Phase 1)
10/24/1973	Notification to Flagler System from Town that "revised 'Appendix C', dated April 11, 1972, is acceptable in lieu of the same Appendix previously submitted and approved with the proviso that the number of parking spaces indicated on the revised 'Appendix C' appears to be inadequate in light of the Ordinance parking requirements."		Applies to Tract 2. Reduces dwelling units from 128 to 100 and net density from 30 DU's per acre to 23 DU's per acre; decreases parking spaces from 273 to 211.
March 1974	Town adopts new Zoning Ordinance (Ordinance 2-74) in March. Florida Supreme Court voids previous Zoning Ordinance which was Ordinance 3-70.		Supplemental Agreement notes that Flagler System has submitted an application for final approval for the residential portion of Phase 1 of the PUD.
6/10/1974	Building permit issued to demolish four of the Breakers' cottages	Permit # 505-74	
6/28/1974	Application filed for final approval of Phase 1 (Residential) of PUD	Previously granted tentative approval under resolution #6-71, as amended by resolution # 9-72	No public hearing required for this approval
9/10/1974	Declaration of Restrictions addresses open space protection in PUD.	ORB 2380; Page 1986-1989	Restricts open space use (golf course) for 30 years from

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			9/10/74. Open space totals 91.3 acres exclusive of roadways.
9/10/1974	Supplemental Agreement		Ratifies and affirms agreements reached and embodied in Application for Tentative Approval of Planned Unit Development Zoning, as amended by revised Appendices "B" and "C" dated 4/11/72, and as further amended by Resolutions #6-71 and 9-72, and confirmed by Ordinance #2-74
9/10/1974	Resolution of Town Council amending Resolution 6-71 and Resolution 9-72 and authorizing the execution of an agreement between Flagler System and the Town.	**Resolution 13-74** Amends 6-71 and 9-72 Clarification as to governing resolutions; ratified resolutions 6-71 and 9-72	This Resolution specifically references the previously described "Supplemental Agreement" which essentially vested the project after the voiding of the previous Ordinance 3-70 and the adoption of the Town's new Zoning Ordinance 2-74. The concern had been that previous PUD approvals may be invalid since they were based upon a Zoning Ordinance which was later found to be unconstitutional.
9/10/1974	Ratification Agreement		Apparently approved by Town Council. Ratifies prior resolutions in light of the determination by the Florida Supreme Court that Zoning Ordinance #3-70 was unconstitutional
9/10/1974	Variance to construct additional tennis courts adjacent to and west of existing tennis courts.	Variance 27-74	Approved by Town Council.
10/2/1974	Variance of from the setback provisions of F.S. 161.052 for construction of a seawall, beach access stairs, and condominium building	File 74-75-V-26	Approved by State of Florida, DNR
10/8/1974	Petitioner appears before Town Council requesting approval of modification of Phase 1 Residential		Request approved by Town Council.

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	Plan. Request was to move residential building so that it has a 20 foot front yard setback from Breakers Row rather than a 25 foot setback.		
11/19/1974	Flagler System requests amendment for hotel parking for Phase 1.		Parking arrangements proposed would provide a total of 656 spaces for hotel support in conjunction with development of Phase 1 apartments.
12/19/1974	Building permit for the construction of 4-building 88-unit apartment complex	Permit # 1254-74	Included underground parking for 194 cars
1/6/1975	Declaration of Restrictions recorded	ORB 2380 Pg 1986	Land platted as "open space" must remain in that use for 30 years
1/9/1975	Proposal for commercial building in Phase 1 at southeast corner of intersection of Coconut Row and Royal Poinciana Way.		None
2/7/1975	Approval by Building Official of plan for 88 unit apartment building on Tract 2 of Plat 1 subject to 2 conditions.	Building Permit 1254-74	Refers to Tract 2.
4/25/1975	Application for final approval of PUD plan for Phase 1 commercial.	Resolution 6-71 as amended by Resolution 9-72 which granted tentative approval	Application contained the following: Schematic drawings for Phase 1 commercial. Boundary and open space plat for entire Breakers property delineating areas for Phase 1 through 10 and also indicating that open space has not been included with application since the plat was filed with the application for final approval of Phase 1 residential. Covenants guaranteeing retention of open space have not been included. This application is for final approval of Phase 1 residential. Plat of Parcel 4, Phase 1 (commercial).

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			Should also be noted that request for final PUD approval for Phase 1 commercial included variance requests to increase parking for 416 spaces to 466 spaces. Request also "modifies the configuration of the north/south roadway serving the new residences".
6/10/1975	Request for final approval of Planned Unit Development Phase 1 commercial which is a CA zoned tract located on Tract 11 of Plat 1.		This references Tract 2. Approval includes only 62,600 square feet of covered floor area plus at-grade automobile parking.
6/10/1975	Town Council considered variance application which approved planned revision for roadway and parking facility.	Variance 23-75	Approved by Town Council.
6/10/1975	Town Council considered request for final approval of Phase 1 Commercial		Approved by Town Council, for 62,200 SF plus an at-grade parking lot facility
7/15/1975	Request for coastal construction permit from State of Florida DNR for rock rubble "T" head on existing groin	File BBS-75-6	Approved by DNR
1/13/1976	Request for modification of PUD Agreement to locate a replacement toilet facility building between the existing 11th and 12th fairways.		Approved by Town Council.
6/11/1976	Application for a variance to install awnings inside existing concrete framework over 16 penthouse terraces for Breakers Row apartments, 1 North Breakers Row (Tract 2 of Breakers Row Plat 1).	Variance 32-76	Approved by Town Council.
12/14/1976	Request for extension of time to commence construction of Phase 1 commercial approval which was granted on 6/10/75 for an additional 18 months.		Tract 2. Approved by Town Council for 18-month extension.
9/20/1977	Plans and specifications filed for Phase 2 residential.		None.
11/8/1977	Final approval of request for Phase 2 residential.		Request approved by Town Council subject to a number of

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			conditions including: • Extension of Royal Poinciana way • Any future development of Tract 7 Plat 1 will show reduction of 10 or more dwelling units
12/13/1977	Variance request to increase site coverage of existing apartment buildings by installation of awnings.	Variance 57-77	Denied by Town Council.
6/13/1978	New request for time extension for commencement of construction of Phase 1 commercial.		Approved by Town Council; new deadline for commencement of construction December 10, 1979.
5/8/1979	Modification of PUD approval for the following items: Extend deadline for Phase 2, Tract 1 from May 8, 1979 to November 8, 1980. Extend deadline for filing for final approval of Phase 3 from October 25, 1979 to April 25, 1981. Extend deadline for implementing Town Council approval of Phase 1 "CA" from December 10, 1979 to December 10, 1981.		Item #1 applies to Phase 2, Tract 1. Item #2 applies to Phase 3, Tract 4. Item #3 applies to Phase 1 "CA" Tract 2.
5/8/1979	Request for special exception and zoning variance for property known as 45 Coconut Row to move Old Guard Society of Palm Beach Golfers, Private Club from main Breakers Hotel to building known as 45 Coconut Row; also request a variance to provide a portion of required parking across the street at Royal Poinciana Chapel.	Special Exception 11-79 with variance	Approved by Town Council subject to the provision of at least 20 parking spaces on site
7/10/1979	Permission to modify PUD to permit the construction of 2 additional		Approved by Town Council.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
	tennis courts immediately north of and adjacent to existing tennis courts in Tract 10, Plat 1.		
10/31/1980	Application filed with Town to revise the entire remaining phases of the PUD		As of October 1980, approval allowed 471 new dwelling units which, when added to the equivalent conversion of commercial space and hotel uses, to a total of 954 dwelling units as defined under ordinance #9-72. Only 89 units constructed to date. 6.3 acre commercial site approved on NW corner of property.
11/11/1980	Time extension to commence Phase 2, Tract 1		Extended by Town Council from November 8, 1980 to April 25, 1981
3/13/1981	Extension of License Agreement re trash transfer facility		Extended to April 14, 1983
3/18/1981	Preliminary conceptual approval by Town Council of application filed 10/31/80		Included abandonment of commercial approval at NW corner of property, to be replaced by no more than 150 density units
7/14/1981	Tentative approval for "comprehensive modification of the Planned Unit Development Agreement previously referenced"; including agreement for partial Landmarking of Breakers Hotel; carried forward Condition 3 of Resolution 9-72, 1980 modification approved statement of planning criteria and appendices and adopted open space Condition 3 of Resolution 9-72	**Resolution 10-81** amends 6-71, 9-72, and 13-74	Included conditions relating to: • Revised open space plat • Condition 3 of Res. 9-72 is specifically still in 'full force and effect…' • Provision of utility easements and facilities, including certain traffic improvements • Compliance with Town codes including fire codes • Prohibition against time sharing Attachments included **Appendix "H" which is a schedule of future development*.** Adopted **Red Book & Appendices**
1981	Agreement (unsigned) between		Agreement references an

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
	Town of Palm Beach and Flagler System, Inc., relating to the resolution of Landmarking of Breakers Hotel.		Exhibit "A" which fully describes the portion of the hotel that is subject to Landmarking.
9/15/1981	Request for special exception for auto rental facility at hotel.	Special Exception 10-81	Approved by Town Council. Limited to 15 rental cars. Must be operated by hotel employees, and cars must be rented only to hotel guests
1/5/1982	Amended list of drawings and exhibits for the Breakers Planned Unit Development filed with Town.		The document contains extensive lists of drawings, including many revised in 1981. Also included are several other exhibits, including a 57-page bound booklet entitled, *Modification of Planned Unit Development Agreement, 1980 Modification*.
2/23/1982	Letter to Town from Flagler System indicating that Resolution 10-81 as passed by Town Council on July 14, 1981 "is satisfactory and the conditions set forth therein are acceptable".		Flagler System attorneys contend that modification to the Breakers PUD (Resolution 10-81) became effective on February 25, 1982 when Flagler notified the Town that the conditions of Resolution 10-81 were satisfactory and acceptable.
3/26/1982	Letter to Town Attorney from Landmark Preservation Commission.		References Landmark status of hotel as being tied to final adoption of Resolution 10-81.
8/9/1983	Amended Declaration of Restrictions supersedes Breakers Row Plat 1; required by Condition #1 of Resolution No. 10-81	Exhibit "C"	Supersedes Declaration Of Restrictions filed September 10, 1974; relates to use of open space
9/8/1983	Agreement ratifying Resolution No. 10-81		Also accepts conditions in Resolution No. 10-81 and accepts the landmark designation of a portion of the property
9/8/1983	Landmark Designation Agreement	Exhibit "B"	Included legal description of "sight easement" and façade of hotel. Legal description goes all the way to the Atlantic Ocean
9/9/1983	Flagler System requests final approval/site plan review for the portion of Breakers PUD known as		Proposed plans include reduction in number of condominium units from 78 to

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	"Priority 3" under provisions of Section 7.35 of Town Zoning Ordinance. Agreement with Town to be bound by Res. 10-81		48, reduction in number of PD equivalent dwelling units from 79.7 to 52.1, and decreases in other property development criteria. **Makes September 9, 1983 first day of timetables under Res. 10-81***
9/13/1983	Final approval including site plan for Priority #3, northeast corner, known as Two Breakers Row		Approved by Town Council
10/11/1983	Resolution of Town Council ratifying landmarking of hotel	Resolution 34-83	Resolution notes that a parking structure will be constructed within the sight easement
10/12/1983	Amended Declaration of Restrictions	ORB 4073 Pg 0814	Supersedes Declaration of Restrictions recorded January 6, 1975. The portion of the property designated as "open space" in the replat shall be used only as golf course, park or other open space use "as shall be determined in the sole discretion of Declarant" for a period of 30 years commencing 3/18/81 or as long as property is zoned PUD
10/17/1983	Certificate of Notification of Designation of Certain properties as Landmarks		Ratifies landmarking per Resolution 34-83
12/1/1983	Breakers Row Plat #1 – Replat	P.B. 46 Pg. 188	Describes entire PUD
1/10/1984	Special exception authorizing relocation of Sea Gull Cottage from Breakers Hotel property to Royal Poinciana Chapel property.	Special Exception 1-84	Approved by Town Council.
4/11/1984	Certificate of Appropriateness for receiving dock and receiving courtyard areas	C of A 4-84	Approved by Landmarks Preservation Commission
1/10/1985	Certificate of Appropriateness for rehabilitation and additions to Breakers Hotel	C of A 2-85	Approved by Landmarks Preservation Commission
6/18/1986	Agreement to extend Priority 2 (Lanai Suites) from September 9, 1989 to September 9, 1998.	PB 4949 Pg 1163	Amends 9/8/83 Agreement
3/30/1989	Extension of License Agreement for trash transfer facility		Extended to April 14, 1991

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
Fall 1989	Breakers PUD Amendment Request filed		
1/22/1990	Request for adjustment to several aspects of PUD.	**Resolution 17-90** amends 6-71, 9-72, 13-74, and 10-81 ORB 6413 Pg 735	Approval included coffee shop, tennis court lighting, additional retail space, tennis shop, retention of golf course through 2019, lease of Pine Walk transfer station through December 31, 1997, renegotiable transfer of development units, road improvements, drainage improvements.
3/30/1990	Agreement implementing Resolution 17-90	ORB 6413 Pg 732	Accepts the conditions in Resolution No. 17-90
Fall 1991	Breakers PUD Amendment Request filed		Request to amend Resolution 17-90 to provide more time for its implementation, and to amend Resolution 10-81 to provide for rephasing the project
2/11/1992	Request for approval for changes to several developments within PUD.	**Resolution 6-92** Amends 6-71, 9-72, 13-74, 10-81 and 17-90	Extended Pine Walk transfer lease to December 31, 2012, renegotiate transfer and road drainage issues prior to 1996-1997 zoning season hearings; internal drainage; revised priority development schedule. As part of the approval, Breakers was required to address three issues: 1) storm drainage; 2) possible elimination of commercial at NWC; and 3) give Town perpetual rights to waste transfer facility. **Included PUD Schedule of Development, Appendix "H" to Exhibit 11 of Resolution # 10-81.**
2/19/1992	Agreement ratifying Resolution 6-92	ORB 7235 Pg 536	Accepts the conditions in Resolution No. 6-92
11/25/1995	Certificate of Occupancy for renovations to 63 rooms in south wing and elevators	COA # 65-95	
2/29/1996	Letter from Jim Brindell, signed by Bob Moore re coffee shop/retail		Clarifies Modifications 1 and 3; attached Exhibit "A" shows total of 10,307 SF existing and proposed ground level retail & food and beverage uses, main

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			hotel south wing as of 11/1/96
6/18/1996	?		Resolution No. 10-01 references a revision to the 'binding agreement' on this date but none was found in Gunster records
9/10/1996	Letter from Jim Brindell, signed by Bob Moore re Centennial Dining Room		Acknowledges that 48 dining room seats and 250 SF of kitchen space may be temporarily relocated from Florentine Dining Room to Centennial Dining Room in Old Guard Building
9/13/1996	Application filed for PUD Amendment		Extend certain time periods to re-negotiate several important matters with Town, and to establish timing for drainage improvements
3/2/1997	Request to modify PUD	**Resolution 1-97** amends Res. 17-90	Modifications to coffee shop, tennis court lighting, additional retail space, new tennis facility, maintenance of golf course as green space through 2019, lease of Pine Walk Transfer Station, requirements for renegotiation, and postponement of road and parking improvements. **Also amended Appendix "H" to Exhibit #11 of Resolution 10-81, re PUD schedule.**
? 1997	Agreement ratifying Resolution No. 1-97		Should be one but none found in Gunster records
8/25/1997	Letter from Jim Brindell, signed by Bob Moore, re addition of 22 seats to Centennial Dining Room		
9/5/1997	Application filed to amend Breakers PUD		Request to renovate the Beach Club facilities, enlarge the Starlight Ballroom, and modify certain PUD conditions
2/9/1998	Request to modify PUD	**Resolution 1-98** amends 1-97	Modification to lease of Pine Walk Transfer Station, requirements for renegotiation, postponement of certain road and parking improvements, demolition and reconstruction

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			of Starlight Ballroom Addition and Beach Club, requirement for additional off-street parking spaces, and on-site parking and traffic circulation management. Per Modification #9, 11,621 SF of accessory hotel space retained for possible later use.
2/9/1998	Site Plan Application to construct a new approximately 20,000 square foot Beach Club and approximate 15,000 square foot Starlight Ballroom and 8,000 square feet of pre-function area. Condition approval was also for approximately 13,500 square feet of storage in kitchen area and associated parking (including a 250 space temporary parking lot located on the northwest corner of the PUD).	Site Plan Review 1-98	4 conditions of approval were included, mostly related to traffic and circulation matters.
3/11/1998	Agreement between Town of Palm Beach and The Breakers Palm Beach, Inc.	ORB 10309; Page 740-744	The essence of the agreement is that "The Breakers hereby accepts the conditions set forth in the Town's Resolution 1-98".
7/19/1999	Certificate of Occupancy for Starlight Ballroom addition and new Beach Club	COA # 55-99	
2/7/2000	Amend PUD to redesign golf course and include a golf and tennis clubhouse west of South County Road	**Resolution 3-00** amends 1-98	Modification to conditions re maintenance of golf course as green space through 2025, lease of Pine Walk Transfer Station, requirements for renegotiation, and golf and tennis clubhouse with related facilities. Also amended commencement dates for remaining development to be consistent at December 31, 2025
1/11/2000	Site Plan Review with Special Exception request to redesign golf course and tennis court layout and construct a three-level 40,549 square foot golf and tennis clubhouse.	Site Plan Review 1-2000 w/Special Exception	Approval was granted for new golf and tennis complex and included several conditions of approval.
3/22/2000	ARCOM review of new golf & tennis clubhouse	B9-00	approved
4/12/2000	Agreement ratifying Resolution 3-00		Accepts the conditions in Resolution No. 3-00

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
6/5/2000	Letter from Jim Brindell, signed by Bob Moore re adjustments to golf course layout		
9/27/2000	ARCOM review of golf course border landscaping west of South County Road	B52-00	Approved
2/5/2001	Amend PUD to allow opportunity to request redistribution of residential units from west side of County Road to other locations within the PUD	**Resolution 10-01** amends 3-00 ORB 12541 Pg 98	Modification to condition re requirement for renegotiation; applicant may relocate up to 149 dwelling units from Priority Areas 1, 7, 8, and 9 to areas west of County Road and/or within Priority Area 1 subject to PUD Master Plan amendment. May apply for same no later than the **2023-2024** zoning season.
4/19/2001	Agreement ratifying Resolution 10-01	ORB 12541 Pg 94	Accepts the conditions in Resolution No. 10-01
12/10/2001	Certificate of Occupancy for south ocean tower alteration for hotel	COA # 90-01	
1/8/2002	Authorizing ad valorem tax exemptions for work at the hotel (south tower)	Resolution 6-02	Contained faulty legal description
2/13/2002	Certificate of Occupancy for renovation of Dallas Rooms, 1st and 2nd floors	COA # 84-99	
6/11/2002	Site Plan Review with Special Exception to relocate 55 parking spaces from front driveway, reconfigure front driveway/parking landscape area, relocate balustrades at hotel entrance in order to add additional valet lanes, construct security gatehouse on main driveway, construct approximately 338 square foot service quarter adjacent to the Circle Dining Room; add porte cochere and covered walkways to the south entrance of the hotel and relocate 21 parking spaces from new porte cochere to existing parking area west of Beach Club. Also Special Exception to expand hotel with above improvements.	Site Plan Review 5-2002 w/Special Exception	Approved by Town Council.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
6/11/2002	Amends Resolution 6-02 so as to amend the legal description of the property referenced therein	Resolution 40-02	Amends legal description in the tax exemption covenant to include only the hotel building where the work was done
2/20/2003	Certificate of Completion for renovations to North Ocean Tower		
2/20/2003	Certificate of Completion for renovations to Ocean front meeting rooms, corridors, and mezzanine mechanical room		
2/20/2003	Certificate of Approval and Occupancy for two new 1-story accessory buildings (gatehouse and bathrooms)	COA # 10-03	
4/16/2003	Certificate of Appropriateness for renovation of Venetian Ballroom	C of A #10-2003	Approved with a number of conditions
9/9/2003	Special Exception to construct a 1-story 697 SF golf instruction and storage building on the driving range, as well as a paved employee walkway along the north side of the hotel	Special Exception #20-2003	Approved by Town Council.
2/15/2005	Modification to PUD Master Plan to redesign the Beach Club Cabanas and related facilities.	**Resolution No. 4-05** amends 3-00* *note- WHEREAS clause should have included Res. 10-01 but did not	Deletes previous Modification #4 re new tennis facility, to be replaced by Modification #10; **erroneously carries forward language from Modification #7 of Resolution 3-00 instead of revised #7 from Resolution 10-01**; minor modifications to Modification #10 re golf and tennis clubhouse and related facilities; adds Modification #12 re new cabanas and related facilities

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/15/2005	Site Plan Review, Special Exception, and Variance request for approval of the new cabana project	Special Exception 6-2005 with Site Plan Review and Variance	Variance (for seawall height) withdrawn. Conditions of approval re required fire hydrant and construction traffic restrictions
5/10/2005	Modified lighting plan reviewed by Florida Fish and Wildlife Conservation Commission for cabana project	PB-804	Approved with several conditions
8/12/2005	Building permit for awning for valet parkers	P #8078272	
August 2006	Approval for golf clubhouse awnings		
11/14/2006	Special Exception with Site Plan Review to renovate the old golf clubhouse including a lounge for spa and beach club employees, create new offices on the second floor, and awnings on the new club house and for valet parkers	Special Exception 9-2006 with Site Plan Review	No conditions of approval
7/14/2010	Revised Modification #7.a. to restore the language from Resolution 10-01 re relocation of units to the portions of the PUD west of County Road	**Resolution #70-10** Amends Res. 4-05	Application to be filed no later than **2024**
10/27/2010	ARCOM review of request to demolish old golf clubhouse building and associated parking lot, AKA the Old Guard Building, 45 Cocoanut Row	B-051-2010	Approved by ARCOM; to be replaced by sod and landscaping; later ratified by Town Council
9/11/2012	Town Council review of request to demolish and rebuild two of the five existing maintenance buildings on the west Pine Walk	Site Plan Review #9-2012 with Special Exception	Approved by Town Council; ARCOM approved administratively
5/15/2013	Town Council review of requested improvements to pool areas on southeast portion of hotel property	Special Exception #8-2013 with Site Plan Review	Approved by Town Council. Included gazebo bar, kiddie pool, jacuzzis, and pavement
June 2013	State of Florida Department of Business and Professional Regulation extension of hotel's alcohol license to include gazebo bar		Approved
8/24/2013	ARCOM review of proposed new railings, awning	A-028-2013	Railing not approved; awning approved
9/25/2013	Administrative Site Plan Review of Flagler Steakhouse awning expansion		Approved by staff
12/11/2013	Modify hotel amenity by expanding the existing playground	Special Exception #20-2013 with Site	Approved by Town Council

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
		Plan Review	
2/12/2014	Amend Resolution 70-10 by adding 4,559 square feet of accessory hotel space to the Beach Club for construction of a fitness center. PUD amendment.	**Resolution No. 11-2014**	Changes to Modification #9 re the Beach Club, adding 4,559 gross square feet/4,190 net (A/C) square feet to construct a new fitness center on the second level of the existing Beach Club building on the Ocean Terrace. The previous 11,621 square feet of accessory hotel space is reduced by 4,190 to leave approximately 7,341 square feet for future use by further amendment to the PUD.
2/12/2014	Special exception and site plan review to construct a new beach access ramp and to replace the 1,588 square foot pavilion on the second level of the Beach Club building with a 4,559 square foot (gross) 4,190 square foot (net, A/C) structure for a new fitness center, and associated elevator.	Special Exception #1-2014 with Site Plan Review	The beach ramp replaces a similar structure which was destroyed by a hurricane. The existing spa functions on the first floor of the Beach Club will be expanded into the previous fitness center space.
3/26/2014	Agreement finalized between Town of Palm Beach and The Breakers documenting acceptance of Resolution 11-2014.		Agreement required by Town's PUD ordinance
12/10/14	Special Exception with Site Plan Review to add awning to pergola east of spa; variance to demolish and reconstruct existing entry fountain	Special Exception #27-2014 with Variance	Approved by Town Council
12/17/14	LPC approval for awning and fountain	COA-053-2014 and 057-2014	
2/11/15	Request approval of: • Four awnings totaling 1,714 s.f. in golf maintenance area at west end of Pine Walk • Renovations to east side of spa building to enclose 614 s.f. of additional space, and redesign of courtyard • Vehicle gate just east of crosswalk near south porte-cochere	Special Exception #1-2015	Approved by Town Council, subject to the requirement that the vehicle gate be opened for overflow parking during large events.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
9/9/15	Request approval of: • Flagler Club Terrace awning structure • Demolish smoke-stack and expand engine room, including 600 KW generator • Add 720 s.f. cooling tower • Add three access control gates on Ponce Promenade	Special Exception #24-2015 with Site Plan Review	Combo project included Landmarks (LPC) review. Approved by Town Council.
9/16/15	LPC approval of aspects of S.E. #24-2015 under their jurisdiction	COA 2015-034	
11/12/15	Request approval of: • Ponce loading dock expansion, including new awning • Service elevator in southeast corner of Mediterranean Courtyard • 900 KW generator in place of 600 KW generator in engine room expansion • Two service pavilions on front croquet lawn west of hotel	Special Exception #31-2015 with Site Plan Review	Approved by Town Council except for service pavilions on west lawn, which were deferred. That part of request was later withdrawn due to LPC objections.
3/9/16	Request approval to demolish building #4 at the maintenance complex on Pine Walk (2,726 square feet) and replace it with or 3,581 square foot building.	Special Exception #5-2016	Approved by Town Council
4/27/16	Request ARCOM approval to repair the chimneys at Spray Cottage	A-016-2016	Approved by ARCOM
5/11/16	Request approval to amend Resolution No. 11-2014 (PUD-A) by extending the commencement of development date for 251 dwelling units, extending the date by which 149 dwelling units may be relocated, extending the date upon which the golf course must remain open space, and extending the date of the lease of the Pine Walk Transfer Station.	**Resolution No. 60-2016**	All dates extended to December 31, 2049 or December 31, 2050.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
3/15/17	Request Special Exception with Site Plan Review approval to add a 3,000 gallon emergency generator fuel tank just north of the service court, and two service pavilions on the 'croquet' lawn southwest of the main hotel entrance.	Special Exception No. 04-2017 with Site Plan Review, and COA No. 08-2017	Approved by Town Council, including official recognition by Council of ongoing use of the lawn area for outdoor functions
5/10/17	Request Special Exception with Site Plan Review approval to construct a new 404 s.f. retail shop (Mary Lily's) in the Palm Court, and to expand the existing seafood restaurants from 4,330 s.f. to 6,111 s.f. and from 140 seats to 177 seats.	Special Exception #12-2017 with Site Plan Review	Approved by Town Council
12/13/17	Request Special Exception with Site Plan Review to expand seating capacity at Seafood Bar restaurant by an additional 53 seats in 6,111 s.f. restaurant, for a total of 230 seats.	Z-17-00044	Approved by Town Council

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
1/10/18	Request Special Exception with Site Plan Review to make changes and improvements to The Breakers golf course. Also enlarge golf training facility from 697 s.f. to 2,366 s.f., and replacement of existing free-standing bathroom building of 250 s.f. with a new bathroom building of 267 s.f.	Z-17-00055	Approved by Town Council
6/13/18	Request for extended work hours for golf course project		Approved by Town Council
9/12/18	Request Site Plan Review and Special Exception to add awnings in the renovated golf course	Z-18-00126	Approved by Town Council
9/21/18	Request Landmarks Presentation Commission approval for revised ramp on south side of south lawn pavilion building	COA-040-2018	Approved by Landmark Preservation Commission
10/18/18	Request Administrative Site Plan approval for changes to ramp of south lawn pavilion		Approved and stamped by Town of Palm Beach
05/15/19	Request for site plan review with special exception approval to construct a new security guardhouse and gates, to re-align Breakers Row, and to add a landscaped island on the south side of the proposed guardhouse at North Breakers Row.	Z-19-00187	Approved by Town Council
02/12/20	Request for zoning text amendment to add hotel and golf course as permitted uses in PUD-A zoning district and to allow for staff approval of site plans consisting of less than 2,500 square feet	Ordinance 1-2020	Approved by Town Council
08/11/21	Request for extension of existing golf course awning, which was denied by ARCOM on July 28, 2021, but approved on appeal by Town Council on August 11, 2021.	A-051-2021	Appeal granted by Town Council

RESOLUTION NO. 073-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 3-00, THE BREAKERS PLANNED UNIT DEVELOPMENT (PUD-A), TO AUTHORIZE THE MODIFICATION TO A PREVIOUSLY APPROVED RENOVATION, EXPANSION AND RECONSTRUCTION OF THE BREAKERS TENNIS COURTS TO ADD TWO PADEL COURTS.

WHEREAS, Flagler System, Inc. did submit an application for tentative approval together with supporting documentation for Planned Unit Development for the property commonly referred to as "The Breakers" on October 30, 1970; and

WHEREAS, the Planning and Zoning Commission and the Town Council of the Town of Palm Beach, subsequent to review and public hearing did by Resolution 6-71, as amended by Resolutions 9-72, 13-74, 10-81, 17-90, 6-92, 1-97, 1-98, 3-00, 10-01 , 04-05, 70-10, 11-2014, 60-2016, and 043-2023 grant tentative approval of said application, subject to certain conditions; and

WHEREAS, The Town and Flagler System, Inc., entered into a binding Agreement on September 8, 1983, wherein Flagler Systems, Inc., accepted the Town's conditions governing the development of "The Breakers" Planned Unit Development, and said Agreement was revised by the Town and Flagler System, Inc., on June 18, 1986, on January 22, 1990, on February 19, 1992, on April 12, 2000, and on February 15, 2005, pursuant to the terms of Resolution No. 04-05; and on March 26, 2014 pursuant to the terms of Resolution No. 11-2014; and on May 11, 2016 pursuant to the terms of Resolution No. 60-2016, and on May 10, 2023 pursuant to the terms of Resolution No. 043-2023; and

WHEREAS, Flagler System, Inc. has been reorganized and the corporate name of the company now controlling "The Breakers" Planned Unit Development is The Breakers Palm Beach, Inc.; and

WHEREAS, on May 28, 2024, The Breakers Palm Beach, Inc., did submit an application for tentative approval of the modifications of the Planned Unit Development; and

WHEREAS, on August 6, 2024 the Planning and Zoning Commission and on August 12, 2024 the Town Council of the Town of Palm Beach, did review and hold public hearings on the application for tentative approval of the modifications of the Planned Unit Development; and

WHEREAS, on August 6, 2024, the Planning and Zoning Commission recommended tentative approval of the modifications of the Planned Unit Development; and

WHEREAS, The Town Council; in accordance with Section 134-533 of Chapter 134, Zoning, of the Code of Ordinances, as amended, does make the following findings:

1. The Planned Unit Development Plan, as submitted with the modifications thereto, is consistent with the statement of general objectives of a Planned Unit Development as set forth in Section 134-476 of the Ordinance.

2. The Planned Unit Development, as submitted with the modifications thereto, is

consistent with the Comprehensive Plan, as long as the conditions hereinafter set forth are met.

3. The Planned Unit Development, as submitted with modifications thereto, does include an adequate amount of open space located in a satisfactory manner.

4. The Planned Unit. Development, as submitted with modifications thereto, makes adequate provisions for public services, provides adequate control over vehicular traffic and enhances the amenities of light and air, recreational and visual enjoyment, but is further subject to certain conditions hereinafter set forth.

5. The Planned Unit Development, as submitted with modifications thereto, is not adverse to the neighborhood in which it is located.

6. The Planned Unit Development, as submitted with modifications thereto, includes sufficient terms and conditions to protect the interests of the public in the development of the plan over a period of years.

7. The Breakers Hotel as referenced in the exhibits attached hereto is a historically and architecturally significant building and provision for its west façade preservation shall be subject to the control of the Landmarks Preservation Commission, the Town Council and any other commission or board of the Town having jurisdiction over same, such control not to be inconsistent with the Planned Unit Development Plan approval as evidenced by this Resolution.

WHEREAS, the Town Council, after deliberation and evaluation of the recommendations of the Planning and Zoning Commission and the comments received from interested parties at the aforementioned public hearings, does find the Planned Unit Development Plan, as amended with the modifications thereto, to be in the best interest of the Town subject to the conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. That the amendments to the Planned Unit Development submitted by the Breakers Palm Beach, Inc., on May 28, 2024, be granted tentative approval subject to the conditions set forth therein not in conflict with this Resolution, in addition to those specified below and any conditions imposed by the Architectural Review Commission:

A. AMENDMENTS TO PREVIOUS MODIFICATIONS

MODIFICATION #1
Coffee Shop
NO CHANGE

MODIFICATION #2
Tennis Court Lighting
NO CHANGE

MODIFICATION #3
Additional Retail Space
NO CHANGE

MODIFICATION #4
Tennis Facility
DELETED BY RESOLUTION NO. 3-00

MODIFICATION #5
Maintenance of Golf Course Green Space is amended to read:
NO CHANGE

MODIFICATION #6
Lease of Pine Walk transfer station is amended to read:
NO CHANGE

MODIFICATION #7
Requirement for Renegotiation is amended to read:
a. NO CHANGE
b. NO CHANGE

MODIFICATION #8
Road and Parking Improvements
NO CHANGE

MODIFICATION #9
Starlight Ballroom Addition and Beach Club
NO CHANGE

MODIFICATION # 10
Golf and Tennis Clubhouse with Related Facilities
Renovation and Expansion of Tennis Court facilities to include 14 new courts, including 2 pickleball courts, accessory shade structures, landscape and hardscape improvements, as shown on Sheets L2-1-01 and L3-1-01, prepared by EDSA.
MODIFICATION #11
Development Commencement Dates is amended to read:
NO CHANGE

MODIFICATION #12
Cabanas and Related Facilities
NO CHANGE

MODIFICATION #13
An amendment, Resolution No. 073-2024, to the existing Tennis Centre Site Plan for a new project that includes the addition of two padel courts and a slight expansion of the previously approved low decorative fencing around the courts, and other minor adjustments to the service paths and landscaping, as shown on Sheets XX and XX, prepared by EDSA.

B. RESOLUTIONS 6-71, 9-72 13-74 10-81, 17-90, 6-92, 1-97, 1-98, 3-00, 10-01, 04-05, 70-10, 11-2014, 60-2016 and 043-2023 SHALL REMAIN IN FULL FORCE AND EFFECT EXCEPT AS MODIFIED BY PREVIOUS AMENDMENTS AND MODIFICATIONS AND BY THE PROVISIONS OF THIS RESOLUTION.

Section 3. The modifications submitted on May 28, 2024, by the Breakers Palm Beach, Inc., and reflected herein will become effective (i.e. not tentative) only if, as and when The Breakers Palm Beach Inc. indicates its acceptance thereof and an agreement documenting that acceptance is entered into between the Town of Palm Beach and The Breakers Palm Beach, Inc. incorporating said conditions.

Section 4. The Town Clerk is hereby directed to furnish a certified copy of this Resolution by certified mail to the applicant, and applicant shall within forty-five (45) days after receiving said certified copy notify the Town Council of the acceptance of, or refusal to accept all of said conditions as provided in Section 134-533(c) of Chapter 134, as amended, and further subject to the provisions of Section 134-533(d).

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this _____ day of _____.

_____ Danielle H. Moore, Mayor

_____ Bobbie Lindsay, Town Council President

_____ Lewis S.W. Crampton, Town Council President Pro Tem

_____ Julie Araskog, Town Council Member

_____ Edward A. Cooney, Town Council Member

ATTEST:

_____ Kelly Churney, Acting Town Clerk

_____ Bridget Moran, Town Council Member

CLERK'S CERTIFICATE

I, _____, Town Clerk for the Town of Palm Beach, do hereby affix this certificate to the attached **RESOLUTION NO.** _____, adopted on _____, and consisting of _____ pages.

_____ _____ Date

Town Clerk
Town of Palm Beach

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-24-0012 240 PARK AVE - SITE PLAN REVIEW The applicant, Town of Palm Beach, has filed an application requesting Town Council review and approval of site wide landscape and hardscape improvements to an existing park.

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
www.townofpalmbeach.com

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

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

SUBJECT: ZON-24-0012 240 PARK AVE

MEETING: AUGUST 12, 2024

ZON-24-0012 240 PARK AVE-SITE PLAN REVIEW. The applicant, Town of Palm Beach, has filed an application requesting Town Council review and approval of site wide landscape and hardscape improvements to an existing park.

Applicant: Town of Palm Beach
Professional: Nievera Williams Design, Cory Meyer

HISTORY:
Town Council – March 12, 2024, meeting:

- ***Resolution No. 033-2024.*** *Approving the Proposed Beautification Design Plans for the Park Avenue Pocket Parks and Accept a Donation to Construct the Beautification Project. A Donation Amount is to be Determined at the Time of the Final Bid.*
- Motion made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 033-2024. On roll call, the Motion passed 3-2 with Council Member Araskog and Council President Pro Tem Lindsay dissenting.

Town Council – April 9, 2024, meeting:

- Motion made by Council Member Cooney and seconded by Council Member Crampton to Reconsider the Park Avenue Project at the May 14, 2024, Town Council Meeting. On roll call, the Motion passed unanimously.

Design Review:

- Two staff level applications are submitted to the TOPB for the parks at 240 & 247 Park Avenue. All proposed modifications are reviewed and approved by ARCOM Chairman Smith. (A-24-03654)

Notice to Property Owners- May 10, 2024:

- Town receives Certificate of Mailing from Nievera Williams for Notice sent to property owners withing a three hundred (300) feet radius of the park.

Town Council – June 12, 2024: Item placed on agenda for Site Plan Review. The project was deferred to the August 12, 2024 meeting with a vote of 5-0 and a request for the applicant to conduct neighborhood outreach.

THE PROJECT:

The applicant has submitted revised plans, entitled "240 Park Avenue", as prepared by **Nievera Williams Design**, dated June 7, 2023.

The following is the scope of work:

- Beautification of an existing pocket park with new front site wall, hardscape, benches, and new plantings.

The following Special Exceptions, Site Plan Review and/or Variances are part of the application:

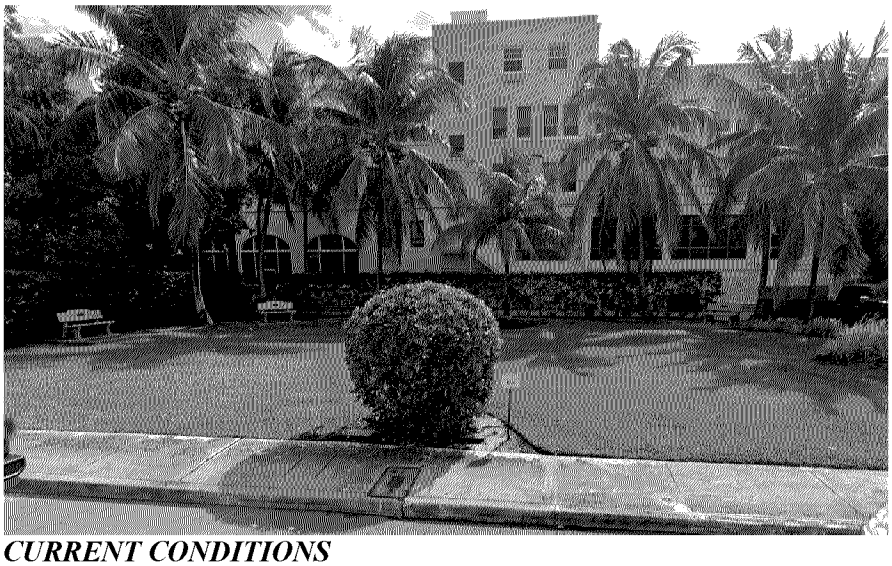
- SITE PLAN REVIEW: Sec. 134-843(b): Site Plan Review for the redesign of landscape and hardscape of a platted lot in the R-C zoning district.

Site Data			
Zoning District	R-C	**Lot Size (SF)**	9,666 SF
Surrounding Properties / Zoning			
North	240 Park Avenue – Public Park / R-C		
South	230 Sunrise Ave | Palm Beach Hotel & Condominium / C-TS		
East	234 Park Ave | Single-family residence / R-C		
West	242 Park Ave | Single-family residence / R-C		

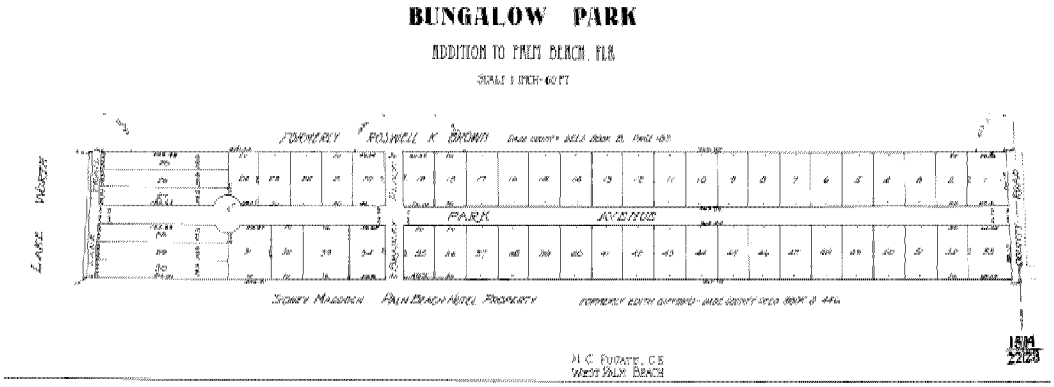
STAFF ANALYSIS:

The south pocket park at 240 Park Avenue, part of the Bungalow Park Plat, is owned by the Town of Palm Beach. As part of the Townwide Undergrounding Project, multiple sites have been identified for transformer placements, including a location at 240 Park Avenue. Two transformers will be installed in the southeast corner of the park to support the undergrounding in the area according to the Master Plan. The site is located directly north of the Palm Beach Hotel.

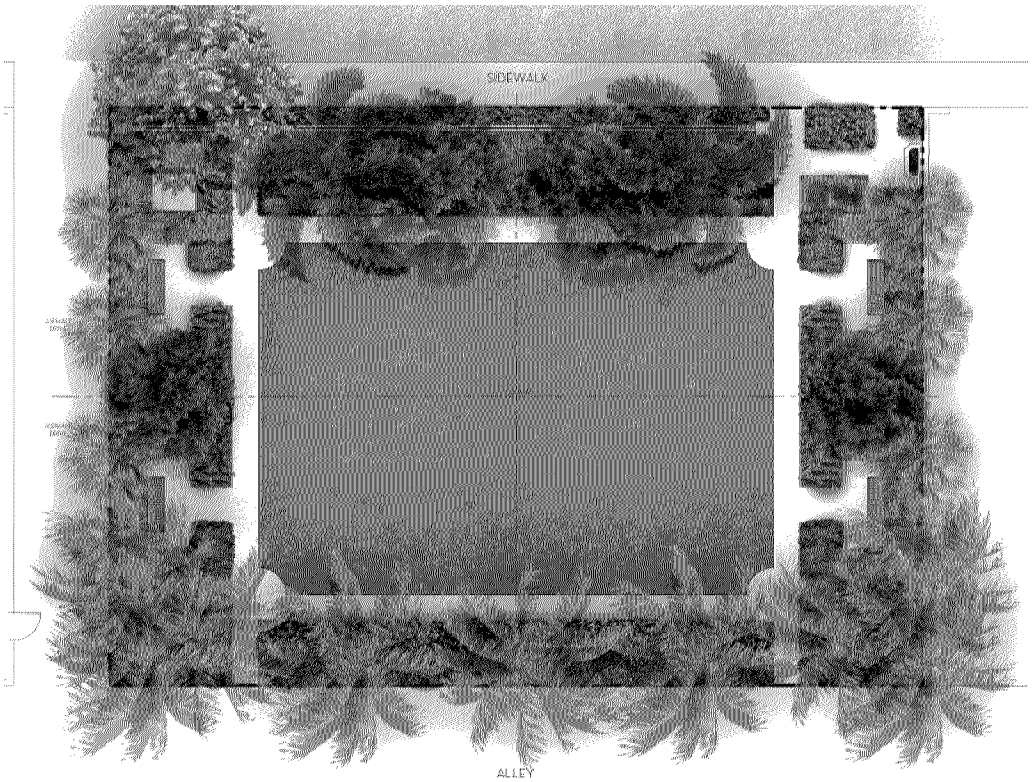
Following the deferral of the project, the applicant and legal counsel have engaged in public outreach and considered resident comments and concerns. Consequently, the application for 247 Park Avenue (ZON-24-0013) has been formally withdrawn.



CURRENT CONDITIONS


BUNGALOW PARK
ADDITION TO PALM BEACH, FLA.
PARK AVENUE
LAKE WORTH

Park Ave
Park Ave
Sunrise Ave
Sunrise Ave
Bradley Pl
N County Rd


SIDEWALK
ALLEY

Resolution No. 033-2024. *Approving the Proposed Beautification Design Plans* was heard at the March 12, 2024, Town Council meeting. Public works working with a private donation seek to provide sitewide improvements to the park. The transformers sit at the rear at the park and will be shielded with a 6ft clusia hedge. The interior of the park will have brought in two new sitting benches to match the existing two and be placed on the east and west. A new fountain is proposed, and the existing dog fountain will be kept in its current position. Along the north property line adjacent to the sidewalk will be a new site wall with two pedestrian access points. In addition to several new plantings two 16ft green buttonwood trees will be placed at the front as well as an 18ft Seagrape.

CONCLUSION:

Approval of the project will require one (1) motion to be made by the Town Council:

(1) for final determination of approval or denial of the Site Plan Review for development of a public park in that the approval of said application meets the criteria set forth in Sec.134-229 and finding that approval of the site plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made.

WRB: JGM: SCP

July 25, 2024

RE: Park Avenue Pocket Parks (240 Park Ave and 247 Park Ave)

Below please find a summary of the changes made to the proposed park enhancement project based on the feedback received.

1. Eliminate the north park (247 Park Ave) from the proposal. The park will remain in its current condition.
2. Reduction of the walkway width to 3 feet wide, allowing for more open lawn space.
3. Shrinking the paving for the bench pockets, providing more green space.
4. Removal of the fountain at the south end of the park and squaring off the walkway. A future sculpture could be considered, but is not proposed at this time.
5. Adjust the hedge species along the south perimeter from Green Buttonwood to Calophyllum. Calophyllum will tolerate the shade cast from the Palm Beach Hotel Building better than Green Buttonwood.
6. Relocate the transformer and communication pedestals related to the undergrounding project from the rear of the park to the street side. Screening is being provided for the adjusted location.

ZON-24-0012

PARK AVE. POCKET PARKS

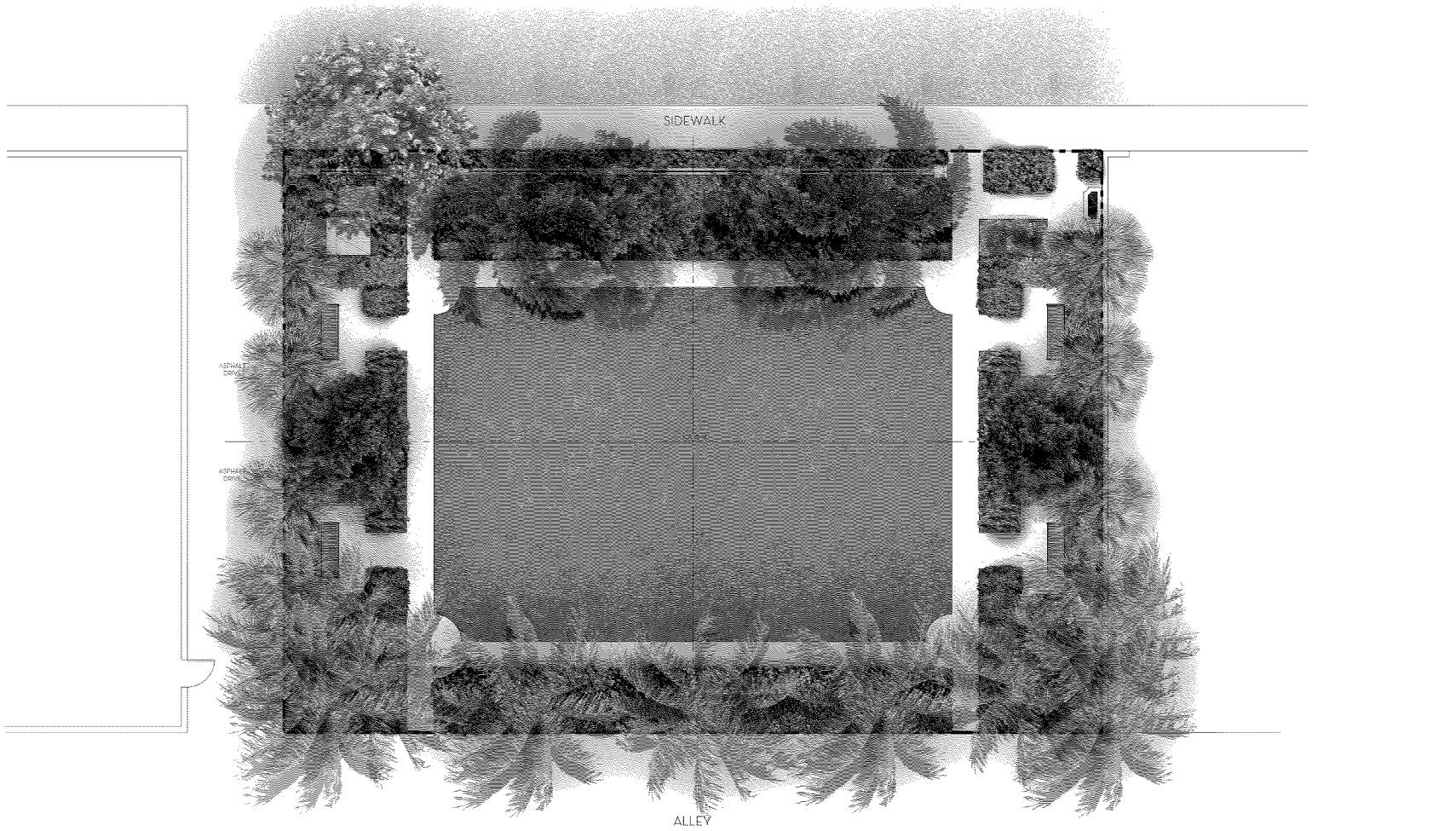
240 PARK AVENUE, PALM BEACH, FLORIDA

AUGUST 06, 2024

NIEVERA WILLIAMS DESIGN

PARK AVE

PARK AVENUE



SOUTH POCKET PARK

HOTEL

N
W E
S

0 1 2 4 8 12 FEET
SCALE: 3/16" = 1'-0"

MARIO F. NIEVERA

State of Florida
Landscape Architect
Registration No.
6666856

SOUTH PARK LANDSCAPE PLAN

PARK AVE POCKET PARKS

240 - 247 PARK AVENUE, PALM BEACH, FLORIDA

06 NOVEMBER 2023

SCALE: 3/16" = 1'-0"

NIEVERA WILLIAMS
DESIGN

625 N. Flagler Drive
Suite 502
West Palm Beach, FL 33401
P: 561-659-2820
F: 561-659-2113

NIEVERAWILLIAMS.COM

LP1

ZON-24-0012

SOUTH POCKET PARK ELEVATION

0 1 2 4 8 12 FEET
SCALE: 3/16" = 1'-0"

MARIO F. NIEVERA

State of Florida
Landscape Architect
Registration No.
6666856

SOUTH ELEVATION

PARK AVE POCKET PARKS

240 - 247 PARK AVENUE, PALM BEACH, FLORIDA

SCALE: 3/16" = 1'-0"

11 JULY 2023
30 AUGUST 2022
01 NOVEMBER 2021

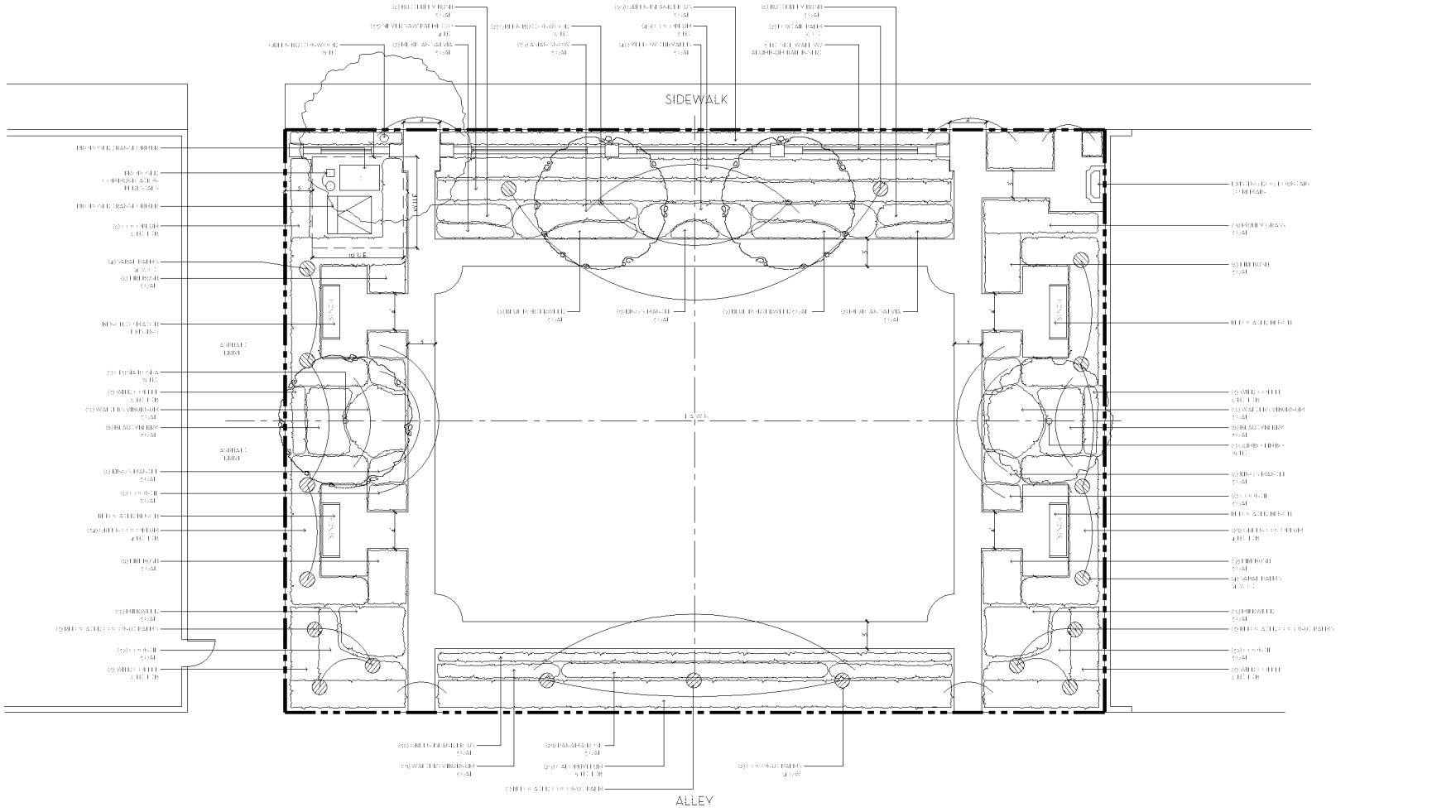
NIEVERA WILLIAMS
DESIGN

625 N. Flagler Drive
Suite 502
West Palm Beach, FL 33401
P: 561-659-2820
F: 561-659-2113

NIEVERAWILLIAMS.COM

EL2

ZON-24-0012



OVERALL R-C SITE CALCULATIONS:

SITE AREA -	5,150	SQ FT	100%
MINIMUM LANDSCAPE:			
REQUIRED -	2,502	SQ FT	49%
PROPOSED -	3,821	SQ FT	74.2%

FRONT SETBACK SITE CALCULATIONS:

25' SETBACK AREA -	2,250	SQ FT	100%
MINIMUM LANDSCAPE:			
REQUIRED -	900	SQ FT	40%
PROPOSED -	1,360	SQ FT	60%

10' PERIMETER SITE CALCULATIONS:

PERIMETER AREA -	2,682	SQ FT
MINIMUM LANDSCAPE:		
PROPOSED -	2,052	SQ FT

0 1 2 4 8 12 FEET
SCALE: 3/16" = 1'-0"

MARIO F. NIEVERA

State of Florida
Landscape Architect
Registration No.
6666856

SOUTH PARK LANDSCAPE PLAN

PARK AVE POCKET PARKS

240 - 247 PARK AVENUE, PALM BEACH, FLORIDA

SCALE: 3/16" = 1'-0"

06 AUGUST 2024

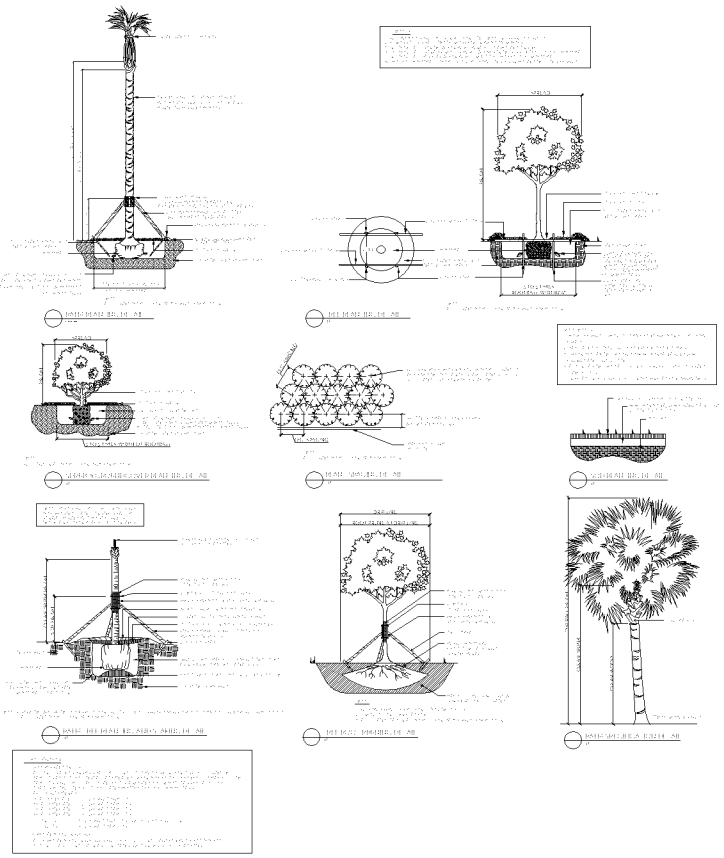
NIEVERA WILLIAMS
DESIGN

625 N. Flagler Drive
Suite 502
West Palm Beach, FL 33401
P: 561-659-2820
F: 561-659-2113

NIEVERAWILLIAMS.COM

LP1

ZON-24-0012



NIEVERA WILLIAMS DESIGN

PARK AVENUE PARKS

8/6/24

Landscape Material Schedule

Item No.	Common Name	Botanical Name	Quantity	Specification	Native	Covered Area
1	TREES					
2	Green Buttonwood	Conocarpus erectus	2	16' HT	✔	
3	Gumbo Limbo	Bursera simaruba	1	16' HT	✔	
4	Seagrape	Coccoloba uvifera	1	16' HT	✔	
5	Clusia Rosea	Clusia rosea	1	16' HT	✔	
6			5		100%	
7	PALMS					
8	Coconut Palms	Cocos nucifera	2	14' GW.		
9	Coconut Palms (Relocated)	Cocos nucifera	5	Relocated		
10	Sabal Palms	Sabal Palmetto	5	14-16' CT.	✔	
11	Foxtail Palms	Wodyetia bifurcata	2	16' CT.		
12			20			
13	SHRUB / VINE					
14	Silver Saw Palmetto	Serenoa repens 'Cinerea'	33	4' HT.	✔	
15	Coccoplum	Chrysobalanus icaco	40	5' HT.	✔	
16	Green Coccoplum	Chrysobalanus icaco	50	4' HT.	✔	
17	Wild Coffee	Psychotria nervosa	9	6' HT.	✔	
18	Beautyberry	Callicarpa americana	16	7 GAL.	✔	
19	Calophyllum	Calophyllum brasiliense	20	8' HT FTB		
20			174		89%	
21	GROUND COVER					
22	Muhly Grass	Muhlenbergia capillaris	18	3 GAL.	✔	72
23	Blue Porterweed	Stachytarpheta jamaicensis	12	3 GAL	✔	24
24	Fire Bush	Hamelia patens	32	3 GAL	✔	128
25	Walker's Viburnum	Viburnum obovatum	50	3 GAL	✔	200
26	Kings Mantle	Thunbergia erecta	17	3 GAL		34
27	Coontie	Zamia integrifolia	46	3 GAL	✔	184
28	Milkweed	Asclepias tuberosa	32	3 GAL	✔	64
29	Butterfly Bush	Clerodendrum ugandense	12	3 GAL		24
30	Mexican Sage	Salvia leucantha	14	3 GAL		28
31	Green Island Ficus	Ficus microcarpa 'Green Island'	146	3 GAL		292
32	Asian Snow	Weigelia subsylvestericea	30	3 GAL		60
33	Yellow Thryallis	Galphimia glauca	46	3 GAL		92
34	Pampas Rose	Rondeletia leucophylla	28	3 GAL		56
35	Blue Clerodendrum	Clerodendrum ugandense	18	3 GAL		36
36			525		57%	1,100
37	SOD					
38	St. Augustine Palmetto		VIF			

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

Line #	Landscape Legend		
1	Property Address:	240 Park Avenue	
2	Lot Area (sq. ft.):	5,760	
3		REQUIRED	PROPOSED
4	Landscape Open Space (LOS) (Sq Ft and %)	2,592 (45%)	4,687 (81.37%)
5	LOS to be altered (Sq FT and %)	N/A	N/A
6	Perimeter LOS (Sq Ft and %)	1,296 (50%)	2,498 (96.37%)
7	Front Yard LOS (Sq Ft and %)	900 (40%)	1,716 (76.33%)
8	Native Trees %	30% (number of trees)	100%
9	Native Shrubs & Vines %	30% (number of shrubs & vines)	89%
10	Native Groundcover %	30% (groundcover area)	52%

To determine qualifying native vegetation use either:
the Institute for Regional Conservation Natives for Your Neighborhood FL Statewide Plant List
OR
the Florida Native Plant Society Native Plants for Your Area List

Note: Modification of >50% of existing landscape/greenscape are subject to minimum native plant requirements and must submit a landscape and irrigation plan for review.

This table shall be included on the landscape species index sheet as prepared by a licensed landscape architect and landscape openspace data shall be incorporated on to corresponding zoning legend.

See Ord. 003-2023 *REV BY 20230727*

MARIO F. NIEVERA
State of Florida
Landscape Architect
Registration No.
6666856

PLANT LIST AND DETAILS

PARK AVE POCKET PARKS

240 - 247 PARK AVENUE, PALM BEACH, FLORIDA

06 AUGUST 2024

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DESIGN

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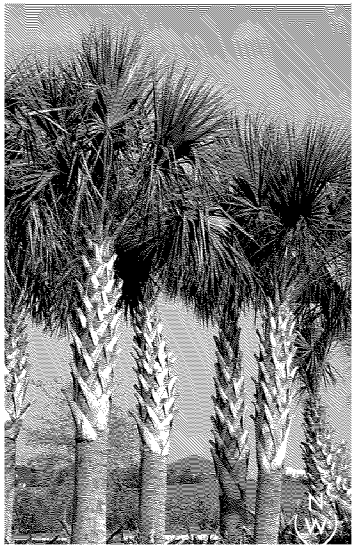
LP2

ZON-24-0012



SABAL PALM

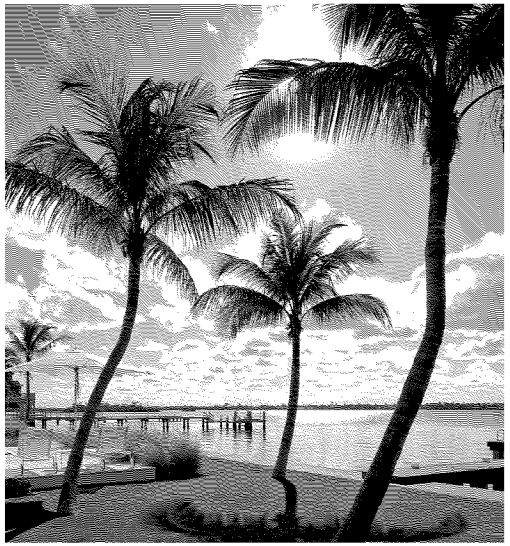
SEAGRAPE

GREEN BUTTONWOOD

GUMBO LIMBO

LARGE LEAF CLUSIA

FOXTAIL PALM



COCONUT PALMS

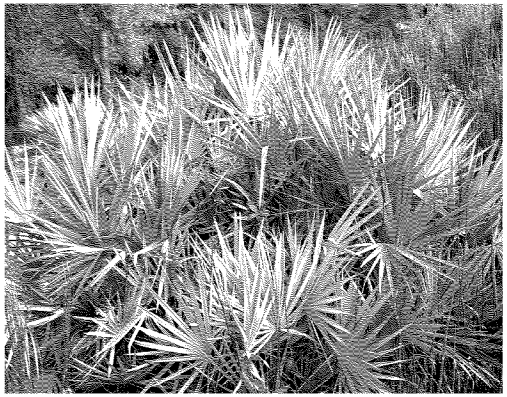
COCOPLUM

FAKAHATCHEE GRASS

GREEN ISLAND FICUS

FIREBUSH

YELLOW THRYALLIS



SILVER SAW PALMETTO

ZAMIA

MILKWEED

WILD COFFEE

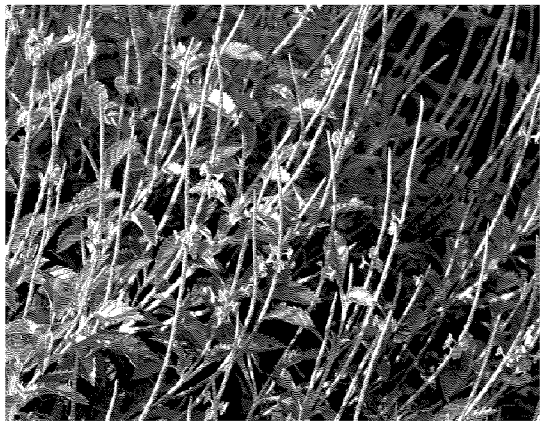
SMALL LEAF CLUSIA

BLUE CLARODENDRON

ASIAN SNOW

BEAUTYBERRY

PANAMA ROSE



BLUE PORTERWEED

KING'S MANTLE

WALTER'S VIBURNUM

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-24-043 (ARC-24-035) 620 N LAKE WAY (COMBO) - VARIANCES

The applicant Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker), has filed an application requesting Town Council review and approval for two (2) variances, (1) to exceed maximum permitted building height and (2) to exceed maximum permitted cubic content ratio (CCR), as it relates to the construction of a new residence. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-0.] [The Architectural Review Commission approved the project with conditions. Carried 5-1.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Plans**
- **Plans - Landscape**
- **Plans - Landscape**

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 WRB
Director PZ&B

SUBJECT: ARC-24-035 (ZON-24-043) 620 N LAKE WAY (COMBO)

MEETING: JULY 24, 2024 ARCOM
AUGUST 12, 2024 TC

ARC-24-035 (ZON-24-043) 620 N LAKE WAY (COMBO). The applicant, Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape landscape and swimming pool, with variances for building height and cubic content ratio (CCR). This is a combo application that shall be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-24-043 (ARC-24-035) 620 N LAKE WAY (COMBO) – VARIANCES. The applicant Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker), has filed an application requesting Town Council review and approval for two (2) variances, (1) to exceed maximum permitted building height and (2) to exceed maximum permitted cubic content ratio (CCR), as it relates to the construction of a new residence. The Architectural Commission (ARCOM) shall perform design review of the application.

Applicants: Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker)
Architecture: Dailey Janssen Architects
Landscape: Nielsen Landscape Architects

HISTORY:
The project was first reviewed at the May 29th ARCOM meeting. Overall the project was well received with comments to study planting material types and to incorporate more horizontality to the design.

At the JULY 26, 2024 ARCOM hearing, the application was reviewed and deferred with comments primarily pertaining to restudy of the breezeblock elements, reincorporation of vertical muntins, revision of window and door frame colors, and to incorporate more dense landscaping at the front yard.

At the JULY 24, 2024 ARCOM meeting, the Commission approved (6-1) the design of the project with the original brise soleil design, front door and revised landscaping. Additionally, the Commission approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "PROPOSED NEW RESIDENCE AT: 620 N LAKE WAY" as prepared by **Dailey Janssen Architects**, dated July 08, 2024.

The following scope of work is proposed:

- New two-story residence.
- New swimming pool, hardscape, and landscape.

The following Special Exception is required to complete the project:

- **Variance 1**: Sec. 134-893(b)(10)b.: A variance to exceed by 1'-8" for a building height of 23'-8" in lieu of the 22' maximum building height permitted.
- **Variance 2**: Sec. 134-893(b)(13)a.2.: A variance to exceed by 0.39 for a maximum Cubic Content Ratio (CCR) of 4.31 in lieu of the 3.92 Maximum CCR permitted.

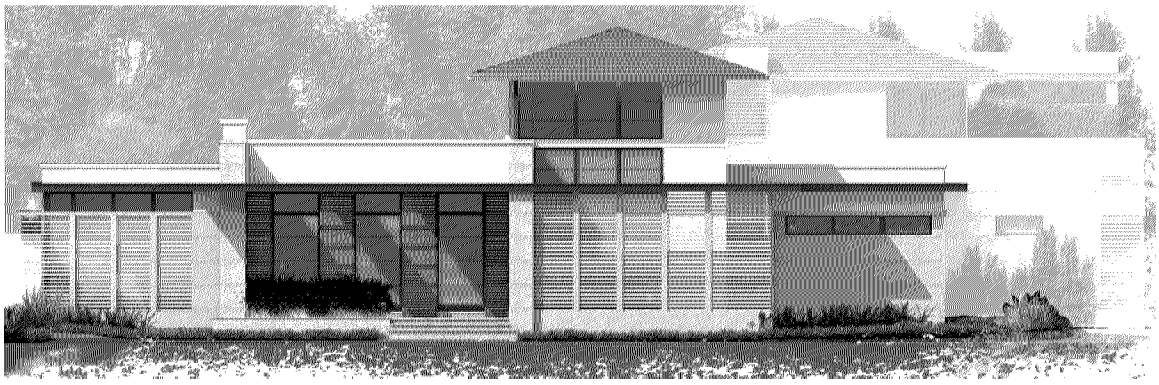
Site Data			
Zoning District	R-B	**Future Land Use**	SINGLE-FAMILY
Lot Size	Required: 10,000 SF Existing: 17,625 SF	**Crown of Road**	6.35' NAVD
Lot Depth	150'	**Lot Width**	117'-6"
Lot Coverage	Permitted: 30% (5,287.5 SF) Proposed: 28.5% (5,027 SF)	**Enclosed Square Footage**	Proposed: 6,152 SF
Cubic Content Ratio (CCR)	Permitted: 3.92 (69,090 CF) Proposed: 4.33 (76,128 CF) ***Variance Required***	**Angle of Vision**	Permitted: 104° Proposed: 82°
Building Height	Permitted: 22' – 0" Proposed: 23' – 8" ***Variance Required***	**Overall Building Height**	Permitted: 30' Proposed: 28.9'
Finished Floor Elevation	Proposed: 12.17' NAVD	**FEMA Flood Zone**	ZONE X
Maximum Fill	Permitted: 2.91' Proposed: None	**Zero Datum**	7.85' NAVD
Overall Landscape Open Space	Required: 45% Proposed: 45.5%	**Front Yard Landscape Open Space**	Required: 40% Proposed: 54%
Surrounding Properties / Zoning			
North	624 N Lake Way | Residence / R-B		
South	301 Plantation Rd | Residence (Under Construction) / R-B		
East	272 Southland Rd | Residence / R-B & Southland Road R-O-W		
West	630 Crest Rd & 640 Crest Rd | Residence(s) / R-B		

STAFF ANALYSIS

The applicant is proposing the construction of a new two-story residence with final hardscape, landscape, and swimming pool on a vacant parcel of land on North Lake Way. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires two (2) variances to achieve the application as proposed—to exceed the maximum building height and to exceed the maximum allowable Cubic Content Ratio (CCR).

EAST PROPERTY LINE ELEVATION (NTS)

The applicant has resubmitted plans in response to commission comments received at the June ARCOM hearing. The applicant has responded by updating the design of the breezeblock and screening features, reincorporating the vertical window muntin pattern, revising the window and door frame color to a lighter color, and by adding hedge and tree plantings at the front of the property to buffer between the structure and the right of way. The overall building layout, hardscape azd landscape configuration remain largely the same from previous review.

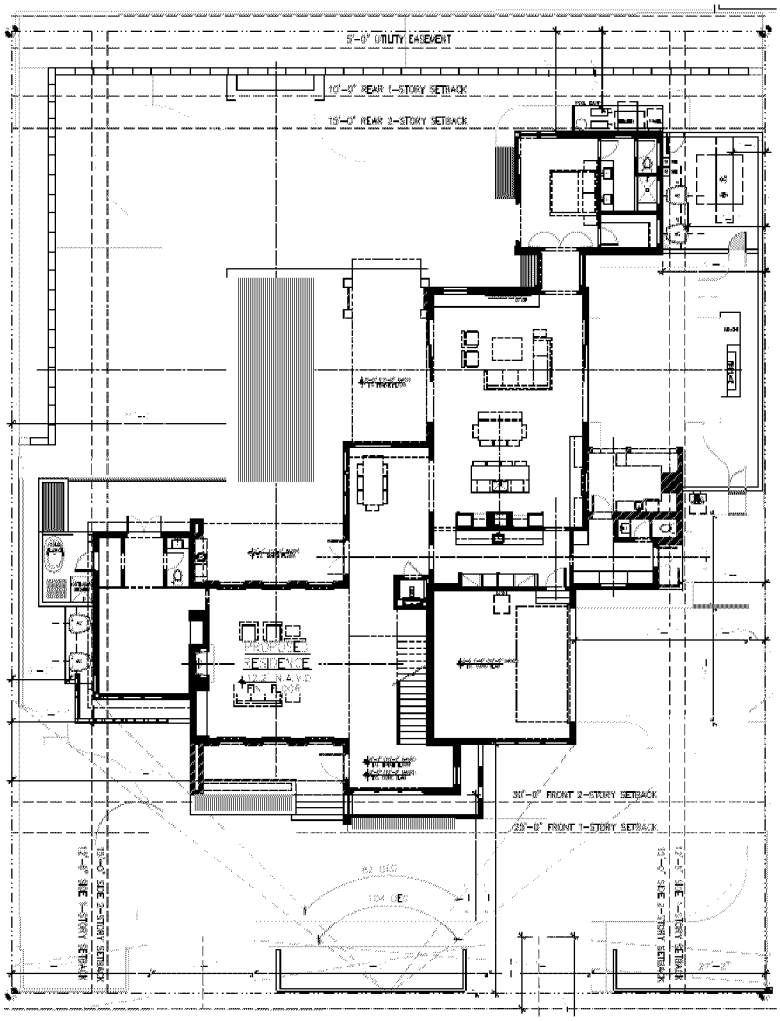


PREVIOUS EAST ELEVATION

EAST ELEVATION

The subject property is located on the west side of North Lake Way midblock at the terminus of

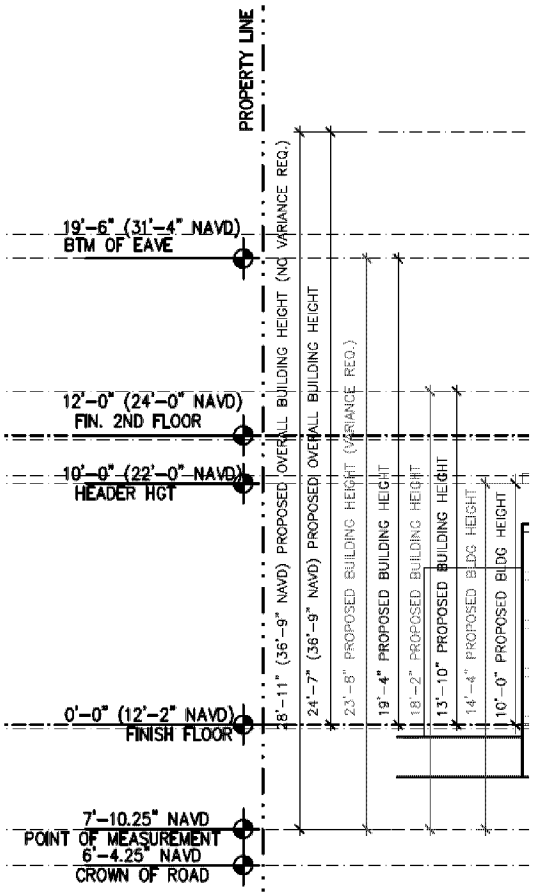
Southland Road. The proposed house is sited with massing along the north half of the site back to the rear property line with a side loading garage and front entry facing North Lake Way. Outdoor terraces are proposed on the north and south of the structure, with a swimming pool and open yard area in the southwest. Two curb cuts are proposed on North Lake Way without vehicular gates. The residence's massing features one-story and two-story volumes with second floor open terraces. The design features both flat roofs and hipped roofs with Bermuda concrete flat roof tiles and copper gutters. Exterior details include stucco parapet cap, stucco siding, limestone banding, scored reveal, limestone cladding, and cast stone breezeblock. Doors and windows are proposed to be aluminum, with divided window lites.



Garden gates are proposed in Ipe, with hardscape featuring Spanish limestone, limestone pavers the rear pool terrace, and porphyry pavers and crushed gravel proposed at the driveway.

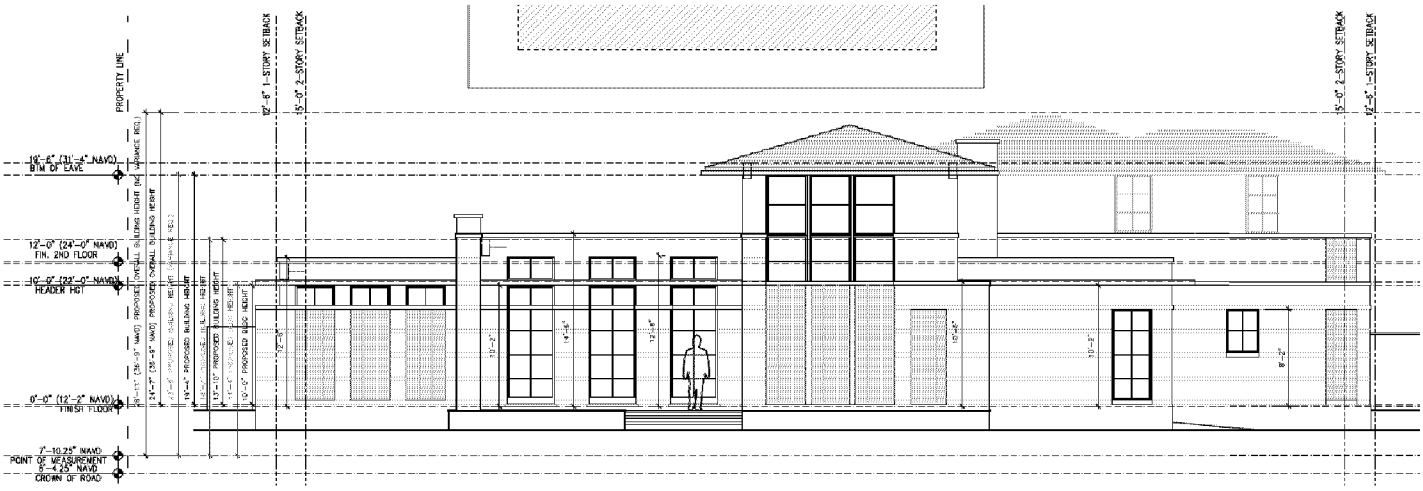
The design requires two variances as proposed. The slope of the lot increases rapidly from east to west, and the zoning code requires that Zero Datum for the point of measurement be taken 18 inches above the highest crown-of-road. This puts the point of measurement at 7.85' North American Vertical Datum (NAVD), which is actually *below* existing grade at the front of the structure

(approx. 9.67' NAVD). The applicant is proposing their finished floor higher than existing grade at 12.17' NAVD, about 4.32' higher than the point of measurement. The difference in the finished floor and the required point of measurement must be figured into the building height calculation (even though it is below grade) and the portions of the structure below the finished floor, but above the point of measurement, must be calculated into the Cubic Content Ratio.



Variance 1 pertains to the proposed building height of the structure. The structure is proposed to be constructred with a building height of 23'8" where a maxmimum building height of 22'-0" is the maximum building height permitted. Staff will note that this is the height, as taken from the point of measurement, which is *below existing grade*. The applicant is proposing a finished floor elevation of 12.17' NAVD, and if the building height measurement was taken from this point, the building height would be 19'-4" below the 22'-0" maximum permitted.

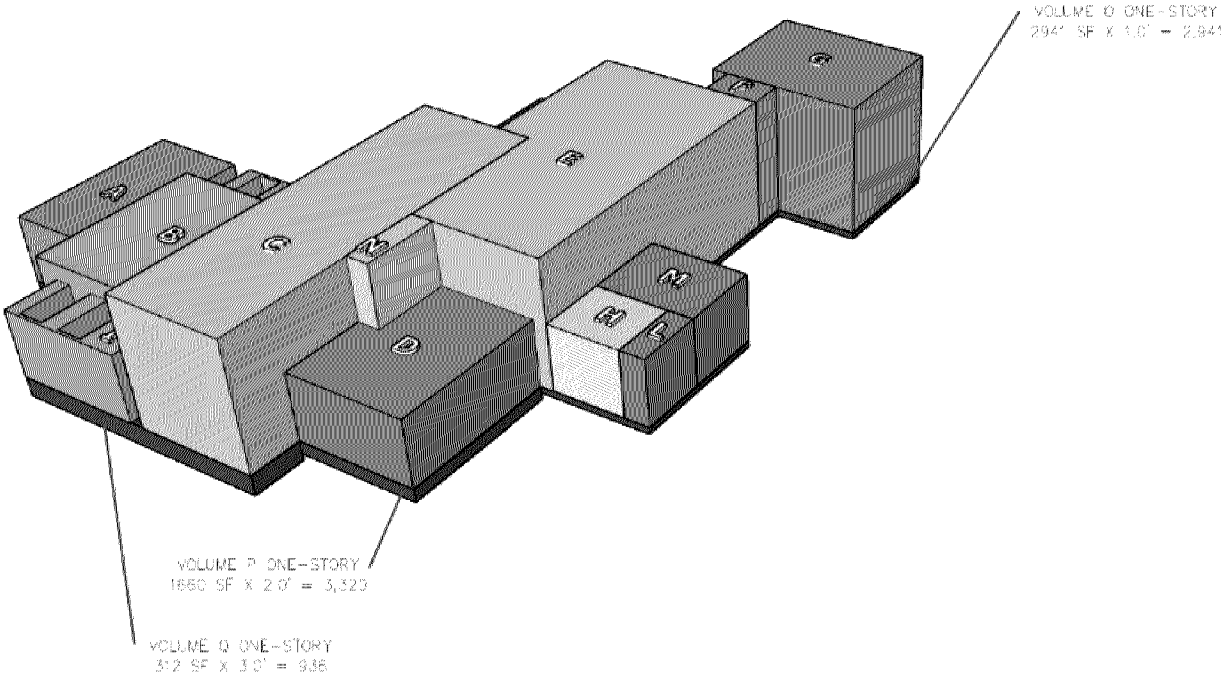
The definition of building height clearly establishes the point of measurement at 18" above the crown of road, which does not take into account this type of parcel which experiences a somewhat significant change in grade as it traverses fromt the street on the east side of the parcel to the rear of the lot on the west side of the parcel. The differnece in grade from the highest and lowest points on the lot are approximately 7.5'.



Code Section	Permitted	Proposed	Variance

Variance 1: Sec. 134-893(b)(10)b.	Maximum building height of **22'-0"**from point of measurement.	Maximum building height of **23'-8"** from point of measurement.	**+1.67'**

Variance 2 is to exceed the maximum cubic content ratio (CCR) permitted on site. Similar to variance 1, the lot conditions appear to be driving the variance request. Similar to the issue with building height, any portion of the structure above the point of measurement (even if it is below the



finished floor) must be included in the calculation of cubic content. If calculated from the proposed point of measurement, a variance would not be required.

Code Section	Max. Permitted	Proposed	Variance
Sec. 134-893(b)(13)a.2.	**3.92** (69,090 Cubic Feet)	**4.33** (76,128 Cubic Feet)	**+0.41 CCR** **(+7,038 Cubic Feet)**

CONCLUSION:

Approval of the project will require two (2) separate motion(s) to be made by the Architectural Commission:

(1) for the overall design of the project in accordance with Sec. 18-205 criteria, subject to any imposed conditions, and

(2) that the implementation of the proposed variances **will** or **will not** cause negative architectural impacts to the subject property.

Approval of the project will require one (1) separate motion(s) to be made by the Town Council:

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

WRB:JGM:FHM:BMF

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-025 (ARC-24-015) 153 AUSTRALIAN AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE The applicant, Rabbi Zalman Levitin, has filed an application requesting Town Council review an approval for a special exception to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to reduce the number of required enclosed garage parking spaces to one (1). This is an amended application. The Architectural Commission (ARCOM) shall perform design review of the application. [Town Council remanded this project back to ARCOM at the May 15, 2024, Town Council meeting.] *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Motion Carried 6-0.] [The Architectural Review Commission approved the project with conditions. Carried 6-0.]*

Presenter

ATTACHMENTS:

- **Letter of Intent**
- **Plans**

RECEIVED
By yfigueroa at 11:02 am, Jun 07, 2024

DJA DAILEY JANSSEN ARCHITECTS, P.A.

ROGER PATTON JANSSEN, A.I.A.

06.07.2024

Town of Palm Beach Planning, Zoning and Building Department

153 Australian Ave. – ARC-24-015 (ZON-24-025)

On behalf of Cas Lagan, Inc. ("Applicant"), we are pleased to submit the accompanying drawings and information of the proposed residence at 153 Australian Ave.

Property Address:	153 Australian Ave. (**"Site"**)
Parcel Control Number (PCN):	50-43-43-23-05-028-0421
Zoning:	R-B Low Density Residential District
Municipality:	Town of Palm Beach (**"Town"**)

The following changes have been made in response to the comments made by the Architectural Commission for Second Submittal.

Architectural Changes

1. Minimum dimensions for parking space.
2. Width of garage door.
3. Revised rear pergola.

A. LANDMARK PRESERVATION COMMISSION

Not Applicable. This is not a landmarked property.

B. ARCOM

Request to construct a new 2-story residence with pool, hardscape, landscape and storm water system. Responses to the architectural review standards/guidelines are attached as **Exhibit A**.

C. SPECIAL EXCEPTION

#1: To allow construction of a new single-family residence a 75' wide lot in lieu of the required 100' minimum lot width. Responses to the review standards/guidelines for the special exception request are attached as **Exhibit B**.

D. SITE PLAN REVIEW

Not Applicable

Please let us know if you need additional information.

Respectfully Submitted,

Roger P. Janssen, AIA
Dailey Janssen Architects, P.A.

WEST PALM BEACH, FLORIDA 33401 LICENSE NO. AA-C001305
TELEPHONE 561.833.4707 FAX 561.833.4705 WWW.DAILEYJANSSEN.COM

EXHIBIT A

Sec. 18-205. Criteria for building permit.

The criteria for granting a building permit under this chapter are as follows:

(1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

RESPONSE: *The proposed single-family residence is in conformity with good taste and design and will contribute to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.*

(2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

RESPONSE: *The plan for the proposed single-family residence indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other facts that may tend to make the environment less desirable.*

(3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

RESPONSE: *The proposed single-family residence is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.*

(4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

RESPONSE: *The proposed single-family residence is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town.*

(5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
   a. Apparently visibly identical front or side elevations;
   b. Substantially identical size and arrangements of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
   c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

RESPONSE: *The proposed single-family residence is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the permit application within 200 feet of the Site in respect to the above referenced features of exterior design and appearance.*

(6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:
   a. Height of building or height of roof.

b. Other significant design features including, but not limited to, materials or quality of architectural design.
c. Architectural compatibility.
d. Arrangement of the components of the structure.
e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
f. Diversity of design that is complimentary with size and massing of adjacent properties.
g. Design features that will avoid the appearance of mass through improper proportions.
h. Design elements that protect the privacy of neighboring property.

RESPONSE: *The proposed single-family residence is not excessively dissimilar to any other structure existing or for which a permit has been issued or to any other structure included in the permit application within 200 feet of the Site in respect to the above referenced features of exterior design and appearance.*

(7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

RESPONSE: *The proposed single-family residence does not include any accessory structures, and therefore it is not subservient in style and massing to the principal or main structure.*

(8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).

RESPONSE: *The proposed single-family residence is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to design features such as material or quality or architectural design as viewed from any public or private way.*

(9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

RESPONSE: *The proposed single-family residence is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.*

(10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

RESPONSE: *The proposed single-family residence's location and design adequately protects the unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.*

EXHIBIT B

Sec. 134-229. Requirements for granting a Special Exception.

The requirements for granting a special exception use under this chapter are as follows:

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

RESPONSE: *The proposed use is permitted as a special exception in the R-B zoning district. The proposed use is the construction of a new single-family residence on a 75' wide lot in lieu of the required 100' minimum lot width. Section 134-893 provides that a single-family structure may be constructed on any existing nonconforming lot if the lot is less than the minimum area and/or dimension required for building lots in this district by special exception.*

(2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

RESPONSE: *The proposed use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.*

(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

RESPONSE: *The proposed use will not cause substantial injury to the value of other properties in the neighborhood where it is to be located.*

(4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

RESPONSE: *The proposed use is compatible with the adjoining development and the intended purpose of the district in which it is located.*

(5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

RESPONSE: *The proposed use complies with yard, other open space, and any special requirements set out in article VI for the proposed use.*

(6) The use will comply with all elements of the comprehensive plan.

RESPONSE: *The proposed use complies with all the elements of the comprehensive plan.*

(7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

RESPONSE: *The proposed use has been designed and situated in such a manner to have no impact on adjoining properties and will not result in substantial economic, noise, glare, or odor impacts on adjoining properties or properties generally in the district.*

(8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

RESPONSE: *The proposed use provides adequate ingress and egress to the property and proposed structures thereon. There are no adverse impacts on automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.*

(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

RESPONSE: *Any proposed building signage will be compatible and in harmony with the adjacent properties in the district.*

(10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

RESPONSE: *The location, availability and compatibility of utility services for the proposed use will be satisfactory to ensure health and safety.*

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

RESPONSE: *Refuse and service areas of the use will not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.*

(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

RESPONSE: *The Site will be used as a single-family residence for a resident of the Town. As such, the Site will serve town persons.*

(13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

RESPONSE: *There are no historic/specimen trees located on the subject property.*

(14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

RESPONSE: *The proposed use does not place an additional burden on Town Police or Fire Rescue Services.*

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0022 (HSB-24-0003) 346 SEASPRAY AVE (COMBO) - VARIANCES The applicant, Rafael Portuondo with Portuondo-Perotti, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the side yard setback for mechanical equipment, and 2) to increase a site wall height in the side yard. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance number two (2) will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission only approved variance number two (2) listed avbove with the project to return on the remaining variance. Carried 7-0.]*

Presenter

ATTACHMENTS:

- **Letter of Intent**
- **Plans**
- **Plans - Landscape**
- **Survey**
- **HSB Form**

05-24-2024

346 Seaspray Ave., Palm Beach ,FL

Variance Request

Letter of Intent

The intent of this submission is to request a variance on a wall alteration that exceeds compliant wall height. The alteration does not fully comply with current zoning regulations, but the modified wall will be below the height of an existing wall on the property.

The existing wall contains a trellis that spans higher than the proposed wall. The arc of the proposed wall is below the height of the previous trellis, but does not comply with code, the proposed wall alteration exceeds 7' HT. The highest point of the proposed wall is 9'-8" from the lowest adjacent grade. See attached elevation and section drawings for details.

The proposed wall will be lower than an existing wall on the property, ensuring that the alteration remains consistent with the overall architectural style and height profile of the property. The alteration is designed to have minimal impact on neighboring properties. The reduced height ensures that the wall will not obstruct views or significantly alter the character of the neighborhood. The wall alteration will contribute to the aesthetic appeal of the property and provide functional benefits such as increased privacy and better integration with landscaping features.

Thank you for your consideration. I am available for further discussions or to provide additional information.

Mauro Gelfusa
Project Manager
Nievera Williams Design
625 North Flagler Drive, Suite 502
West Palm Beach, FL 33401
O: 561-659-2820
C: 561-787-4698

OFFICE COPY
SUBJECT TO COMPLIANCE WITH
ALL CODES AND ORDINANCES
IN EFFECT IN THE TOWN OF
PALM BEACH, FLORIDA

Historically Significant Building Designation Form
346 Seaspray Avenue

Historic Conservation District:	Mid-Town Conservation District
Address:	346 Seaspray Avenue, Palm Beach, Florida
Date of Construction:	1924
Current Owner:	346 Seaspray Avenue Trust
Architect/Builder:	City Builders Realty Company
Present Use:	Residential
Present Zoning:	RB
Palm Beach County Tax Folio Number:	50-43-43-22-07-000-3690
Current Legal Description:	Poinciana Park ADD LTS 369, 371, 373, 375, 377 & 379

REVIEWED
MAY 24 2021
TPB PLAN EXAMINER

Town of Palm Beach Historic Conservation District Ordinance No. 02-2020 outlines the criteria for designation of a historically significant building and states that the building must be at least 50 years old and meet at least one criterion to justify the designation. Listed below are criteria that relate to this property and the justification for designation:

(1) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

The house located at 346 Seaspray Avenue reflects the broad cultural and economic history of the Town of Palm Beach. Seaspray Avenue is part of the Poinciana Park subdivision that was one of the Island's first successful large residential developments. Poinciana Park was specifically aimed at the upper middle class family who desired either a Palm Beach winter residence or a permanent

year round residence in a premier in-town location with numerous amenities. City Builders Realty Company promoted it as a "home site park" with broad avenues prevailing in beautiful homes where many of the country's best-known people spend their time filled with contentment. While prior to 1919, Palm Beach's reputation had mostly rested on the fashionable hotels, the success of Poinciana Park helped establish another dimension to the development of Palm Beach. 346 Seaspray Avenue is also important because it helps maintain the historic fabric of Seaspray Avenue, the Sea Streets, and the development of the town of Palm Beach.

Form Produced by Murphy Stillings, LLC
September 2020

TOWN OF PALM BEACH

Planning, Zoning & Building Department

December 22, 2020

Ms. Maura Ziska, Esq.
222 Lakeview Avenue
Suite 1500
West Palm Beach, FL 33401

Subject: Z-20-00302, 346 Seaspray Avenue HISTORIC BUILDING PROGRAM SIGNIFICANT

Dear Ms. Ziska:

The Town Council, at its December 9, 2020 meeting, approved your client's flood plain variance in order to construct the previously approved additions, consisting of a 161 square foot addition to the existing loggia (which will be enclosed into a/c space); an 877 square foot two story addition to the northeast side of the property for a new garage and an upper level studio, and a 443 square foot pool loggia addition to the east side of the property all with a finished floor elevation of 3.13 feet North American Vertical Datum ("NAVD") in lieu of the 6 foot NAVD required when construction exceeds 50% of the market value of the residence. code.

The Town Council approval is identified on the stamp approved and stamp dated plan package dated October 26, 2020 from Simmons & White, Portuondo Perotti Architects and Nievera Williams Design and made part of the record. Prior to the issuance of a building permit, the property owner voluntarily committed 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.

The approval of this zoning application constitutes only zoning approval and does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required such as construction permits. The work authorized under the approval of this zoning application must be commenced within three years from the date of approval or said approval will expire.

Sincerely,

Paul Castro, AICP
Zoning Manager

cc: Wayne Bergman, Director of Planning, Zoning and Building
Laura Groves van Onna, Historic Preservation Planner
Bradley Falco, Zoning Technician
zf & pf

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5430 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com
Recycled Paper

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0027 (ARC-24-0049) 2 S COUNTY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for Special Exceptions with Site Plan Review for (1) modifications to the Breakers Tennis Centre site plan, (2) the construction of two new padel sport courts, (3) the installation of related sport court lighting. Two (2) variances are required to (1) exceed the maximum permitted height of light poles and (2) to install a sport court enclosure lower than the minimum height required. The Architectural Commission shall perform design review of the application. *[After Town Council zoning review, this project will travel to the Architectural Review Commission at the August 28, 2024, meeting.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans 1 of 2**
- **Plans 2 of 2**

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 WRB
Director PZ&B

SUBJECT: ARC-24-035 (ZON-24-043) 620 N LAKE WAY (COMBO)

MEETING: AUGUST 12, 2024 TC
AUGUST 28, 2024 ARCOM

ZON-24-0027 (ARC-24-0049) 2 S COUNTY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S). The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for Special Exceptions with Site Plan Review for (1) modifications to the Breakers Tennis Centre site plan, (2) the construction of two new padel sport courts, (3) the installation of related sport court lighting. Two (2) variances are required to (1) exceed the maximum permitted height of light poles and (2) to install a sport court enclosure lower than the minimum height required. The Architectural Commission shall perform design review of the application.

ARC-24-0049 (ZON-24-0027) 2 S COUNTY RD (COMBO). The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Architectural Commission review and approval for the installation of padel sports courts with related improvements at the Breakers Tennis Center, requiring special exception, site plan review, and variances for deficient tennis court enclosure height and to exceed maximum light pole height permitted. Town Council shall review the application as it pertains to zoning relief/approval.

Applicant: The Breakers Palm Beach (Alex Gilmurray)
Architecture: EDSA
Legal: Gunster, Jamie Crowley

HISTORY:
On May 10, 2023, Town Council passed resolution 043-2023 to amend resolution 3-00, The Breakers Planned Unit Development (PUD-A), to authorize renovation, expansion and reconstruction of the Breakers Tennis Courts.

On May 24, 2023, ARCOM partially approved an application (ARC-23-057) for the installation of new courts and pedestrian shade pavilions with related improvements. The balance of the application for covered court shade structures, fencing and light poles was approved at the September 27, 2023 ARCOM hearing.

On October 11, 2023, Town Council approved an application (ZON-23-049) for three (3) special exceptions for (1) modifications to the breakers tennis center, (2) construction of new tennis and pickleball courts, and (3) for the installation of court lighting. Additionally, two (2) variances were approved for (1) reduced tennis enclosure height and (2) light poles exceeding maximum height permitted.

Before this project can be heard by Town Council and ARCOM, Resolution 073-2024 will need to be passed to permit the modification to the Breakers PUD.

At the August 06, 2024 Planning and Zoning Commission meeting, the Commission transmitted the Resolution favorably to Town Council to amend the PUD.

THE PROJECT:

The applicant has submitted plans, entitled "THE BREAKERS – PADEL COURTS" as prepared by **EDSA**, submitted online July 12, 2024.

The following scope of work is proposed:

- Incorporation of two (2) new padel sport courts at the Breakers Tennis Centre.

The following Special Exception(s), Site Plan Review and/or Variance(s) are required to complete the project:

- SPECIAL EXCEPTION 1: Sec. 134-1395(1): A special exception with site plan review for site plan modification to The Breakers Tennis Centre (private tennis club).

- SPECIAL EXCEPTION 2: Sec. 134-1759(d) & (e): A special exception for the construction of (2) padel courts at the Breakers Tennis Centre.

- SPECIAL EXCEPTION 3: Sec. 134-1759 (g): A special exception with site plan review for 8 of new sport court lighting fixtures, for new padel courts.

- VARIANCE 1: Sec. 134-1731: A variance for **8** new sport court lighting fixtures at 19'-8" in height each, in lieu of the 15' maximum height permitted.

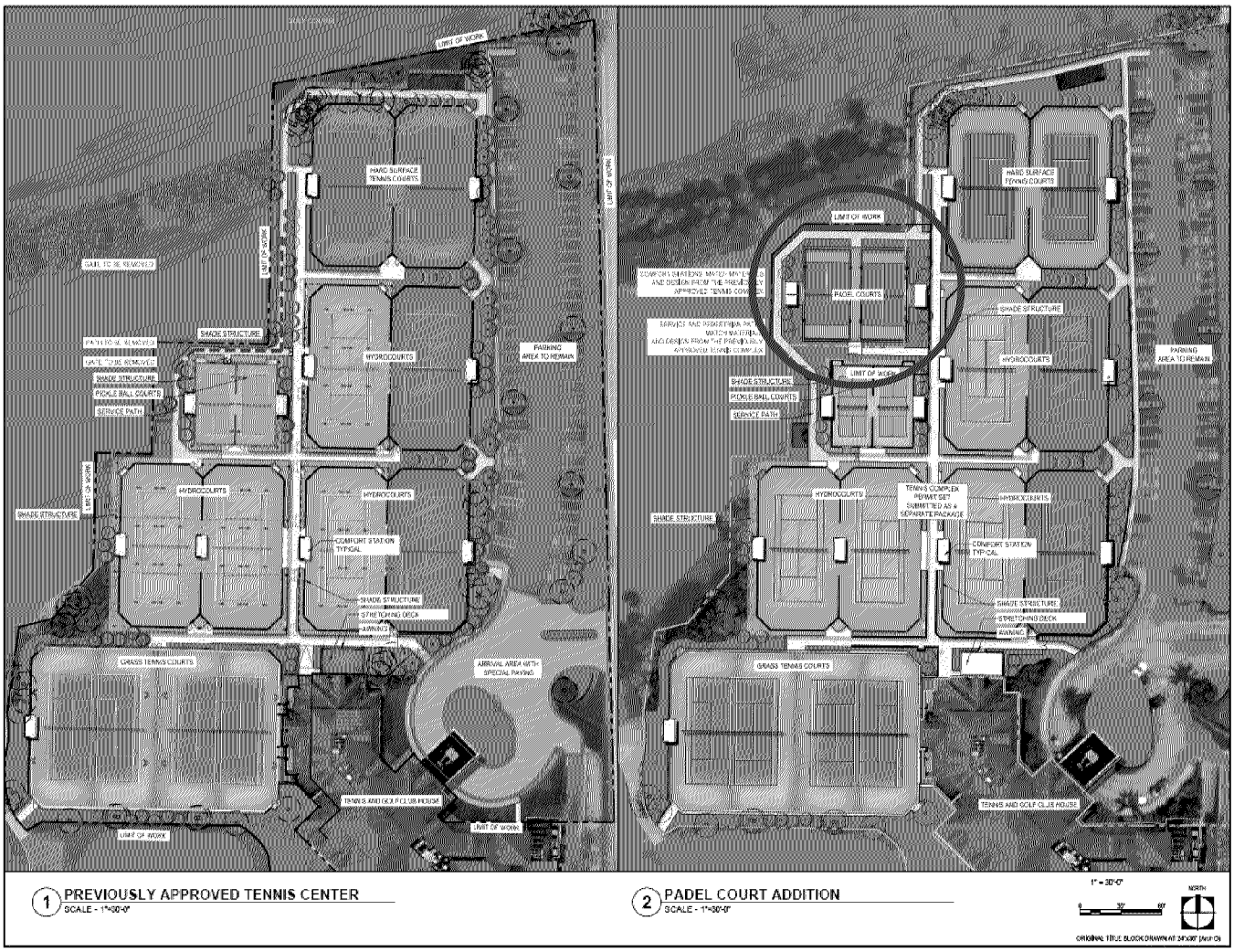
- VARIANCE 2: Sec. 134-1759(c): A variance for sport (padel) court perimeter enclosure height of 9'-10" in lieu of the 10' minimum perimeter enclosure height required.

Site Data			
Zoning District	PUD-A	**Future Land Use**	APPROVED PUD
Lot Size	11,850 Square Feet	**Lot Coverage**	0.71%
Surrounding Properties / Zoning			
North	200 Block of Royal Poinciana Way | Commercial / C-TS		
South	200 Block of Pendleton Ave | Residences / R-B		
East	1 S County Rd | Breakers Resort / PUD-A		
West	340 Royal Poinciana Way (Royal Poinciana Plaza) | Commercial / C-PC 44 Cocoanut Row (Palm Beach Towers Condo) | Multi-Family / R-D(2) 40 Cocoanut Row (The Breakers Palm Beach, Inc. Offices) | Commercial (C-TS)		

STAFF ANALYSIS

The applicant is proposing the construction of two new padel courts with related improvements at the Breakers Tennis Centre. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires two (2) variances to achieve the

application as proposed—to exceed the maximum height permitted for outdoor lighting fixtures and to reduce the required height of sport court enclosures.

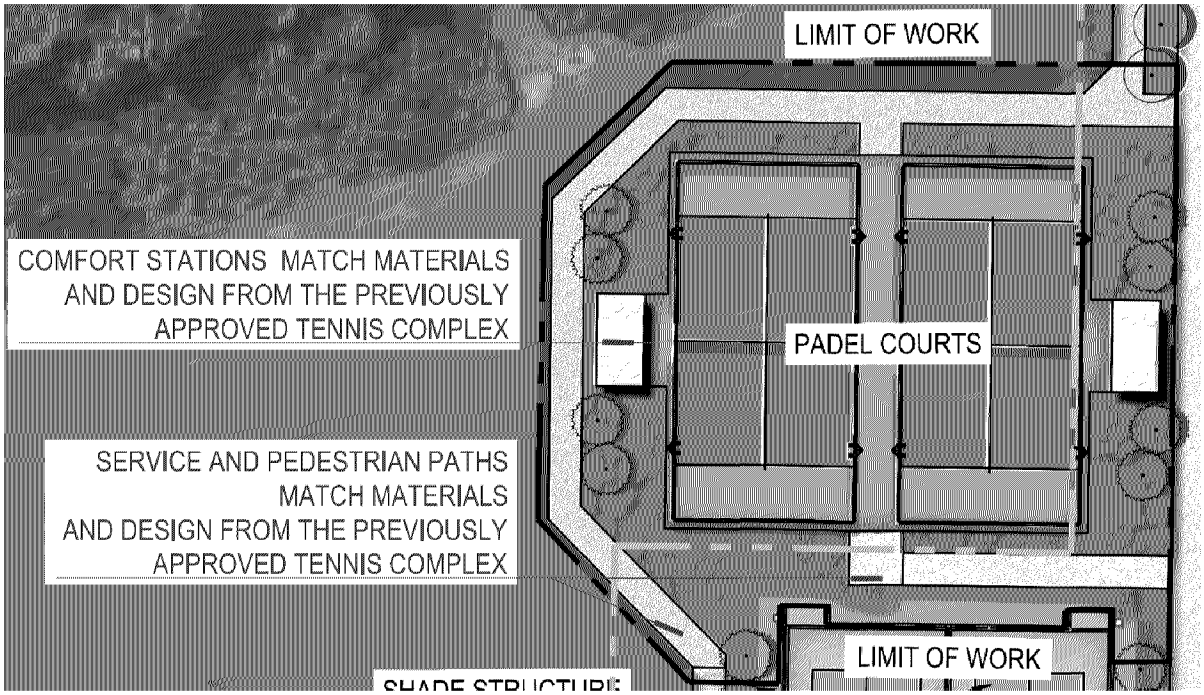


The applicant appeared twice in front of Town Council and once in front of ARCOM in 2023 for modifications to the existing Breakers Tennis Centre, including modifications to the approved Breakers PUD to allow additional sport courts, Special Exceptions as the pertained to modifications of the Breakers site, installation of sport courts, and to permit outdoor lighting, as well as variances to exceed to maximum height of outdoor lighting equipment. The resolution was passed, and the special exceptions and variances were approved by Town Council, and the design was approved by ARCOM. The applicant is returning to both Town Council and ARCOM for a similar scope of work, this time, to permit two (2) additional padel courts at the tennis center with associated pedestrian shade structures and hardscape improvements. The special exceptions and variances being requested are similar in nature to those previously approved and are outlined below.

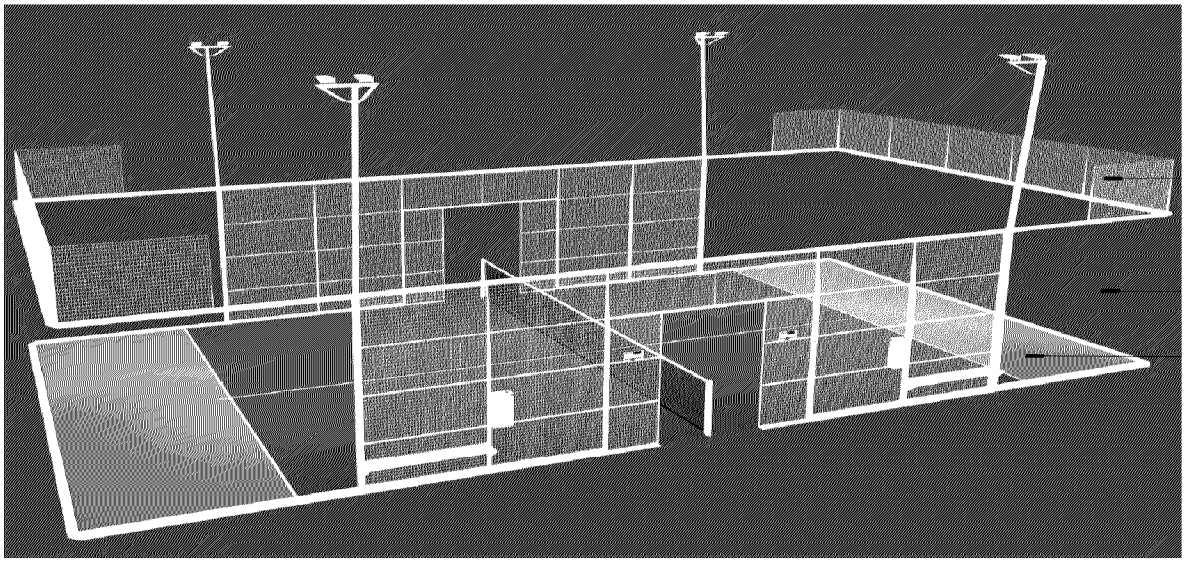
SPECIAL EXCEPTIONS

- SPECIAL EXCEPTION 1: Sec. 134-1395(1): A Special Exception With Site Plan Review For site plan modification to The Breakers Tennis Centre (private tennis club).

- This Special Exception request is required for modifications to a private tennis club. All changes to private tennis clubs in the PUD-A zoning district require special exception approval. The addition of two (2) padel courts brings the total number of sport courts at the tennis center to sixteen (16).

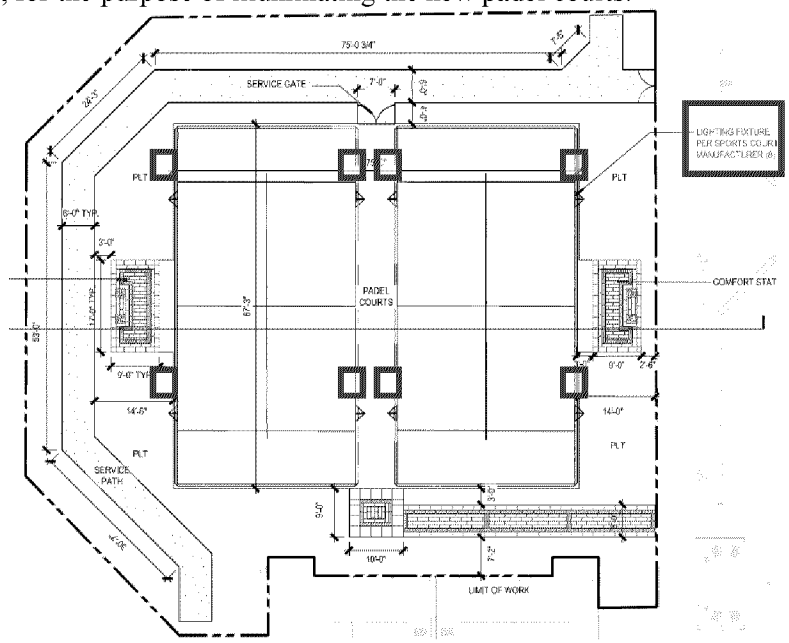


- SPECIAL EXCEPTION 2: Sec. 134-1759(d) & (e): A Special Exception for the construction of (2) padel courts at the Breakers Tennis Centre.
  - This Special Exception request is required to permit the installation of new sport courts. The installation of any new sport court (tennis, padel, pickleball, etc.) requires town council review and approval for a special exception, regardless of zoning district or type of use (single family residential, commercial, multifamily, etc).



- SPECIAL EXCEPTION 3: Sec. 134-1759 (g): A Special Exception With Site Plan Review for 8 new court lighting fixtures, for the purpose of illuminating the new padel courts.

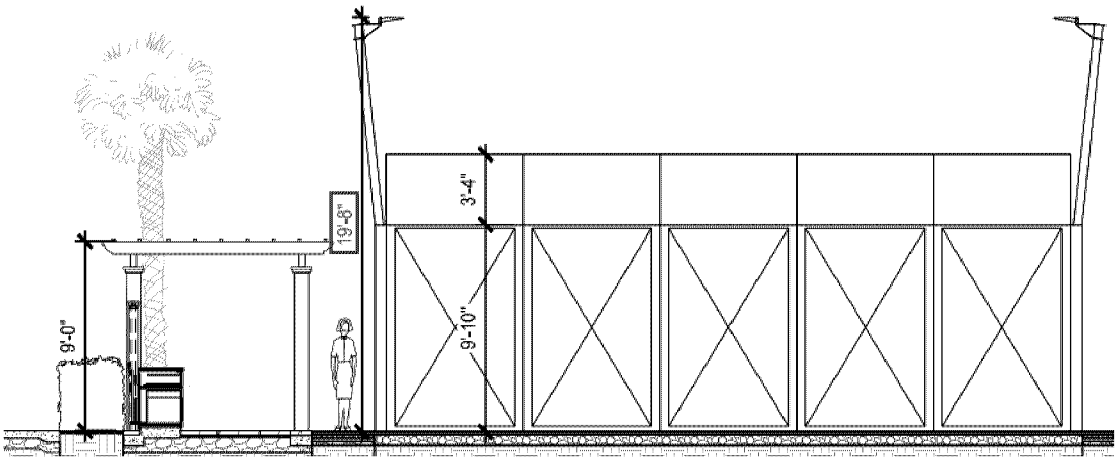
  This special exception is required to allow additional new court lighting fixtures. Town Council and ARCOM previously approved new fixtures at the tennis center in 2023, however, the 8 new fixtures proposed as a part of this application requires a new special exception.



VARIANCES

- VARIANCE 1: Sec. 134-1731: A variance for 8 new sport court lighting fixtures at 19'-8" in height each, in lieu of the 15' maximum height permitted.

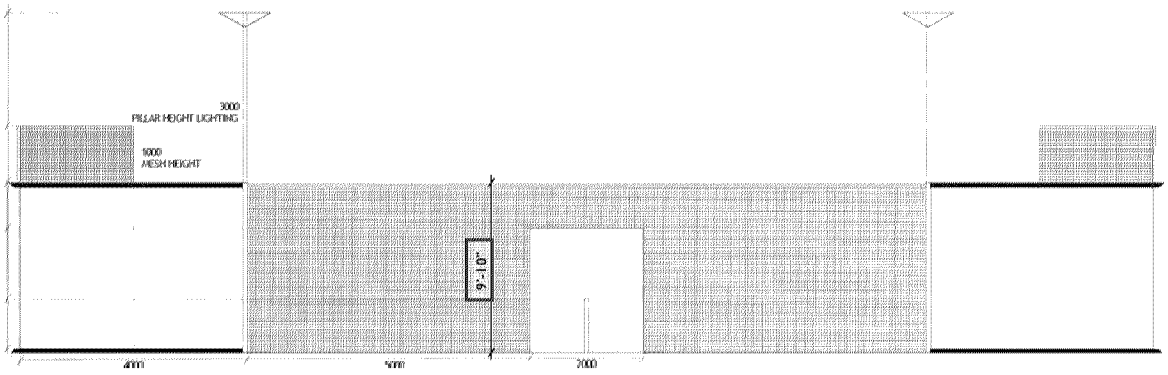
As it pertains to **Variance # 1**, the applicant is proposing 8 new sport court lighting fixtures at 19-8" in height which is 4'-8" **higher** than the maximum height of 15'. This variance request is *less* than what was approved in 2023, where 21' in height was approved in lieu of 15'. The code does not prescribe a maximum number of court lighting fixtures permitted on a property.



Code Section	Permitted	Proposed	Variance
Variance 1: Sec. 134-1731	Maximum light fixture height of 15'	Light fixture height of 19'-8"	**+4.67'**

- VARIANCE 2: Sec. 134-1759(c): A variance for sport (padel) court perimeter enclosure height of 9'-10" in lieu of the 10' minimum perimeter enclosure height required.

As it pertains to **Variance # 2**, a variance is being requested to permit court enclosure which is **lower** than the minimum enclosure required. The applicant is proposing for portions of the enclosure to be 9'-10" in lieu of the 10' minimum; 2 inches (0.17') lower than required. Staff inquired with the applicant about raising the height to meet minimum enclosure requirements, however, the applicant advised that the height could not be adjusted due to manufacturer specifications and opted to pursue the required variance.



Code Section	Required	Proposed	Variance
Variance 2: Sec. 134-1759(c)	10' enclosure height surrounding padel court area.	13'-1" to 9'-8" enclosure height surrounding padel court area	**-0.17'** **(2 inches)**

CONCLUSION:

Approval of the project will require one (2) separate motion(s) to be made by the Town Council:

(1) for final determination of approval or denial of the (3) special exceptions by the town Council, and that the special exceptions subject to the all the criteria of 134-229(1-14) have been met and;

(2) for final determination of approval or denial of the (2) variances by the Town Council, and that the variances **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

Approval of the project will require one (1) separate motion(s) to be made by the Architectural Commission:

(1) for the overall design of the project in accordance with Sec. 18-205 criteria, subject to any imposed conditions, and

WRB:JGM:BMF

Our File Number: 01446-09000
Writer's Direct Dial: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

July 15, 2024

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: LOI for 2 South County Road - Zoning Case Number: ZON-24-0000
ARCOM Case Number: ARC-24-0000

On behalf of The Breakers Palm Beach, Inc. ("The Breakers"), we are pleased to submit this Letter of Intent ("LOI") and accompanying materials ("Project Submittal") in support of our application for PUD Modification, Site Plan, Special Exception and Variance Approval for a new project at 2 South County Road, Palm Beach, FL (the "Property"), which is the Breakers Hotel property on the west side of South County Road. The proposed work includes the addition of two (2) padel courts to the recently approved Tennis Centre modifications project, which included the renovation and slight expansion of the existing Tennis Centre area to allow for the replacement of ten (10) existing "Har-Tru" tennis courts with six (6) "Hydrocourts," two (2) hard courts, two (2) pickleball courts, and four (4) grass courts, with only two (2) grass courts being used at any one time to allow for regrowth of the grass courts after use and wear. White shade structures were also previously approved for the four (4) new Hydrocourts and the two (2) pickleball courts. The modification will also include the slight expansion of the previously approved low decorative fencing around the courts, and other minor adjustments to the service paths and landscaping (the "Project"). All of the existing tennis courts utilize 21-foot lighting poles and fixtures, which will be kept as previously approved, although additional lighting will be added for the padel courts that is designed specifically for the illumination of the padel courts, and are different than the other courts in that they have their own enclosures, therefore, these lights do not match the approved lighting for the Tennis Centre. The padel court lights are 19 feet, 8 inches in height, and there are four (4) lights for each court, which totals eight (8) additional lights for the overall Tennis Centre. Variance approval is required for the proposed padel court lighting because the height of the lighting for the padel courts exceeds the 15-foot maximum permitted by Code.

The following is a brief listing of the special exceptions and variances required as part of this application:

Special Exceptions:

(1) A special exception for private tennis/racquet court use in the Planned Unit Development (PUD) zoning district per Section 134-1395(1).

(2) A special exception for the construction of two (2) padel courts at the Breakers Tennis Centre per Section 134-1759(d) & (e).

(3) A special exception for night lighting of tennis or other similar courts for the additional eight (8) 19 feet, 8-inch light poles with fixtures for the two (2) padel courts at the Breakers Tennis Centre per Section 134-1759(g).

Variances Requested:

(1) A request for Variance from the Tennis Court Fencing requirements in Section 134-1759(c), to allow for portions of the padel court fencing along the sides of the courts to be 9 feet, 10 inches in lieu of the ten (10)-foot high tennis court fencing required by code.

(2) A request for Variance from the Outdoor Lighting Equipment requirements in Section 134-1731, to allow for eight (8) additional 19 feet, 8-inch light poles with fixtures at the padel courts in lieu of the 15-foot maximum permitted by code.

Please note the following as it relates to this application:

A. Architectural Commission review in accordance with Section 18-205.

(a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

(1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.

(2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

(3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

(4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

(5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

a. Apparently visibly identical front or side elevations;
b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

(6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

a. Height of building or height of roof.
b. Other significant design features including, but not limited to, materials or quality of architectural design.
c. Architectural compatibility.
d. Arrangement of the components of the structure.
e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
f. Diversity of design that is complimentary with size and massing of adjacent properties.
g. Design features that will avoid the appearance of mass through improper proportions.
h. Design elements that protect the privacy of neighboring property.

(7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

(8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).

(9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

(10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

(b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request.

© A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission or the planning, zoning and building department director or his/her designee has been made.

The Project will be visually compatible with existing buildings and the environment of The Breakers as set forth below. The proposed modifications to the recently approved Tennis Centre modifications include a small expansion of the court area at the northwest side to allow for two (2) padel courts, as well as small shade structures next to these courts. The project as proposed will not physically alter the existing hotel buildings, and are consistent with the gross volume, width & height of the façades of the adjacent hotel buildings. The modified Tennis Centre area will be screened by existing and additional recently approved landscaping, which is detailed on the proposed landscape plan and detail sheets. The proposed project will not affect the architectural quality or historic character of the Breakers Hotel. The proposed court fencing will meet all code requirements, except that the fencing in some portions along the sides of the padel court enclosures will be lower in height than the ten (10) feet required for tennis court fencing, which is detailed below. The proposed look, materials and color of the small court-side shade structures and other fencing, in conjunction with the minor landscaping adjustments, have been designed to minimize the visual impact from South County Road, which will ensure that the rhythm of the street will essentially remain unaltered. The design of the small padel court expansion will have a simple but pleasing architectural design, and also include quality materials that complement the Tennis Centre area and other nearby buildings. The structures proposed are not too similar, nor are they too dissimilar to the existing nearby buildings or site in general. The existing and recently approved perimeter landscaping will soften the appearance of all of the structures, which will allow for these structures to better blend into the Property and not draw attention. Finally, as mentioned previously, existing light poles and fixtures will be used, with additional lights being added to the padel courts that

are specifically designed for the padel courts, and therefore will not match the existing lights.

B. Special Exception Approval in accordance with Section 134-229.

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

(2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

(4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

(5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

(6) The use will comply with all elements of the comprehensive plan.

(7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

(8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

(10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the

credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

(13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

(14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

Private tennis or other private racquet court use is listed as a special exception use within the Planned Unit Development (PUD) zoning district (Sec. 134-1395(1)), and a special exception is also required for the construction of the two (2) padel courts (Sec. 134-1759(d) & (e)). Furthermore, night lighting of tennis or other similar courts also requires special exception approval (Sec. 134-1759(g)); therefore, altering the existing and recently approved tennis/racquet facility, including the small expansion of the court area and the modifications/additions to the court lighting, requires special exception use approval, and a determination that the special exception criteria listed above are being met. As mentioned previously, the project is simply a small expansion of the existing tennis court area for the Breakers Hotel to allow for two (2) padel courts, which will be available to guests of the Breakers Hotel. The use of the Tennis Centre for racquet sports is not new, and has existed for many years. Given the location of the Tennis Centre, the fact that only a few additional light poles and fixtures are proposed with this project, and the great distance from this area to any adjacent properties, there will be absolutely no impact on properties adjacent to the Breakers Hotel in terms of noise, glare, odor, etc. The use will also have no impact on ingress and egress onto the property, nor shall it adversely impact vehicular traffic, pedestrian movement, or fire and utility services. The Tennis Centre will continue to be an essentially 100% town-serving business in that it will be used by out-of-town hotel guests, or residents that may be staying at the hotel. Finally, no historic or specimen trees will be affected by the project, and the expansion of the Tennis Centre is so small that the impact on municipal services such as police and fire will be de minimus.

C. Site Plan Review Approval in accordance with Section 134-329.

(1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

(2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

(3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

(4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

(5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

(6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

(7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

(8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

(9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

(10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

(11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

The Breakers has had permanent maintenance control over the entire property for a century, and will continue to maintain the Property to the standard that has made it a world class resort hotel and iconic landmark, and no portion of the Property will become a future liability for the Town of Palm Beach. The scope of the Project is limited to the Tennis Centre area and the small addition of two (2) padel courts, and no changes to the existing hotel buildings are proposed. There is no change in the intensity of use at the Property. The proposed expansion for the padel courts will be screened by existing and recently approved landscaping, and have been designed to complement existing design elements on the Property. The Project will therefore be in harmony and compatible with the existing uses at the Property and with adjacent uses. Existing ingress and egress, parking, stormwater, and utilities will remain unchanged. The scale of the proposed structures and fencing was carefully designed to provide for the best padel court experience for hotel guests, while also providing a beneficial aesthetic look. Given the vast size of the Property and the minimal scope of the Project, we have only included plans and sections of those portions of the Property that are impacted by this application. Finally, as mentioned previously, eight (8) additional light poles and fixtures that are 19 feet, 8 inches in height will be located adjacent to the padel courts, and are designed specifically for the padel courts, and therefore do not match the previously approved and existing Tennis Centre lighting.

D. Variance in accordance with Section 134-201(a).

Variance Criteria:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

(2) The special conditions and circumstances do not result from the actions of the applicant.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other properties in the same zoning

district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:

a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and

b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:

1. Be granted only for the continuation of the same hotel or residential use; and

2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

(7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with the town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

Variances Requested:

(1) A request for Variance from the Tennis Court Fencing requirements in Section 134-1759(c), to allow for portions of the padel court fencing along the sides of the courts to be 9 feet, 10 inches in lieu of the ten (10)-foot high tennis court fencing required by code.

(2) A request for Variance from the Outdoor Lighting Equipment requirements in Section 134-1731, to allow for eight (8) additional 19 feet, 8-inch light poles with fixtures at the padel courts in lieu of the 15-foot maximum permitted by code.

Justification for Variances Requested:

Current Town Code requires that tennis courts shall include a fence or wall structure surrounding the court that is at least ten (10) feet in height; the rationale for this requirement is to keep tennis balls from leaving the court area, and adversely impacting neighboring properties. The design of the enclosures for the padel courts are an industry standard of 13 feet, 2 inches at the ends and corners of the courts, and 9 feet, 10 inches along portions of the sides of the courts. These enclosure dimensions have been found to keep the padel balls within the padel court, and therefore this is how the padel courts are premanufactured prior to being installed. The 2-inch difference from what is required by code for tennis courts is extremely de minimus in nature, and therefore, we respectively request the approval of this minor relief. As stated previously, there are many existing and recently approved 21-foot light poles and fixtures that are part of the Tennis Centre, and we simply request to add the minimum number needed (8) for the additional two (2) padel courts. The additional lighting being requested is absolutely the minimum needed for the use of the proposed padel courts during non-daylight hours.

E. PUD Modification

Finally, because the prior resolution authorizing the construction of the amended Tennis Centre (Resolution No. 043-2023) referenced specific plans and locations for the various courts, we are requesting to modify the Breakers PUD resolution to clarify that the current proposal is authorized within the Breakers PUD.

Attached is a site history for the Breakers Hotel property.

Sincerely,

James M. Crowley

BREAKERS SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
3/25/1970	Town of Palm Beach adopts new Zoning Code. First reference to "PUD". Adopted amended zoning map by reference; Breakers shown as PUD	Ordinance 3-70	Ordinance later declared unconstitutional by Florida Supreme Court.
9/10/1970	Detailed list of existing improvements on Breakers Hotel property submitted to Town of Palm Beach.		Information provided by Town to aid in conversion to dwelling units under new Zoning Ordinance.
9/17/1970	Town's consultant refines dwelling unit conversion for Breakers property proposed PUD.		Conversion totals 346 equivalent dwelling units.
10/30/1970	The Breakers "Proposed Plan Unit Development" submitted to Town of Palm Beach by Flagler System, Inc.		Initial PUD document totals 39 pages including several appendices and a number of drawings. Request is for PUD-A designation. Included phasing schedule with 10 proposed phases.
3/31/1971	Resolution passed by Town Council giving tentative approval for Planned Unit Development as submitted by Flagler System, Inc. on October 30, 1970 'in accordance with Ordinance 3-70'	**Resolution 6-71** **ORIGINAL PUD APPROVAL**	Approval contains a number of conditions of approval, including detailed phasing schedule. Approval also included density reduction, stipulated structural locations and open space protection, building height reduction and road improvements.
9/1971-3/1972	Time extensions approved for the finalization of Resolution 6-71		Additional time needed to finalize details
6/23/1971	Request for temporary supervised recreational program on Breakers Hotel complex property.		Refers to Tract 2. Temporary approval granted through June 1, 1972.
3/22/1972	Revised PUD master plan submitted to Town.	**Resolution 12-71**	Revision reflects reduced dwelling unit densities in various phases, relocation and revised "lateral spread" of structures in Phases 1, 2, and 10, reduced building heights in certain areas, and designation of various phases as circled numbers on

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			Master Plan. Included revised Condition #3 re open space preservation. **NEVER ADOPTED**
4/25/1972	Resolution amending Resolution 6-71 for tentative approval for Planned Unit Development.	**Resolution 9-72** amends Res. 6-71	Revised density reductions but not schedule. Open space protection. Building heights Subterranean crossing
5/16/1972	Town notifies Flagler System that they have "identified the formerly zoned 'business district' and have transferred that information to a copy of the revised Master Plan for the Planned Unit Development".		None
10/9/1972	Approval of additional temporary tennis courts adjacent to those in existence.		None
3/5/1973	Town notifies Flagler System that they are exempt from building moratorium.		Applies to Tract 2 (=1970 Phase 1)
10/24/1973	Notification to Flagler System from Town that "revised 'Appendix C', dated April 11, 1972, is acceptable in lieu of the same Appendix previously submitted and approved with the proviso that the number of parking spaces indicated on the revised 'Appendix C' appears to be inadequate in light of the Ordinance parking requirements."		Applies to Tract 2. Reduces dwelling units from 128 to 100 and net density from 30 DU's per acre to 23 DU's per acre; decreases parking spaces from 273 to 211.
March 1974	Town adopts new Zoning Ordinance (Ordinance 2-74) in March. Florida Supreme Court voids previous Zoning Ordinance which was Ordinance 3-70.		Supplemental Agreement notes that Flagler System has submitted an application for final approval for the residential portion of Phase 1 of the PUD.
6/10/1974	Building permit issued to demolish four of the Breakers' cottages	Permit # 505-74	
6/28/1974	Application filed for final approval of Phase 1 (Residential) of PUD	Previously granted tentative approval under resolution #6-71, as amended by resolution # 9-72	No public hearing required for this approval
9/10/1974	Declaration of Restrictions addresses open space protection in PUD.	ORB 2380; Page 1986-1989	Restricts open space use (golf course) for 30 years from

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			9/10/74. Open space totals 91.3 acres exclusive of roadways.
9/10/1974	Supplemental Agreement		Ratifies and affirms agreements reached and embodied in Application for Tentative Approval of Planned Unit Development Zoning, as amended by revised Appendices "B" and "C" dated 4/11/72, and as further amended by Resolutions #6-71 and 9-72, and confirmed by Ordinance #2-74
9/10/1974	Resolution of Town Council amending Resolution 6-71 and Resolution 9-72 and authorizing the execution of an agreement between Flagler System and the Town.	**Resolution 13-74** Amends 6-71 and 9-72 Clarification as to governing resolutions; ratified resolutions 6-71 and 9-72	This Resolution specifically references the previously described "Supplemental Agreement" which essentially vested the project after the voiding of the previous Ordinance 3-70 and the adoption of the Town's new Zoning Ordinance 2-74. The concern had been that previous PUD approvals may be invalid since they were based upon a Zoning Ordinance which was later found to be unconstitutional.
9/10/1974	Ratification Agreement		Apparently approved by Town Council. Ratifies prior resolutions in light of the determination by the Florida Supreme Court that Zoning Ordinance #3-70 was unconstitutional
9/10/1974	Variance to construct additional tennis courts adjacent to and west of existing tennis courts.	Variance 27-74	Approved by Town Council.
10/2/1974	Variance of from the setback provisions of F.S. 161.052 for construction of a seawall, beach access stairs, and condominium building	File 74-75-V-26	Approved by State of Florida, DNR
10/8/1974	Petitioner appears before Town Council requesting approval of modification of Phase 1 Residential		Request approved by Town Council.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
	Plan. Request was to move residential building so that it has a 20 foot front yard setback from Breakers Row rather than a 25 foot setback.		
11/19/1974	Flagler System requests amendment for hotel parking for Phase 1.		Parking arrangements proposed would provide a total of 656 spaces for hotel support in conjunction with development of Phase 1 apartments.
12/19/1974	Building permit for the construction of 4-building 88-unit apartment complex	Permit # 1254-74	Included underground parking for 194 cars
1/6/1975	Declaration of Restrictions recorded	ORB 2380 Pg 1986	Land platted as "open space" must remain in that use for 30 years
1/9/1975	Proposal for commercial building in Phase 1 at southeast corner of intersection of Coconut Row and Royal Poinciana Way.		None
2/7/1975	Approval by Building Official of plan for 88 unit apartment building on Tract 2 of Plat 1 subject to 2 conditions.	Building Permit 1254-74	Refers to Tract 2.
4/25/1975	Application for final approval of PUD plan for Phase 1 commercial.	Resolution 6-71 as amended by Resolution 9-72 which granted tentative approval	Application contained the following: Schematic drawings for Phase 1 commercial. Boundary and open space plat for entire Breakers property delineating areas for Phase 1 through 10 and also indicating that open space has not been included with application since the plat was filed with the application for final approval of Phase 1 residential. Covenants guaranteeing retention of open space have not been included. This application is for final approval of Phase 1 residential. Plat of Parcel 4, Phase 1 (commercial).

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			Should also be noted that request for final PUD approval for Phase 1 commercial included variance requests to increase parking for 416 spaces to 466 spaces. Request also "modifies the configuration of the north/south roadway serving the new residences".
6/10/1975	Request for final approval of Planned Unit Development Phase 1 commercial which is a CA zoned tract located on Tract 11 of Plat 1.		This references Tract 2. Approval includes only 62,600 square feet of covered floor area plus at-grade automobile parking.
6/10/1975	Town Council considered variance application which approved planned revision for roadway and parking facility.	Variance 23-75	Approved by Town Council.
6/10/1975	Town Council considered request for final approval of Phase 1 Commercial		Approved by Town Council, for 62,200 SF plus an at-grade parking lot facility
7/15/1975	Request for coastal construction permit from State of Florida DNR for rock rubble "T" head on existing groin	File BBS-75-6	Approved by DNR
1/13/1976	Request for modification of PUD Agreement to locate a replacement toilet facility building between the existing 11th and 12th fairways.		Approved by Town Council.
6/11/1976	Application for a variance to install awnings inside existing concrete framework over 16 penthouse terraces for Breakers Row apartments, 1 North Breakers Row (Tract 2 of Breakers Row Plat 1).	Variance 32-76	Approved by Town Council.
12/14/1976	Request for extension of time to commence construction of Phase 1 commercial approval which was granted on 6/10/75 for an additional 18 months.		Tract 2. Approved by Town Council for 18-month extension.
9/20/1977	Plans and specifications filed for Phase 2 residential.		None.
11/8/1977	Final approval of request for Phase 2 residential.		Request approved by Town Council subject to a number of

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			conditions including: • Extension of Royal Poinciana way • Any future development of Tract 7 Plat 1 will show reduction of 10 or more dwelling units
12/13/1977	Variance request to increase site coverage of existing apartment buildings by installation of awnings.	Variance 57-77	Denied by Town Council.
6/13/1978	New request for time extension for commencement of construction of Phase 1 commercial.		Approved by Town Council; new deadline for commencement of construction December 10, 1979.
5/8/1979	Modification of PUD approval for the following items: Extend deadline for Phase 2, Tract 1 from May 8, 1979 to November 8, 1980. Extend deadline for filing for final approval of Phase 3 from October 25, 1979 to April 25, 1981. Extend deadline for implementing Town Council approval of Phase 1 "CA" from December 10, 1979 to December 10, 1981.		Item #1 applies to Phase 2, Tract 1. Item #2 applies to Phase 3, Tract 4. Item #3 applies to Phase 1 "CA" Tract 2.
5/8/1979	Request for special exception and zoning variance for property known as 45 Coconut Row to move Old Guard Society of Palm Beach Golfers, Private Club from main Breakers Hotel to building known as 45 Coconut Row; also request a variance to provide a portion of required parking across the street at Royal Poinciana Chapel.	Special Exception 11-79 with variance	Approved by Town Council subject to the provision of at least 20 parking spaces on site
7/10/1979	Permission to modify PUD to permit the construction of 2 additional		Approved by Town Council.

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	tennis courts immediately north of and adjacent to existing tennis courts in Tract 10, Plat 1.		
10/31/1980	Application filed with Town to revise the entire remaining phases of the PUD		As of October 1980, approval allowed 471 new dwelling units which, when added to the equivalent conversion of commercial space and hotel uses, to a total of 954 dwelling units as defined under ordinance #9-72. Only 89 units constructed to date. 6.3 acre commercial site approved on NW corner of property.
11/11/1980	Time extension to commence Phase 2, Tract 1		Extended by Town Council from November 8, 1980 to April 25, 1981
3/13/1981	Extension of License Agreement re trash transfer facility		Extended to April 14, 1983
3/18/1981	Preliminary conceptual approval by Town Council of application filed 10/31/80		Included abandonment of commercial approval at NW corner of property, to be replaced by no more than 150 density units
7/14/1981	Tentative approval for "comprehensive modification of the Planned Unit Development Agreement previously referenced"; including agreement for partial Landmarking of Breakers Hotel; carried forward Condition 3 of Resolution 9-72, 1980 modification approved statement of planning criteria and appendices and adopted open space Condition 3 of Resolution 9-72	**Resolution 10-81** amends 6-71, 9-72, and 13-74	Included conditions relating to: • Revised open space plat • Condition 3 of Res. 9-72 is specifically still in 'full force and effect…' • Provision of utility easements and facilities, including certain traffic improvements • Compliance with Town codes including fire codes • Prohibition against time sharing Attachments included **Appendix "H" which is a schedule of future development*.** Adopted **Red Book & Appendices**
1981	Agreement (unsigned) between		Agreement references an

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
	Town of Palm Beach and Flagler System, Inc., relating to the resolution of Landmarking of Breakers Hotel.		Exhibit "A" which fully describes the portion of the hotel that is subject to Landmarking.
9/15/1981	Request for special exception for auto rental facility at hotel.	Special Exception 10-81	Approved by Town Council. Limited to 15 rental cars. Must be operated by hotel employees, and cars must be rented only to hotel guests
1/5/1982	Amended list of drawings and exhibits for the Breakers Planned Unit Development filed with Town.		The document contains extensive lists of drawings, including many revised in 1981. Also included are several other exhibits, including a 57-page bound booklet entitled, *Modification of Planned Unit Development Agreement, 1980 Modification*.
2/23/1982	Letter to Town from Flagler System indicating that Resolution 10-81 as passed by Town Council on July 14, 1981 "is satisfactory and the conditions set forth therein are acceptable".		Flagler System attorneys contend that modification to the Breakers PUD (Resolution 10-81) became effective on February 25, 1982 when Flagler notified the Town that the conditions of Resolution 10-81 were satisfactory and acceptable.
3/26/1982	Letter to Town Attorney from Landmark Preservation Commission.		References Landmark status of hotel as being tied to final adoption of Resolution 10-81.
8/9/1983	Amended Declaration of Restrictions supersedes Breakers Row Plat 1; required by Condition #1 of Resolution No. 10-81	Exhibit "C"	Supersedes Declaration Of Restrictions filed September 10, 1974; relates to use of open space
9/8/1983	Agreement ratifying Resolution No. 10-81		Also accepts conditions in Resolution No. 10-81 and accepts the landmark designation of a portion of the property
9/8/1983	Landmark Designation Agreement	Exhibit "B"	Included legal description of "sight easement" and façade of hotel. Legal description goes all the way to the Atlantic Ocean
9/9/1983	Flagler System requests final approval/site plan review for the portion of Breakers PUD known as		Proposed plans include reduction in number of condominium units from 78 to

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	"Priority 3" under provisions of Section 7.35 of Town Zoning Ordinance. Agreement with Town to be bound by Res. 10-81		48, reduction in number of PD equivalent dwelling units from 79.7 to 52.1, and decreases in other property development criteria. **Makes September 9, 1983 first day of timetables under Res. 10-81***
9/13/1983	Final approval including site plan for Priority #3, northeast corner, known as Two Breakers Row		Approved by Town Council
10/11/1983	Resolution of Town Council ratifying landmarking of hotel	Resolution 34-83	Resolution notes that a parking structure will be constructed within the sight easement
10/12/1983	Amended Declaration of Restrictions	ORB 4073 Pg 0814	Supersedes Declaration of Restrictions recorded January 6, 1975. The portion of the property designated as "open space" in the replat shall be used only as golf course, park or other open space use "as shall be determined in the sole discretion of Declarant" for a period of 30 years commencing 3/18/81 or as long as property is zoned PUD
10/17/1983	Certificate of Notification of Designation of Certain properties as Landmarks		Ratifies landmarking per Resolution 34-83
12/1/1983	Breakers Row Plat #1 – Replat	P.B. 46 Pg. 188	Describes entire PUD
1/10/1984	Special exception authorizing relocation of Sea Gull Cottage from Breakers Hotel property to Royal Poinciana Chapel property.	Special Exception 1-84	Approved by Town Council.
4/11/1984	Certificate of Appropriateness for receiving dock and receiving courtyard areas	C of A 4-84	Approved by Landmarks Preservation Commission
1/10/1985	Certificate of Appropriateness for rehabilitation and additions to Breakers Hotel	C of A 2-85	Approved by Landmarks Preservation Commission
6/18/1986	Agreement to extend Priority 2 (Lanai Suites) from September 9, 1989 to September 9, 1998.	PB 4949 Pg 1163	Amends 9/8/83 Agreement
3/30/1989	Extension of License Agreement for trash transfer facility		Extended to April 14, 1991

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Fall 1989	Breakers PUD Amendment Request filed		
1/22/1990	Request for adjustment to several aspects of PUD.	**Resolution 17-90** amends 6-71, 9-72, 13-74, and 10-81 ORB 6413 Pg 735	Approval included coffee shop, tennis court lighting, additional retail space, tennis shop, retention of golf course through 2019, lease of Pine Walk transfer station through December 31, 1997, renegotiable transfer of development units, road improvements, drainage improvements.
3/30/1990	Agreement implementing Resolution 17-90	ORB 6413 Pg 732	Accepts the conditions in Resolution No. 17-90
Fall 1991	Breakers PUD Amendment Request filed		Request to amend Resolution 17-90 to provide more time for its implementation, and to amend Resolution 10-81 to provide for rephasing the project
2/11/1992	Request for approval for changes to several developments within PUD.	**Resolution 6-92** Amends 6-71, 9-72, 13-74, 10-81 and 17-90	Extended Pine Walk transfer lease to December 31, 2012, renegotiate transfer and road drainage issues prior to 1996-1997 zoning season hearings; internal drainage; revised priority development schedule. As part of the approval, Breakers was required to address three issues: 1) storm drainage; 2) possible elimination of commercial at NWC; and 3) give Town perpetual rights to waste transfer facility. **Included PUD Schedule of Development, Appendix "H" to Exhibit 11 of Resolution # 10-81.**
2/19/1992	Agreement ratifying Resolution 6-92	ORB 7235 Pg 536	Accepts the conditions in Resolution No. 6-92
11/25/1995	Certificate of Occupancy for renovations to 63 rooms in south wing and elevators	COA # 65-95	
2/29/1996	Letter from Jim Brindell, signed by Bob Moore re coffee shop/retail		Clarifies Modifications 1 and 3; attached Exhibit "A" shows total of 10,307 SF existing and proposed ground level retail & food and beverage uses, main

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			hotel south wing as of 11/1/96
6/18/1996	?		Resolution No. 10-01 references a revision to the 'binding agreement' on this date but none was found in Gunster records
9/10/1996	Letter from Jim Brindell, signed by Bob Moore re Centennial Dining Room		Acknowledges that 48 dining room seats and 250 SF of kitchen space may be temporarily relocated from Florentine Dining Room to Centennial Dining Room in Old Guard Building
9/13/1996	Application filed for PUD Amendment		Extend certain time periods to re-negotiate several important matters with Town, and to establish timing for drainage improvements
3/2/1997	Request to modify PUD	**Resolution 1-97** amends Res. 17-90	Modifications to coffee shop, tennis court lighting, additional retail space, new tennis facility, maintenance of golf course as green space through 2019, lease of Pine Walk Transfer Station, requirements for renegotiation, and postponement of road and parking improvements. **Also amended Appendix "H" to Exhibit #11 of Resolution 10-81, re PUD schedule.**
? 1997	Agreement ratifying Resolution No. 1-97		Should be one but none found in Gunster records
8/25/1997	Letter from Jim Brindell, signed by Bob Moore, re addition of 22 seats to Centennial Dining Room		
9/5/1997	Application filed to amend Breakers PUD		Request to renovate the Beach Club facilities, enlarge the Starlight Ballroom, and modify certain PUD conditions
2/9/1998	Request to modify PUD	**Resolution 1-98** amends 1-97	Modification to lease of Pine Walk Transfer Station, requirements for renegotiation, postponement of certain road and parking improvements, demolition and reconstruction

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			of Starlight Ballroom Addition and Beach Club, requirement for additional off-street parking spaces, and on-site parking and traffic circulation management. Per Modification #9, 11,621 SF of accessory hotel space retained for possible later use.
2/9/1998	Site Plan Application to construct a new approximately 20,000 square foot Beach Club and approximate 15,000 square foot Starlight Ballroom and 8,000 square feet of pre-function area. Condition approval was also for approximately 13,500 square feet of storage in kitchen area and associated parking (including a 250 space temporary parking lot located on the northwest corner of the PUD).	Site Plan Review 1-98	4 conditions of approval were included, mostly related to traffic and circulation matters.
3/11/1998	Agreement between Town of Palm Beach and The Breakers Palm Beach, Inc.	ORB 10309; Page 740-744	The essence of the agreement is that "The Breakers hereby accepts the conditions set forth in the Town's Resolution 1-98".
7/19/1999	Certificate of Occupancy for Starlight Ballroom addition and new Beach Club	COA # 55-99	
2/7/2000	Amend PUD to redesign golf course and include a golf and tennis clubhouse west of South County Road	**Resolution 3-00** amends 1-98	Modification to conditions re maintenance of golf course as green space through 2025, lease of Pine Walk Transfer Station, requirements for renegotiation, and golf and tennis clubhouse with related facilities. Also amended commencement dates for remaining development to be consistent at December 31, 2025
1/11/2000	Site Plan Review with Special Exception request to redesign golf course and tennis court layout and construct a three-level 40,549 square foot golf and tennis clubhouse.	Site Plan Review 1-2000 w/Special Exception	Approval was granted for new golf and tennis complex and included several conditions of approval.
3/22/2000	ARCOM review of new golf & tennis clubhouse	B9-00	approved
4/12/2000	Agreement ratifying Resolution 3-00		Accepts the conditions in Resolution No. 3-00

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
6/5/2000	Letter from Jim Brindell, signed by Bob Moore re adjustments to golf course layout		
9/27/2000	ARCOM review of golf course border landscaping west of South County Road	B52-00	Approved
2/5/2001	Amend PUD to allow opportunity to request redistribution of residential units from west side of County Road to other locations within the PUD	**Resolution 10-01** amends 3-00 ORB 12541 Pg 98	Modification to condition re requirement for renegotiation; applicant may relocate up to 149 dwelling units from Priority Areas 1, 7, 8, and 9 to areas west of County Road and/or within Priority Area 1 subject to PUD Master Plan amendment. May apply for same no later than the **2023-2024** zoning season.
4/19/2001	Agreement ratifying Resolution 10-01	ORB 12541 Pg 94	Accepts the conditions in Resolution No. 10-01
12/10/2001	Certificate of Occupancy for south ocean tower alteration for hotel	COA # 90-01	
1/8/2002	Authorizing ad valorem tax exemptions for work at the hotel (south tower)	Resolution 6-02	Contained faulty legal description
2/13/2002	Certificate of Occupancy for renovation of Dallas Rooms, 1st and 2nd floors	COA # 84-99	
6/11/2002	Site Plan Review with Special Exception to relocate 55 parking spaces from front driveway, reconfigure front driveway/parking landscape area, relocate balustrades at hotel entrance in order to add additional valet lanes, construct security gatehouse on main driveway, construct approximately 338 square foot service quarter adjacent to the Circle Dining Room; add porte cochere and covered walkways to the south entrance of the hotel and relocate 21 parking spaces from new porte cochere to existing parking area west of Beach Club. Also Special Exception to expand hotel with above improvements.	Site Plan Review 5-2002 w/Special Exception	Approved by Town Council.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
6/11/2002	Amends Resolution 6-02 so as to amend the legal description of the property referenced therein	Resolution 40-02	Amends legal description in the tax exemption covenant to include only the hotel building where the work was done
2/20/2003	Certificate of Completion for renovations to North Ocean Tower		
2/20/2003	Certificate of Completion for renovations to Ocean front meeting rooms, corridors, and mezzanine mechanical room		
2/20/2003	Certificate of Approval and Occupancy for two new 1-story accessory buildings (gatehouse and bathrooms)	COA # 10-03	
4/16/2003	Certificate of Appropriateness for renovation of Venetian Ballroom	C of A #10-2003	Approved with a number of conditions
9/9/2003	Special Exception to construct a 1-story 697 SF golf instruction and storage building on the driving range, as well as a paved employee walkway along the north side of the hotel	Special Exception #20-2003	Approved by Town Council.
2/15/2005	Modification to PUD Master Plan to redesign the Beach Club Cabanas and related facilities.	**Resolution No. 4-05** amends 3-00* *note- WHEREAS clause should have included Res. 10-01 but did not	Deletes previous Modification #4 re new tennis facility, to be replaced by Modification #10; **erroneously carries forward language from Modification #7 of Resolution 3-00 instead of revised #7 from Resolution 10-01**; minor modifications to Modification #10 re golf and tennis clubhouse and related facilities; adds Modification #12 re new cabanas and related facilities

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/15/2005	Site Plan Review, Special Exception, and Variance request for approval of the new cabana project	Special Exception 6-2005 with Site Plan Review and Variance	Variance (for seawall height) withdrawn. Conditions of approval re required fire hydrant and construction traffic restrictions
5/10/2005	Modified lighting plan reviewed by Florida Fish and Wildlife Conservation Commission for cabana project	PB-804	Approved with several conditions
8/12/2005	Building permit for awning for valet parkers	P #8078272	
August 2006	Approval for golf clubhouse awnings		
11/14/2006	Special Exception with Site Plan Review to renovate the old golf clubhouse including a lounge for spa and beach club employees, create new offices on the second floor, and awnings on the new club house and for valet parkers	Special Exception 9-2006 with Site Plan Review	No conditions of approval
7/14/2010	Revised Modification #7.a. to restore the language from Resolution 10-01 re relocation of units to the portions of the PUD west of County Road	**Resolution #70-10** Amends Res. 4-05	Application to be filed no later than **2024**
10/27/2010	ARCOM review of request to demolish old golf clubhouse building and associated parking lot, AKA the Old Guard Building, 45 Cocoanut Row	B-051-2010	Approved by ARCOM; to be replaced by sod and landscaping; later ratified by Town Council
9/11/2012	Town Council review of request to demolish and rebuild two of the five existing maintenance buildings on the west Pine Walk	Site Plan Review #9-2012 with Special Exception	Approved by Town Council; ARCOM approved administratively
5/15/2013	Town Council review of requested improvements to pool areas on southeast portion of hotel property	Special Exception #8-2013 with Site Plan Review	Approved by Town Council. Included gazebo bar, kiddie pool, jacuzzis, and pavement
June 2013	State of Florida Department of Business and Professional Regulation extension of hotel's alcohol license to include gazebo bar		Approved
8/24/2013	ARCOM review of proposed new railings, awning	A-028-2013	Railing not approved; awning approved
9/25/2013	Administrative Site Plan Review of Flagler Steakhouse awning expansion		Approved by staff
12/11/2013	Modify hotel amenity by expanding the existing playground	Special Exception #20-2013 with Site	Approved by Town Council

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
		Plan Review	
2/12/2014	Amend Resolution 70-10 by adding 4,559 square feet of accessory hotel space to the Beach Club for construction of a fitness center. PUD amendment.	**Resolution No. 11-2014**	Changes to Modification #9 re the Beach Club, adding 4,559 gross square feet/4,190 net (A/C) square feet to construct a new fitness center on the second level of the existing Beach Club building on the Ocean Terrace. The previous 11,621 square feet of accessory hotel space is reduced by 4,190 to leave approximately 7,341 square feet for future use by further amendment to the PUD.
2/12/2014	Special exception and site plan review to construct a new beach access ramp and to replace the 1,588 square foot pavilion on the second level of the Beach Club building with a 4,559 square foot (gross) 4,190 square foot (net, A/C) structure for a new fitness center, and associated elevator.	Special Exception #1-2014 with Site Plan Review	The beach ramp replaces a similar structure which was destroyed by a hurricane. The existing spa functions on the first floor of the Beach Club will be expanded into the previous fitness center space.
3/26/2014	Agreement finalized between Town of Palm Beach and The Breakers documenting acceptance of Resolution 11-2014.		Agreement required by Town's PUD ordinance
12/10/14	Special Exception with Site Plan Review to add awning to pergola east of spa; variance to demolish and reconstruct existing entry fountain	Special Exception #27-2014 with Variance	Approved by Town Council
12/17/14	LPC approval for awning and fountain	COA-053-2014 and 057-2014	
2/11/15	Request approval of: • Four awnings totaling 1,714 s.f. in golf maintenance area at west end of Pine Walk • Renovations to east side of spa building to enclose 614 s.f. of additional space, and redesign of courtyard • Vehicle gate just east of crosswalk near south porte-cochere	Special Exception #1-2015	Approved by Town Council, subject to the requirement that the vehicle gate be opened for overflow parking during large events.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
9/9/15	Request approval of: • Flagler Club Terrace awning structure • Demolish smoke-stack and expand engine room, including 600 KW generator • Add 720 s.f. cooling tower • Add three access control gates on Ponce Promenade	Special Exception #24-2015 with Site Plan Review	Combo project included Landmarks (LPC) review. Approved by Town Council.
9/16/15	LPC approval of aspects of S.E. #24-2015 under their jurisdiction	COA 2015-034	
11/12/15	Request approval of: • Ponce loading dock expansion, including new awning • Service elevator in southeast corner of Mediterranean Courtyard • 900 KW generator in place of 600 KW generator in engine room expansion • Two service pavilions on front croquet lawn west of hotel	Special Exception #31-2015 with Site Plan Review	Approved by Town Council except for service pavilions on west lawn, which were deferred. That part of request was later withdrawn due to LPC objections.
3/9/16	Request approval to demolish building #4 at the maintenance complex on Pine Walk (2,726 square feet) and replace it with or 3,581 square foot building.	Special Exception #5-2016	Approved by Town Council
4/27/16	Request ARCOM approval to repair the chimneys at Spray Cottage	A-016-2016	Approved by ARCOM
5/11/16	Request approval to amend Resolution No. 11-2014 (PUD-A) by extending the commencement of development date for 251 dwelling units, extending the date by which 149 dwelling units may be relocated, extending the date upon which the golf course must remain open space, and extending the date of the lease of the Pine Walk Transfer Station.	**Resolution No. 60-2016**	All dates extended to December 31, 2049 or December 31, 2050.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
3/15/17	Request Special Exception with Site Plan Review approval to add a 3,000 gallon emergency generator fuel tank just north of the service court, and two service pavilions on the 'croquet' lawn southwest of the main hotel entrance.	Special Exception No. 04-2017 with Site Plan Review, and COA No. 08-2017	Approved by Town Council, including official recognition by Council of ongoing use of the lawn area for outdoor functions
5/10/17	Request Special Exception with Site Plan Review approval to construct a new 404 s.f. retail shop (Mary Lily's) in the Palm Court, and to expand the existing seafood restaurants from 4,330 s.f. to 6,111 s.f. and from 140 seats to 177 seats.	Special Exception #12-2017 with Site Plan Review	Approved by Town Council
12/13/17	Request Special Exception with Site Plan Review to expand seating capacity at Seafood Bar restaurant by an additional 53 seats in 6,111 s.f. restaurant, for a total of 230 seats.	Z-17-00044	Approved by Town Council

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
1/10/18	Request Special Exception with Site Plan Review to make changes and improvements to The Breakers golf course. Also enlarge golf training facility from 697 s.f. to 2,366 s.f., and replacement of existing free-standing bathroom building of 250 s.f. with a new bathroom building of 267 s.f.	Z-17-00055	Approved by Town Council
6/13/18	Request for extended work hours for golf course project		Approved by Town Council
9/12/18	Request Site Plan Review and Special Exception to add awnings in the renovated golf course	Z-18-00126	Approved by Town Council
9/21/18	Request Landmarks Presentation Commission approval for revised ramp on south side of south lawn pavilion building	COA-040-2018	Approved by Landmark Preservation Commission
10/18/18	Request Administrative Site Plan approval for changes to ramp of south lawn pavilion		Approved and stamped by Town of Palm Beach
05/15/19	Request for site plan review with special exception approval to construct a new security guardhouse and gates, to re-align Breakers Row, and to add a landscaped island on the south side of the proposed guardhouse at North Breakers Row.	Z-19-00187	Approved by Town Council
02/12/20	Request for zoning text amendment to add hotel and golf course as permitted uses in PUD-A zoning district and to allow for staff approval of site plans consisting of less than 2,500 square feet	Ordinance 1-2020	Approved by Town Council
08/11/21	Request for extension of existing golf course awning, which was denied by ARCOM on July 28, 2021, but approved on appeal by Town Council on August 11, 2021.	A-051-2021	Appeal granted by Town Council

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0029 (COA-24-0004) 134 SEABREEZE AVE (COMBO) - VARIANCES The applicant, Jaime Torres-Cruz with Fairfax & Sammons, has filed an application requesting Town Council review and approval of four (4) variances to 1) reduce the side yard setback, 2) increase lot coverage, 3) exceed the maximum allowable cubic content ratio (CCR), and 4) reduce the landscape open space for removal of existing loggia and construction of a new loggia. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]*

Presenter

ATTACHMENTS:

- **Letter of Intent**
- **Plans**
- **Survey**
- **Designation Report**

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LETTER OF INTENT

COA-24-004 and ZON-24-0029: We are pleased to submit the accompanying drawings for our project at 134 Seabreeze Avenue, Palm Beach, FL. The proposed work includes the renovation of the existing two-story main house and two-story cabana including landscape and hardscape improvements. The scope of work includes a new bay window addition in the rear yard, a full renovation and reduction in size of the loggia, changes to doors and windows and in-kind replacement of the existing awning.

Please note the following as it relates to this application:

A. Landmarks Preservation in accordance with Section 54-122 and/or Section 54-161.
    a. We are submitting modifications to the existing building that are visually compatible with the buildings and environment.
        1) The proposed modifications to the subject property will be visually compatible with the height, gross volume, and the proportion between width and height of the façade of the existing building.
        2) The original proportions and relationships between doors and windows will be reconstructed from historic images.
        3) The original rhythm of solids to voids created by openings in the facade will be reconstructed from historic images.
        4) The proposed materials used in the façade will match the existing building.
        5) The proposed texture used in the façade will match the existing building.
        6) The colors, patterns and trim used in the façade will be reconstructed from historic images.
        7) The design of the roof will match the existing building.
    b. The existing rhythm created by the existing building masses and space between them will be preserved.
    c. The landscape plan is sensitive to the individual building and its occupants and needs and is visually compatible with the buildings and environment with which it is visually related and historic images.
    d. The proposed modifications to the existing street blend directionally with the existing building and historic images.
    e. At existing elements, architectural details will be restored or replaced. Details and fenestration represented in historic images will be reintroduced, directly relating the new with the old and enhancing the inherent architectural characteristics of the area.

Zoning Relief:

1. Section 134-893(b)(7)(b). Variance to allow the renovation of a reduced-size loggia with an east side yard setback of 6.5' in lieu of 15'minimum required. The existing home has an existing east side yard setback of 6.5'.

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2. Section 134-893(a)(ii). Variance to allow the renovation of a reduced-size loggia in the rear of the residence with a lot coverage of 33% in lieu of 30% maximum permitted. The existing lot coverage is 34%.

3. Section 134-893(13). Request to permit the renovation of a reduced-size two story loggia in the rear of the residence with a cubic content ratio of 6.29 in lieu of 4.23 maximum permitted and 6.42 existing loggia for calculating.

The hardship that runs with the property is that the lot is very narrow, small and non-conforming. A renovation of the loggia and small addition of a bay window of this home built in 1925 should be applauded to maintain its character and landmarked features.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result. The amount of zoning relief requested is extremely small and is required only due to the demolition and renovation of the existing loggia to the existing non-conforming home.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review - N/A

Criteria for Special Exceptions - N/A

Criteria for Authorizing a Variance (Applicable to variance requests # 1, 2 and 3)

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

   The hardship and special conditions applicable to this property are that the building was constructed pursuant to a very different code and is non-compliant with current codes. In addition, the lot is very narrow (65') and small (8,125 square feet).

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

   The special conditions existed upon construction of the building and change in zoning code and were not created by the Applicant. The Applicant is proposing to renovate and restore the landmarked residence to be more compliant and to also greatly enhance the aesthetics of the building and the variances arise only due to the temporary demolition and renovation of a loggia that will be smaller than the one that exists.

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3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

   No special privileges will be conferred on the Applicant if the variances are granted because the proposed relief is so de minimis.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

   Literal interpretation of the ordinances would deprive Applicant of the right to restore this charming landmarked residence.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

   The requested relief is the minimum necessary because the only "addition" is a renovated, smaller loggia and one bay window in the rear of the residence.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

   a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and

   b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:

      i. Be granted only for the continuation of the same hotel or residential use; and,

      ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

   N/A

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

   The granting of these variances is in harmony with the intent and purpose of the Zoning Code because the requested addition to this landmarked home, demolition and renovation of a loggia which will be smaller than the existing loggia and the addition of a bay window

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is an improvement to the neighborhood to improve the aesthetics and update the structure and life/safety features in the residence.

DocuSigned by:
M. Timothy Hanlon
9DAE651FE9A1420...

M. Timothy Hanlon, as Attorney/Agent

Date Signed: June ___, 2024
6/7/2024

DocuSign Envelope ID: 207C2F29-D2ED-4048-86B4-097C6DBCBF03

EXHIBIT "A"
Site History

1.

RECEIVED
JUL 06 2020
Town of Palm Beach
PZB Dept

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

APPLICATION FOR STAFF APPROVAL

The Architectural Review Commission (ARCOM) and the Landmark Preservation Commission (LPC) have granted Staff the ability to administratively approve certain minor projects, eliminating the need of a more formal hearing process involving the Commissions, thus saving time and money.

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 business hours of 8:30am and 4:30pm Monday thru Friday. If the subject property is a Landmark the fee is $150.00, all others are $200.00.

Application Type: X LPC Staff Approval $150.00** ____ ARCOM Staff Approval $200.00
**If LPC, is this a tax abatement project? Yes or No

DATE: 7/6/2020

MASTER PERMIT#: B - 20 - 84753 (84675) STAFF APPROVAL PERMIT#: L 20 00289

I. PROJECT ADDRESS: 134 SEABREEZE AVE, PALM BEACH, FL 33480

II. DESCRIPTION OF REQUEST Please include a comprehensive summarized description of the proposed project (attach a separate sheet, if needed):
relocate condenser from inside the garage to new location, as per plans

III. BUSINESS NAME/TENANT INFORMATION (For commercial properties only): ____
Phone number: ____ Email address: ____

IV. DESIGN PROFESSIONAL NAME AND CONTACT INFORMATION:
Name of Professional: ____ License #: ____
Phone number: ____ Email address: ____

V. CONTRACTOR NAME AND CONTACT INFORMATION:
Construction Company: John C. Cassidy Air Conditioning Inc. / Simone Dunston
Phone number: 561-863-6750 Email address: permitting@cassidyac.com

VI. PROPERTY OWNER/AGENT NAME AND CONTACT INFORMATION:
Property Owner's Name: Damion Carufe
Owner's Address (if different from Subject Address): ____
Phone number: 561-832-7842 Email address: ____

VII. Applicant Signature: [signature] Date: 7/6/2020
(Printed name) John C. Cassidy Jr. Title: President / Contractor

LANDMARKS PRESERVATION
REVIEWED BY STAFF
☑ APPROVED ☐ AS MODIFIED
☐ SUBJECT TO: ____
DATE: 7/9/20
PROJECTS COORD. / FOR THE COMM.

ZONING APPROVAL
Signature [signature] Date 7/7/2020
ok per WB.

Rev 10.09.2019

DocuSign Envelope ID: 207C2F29-D2ED-4048-86B4-097C6DBCBF03

2.

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

FOR OFFICIAL USE ONLY
RECEIVED
DEC 09 2022
Town of Palm Beach
PZB Dept

APPLICATION FOR STAFF APPROVAL

The Architectural Review Commission (ARCOM) and Landmark Preservation Commission (LPC) have granted staff the ability to administratively approve certain minor 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: __X__ **LPC Staff Approval $150.00** _____ **ARCOM Staff Approval $350.00**
****If LPC, is this a tax abatement project? YES or NO**

DATE: 12.8.22 MASTER PERMIT #_____-_____-_____ STAFF APPROVAL PERMIT # L 22 00693

I. **PROJECT ADDRESS:** 134 SEABREEZE AVE

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 AND REPLACE WINDOWS & DOORS TO MATCH EXISTING
aluminum to aluminum No change to color

III. **BUSINESS NAME/TENANT INFO** (For commercial properties ONLY)_____
Phone number:_____ Email:_____

IV. **DESIGN PROFESSIONAL NAME AND CONTACT INFO:**
V. Name of Professional: LaBerge & Menard Inc License #: aa26003344
Phone Number: 561.655.8582 Email: chris@labergeandmenard.com

VI. **CONTRACTOR NAME AND CONTACT INFO:**
Construction Company: Wildes Builders
Phone Number: 561.833.2023 Email: heather.nesbit@wildesbuilders.com

VII. **PROPERTY OWNER / AGENT NAME AND CONTACT INFORMATION:**
Property Owner's Name: _____
Owners address (if different from subject address): _____
Phone Number:_____ Email: _____

VIII. **Applicant Signature:** _____ Date: 12.8.22
(Printed Name) chris kidle Title: designer

FOR STAFF USE ONLY:
Denied per consultants. Wood windows to aluminum clad must go to LPC for Review

Rev. 05/10/2022

134 SEA BREEZE AVENUE

DESIGNATION REPORT

WEDNESDAY, APRIL 17, 1996

Landmarks Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

134 SEA BREEZE AVENUE

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Report produced by Research Atlantica, Inc.

Report edited by Timothy M. Frank, AICP, Planner/Projects Coordinator, Town of Palm Beach.

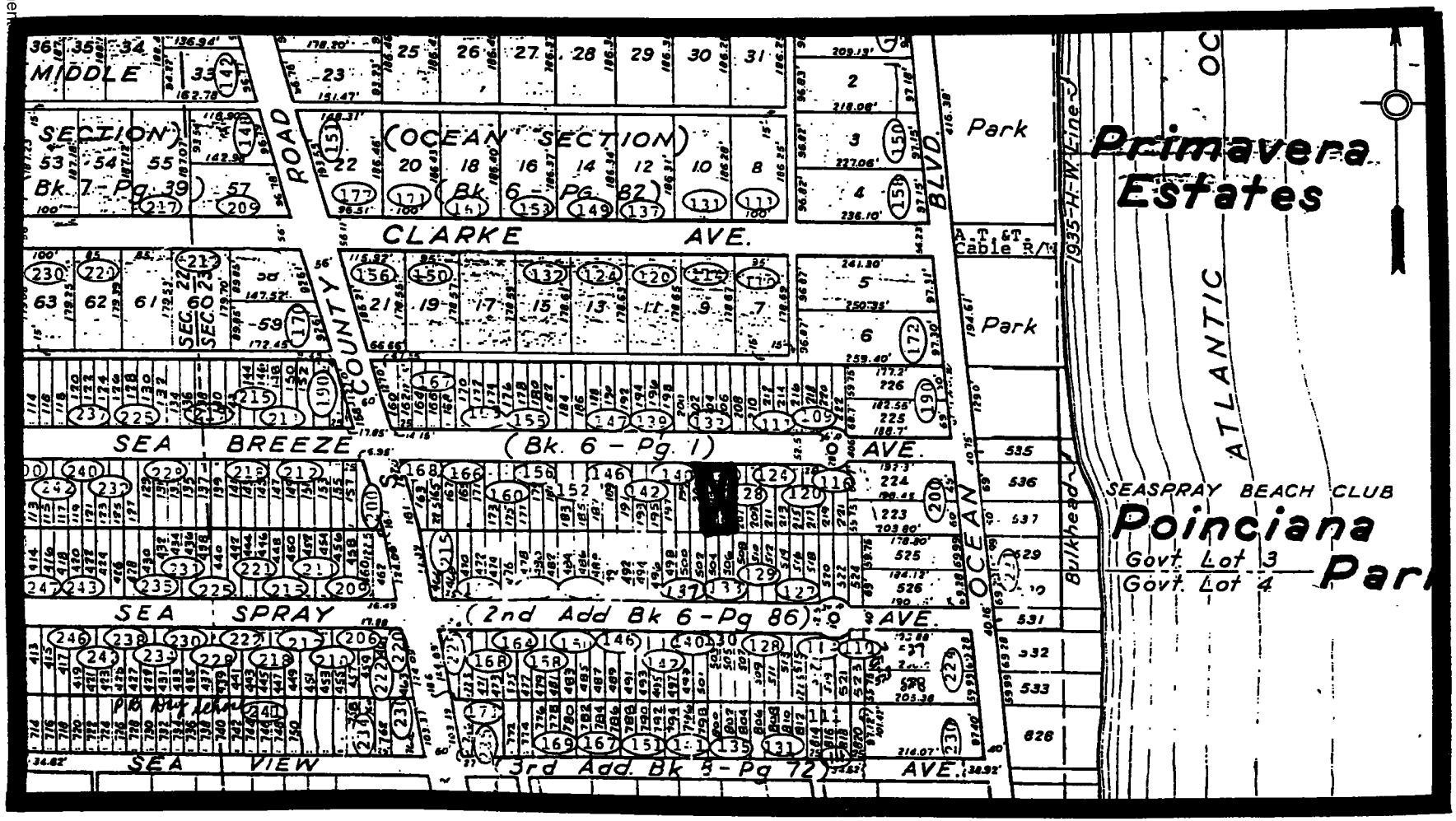
I. GENERAL INFORMATION

Location:	134 Sea Breeze Avenue Palm Beach, Florida
Date of Construction:	1925
Principal Architect:	Unknown (1925) John L. Volk (1927)
Present Owner:	Francesco and Dina Scatigno
Present Use:	Residential
Present Zoning:	R-B
Palm Beach County Tax Folio Number:	50-43-43-22-06-000-2011-001
Current Legal Description:	Poinciana Park, E 1/2 of Lot 201 & Lts 203 & 205

Classification in the "Historic Building Survey of Palm Beach."

"Stylistically consistent with other Mediterranean Revival houses in the area. The deep doorway is a strong compositional feature, and the smooth corner quoins and window and door surrounds on the first story provide an effective contrast to the textured stucco."

TC Development



LOCATION MAP: 134 SEABREEZE AVE.

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Archives, History
and Records Management
DS-HSP-3AAA Rev. 3-79

FLORIDA MASTER SITE FILE
Site Inventory Form

FDAHRM 802= = 1009= =

Site No. 830= = Survey Date 8011 820= =

Site Name

Address of Site: 134 Seabreeze Ave. Palm Beach, FL 33480 905= =

Instruction for locating S side of Seabreeze Ave E of S County Rd 813= =

Location: Poinciana Park (subdivision name) 203, 205 (block no.) (lot no.) 868= =

County: Palm Beach 808= =

Owner of Site: Name: Ryerson, J B and June H

Address: P O Box 566, Palm Beach, FL 33480 902= =

Type of Ownership private 848= = Recording Date 832= =

Recorder:

Name & Title: Kidney, Walter C. (Architectural Historian)

Address: Landmarks Planning, Inc., Allegheny Square West Pittsburgh, PA 15212 818= =

Condition of Site: Integrity of Site: Original Use private residence 838= =

Check One		Check One or More		
☐ Excellent	863= =	☒ Altered	858= =	Present Use private residence 850= =
☒ Good	863= =	☐ Unaltered	858= =	Dates: Beginning +1925 844= = BP
☐ Fair	863= =	☒ Original Site	858= =	Culture/Phase American 840= =
☐ Deteriorated	863= =	☐ Restored( )(Date: X)	858= =	Period 20th Century 845= =
		☐ Moved( )(Date: X)	858= =	

NR Classification Category: Building 916= =

Threats to Site:

Check One or More

☐ Zoning(X)	X)878= =	☐ Transportation(X)	X)878= =
☐ Development(X)	X)878= =	☐ Fill(X)	X)878= =
☐ Deterioration(X)	X)878= =	☐ Dredge(X)	X)878= =
☐ Borrowing(X)	X)878= =		
☐ Other (See Remarks Below):	878= =		

Areas of Significance: Architecture 910= =

Significance: Stylistically consistent with other Mediterranean Revival houses in the area. The deep doorway is a strong compositional feature, and the smooth corner quoins and window and door surrounds on the first story provide an effective contrast to the textured stucco.

Grade: C

911= =

ARCHITECT 872 = =

BUILDER Zablocki, B G 874 = =

STYLE AND/OR PERIOD Renaissance Revival 964 = =

PLAN TYPE square; inaccessible 966 = =

EXTERIOR FABRIC(S) stucco: roughcast 854 = =

STRUCTURAL SYSTEM(S) frame 856 = =

PORCHES N/ recessed round-headed doorway 942 = =

FOUNDATION: 942 = =

ROOF TYPE: hip 942 = =

SECONDARY ROOF STRUCTURE(S): none 942 = =

CHIMNEY LOCATION: E/ end: exterior 942 = =

WINDOW TYPE: DHS, 4/1, wood, sills on consoles 942 = =

CHIMNEY: masonry, stuccoed 882 = =

ROOF SURFACING: tile: barrel 882 = =

ORNAMENT EXTERIOR: stucco 882 = =

NO. OF CHIMNEYS 1 952 = = NO. OF STORIES 2 950 = =

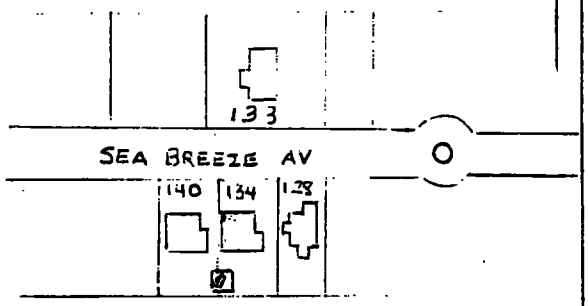
NO. OF DORMERS none 954 = =

Map Reference (Incl. scale & date) USGS Palm Beach 7.5 MIN 1:24,000 1946(photorevised 1967) 809 = =

Latitude and Longitude: 26° 42 ' 00 " ° ' " 800 = =

Site Size (Approx. Acreage of Property): LT 1 833 = =

LOCATION SKETCH OR MAP



Township	Range	Section

812 = =

UTM Coordinates: 890 = =

Zone Easting Northing

Photographic Records Numbers PB-7902-12-F25 860 = =

Contact Print

PALM BEACH QUADRANGLE
FLORIDA–PALM BEACH CO.
7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)
80°00'
26°45'
2'30"
42'30"
820 000 FEET
870 000 FEET
Palm Beach
Lake Worth
Intracoastal Waterway
Atlantic Ocean
Golf Course
Radio Tower (WJNO)
Memorial Bridge
Everglades Island
Tarpon Island
Woodlawn Cem.
ROYAL PALM WAY

IV. ARCHITECTURAL INFORMATION

The house at 134 Seabreeze Avenue was built in Poinciana Park in 1925. Although no architect is listed in the building permits, well known realtor Charles Manning was the original owner.[1] In 1927, Manning sold the house and moved to 153 Clarke Avenue.[2] At that time John L. Volk did a complete renovation of the house for Samuel H. Harris a well known theatrical producer and his wife Alice. Sketches show that the house as it stands in 1996 is consistent with Volk's 1927 design.[3] It is a two story house constructed of clay tile and covered with stucco. It is designed in the Mediterranean Revival style with many eclectic features that give it unusual appeal.

The Mediterranean Revival style of architecture was inspired by European structures that were built around the basin of the Mediterranean Sea. Borrowing themes from Spanish, Italian, North African and Moorish examples, the architectural style was widely used in California and Florida during the 1920s and 1930s, and adapted well to Florida's climate. The walls of a Mediterranean style building are usually stuccoed in a light color. This contrasts with the low pitched terra cotta tile roof that is typical of the style.[4]

Although many of the Mediterranean Revival style houses in Palm Beach are monumental in scale, 134 Seabreeze Avenue is a more modest example. Symmetrical in fenestration, the design of this building has an Italian Renaissance feel and is dominated by its front door. The door is deeply recessed into the wall surface and is surrounded by a Romanesque type arch with cast stone quoins.[5] The quoins are also found on the corners of the front facade. Pairs of Italianate arched windows topped with quoins on either side of the door create balance in the design.

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[1]Building Permit # 387, February 5, 1925, on file with the Town of Palm Beach.

[2]" Charles Manning's New Spanish Home Nears Completion," **Palm Beach Post**, 17 April, 1927.

[3]John L. Volk, "John L. Volk on John L. Volk, " Volk Archives, Palm Beach, Florida, N.D. p.1. and "Client List sorted by Date," Volk Archives.

[4]Virginia and Lee McAlester, **A Field Guide to American Houses.** (New York: Alfred A. Knopf, 1988) pp. 416-430.

[5]Ibid. pg. 301-307. In 1888 a monograph on the work of Boston architect Henry Hobson Richardson (1838-1886) was published. Richardson popularized the "Richardson Romanesque" form that is suggested by the arched entrance at 134 Seabreeze and gives the house a unique eclectic feel.

The main roof of the house is hipped and is covered with multicolored barrel tile. Secondary roof structures on the west facade and on the separate garage in the rear are shed and are also covered with tile. Exposed cypress beams decorate the cornice. A simple stucco chimney is visible on the east of the house.

Windows styles are mixed. The front facade has some windows with arched tops and some with squared tops. These double hung sash windows are 4/1 and 8/1. Some of them are shuttered although these shutters do not appear on Volk's original sketches. Sills on the second story windows of the front facade extend forward. Originally, these supported wrought iron balconets.[6]

Only the front of the home was available for inspection.

V. HISTORICAL INFORMATION

In a brochure published in the early part of the century and entitled " Poinciana Park: the Preferred Location," City Builders Reality Company called Palm Beach the place, "Where Summer Spends its Winter."[7] Touted as a "Sportsman's Paradise," with good beaches and even a school for the children, tourists were encouraged to rent cottages for the winter season rather than stay in one of the hotels. Although not a City Builder's cottage, 134 Seabreeze is located in Poinciana Park, and is representative of the "Boom Times" era of Palm Beach history.

The house at 134 Seabreeze Avenue was built in 1925 by B.G. Zablocki for Charles Manning. The cost was $30,000. No architect is listed on the permit for the two story stucco and tile building.[8] Charles Manning was a well known realtor in town. When he sold the Seabreeze Avenue house in 1927 and moved to Clarke Avenue the story was carried in the **Palm Beach Post**.[9]

In 1926, John Volk, a young architect from Larchmont, New York had moved to Palm Beach after a short stay in Key West. Volk set up a private architectural practice and opened an office at the Daily News Building at 208 Brazilian Avenue with partners Frank D. Craig and John S. Stevens. After successfully completing a number of

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[6]John L. Volk, Original sketch on file at Volk Archives.

[7]"Poinciana Park: The Preferred Location," real estate brochure on file with the Palm Beach Preservation Foundation. No Date.

[8]Building Permit # 387, February 5, 1995 on file with the Town of Palm Beach.

[9] "Plans Mansion," Palm Beach Post, 25 February, 1927; "Charles Manning's New Spanish Home Nears Completion," Palm Beach Post, 17 April, 1927.

houses in the Northwood section of West Palm Beach the renovation of the house on Seabreeze Avenue was Volk's first Palm Beach project. Because building permits for 134 Seabreeze Avenue skip from 1925 to 1946, confirmation of this information came from other original sources. In a hand written manuscript John Volk noted that his "first building was for Sam Harris the theatrical producer on Sea Breeze Avenue.[10] To confirm Harris' residence at 134 Seabreeze City Directories were consulted. Although no City Directory is available for 1928, Samuel H. Harris and his wife Alice are listed at 134 Seabreeze in the 1929 **Palm Beach City Directory**. The house was called "Via Mimosa" and the Directory states that Harris also lived in Great Neck, Long Island.[11]

Since its construction in 1925, and the alterations by John Volk in 1927, 134 Seabreeze Avenue has undergone few changes. A bathroom was updated in 1946 and an elevator was added in 1954. Roof repairs, gutters and air conditioning have all been documented but the house retains the integrity of Volk's early design. [12]

VI. STATEMENT OF SIGNIFICANCE

The house at 134 Seabreeze Avenue is important as the first project by well known architect John L. Volk in the Town of Palm Beach. It illustrates the early development of Volk's architectural style and is important for study as an example of Mediterranean Revival architecture. The house also exemplifies the development of an important early neighborhood in Palm Beach, Poinciana Park. It shows how styles changed from the 1920s to the 1930s.

VII. CRITERIA FOR DESIGNATION

Section 16-38A of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

(a) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

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[10]John L. Volk, "John L. Volk on John L. Volk." Private Manuscript, Volk Archives, Palm Beach, Florida, p.1.

[11]**Palm Beach City Directory**, 1929, p. F15,

[12]Building Permits on file with the Town of Palm Beach.

Poinciana Park was one of the most important real estate developments during the 1910s and 1920s in the Town of Palm Beach. 134 Seabreeze is a good example of the type of house that was built in that neighborhood. It reflects the wide variety of sizes and styles that were available during the Boom years.

(c) "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."

The house at 134 Seabreeze Avenue is a good example of the Mediterranean Revival style of architecture built in Palm Beach during the Boom years of the 1920s and 1930s. Sketches by architect John Volk show how the house developed, changed details from the 1920s to the 1930s, and still fit in perfectly with the scale and design of the neighborhood. In the 1990s this house illustrates important lessons in design review that are "inherently valuable for study" thus fulfilling criteria (c).

(d) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

The single family residence at 134 Seabreeze Avenue is a notable work by well known architect John Volk. As Volk's first project in Palm Beach it has added importance because is represents the start of a successful career that spanned seven decades. It is also important because it shows how Volk could change details in a house in response to new ownership while still working within the character of the neighborhood. As such it clearly fulfills criteria (d) for listing as a Palm Beach Landmark.

VIII. ARCHITECT'S BIOGRAPHY

The original architect for 134 Seabreeze Avenue is unknown.

John Volk

John Volk has been called the last of the "original" Palm Beach architects. He was one of an elite group of early 1920s architects which included Addison Mizner, Maurice Fatio, and Marion Sims Wyeth who developed the architectural styles of the island that came to be known as the "Palm Beach Style." His designs included the Royal Poinciana Playhouse, conversion of the Four Arts Gallery, the Florida Capital Building on Royal Palm Way and several shops on Worth Avenue including the Everglades Colonnade.

Volk was born in Graz, Austria in 1901. He came to the United States with his parents at the age of nine and grew up in New York. He was a graduate of the Columbia University School of Architecture and the Ecole des Beaux Arts. Volk opened his office in Palm Beach in 1925.

Volk designed more than 1000 houses, theaters, clubs, shops, and other buildings and lived in Palm beach from 1925 to his death in 1984. He designed homes for some of the wealthiest and most powerful people in America over his 58 year career in Palm beach including Colonel Robert McCormack, William Paley, George Vanderbilt, Nicholas DuPont, Henry Ford II, Herbert Pulitzer, Matthew Mellon, George Storer, Horace Dodge II, and John S. Phipps.

Included in the designs of John Volk are some of the most prominent buildings in the Palm Beach area including the First National Bank, the Royal Poinciana Plaza, the center section of the Town Hall, the Beach Club, Good Samaritan Hospital, and the golf terrace and orange gardens of the Everglades Club, He also extensively modified and rebuilt the Bath and Tennis Club after a major hurricane.

Numerous other buildings are the result of Mr. Volk's labor and it must be noted that no particular style can be exclusively associated with Mr. Volk. Unlike other talented architects who developed or refined specific styles, John Volk understood and perfected many varying architectural styles from the popular Mediterranean Revival to Contemporary Design.

IX. SELECTED BIBLIOGRAPHY

"Charles Manning's New Spanish Home Nears Completion," **Palm Beach Post.** 17 April, 1927.

Curl, Donald W. **Palm Beach County, An Illustrated History.** Northridge, California: Windsor Publications, Inc., 1986.

Florida, Family and Personal History. Volume IV. New York: Lewis Historical Publishing Company, Inc. PP. 892-893.

Harris, Cyril M., Editor. **Dictionary of Architecture and Construction.** New York: McGraw-Hill Book Company, 1975.

Johnson, Shirley. **Palm Beach Houses.** New York: Rizzoli International Publications, Inc., 1991.

McAlester, Virginia, and Lee McAlester. **A Field Guide to American Houses.** New York: Alfred A. Knopf, 1988.

Maze, Marcia. "Palm Beach & John Volk: Building Character," **Gold Coast of Florida**, Volume 18, Number 3, pp. 87-90.

"Plans Mansion," **Palm Beach Post.** 25 February, 1927.

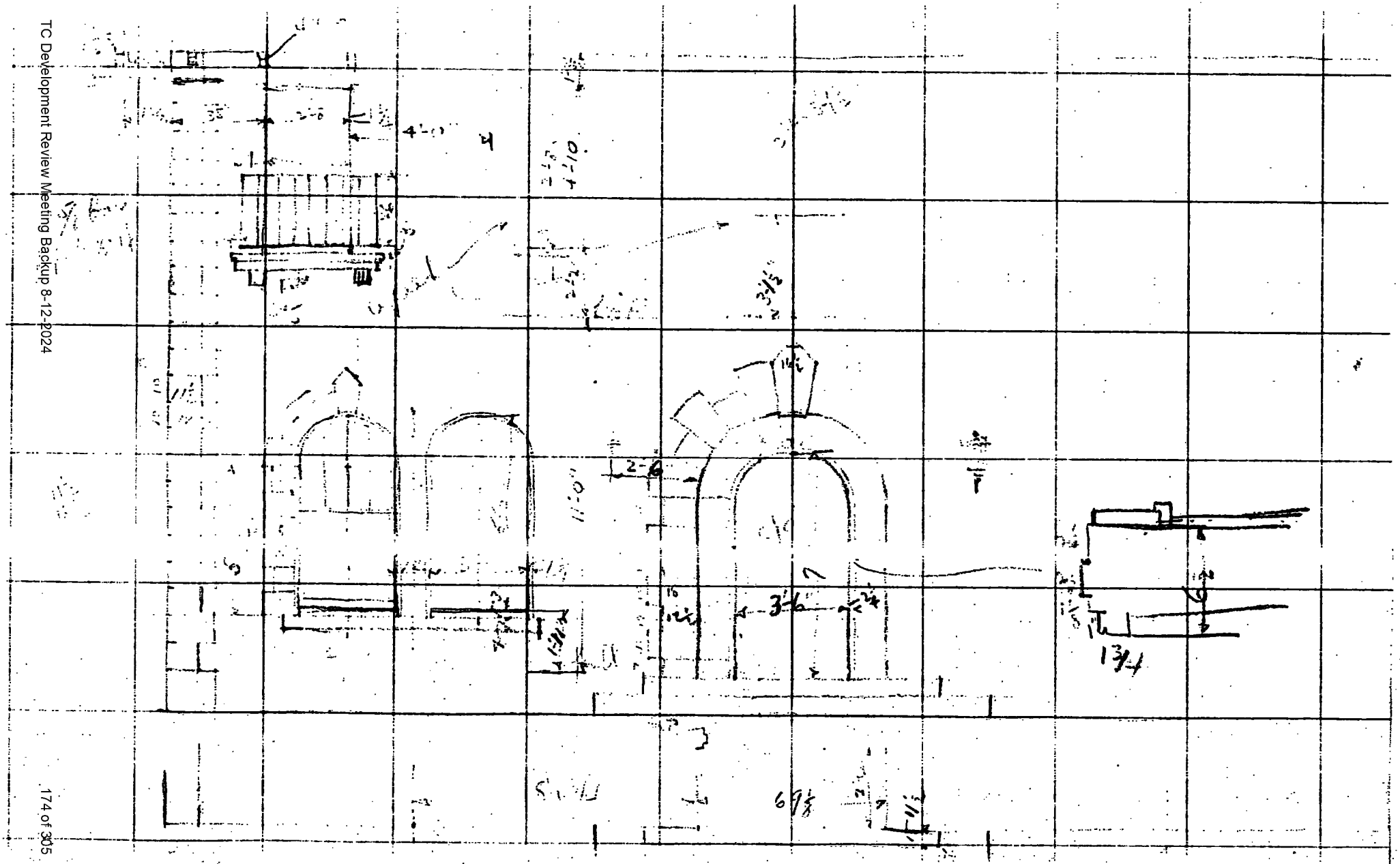
Sallah, Michael. "Palm Beach Architect John Volk Dies," **Palm Beach Daily News**, February 22, 1984.

Town of Palm Beach. Building Permits.

Volk, John L. "John L. Volk on John L. Volk." Private manuscript. Palm Beach, Florida: Volk Archives.

____ "134 Seabreeze," . Drawing on File at Volk Archives.

East Facade, showing hip roof, chimney & 4/1 windows.



Original sketch of 134 Seabreeze by John L. Volk.

West Facade, showing overhang and detached garage.

Front entrance with Romanesque style arch.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0034 (ARC-24-0020) 336 W AUSTRALIAN AVE (COMBO) – VARIANCES The applicant, Sharon Handler Loeb, has filed an application requesting Town Council review and approval of three (3) variances to (1) not providing minimum required landscaped open space, (2) to allow pool equipment and generator to be installed without the minimum required setback and (3) pool equipment located further than the maximum of 25 feet from water's edge. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Motion Carried 6-0.] [The Architectural Review Commission approved the project as presented with the exception of the landscaping and wall improvements along the common shared line of both sides of the duplex residences which shall be reviewed as an administrative application requiring neighbor consent or appear back to the Commission for review. Carried 6-0.]*

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: Architectural Commission (ARCOM)

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

SUBJECT: ZON-24-0020 (ARC-24-0034) 336 AUSTRALIAN AVE W URB

MEETING: JULY 24, 2024

ARC-24-0034 (ZON-24-0020) 336 AUSTRALIAN AVE W (COMBO) - VARIANCES. The applicant, Sharon Handler Loeb, has filed an application requesting Architectural Commission review and approval for site wide landscape and hardscape modifications, installation of a generator and the relocation of pool equipment requiring variances. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-0034 (ARC-24-0020) 336 AUSTRALIAN AVE W (COMBO) – VARIANCES. The applicant, Sharon Handler Loeb, has filed an application requesting Town Council review and approval of three (3) variances to (1) not providing minimum required landscaped open space, (2) to allow pool equipment and generator to be installed without the minimum required setback and (3) pool equipment located further than the maximum of 25 feet from water's edge. The Architectural Commission (ARCOM) shall perform design review of the application.

Applicant: Sharon Handler Loeb
Professional: Environment Design Group

HISTORY:
At the JULY 24, 2024 ARCOM meeting, the Commission approved (6-0) the design of the project as presented with the exception of the landscaping and wall improvements along the common shared line of both sides of the duplex residences which shall be reviewed as an administrative application requiring neighbor consent or appear back to the Commission for review. Additionally, the Commission approved (6-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:
The applicant has submitted plans, entitled "336 W Australian Avenue" as prepared by **Environment Design Group**, uploaded June 7, 2024, and identified as final submittal for ARCOM hearing 7/24/24.

The following scope of work is proposed:

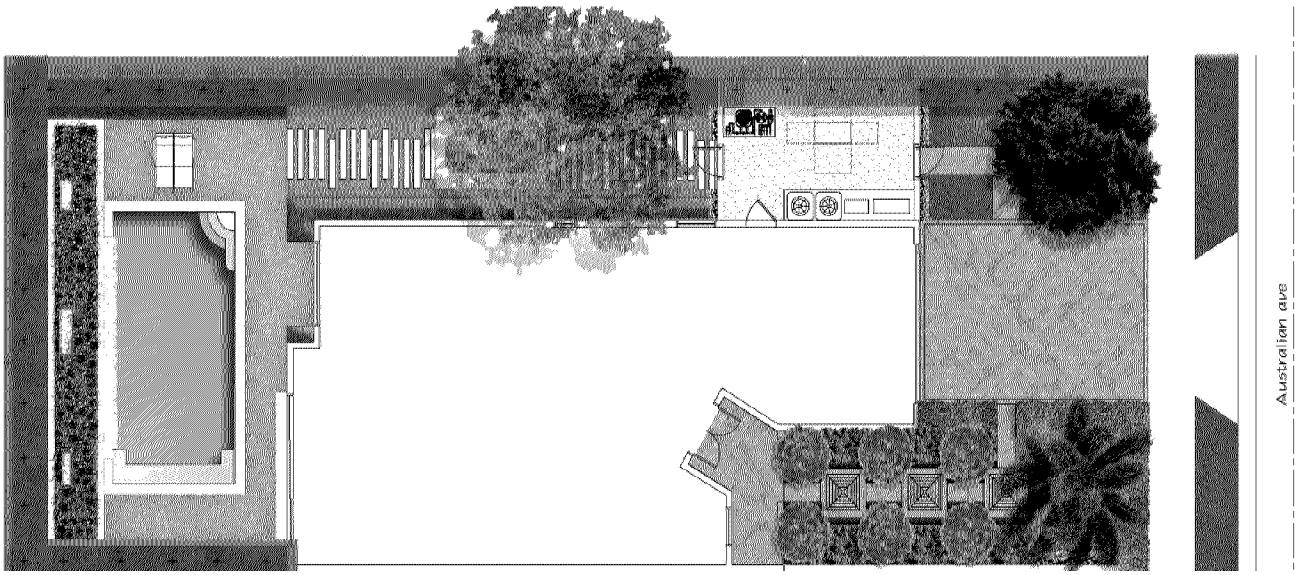
- Modification to entry courtyard, introduction of site wall.
- Relocation of pool equipment with installation of a pool heater and generator.
- Addition of privacy wall with landscape improvements.

The following is required to complete the project:

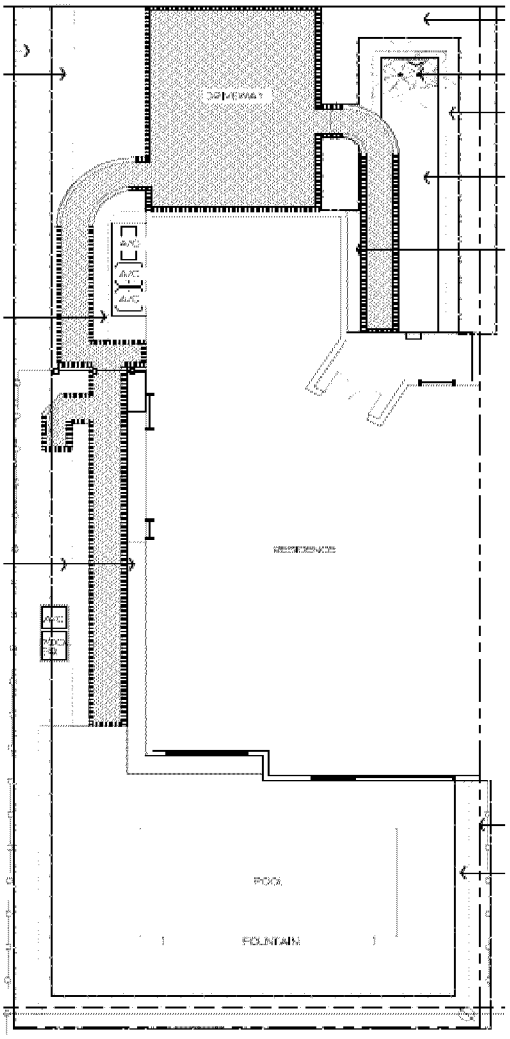
1. **VARIANCE 1: Section 134-948:** Landscape Open Space = 45% (For single-family uses, the minimum landscaped open space is 45 percent, of which 50 percent of that percentage is required to be perimeter landscaping within ten feet of the property line)

2. **VARIANCE 2 & 3: Section 134-1728(c) (1)**Swimming pool and fountain pump and filter equipment shall have a minimum five foot side and rear yard setback and shall in all situations be located no further than 25-feet from the pool or fountain water's edge.(2)Swimming pool heater equipment shall have a minimum ten-foot side and rear yard setback and shall in all situations be located no further than 25-feet of the swimming pool water's edge.

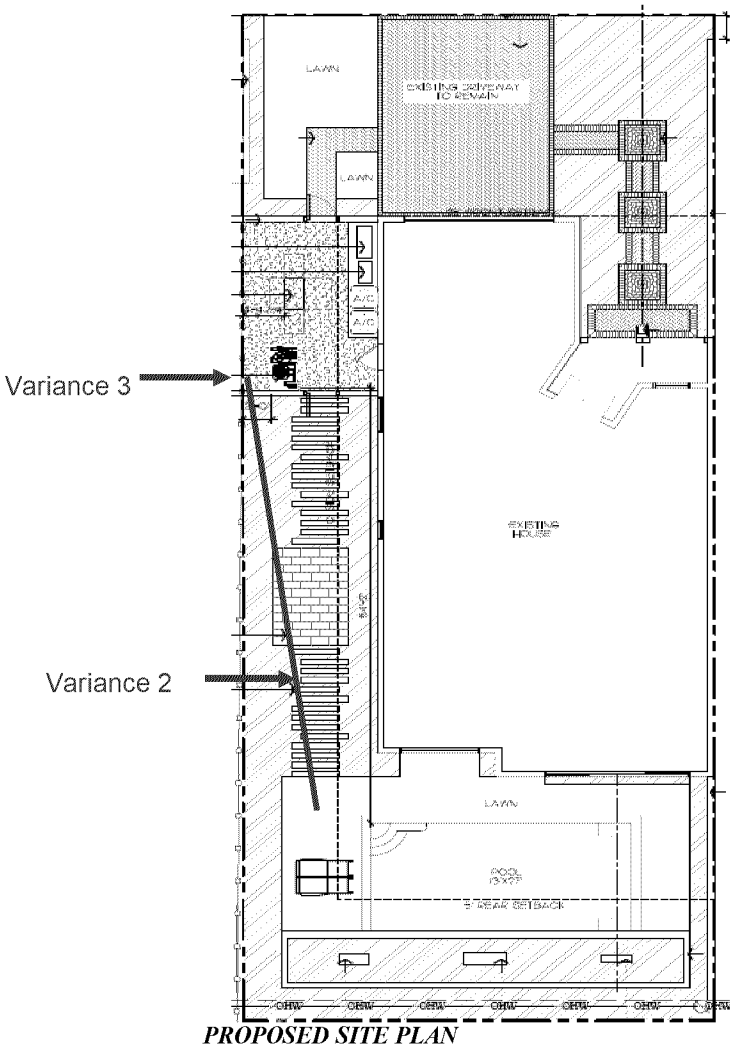
Site Data			
Zoning District	R-C	**Future Land Use**	SINGLE-FAMILY
Lot Size	Required: 10,000 SF Existing: 6,252 SF	**Lot Coverage**	Existing: 2,238 SF Proposed: No Change
Lot Depth	Existing: 125’	**Lot Width**	Existing: 50’
Overall Landscape Open Space	Required: 45% Existing: 26.74% Proposed” 36.35	**Native Landscape**	Trees: 83% Groundcover: 32.35% Shrubs & Vines: 31.82%
Perimeter Landscape Open Space	Required: 50% Existing: 54.14% Proposed: 60.25	**Front Yard Landscape Open Space**	Required: 40% Existing: 54.56% Proposed: 51.28
Surrounding Properties / Zoning			
North	353 Cocoanut Row | Condominium / R-C		
South	347 Chilean Ave | Single-family Residence/ R-C		
East	336 Australian Ave – East | Single-Family Residence / R-C		
West	363 Cocoanut Row | Hotel / R-C		



PROPOSED SITE PLAN RENDERING



CURRENT SITE PLAN



PROPOSED SITE PLAN

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires three (3) variances.

Code Section	Required	Proposed	Variance
Variance 1: Section 134-948	45% overall open space	36.35% LOS	8.65%
Variance 2: Section 134-1728(c)	Pool equipment @ 25'	54'-2"	29'-2"
Variance 3: Section 134-1728(c)	10' setback pool heater	3'	7'

The applicant is proposing renovations to hardscape and landscape to half of an attached duplex parcel, including the relocation of mechanical and pool equipment, which will require variances related to setback and distance separations. Additionally, the applicant is proposing to modify more

than 50% of the existing landscape open space area. The zoning code requires that landscape open space calculations be brought up to current requirements if altering 50% of the existing landscape area. Although the applicant is proposing an improvement from existing conditions (36.35% proposed in lieu of the 26.74% existing), a variance is required for failure to meet the 45% minimum required. Although the applicant is proposing an improvement from existing conditions (36.35% proposed in lieu of the 26.74% existing), a variance is required for failure to meet the 45% minimum landscape open space required.

The proposed pool equipment location is within the required setback (variance #3) and spaced further than permitted from the edge of the water (variance #2).

CONCLUSION:

Approval of the project will require two (2) separate motion(s) to be made by the Architectural Commission:

1. for the overall design of the project in accordance with Sec. 18-205 criteria, subject to any imposed conditions, and
2. that the implementation of the proposed variances **will** or **will not** cause negative architectural impacts to the subject property.

Approval of the project will require one (1) motion to be made by the Town Council:

1. for final determination of approval or denial of the variance by the Town Council, and that the variance **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

WRB:JGM:SCP

ENVIRONMENT
DESIGN
GROUP

Land Planning
Landscape Architecture
Landscape Management

May 23, 2024

Town of Palm Beach
Planning, Zoning, & Building Department
360 S. County Road
Palm Beach, Florida 33480

ATTN: *ARCOM Staff*
Re: 336 W Australian Avenue - Landscape Architecture
Our Ref # 24085.00 LA
ARC-24-0034 / ZON-24-0020

LETTER OF INTENT
Current zoning for the project is R-C - MEDIUM DENSITY RESIDENTIAL
Our current proposal, for improvements to the site, does not include any architectural changes to the approved house. We are proposing the following revisions to the originally approved ARCOM plans.

The proposed changes include:
1. Modified pool garden layout
2. Modified entry courtyard
3. Addition of generator
4. Associated landscape improvements
5. Relocation of pool equipment
6. Addition of pool heater
7. Addition of easter privacy wall

Variance request:
The following variance request will be in harmony with the general intent and purpose of Chapter 134-201 as well as Sec. 18-205 per the TOPB Code.
1. Pool equipment relocation/proximity to west property line to be 3' instead of requested 5' required (deficit of 2') as well as distance of pool equipment to pool water to be 54'-2" instead of 25' required (excess of 29'-2"). The proposed location improves upon the existing location to benefit our client as well as western neighbor. The proposed location will be adjacent to neighbor's service area.
2. Addition of generator. Proposed generator to be located adjacent to neighbor's service area. Variance request is for proximity of equipment to west property line to be 4'-4"' instead of requested 5' required.
3. Lot coverage (under requirement). Variance request for deficiency of 13.65%, proposed lot coverage is 36.35% instead of the 45% required. Note: overall open/ permeable space improved from existing 26.74% to proposed 36.35%.

The attached plan reflects the above-outlined revisions.
If there are any questions regarding this project, please feel free to reach out to our office.
Thank you for your assistance.

Dustin Mizell, MLA RLA #6666784
Environment Design Group

Paramount Building
139 North County Road, Suite 20-B
Palm Beach, FL 33480
561.832.4600 phone
Dustin@environmentdesigngroup.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Time Extensions

Agenda Title
Waiver Request of Resolution No. 069-2024: Zoning in Progress Moratorium for **261 Royal Poinciana Way** regarding Restaurant Space

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council D. R. Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

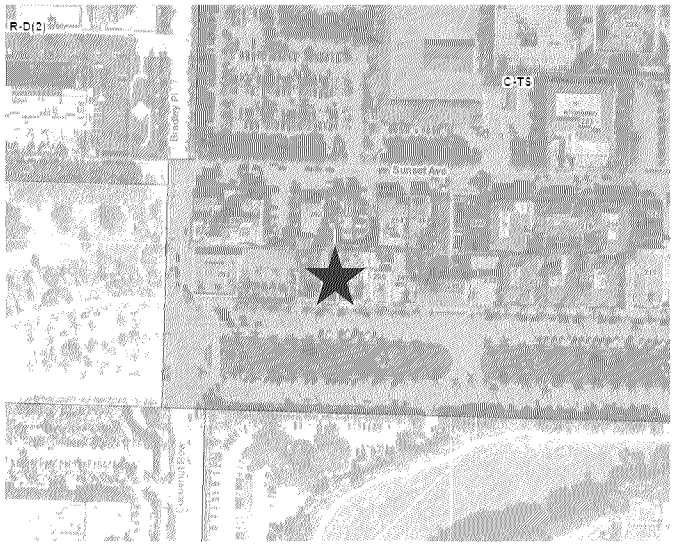
From: Wayne Bergman, Director of PZB and James Murphy, Asst. Director of PZB

Re: Zoning in Progress 'ZIP' Waiver: Unnamed Café at 261 Royal Poinciana Way

Date: July 31, 2024

STAFF RECOMMENDATION

Staff recommends the Town Council deny the waiver of the zoning in progress to allow a new restaurant operation, a yet unnamed Café, to be located at 261 Royal Poinciana Way.



GENERAL INFORMATION

The exiting space is zoned C-TS, Commercial Town-Serving district, located along the north side of Royal Poinciana Way. The proposed new restaurant / café is located along a busy thoroughfare. The property does not contain any on-site parking. The space formerly contained Field of Greens. The new proposed food and beverage operation is intended to be breakfast and lunch specific concept.

At the June 12, 2024 Town Council meeting, the Council approved (4-1) a zoning in progress in regard to the regulation of the location and limitation of the number of restaurants, bars, night clubs, lounges and for-profit private clubs in all commercial zoning districts of the town in which said uses are special exception uses, specifically, the C-TS Town-Serving Commercial District, C-WA Worth Avenue District, C-OPI Office, Professional And Institutional District, C-PC Planned Center District, and C-B Commercial District, pursuant to RESOLUTION NO. 069-2024. The Resolution provided for a 'waiver' provision in Section 4 of the Resolution from the zoning in progress to be reviewed and approved by the Town Council providing for a path for such uses to apply for the development review process.

It is believed that these Special Exception uses may be a contributing factor to the Town's traffic and congestion in parts of the Town that are adversely affecting the Town's public health, safety and welfare.

The prior Field of Greens, the space where the proposed yet unnamed café is preparing to occupy, recently received two approvals for relocation along Royal Poinciana Way—most recently on 7-10-2024 pursuant to ZON-24-0011. Both of these approved locations required a variance from the required parking requirements of the Town zoning Code. Royal Poinciana Way is a main thoroughfare, one of three with bridge access to

West Palm Beach, that currently contains three existing restaurants (Cucina, Henry's, and Almond) and two retail specialty foods/merchant retail (Main Street and Sprinkles) with some on-street parking and diagonal public parking along the two medians to serve the commercial uses. It has yet to be determined if this already exceeds a potential saturation of food and beverage operations along the retail street, and what impact the introduction of a new restaurant may have.

It is staff's opinion, that the granting of this waiver in this specific instance may contravene the study of said Special Exception uses which is being undertaken by the Planning and Zoning Commission and the Town regarding said matters.

Attached: Zoning in Progress Resolution No. 069-2024
Applicant's Letter of Intent

RESOLUTION NO. 069-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH DECLARING ZONING IN PROGRESS IN REGARD TO THE REGULATION OF THE LOCATION AND LIMITATION OF THE NUMBER OF RESTAURANTS, BARS, NIGHT CLUBS, LOUNGES AND FOR-PROFIT PRIVATE CLUBS IN ALL COMMERCIAL ZONING DISTRICTS OF THE TOWN IN WHICH SAID USES ARE SPECIAL EXCEPTION USES, SPECIFICALLY, THE C-TS TOWN-SERVING COMMERCIAL DISTRICT, C-WA WORTH AVENUE DISTRICT, C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT, C-PC PLANNED CENTER DISTRICT, AND C-B COMMERCIAL DISTRICT; DIRECTING THAT WHILE ZONING IS IN PROGRESS THAT NO PERMITS SHALL BE PROCESSED OR GRANTED WHICH ARE IN CONTRAVENTION OF THE STUDY WHICH IS BEING UNDERTAKEN BY THE PLANNING AND ZONING COMMISSION AND THE TOWN REGARDING SAID MATTERS; EXCEPTING ANY APPLICATIONS WHICH HAVE BEEN PREVIOUSLY FILED AND UNDER CONSIDERATION BY THE TOWN; PROVIDING THAT THE TOWN COUNCIL MAY GRANT A WAIVER TO ZONING IN PROGRESS UPON APPLICATION AND FOR GOOD CAUSE SHOWN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, traffic and congestion within the Town have become highly problematic and are adversely affecting the Town's public health, safety and welfare; and

WHEREAS, it is believed that the proliferation of restaurants, bars, nightclubs, lounges and for-profit private clubs is a contributing factor to this problem; and

WHEREAS, the Town Council has directed its Planning and Zoning Commission to consider an ordinance regulating the number and location of restaurants, bars, night clubs, lounges and for-profit private clubs within all commercial zoning districts of the Town in which such uses are special exception uses; and

WHEREAS, so as not to frustrate the purpose and intent of the matter under consideration and the resulting ordinance, the Town Council hereby wishes to declare zoning in progress directing that the Town's Building Department not process any applications or grant any permits which may be in contravention of the matters under study; and

WHEREAS, any applications filed prior to this declaration of zoning in progress are hereby excepted from these provisions;

NOW, THEREFORE be it resolved by the Town Council of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. Zoning in progress is hereby declared in all commercial zoning districts of the Town in which restaurants, bars, nightclubs, lounges and for-profit private clubs are permitted, specifically, in the C-TS Town Serving Commercial District, C-WA Worth Avenue District, C-OPI Office, Professional and Institutional District, C-PC Planned Center District, and C-B Commercial District.

Section 2. This declaration of zoning in progress provides that no permits for new restaurants, bars, nightclubs, lounges or for-profit private clubs shall be processed or granted during the period that this matter is under consideration and study by the Town, with the

exception of any applications pending with the Town prior to the date of this resolution.

Section 3. Zoning in progress shall remain in effect for the duration of this matter being under consideration by the Town through its Planning and Zoning Commission and the Town Council and until an ordinance relating to this matter is adopted which period of consideration and adoption is intended to be concluded by December 10, 2024. Nothing shall preclude the Town Council from extending the period of zoning in progress in consideration of this matter if determined necessary by the Town. This declaration of zoning in progress is of a temporary nature so as to allow a careful but expeditious study of this matter and may be concluded prior to the December 10, 2024, date if an ordinance relating to this matter is adopted prior to said date.

Section 4. Nothing herein shall preclude the Town Council, upon application and for good cause shown from granting a waiver to zoning in progress.

Section 5. This resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach this 12th day of June, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

ATTEST:

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

.Our File Number: 55930-00001
Writer's Direct Dial: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

July 19, 2024

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Waiver Request from Zoning in Progress Moratorium
261 Royal Poinciana Way Restaurant Space

We are respectfully requesting a waiver from the restrictions prohibiting Town staff from processing our client's application for a restaurant at 261 Royal Poinciana Way. On June 12, 2024, Town Council approved a zoning in progress, without publishing any notice that a zoning in progress would be considered at that meeting, prohibiting the Town from processing any applications for restaurants, bars, night clubs, lounges and for-profit clubs until after the Town's Zoning in Progress (ZIP) work is completed. As part of the approval for the restaurant prohibition, Town Council did approve a waiver request process where applicants could petition Town Council for a waiver from the prohibition by showing good cause to allow their project to be heard.

Our client owns and operates Cucina and wishes to create a new restaurant in the 261 Royal Poinciana Way space. Our client has been working on the design and restaurant concept for this space for more than 6 months, has incurred substantial costs in pursuit of that concept, and submitted materials to the Town on June 24th for the July 3rd pre-application meeting. After that submittal, our client was notified that it could not proceed because of the zoning in progress that was approved just 12 days prior. The 261 Royal Poinciana Way space was previously used for a small restaurant, and the design concept for the new restaurant will include between 30 and 50 seats for breakfast and lunch only, which can be taken from the 101-approved seats approved for Cucina, which is approved for lunchtime seating, but not currently utilizing those seats during the lunchtime hour. Therefore, the new small breakfast/lunch restaurant will have little, if any impact on parking, traffic, etc. Because of the time, effort and expense already put into this small restaurant project, we respectfully request that Town Council grant our waiver request allowing staff to process our special exception application and providing us an opportunity to present the merits of the application to the Town Council.

We thank you for your consideration of our request.

Sincerely,

James M. Crowley

JMC/jl

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Time Extensions

Agenda Title
Waiver Request of Resolution No. 069-2024: Zoning in Progress Moratorium for **2875 S Ocean Blvd.,** Regarding Restaurant Space

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council D. R. Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of PZB and James Murphy, Asst. Director of PZB

Re: Zoning in Progress 'ZIP' Waiver: Aqua Café

Date: July 31, 2024

STAFF RECOMMENDATION

Staff recommends the Town Council grant the waiver of the zoning in progress to allow the existing restaurant operation, Aqua Café, located at 2875 South Ocean Boulevard to convert an existing back of restaurant storage space to allow for a new take-out area to the existing restaurant operations.

GENERAL INFORMATION

The exiting restaurant is zoned C-TS, Commercial Town-serving district, located in the south end of the Town of Palm Beach. The existing restaurant has been in operation since 2020 with an indoor-outdoor setting of 92 seats. The restaurant is one of the retail bays located on the ground floor of a 30,000 SF two-story office building. The Mediterranean-style building stands on a 2.2-acre parcel with a large parking lot adjacent to the Lake Worth Beach Casino and public beach.

At the June 12, 2024 Town Council meeting, the Council approved (4-1) a zoning in progress in regard to the regulation of the location and limitation of the number of restaurants, bars, night clubs, lounges and for-profit private clubs in all commercial zoning districts of the town in which said uses are special exception uses, specifically, the C-TS Town-Serving Commercial District, C-WA Worth Avenue District, C-OPI Office, Professional And Institutional District, C-PC Planned Center District, and C-B Commercial District, pursuant to RESOLUTION NO. 069-2024. The Resolution provided for a 'waiver' provision in Section 4 of the Resolution from the zoning in progress to be reviewed and approved by the Town Council providing for a path for such uses to apply for the development review process.

It is believed that these Special Exception uses may be a contributing factor to the Town's traffic and congestion in parts of the Town that are adversely affecting the Town's public health, safety and welfare.

It is staff's opinion, that the granting of this waiver <u>in this specific instance</u> does not contravene the study of said Special Exception uses which is being undertaken by the Planning and Zoning Commission and the Town regarding said matters.

Attached: Zoning in Progress Resolution No. 069-2024
Applicant's Letter of Intent including Proposed Plans

RESOLUTION NO. 069-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH DECLARING ZONING IN PROGRESS IN REGARD TO THE REGULATION OF THE LOCATION AND LIMITATION OF THE NUMBER OF RESTAURANTS, BARS, NIGHT CLUBS, LOUNGES AND FOR-PROFIT PRIVATE CLUBS IN ALL COMMERCIAL ZONING DISTRICTS OF THE TOWN IN WHICH SAID USES ARE SPECIAL EXCEPTION USES, SPECIFICALLY, THE C-TS TOWN-SERVING COMMERCIAL DISTRICT, C-WA WORTH AVENUE DISTRICT, C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT, C-PC PLANNED CENTER DISTRICT, AND C-B COMMERCIAL DISTRICT; DIRECTING THAT WHILE ZONING IS IN PROGRESS THAT NO PERMITS SHALL BE PROCESSED OR GRANTED WHICH ARE IN CONTRAVENTION OF THE STUDY WHICH IS BEING UNDERTAKEN BY THE PLANNING AND ZONING COMMISSION AND THE TOWN REGARDING SAID MATTERS; EXCEPTING ANY APPLICATIONS WHICH HAVE BEEN PREVIOUSLY FILED AND UNDER CONSIDERATION BY THE TOWN; PROVIDING THAT THE TOWN COUNCIL MAY GRANT A WAIVER TO ZONING IN PROGRESS UPON APPLICATION AND FOR GOOD CAUSE SHOWN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, traffic and congestion within the Town have become highly problematic and are adversely affecting the Town's public health, safety and welfare; and

WHEREAS, it is believed that the proliferation of restaurants, bars, nightclubs, lounges and for-profit private clubs is a contributing factor to this problem; and

WHEREAS, the Town Council has directed its Planning and Zoning Commission to consider an ordinance regulating the number and location of restaurants, bars, night clubs, lounges and for-profit private clubs within all commercial zoning districts of the Town in which such uses are special exception uses; and

WHEREAS, so as not to frustrate the purpose and intent of the matter under consideration and the resulting ordinance, the Town Council hereby wishes to declare zoning in progress directing that the Town's Building Department not process any applications or grant any permits which may be in contravention of the matters under study; and

WHEREAS, any applications filed prior to this declaration of zoning in progress are hereby excepted from these provisions;

NOW, THEREFORE be it resolved by the Town Council of the Town of Palm Beach, Palm Beach County, Florida as follows:

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Section 2. This declaration of zoning in progress provides that no permits for new restaurants, bars, nightclubs, lounges or for-profit private clubs shall be processed or granted during the period that this matter is under consideration and study by the Town, with the

exception of any applications pending with the Town prior to the date of this resolution.

Section 3. Zoning in progress shall remain in effect for the duration of this matter being under consideration by the Town through its Planning and Zoning Commission and the Town Council and until an ordinance relating to this matter is adopted which period of consideration and adoption is intended to be concluded by December 10, 2024. Nothing shall preclude the Town Council from extending the period of zoning in progress in consideration of this matter if determined necessary by the Town. This declaration of zoning in progress is of a temporary nature so as to allow a careful but expeditious study of this matter and may be concluded prior to the December 10, 2024, date if an ordinance relating to this matter is adopted prior to said date.

Section 4. Nothing herein shall preclude the Town Council, upon application and for good cause shown from granting a waiver to zoning in progress.

Section 5. This resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach this 12th day of June, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

ATTEST:

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

July 29, 2024

Mr. Wayne Bergman
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Waiver to Zoning in Progress for Acqua Express Cafe

Dear Mr. Bergman:

Please let this letter stand as a request by Acqua Express Café for a waiver to the recently enacted Zoning in Progress that would prohibit any new restaurants from obtaining approval. Since the proposal is to expand the existing restaurant by converting a portion of the existing food storage area into a "Carry Out" counter, a "waiver" is necessary to proceed with the new addition of the "Carry Out" retail sales counter. Aqua Express Cafe is a restaurant, however, the space they are adding is only for take-out, which was not included in the Zoning in Progress. There is only one double door between the two spaces, used for employee's access only. The intent of the Zoning in Progress is to control new restaurant traffic. However, take-out customers are already going to the existing restaurant to pick-up orders. The new space is simply shifting customers from the existing restaurant to the new counter, not adding new customers or foot traffic.

The proposal at 2875 South Ocean Blvd., Suite 101, is to better efficiently serve the building and its occupants while continuing to provide quality products to its patrons. Acqua Express Café is a bustling restaurant in need of the Carry Out expansion for the convenience of its patrons and will serve the local community with both a delectable menu selection and philanthropic efforts.. A waiver should be granted to clear the take-out counter. If there is any further info that may help clarify this point, please feel free to reach out anytime.

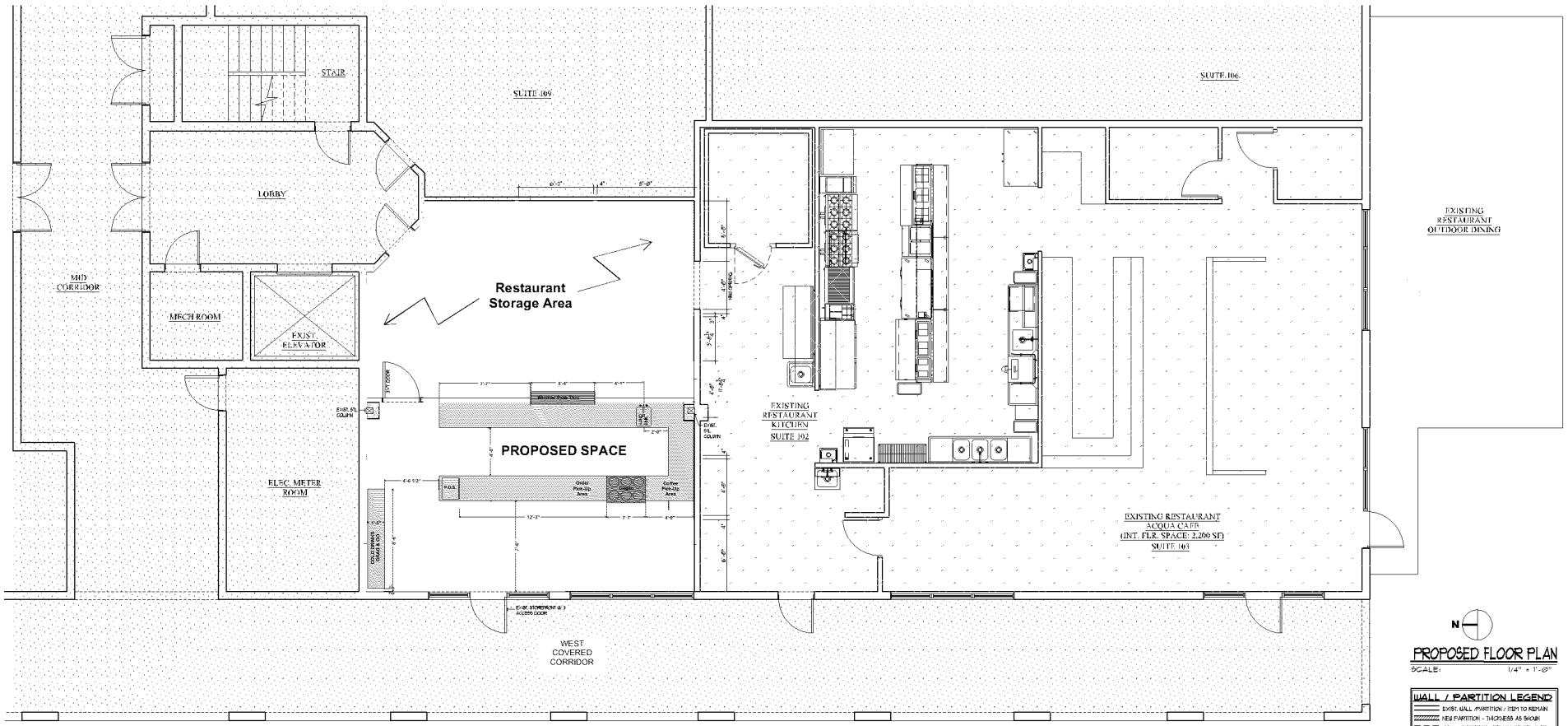
Sincerely,

Maura Ziska

Maura Ziska

/maz
Attachment
cc: Client

A Florida Professional Limited Liability Company Including Professional Associations

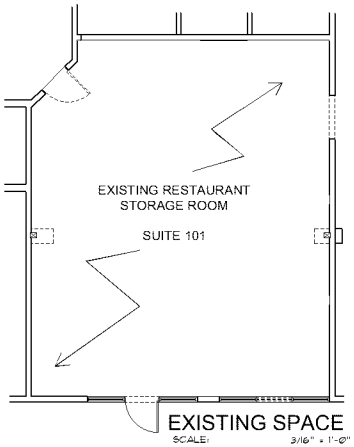


PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"

WALL / PARTITION LEGEND

- EXIST. WALL /PARTITION / ITEM TO REMAIN
- NEW PARTITION - THICKNESS AS SHOWN
- WALL / PARTITION / ITEM TO BE REMOVED
- EXIST. RESTAURANT INDOOR AREA
- EXIST. RESTAURANT OUTDOOR AREA
- EXIST. SPACES NOT AFFECTED WITH WORKS



EXISTING SPACE

SCALE: 3/16" = 1'-0"

PARKING CALCULATION

BLDG. FLR.	SUITE	USE	GROSS AREA	REQUIREMENTS	SPACES REQUIRED
PIZZA TAKE-OUT	101	SALES (RETAIL)	288 SF	1 PER 200 SF	2
(780 SF TOTAL)	101	SUPPORT SPACES	492 SF	1 PER 300 SF	2
TOTAL SPACES REQUIRED:					4
CURRENT REAL ESTATE OFFICE	101	SALES OFFICES	850 SF	1 PER 250 SF	4

NOTES:

1- BUSINESS LICENSING: ACQUA ESPRESS WILL OPERATE AS A SEPARATE ENTITY (SEPARATE BUSINESS TAX RECEIPT) FROM AQUA CAFE AND WILL OPERATES AS ADDITIONAL DBA'S UNDER ACQUA FB, LLC.

2- AREA: ACQUA ESPRESS - INSIDE AREA: 780 SF
ACQUA CAFE - INSIDE AREA: 2,200 SF

TOTAL INTERIOR FLOOR AREA: 2,980 SF

3- SEATING: NO INTERIOR SEATING REQUIRED. THIS IS A WALK-IN COUNTER PICK-UP ONLY.

4- LANDSCAPING: NO LANDSCAPE SCOPE REQUIRED. CHANGES TO INSIDE OF BUILDING ONLY.

5- EXTERIOR SIGNAGE: SEPARATE PERMIT - NOT IN THIS PERMIT'S SCOPE OF WORK. (SIGN WILL BE SIMILAR IN NATURE TO EXISTING ACQUA CAFE SIGNAGE AND WITHOUT LIGHTING).

6- PARKING: NO REVISION TO PARKING PROPERTY'S PARKING SPACES REQUIRED.

ZONING APPLICATION: Z-20-00303

PROJECT No

DATE: 07/18/24

REVISIONS

TENANT BUILD-OUT
FLOOR PLAN
SUITE 101

TENANT LUNCH TAKE-OUT ADDITION TO:
ACQUA CAFE
SUITE 101
2375 S. OCEAN BLVD. PALM BEACH, FL 33480

Graeomettic Architecture, Inc.
• 148 OTTO ROAD • LAKE WORTH • FLORIDA • 33467 •
• (561) 714-0097 • LIC. #AA0004243 •

DAVID C. GIACOMETTI
LIC. NUMBER 0026181

SHEET No

A-1

EXISTING CONDITION OF BREEZWAY TO NOT BE IMPACTED BY THIS CONSTRUCTION

EXISTING CONDITION OF EXTERIOR FACADE TO NOT BE IMPACTED BY THIS CONSTRUCTION

PROJECT No

DATE: 07/18/24

REVISIONS

TENANT BUILD-OUT
FLOOR PLAN
SUITE 101

TENANT LUNCH TAKE-OUT ADDITION TO:
ACQUA CAFE
SUITE 101
2875 S. OCEAN BLVD. PALM BEACH, FL 33480

Graconelli Architecture, Inc.
• 140 OTTO ROAD • LAKE WORTH • FLORIDA • 33467 •
• (561) 714-0997 • LIC. #AA0004243 •

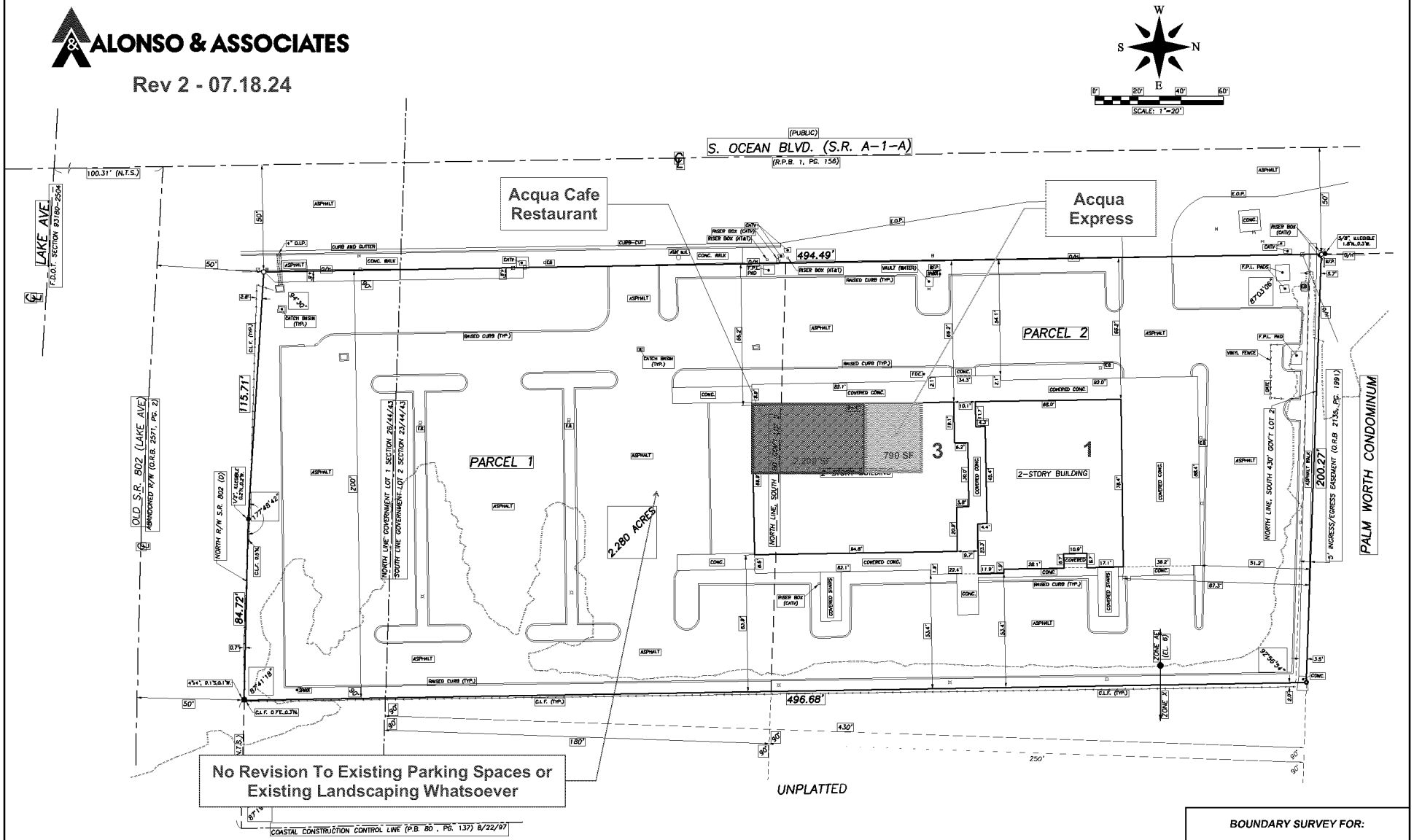
DARIO C. GRACONELLI
LIC. NUMBER

SHEET No

A-2

ALONSO & ASSOCIATES

Rev 2 - 07.18.24



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Giacomelli Architecture, Inc.
140 OHIO ROAD • LAKE WORTH • FLORIDA • 33467
(561) 714-6897 • LIC. #AA0003653
OCTOBER 25,2023

BOUNDARY SURVEY FOR:

2875 S OCEAN BLVD., LLC, A FLORIDA LIMITED LIABILITY COMPANY

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4584
9655 FLAGLER BOULEVARD, WEST PALM BEACH, FLORIDA 33407 • (561) 640-4834

FIELD: B.M.	JOB NO: 18-1202.2	P.B. PB259 PG. 11	
OFFICE: M.B.	DATE: 11/6/18	DWG NO. 18-1202	
CHKD: C.W.	REF: 18-1202.DWG	SHEET 2 OF 2	

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Time Extensions

Agenda Title
Waiver of Town Code Section 18-237, For Building Permit Extension for **210 Palmo Way,** Permit Extension - B-22-96215

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 210 Palmo Way. Permit B-22-96215

Date: July 19, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Blake Johnson, Executive Vice President with AMC Custom Builders, LLC regarding a time extension in which to complete the new construction of a single-family residence at 210 Palmo Way. The request is to extend the permit by and additional two months to complete work by November 22, 2024.

GENERAL INFORMATION

The current owner is 210 Palmo Way who purchased the property in June of 2021. The permit was issued September 22, 2022, with a total of twenty-four months for completion. Expiration date is September 22, 2024. The contractor explains in their letter dated July 12, 2024, the need for extension is due in part to design changes and material procurement/delayed deliveries. The revised construction schedule shows the project completion to be end of November 2024.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from AMC Custom Builders with Construction Schedule, Nuisance Mitigation Measures, and Neighbor Notice
Permit Summary for the Property
Property Appraiser Details for the Property

TOWN OF PALM BEACH

Planning, Zoning and Building

RECEIVED
JUL 19 2024
TOWN OF PALM BEACH
PZB DEPARTMENT

BUILDING PERMIT TIME EXTENSION REQUEST

Ext Permit -24-00016

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. Include a copy of the above notification to neighbors. Be sure to include the meeting date in the letter to neighbors.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – provide a copy of the receipt showing payment of all applicable fees (1% of remaining, unfinished construction plus technology fee).

Deadlines: **See Permit Time Extension Schedule for submittal deadlines (page 3).** For Town Council Meeting dates please visit our website at **www.townofpalmbeach.com**

- Town Council Development Review Date (Wednesday): 8/14/24
- Deadline for submittal of request/backup must be received by: 7/22/24
  (Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: 7/19/24
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-22-96215 Exp. Date: 9/22/24

Job Address: 210 Palmo Way

Length of time extension being requested: (in days) 61

Proposed completion date if requested time extension is granted: 11/22/24
(Must attach completion schedule)

Contact: Dawn Aranda Phone: 561-281-6637

Email: daranda@amccustombuilders.com

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Job Address: 210 Palmo Way

Permit# :B-22-96215 Job Value $ 2,330,000
Permit# : Job Value $
Permit# : Job Value $
Permit# : Job Value $
TOTAL valuation of project $ 2,330,000

Value of work remaining to complete the project, even if included in valuation above. Include labor, materials and the value of any owner supplied items, etc $ 175,000

Time Extension fee due based upon 1% of this amount: $ 1,750
Technology Fee (2% of permit fee above) $ 35

Total Time Extension Fee Due:
(attach a copy of the receipt for payment) $ 1,785

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

Stephen Master 7/10/24
OWNER SIGNATURE DATE

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

7/11/24
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF Florida
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 10 day of July

20 24, By Stephen Master

Who are personally known X OR produced identification (Type of identification)_____
OR Online Notarization_____.

Kacy Morrone
Printed Name of Notary

Signature of Notary

SEAL:

KACY MORRONE
MY COMMISSION # HH 462478
EXPIRES: December 3, 2027

NOTARY TO CONTRACTOR

STATE OF Florida
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 11 day of July

20 24, By Christopher C Harris

Who are personally known X OR produced identification (Type of identification) _____
OR Online Notarization_____.

Kacy Morrone
Printed Name of Notary

Signature of Notary

SEAL:

KACY MORRONE
MY COMMISSION # HH 462478
EXPIRES: December 3, 2027

AMC
CUSTOM BUILDERS, LLC

July 12, 2024

Mr. Wayne Bergman, Building Official
Town of Palm Beach
Building Department
360 S County Road
Palm Beach, FL 33480

RE: Permit extension request – 210 Palmo Way – B-22-96215

Dear Wayne,

Please let this letter serve as the formal request for time extension on construction of a single-family residence at 210 Palmo Way, permit B-22-96215. This permit currently has an expiration date of September 22nd, 2024, however we are requesting an additional two months of time to complete work by November 22, 2024.
Our delay is due in part to design changes that have occurred throughout the project, and in part from material procurement/deliveries being delayed outside of our control.

Included with this letter please find our extension application, proof of payment, updated construction schedule, nuisance mitigation measures, and copy of the statement that will be provided to all neighbors within a 300 foot radius.

Please place this request on the Development Review agenda for August 14, 2024.

For any questions or concerns, please contact Project Manager Dawn Aranda, 561-281-6637, DAranda@AMCCustomBuilders.com.

Sincerely,

Blake Johnson
AMC Custom Builders, LLC
Executive Vice President

1568 Watertower Road Lake Park, FL 33403
Phone 561.651.0030 Fax 561.651.0060
www.amccustombuilders.com
CGC1524007 CGC1524357

210 Palmo Way - Exterior - Work Schedule			
Activity	**Start Date**	**Finish Date**	**Notes**
Site Walls / Curbs / Pads	6/20/2024	9/14/2024	Sequencing - Site Logistics - Multiple Stages
Driveway Pad and Pavers	7/17/2024	9/6/2024	Sequencing - Site Logistics - Multiple Stages
Hardscape	7/1/2024	9/15/2024	Sequencing - Site Logistics - Multiple Stages
Loggia T&G & Box Beams	7/15/2024	9/27/2024	Material Delay
Loggia Screen Install	8/20/2024	9/27/2024	Material Delay
Landscape Install	7/8/2024	9/25/2024	Sequencing - Site Logistics - Multiple Stages
Irrigation Install	7/10/2024	9/25/2024	Sequencing - Site Logistics - Multiple Stages
Landscape Lighting	9/10/2024	9/26/2024	Sequencing - Site Logistics - Multiple Stages
Final Inspections	9/26/2024	9/30/2024	
Turn Over	10/1/2024	10/11/2024	

AMC
CUSTOM BUILDERS, LLC

July 12, 2024

Mr. Wayne Bergman, Building Official
Town of Palm Beach
Building Department
360 S County Road
Palm Beach, FL 33480

RE: Nuisance Mitigation Measures for permit extension request –
210 Palmo Way – B-22-96215

Dear Wayne,

As it pertains to the permit extension request for 210 Palmo Way, please see below nuisance mitigation measures we will continue to follow on this project:

1. Ensure permitted hours of construction are obeyed at all times
2. Maintain/encourage open lines of communication with neighbors and community at all times
3. Properly maintain buffering to adjacent neighbors and streets for noise and dust
4. Full-time on-site parking attendant is present to ensure safe ingress/egress from the site to the street, as well as management of parking permits
5. All deliveries, dewatering, parking, and other Right-of-Way needs will continue to obtain appropriate permits

For any other questions or concerns, please contact Project Manager Dawn Aranda, 561-281-6637, DAranda@AMCCustomBuilders.com.

Sincerely,

Blake Johnson
AMC Custom Builders, LLC
Executive Vice President

1568 Watertower Road Lake Park, FL 33403
Phone 561.651.0030 Fax 561.651.0060
www.amccustombuilders.com
CGC1524007 CGC1524357

AMC
CUSTOM BUILDERS, LLC

July 19, 2024

ATTN: Property owners within 300 foot radius of 210 Palmo Way, Palm Beach, FL

RE: Permit extension request – 210 Palmo Way – B-22-96215

Dear Resident,

A waiver of Town Ordinance 18-242, Section 105.4.1.6, agreed maximum time schedule for completion of construction, is being requested by 210 Palmo Way, Palm Beach, Florida. Our initial expiration date is set for September 22nd, 2024, which we are requesting be extended to November 22, 2024 to complete construction.

This matter will be presented to the Palm Beach Town Council Development Review during their regularly scheduled meeting on **August 12th, 2024**. Any questions or concerns regarding this matter can be expressed at this meeting or submitted to the Town Planning, Zoning and Building Department in advance of the meeting.

*Please Note: You may have received a similar letter regarding this extension request. The only change is the Development Review meeting date has been changed to Monday, August 12th.

For any other questions or concerns, please contact Project Manager Dawn Aranda, DAranda@AMCCustomBuilders.com.

Sincerely,

Blake Johnson
AMC Custom Builders, LLC
Executive Vice President

1568 Watertower Road Lake Park, FL 33403
Phone 561.651.0030 Fax 561.651.0060
www.amccustombuilders.com
CGC1524007 CGC1524357

Master Permit #	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
	B-22-93973	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	NEW CONSTRUCTION OF MAIN HOUSE, POOL AND HARDSCAPE	210 PALMO WAY		SABATELLO CONST OF FLA INC	4/4/2022		canceled
B-22-93973	B-22-93974	F-FLOOD PLAIN DEVELOPMENT	FLOOD PLAIN	210 PALMO WAY		SABATELLO CONST OF FLA INC	4/4/2022		canceled
B-22-96215	B-23-01160	R-REVISION	REVISION OTHER: FL 5259-R40, FL 6332-R9, FL 12328-R10 20-12017. 05	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	9/22/2023		canceled
B-22-96215	A-22-02664	A-ARCOM STAFF APPROVAL	STAFF APPROVAL PER ATTACHED LETTER	210 PALMO WAY		DAILEY JANSSEN ARCHITECTS PA	11/1/2022	12/1/2022	final
B-22-96215	A-23-02775	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL ADDED TWO CASEMENT WINDOWS AT KITCHEN FLANKING RANGE; REDUCED THE SIZE FO TWO BATHROOM WINDOWS ON EAST ELEVATIONL ADDED GENERATOR SOUTH OF GARAGE (PREVIOUSLY APPROVED) A	210 PALMO WAY		DAILEY JANSSEN ARCHITECTS PA	2/1/2023	7/27/2023	final
	A-23-03151	A-ARCOM STAFF APPROVAL	CHANGE DRIVEWAY PAVING MATERIAL FROM 4" X 8" OLD CHICAGO BRICK PAVERS IN HERRINGBONE PATTERN TO 6" X 12" TAHOE TUMBLED MARBLE PAVERS IN HERRINGBONE PATTERN. CHANGE ENTRY WALK PAVERS, STEPS, LOGGIA PAVERS AND POOL COPING FROM LIMESTON EPAVERS TO "TAHOE" TUMBLED MARBLE PAVERS. PLEASE SEE ADDITIONAL NO	210 PALMO WAY		PARKER YANNETTE DESIGN GROUP	8/2/2023	8/9/2023	final
B-22-96215	A-23-03332	A-ARCOM STAFF APPROVAL	ARCOM- CHANGE THE DRIVEWAY FIELD PAVERS TO 4" X 8" ANTIQUED WHITE "BY TREMRON PERIMETER DRIVEWAY BORDER AND ENTRY WALK TO REMAIN "TAHOE" TUMBLED M	210 PALMO WAY		PARKER YANNETTE DESIGN GROUP	10/23/2023	11/7/2023	final
B-22-96215	A-23-03368	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL REMOVE TWO POWDER ROOM WINDOWS ON WEST FACADE, BLOCK UP AND CLOSE OPENINGS	210 PALMO WAY		DAILEY JANSSEN ARCHITECTS PA	11/7/2023	11/15/2023	final
B-22-96215	A-24-03497	A-ARCOM STAFF APPROVAL	ARCOM- WITH THE SHELL OF THE HOUSE NOW CONSTRUCTED WE DISCOVERED THE OWNERS HAVE A VIEW OF THE OCEAN FROM THEIR FRONT BALCONY AND WINDOWS. IN ORDER TO PRESERVE THIS VIEW WE WOULD LIKE TO REQUEST ELIMINATING FIVE (5) COCONUT PALMS FROM THE FRONT YARD AND INSTALLING TWO (2) NEW 10' NAVTIVE THATCH PALMS FRAMING THE FRONT ENTRY WALK INSTEAD, WHICH GROW MUCH SLOWER AND WOULD HEP TO PRESERVE THE OCEAN VIEW. THE FRONT FOUNDATION SHRUB SPECIES WERE MODIFIED FOR BETTER SHADE TOLERANCE AGAINST THE NORTH FASCADE. AN ALUMINUM PRIVACY SCREEN WAS ADDED AROUND THE OUTDOOR SHOWER. TWO (2) CHRISTMA PALMS WERE ELIMINATED ON THE SOUTH SIDE OF THE POOL AND TWO (2) FOXTAIL PALMS WERE ADDED ON THE EAST SIDE OF THE POOL TO CREATE A MORE CONSISTENT PALM CANOPY AROUND THE POOL AND FILL THE GAP IN THE L	210 PALMO WAY		PARKER YANNETTE DESIGN GROUP	1/24/2024	2/20/2024	final
	B-11-16550	M-REPLACEMENT	EXACT CHANGE OUT OF EXISTING A/C UNIT. RHEEM COND # 14AJM42A01; 3.5T 16 SEER. RHEEM AHU # RHLLHM3821JA 10 KW	210 PALMO WAY		JOHN C CASSIDY AIR CONDITION IN	4/27/2011	4/28/2011	final
B-11-16550	B-12-26283	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE TO SHOW ADDITION OF (1) EXACT CHANGE OUT OF EXISTING A/C RHEEM COND #14AJM18A01 1.5 TON 16.5 SEER, RHEEM AHU #RHLLHM24 5 KW	210 PALMO WAY		JOHN C CASSIDY AIR CONDITION IN	7/30/2012	8/2/2012	final
	B-13-35816	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	CBS ADDITION ENCLOSED PORCH.	210 PALMO WAY		INGECO CONTRACTORS LLC	9/25/2013	10/9/2013	final
	B-21-90230	P-SITE WORK	CAPWATER LINE FROM HOUSE TO STREET	210 PALMO WAY		ROW PLUMBING INC	7/16/2021	7/19/2021	final
	B-21-90492	D-DEMOLITION	DEMOLITION OF THE EXISTING HOME, POOL AND HARDSCAPE.	210 PALMO WAY		SABATELLO CONST OF FLA INC	8/2/2021	8/24/2021	final
B-22-93973	B-22-94098	FEE CHARGE	REFUND FOR CANCELLED PERMIT	210 PALMO WAY		SABATELLO CONST OF FLA INC	4/12/2022	4/12/2022	final
B-22-96215	B-23-00735	R-REVISION	REVISION- BUILDING- NOA'S FL1232B-R10, FL6332-R9, FL5259-R40	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	8/22/2023	8/28/2023	final
B-22-96215	B-23-00955	R-REVISION	REVISION PLUMBING/GAS: P1.01, P1.02, P1.04, P1.05, MECHANCIAL: M1.01, M1.02, M1.03, ELECTRICAL: E1.01, E1.02, E1.03	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	9/6/2023	9/7/2023	final
B-22-96215	B-23-01372	R-REVISION	REVISION OTHER: TRUSS ENGINEERING/TRUSS LAYOUT	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	10/10/2023	10/12/2023	final

Count: 52

TC Development Review Meeting Backup 8-12-2024

Master Permit #	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-22-96215	B-23-01646	R-REVISION	REVISION- STRUCTURAL REVISIONS SP1.01, S16	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	11/3/2023	11/17/2023	final
B-22-96215	B-23-01727	R-REVISION	REVISION- SITE PLAN- LANDSCAPE REVISION- L-3, L-4, L-5, L-6-L-9	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	11/13/2023	3/25/2024	final
B-22-96215	B-23-01910	R-REVISION	REVISION OTHER: TRUSS REPAIR ENGINEERING C14-R2, A06 A-RZ, B06, C10 C11, C12, C13-R2	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	12/4/2023	12/5/2023	final
B-22-96215	B-23-02023	R-REVISION	REVISION PLUMBING/GAS: REVISED SHEETS 1.01, 1.04, Revision Electrical, E-1.01, E- 1.02, E-1.03 & LANTERN SPEC'S	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	12/18/2023	5/13/2024	final
B-22-96215	B-23-99140	R-REVISION	REVISION OTHER - STRUCTURAL S2,S3,S7.1	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	5/4/2023	5/12/2023	final
B-22-96215	B-23-99581	R-REVISION	REVISION OTHER: NOA'S 20-1104.10, FL 15497, FL 15551, FL14285, 20-1207.05, FL31650.1, FL 10445	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	6/5/2023	6/21/2023	final
B-22-96215	B-24-02529	R-REVISION	REVISION FOR ENGINEERED POOL PLANS, POOL PLUMBING AND POOL ELECTRIC	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	2/15/2024	4/3/2024	final
	U-21-07823	U-SEWER/DRAINAGE - CAP-OFF /CONNECTION	CAP SEWER LINE	210 PALMO WAY		ROW PLUMBING INC	7/16/2021	7/27/2021	final
B-22-96215	U-23-12576	U-USE OF/WORK IN ROW	USE OF ROW FOR DELIVERY OF REBAR AND UNLOAD DRILLING RIG 9AM TO 11AM	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	3/21/2023	3/23/2023	final
B-22-96215	U-23-12588	U-USE OF/WORK IN ROW	PICK UP EQUIPMENT DRILLING MACHINE/RIG 1PM-3PM	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	3/23/2023	3/24/2023	final
B-22-96215	U-23-13093	U-USE OF/WORK IN ROW	USE OF- CONCRETE DELIVERIES	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	6/1/2023	6/2/2023	final
B-22-96215	U-23-13125	U-USE OF/WORK IN ROW	USE OF- CMU BLOCK DELIVERY UNLOAD FLAT BED TRUCK	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	6/6/2023	6/8/2023	final
B-22-96215	U-23-13253	U-USE OF/WORK IN ROW	USE OF- CONCRETE DELIVERY	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	6/23/2023	6/28/2023	final
B-22-96215	U-23-13377	U-USE OF/WORK IN ROW	UNLOAD CONCRETE - PUMP	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	7/10/2023	7/13/2023	final
B-22-96215	U-23-13439	U-USE OF/WORK IN ROW	USE OF- CONCRETE DELIVERY	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	7/17/2023	7/24/2023	final
B-22-96215	U-23-13559	U-USE OF/WORK IN ROW	USE OF- UNLOAD HOLLOW CORE SLABS W/CRANE 08/01/2023 UNLOAD REBAR W/LIFT 08/02/2023	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	7/26/2023	8/2/2023	final
B-22-96215	U-23-13640	U-USE OF/WORK IN ROW	CONCRETE DELIVERY	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	8/4/2023	8/7/2023	final
B-22-96215	U-23-13687	U-USE OF/WORK IN ROW	USE OF- DELIVER & UNLOAD CMU BLOCK	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	8/8/2023	8/14/2023	final
B-22-96215	U-23-13966	U-USE OF/WORK IN ROW	UNLOAD CONCRETE WITH PUMP	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	8/30/2023	9/1/2023	final
B-22-96215	U-23-13967	U-USE OF/WORK IN ROW	UNLOAD CONCRETE WITH PUMP UNLOAD TRUSSES ON FLA TBED	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	8/30/2023	9/1/2023	final
B-22-96215	U-23-14041	U-USE OF/WORK IN ROW	UNLOAD OUTLOADERS WITH A CRANE	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	9/6/2023	9/12/2023	final
B-22-96215	U-23-14456	U-USE OF/WORK IN ROW	UNLOAD ROOF TILES WITH A LULL/LIFT	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	10/13/2023	10/18/2023	final
B-22-96215	U-24-15213	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	1/16/2024	1/17/2024	final
B-22-96215	U-24-15214	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	1/16/2024	1/17/2024	final
B-22-96215	U-24-15215	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	1/16/2024	1/17/2024	final
	X-05-14713	X-LEGACY PERMIT	REROOF 4600 SF TILE ROOF 6/12 PITCH, INSTALL FLAT CEMENT TILE, USING POLY FOAM, OVER 30/90 HOT MOP	210 PALMO WAY		FLORIDA ROOFING/PALM BEACH COU	3/8/2005	3/8/2005	final
	X-05-15071	X-LEGACY PERMIT	REMODEL/ALTER: REPAIR OF DOORS, NEW FINISHES AND FIXTURES IN CABANA BATH; REROOF.	210 PALMO WAY		DANIELS BROTHERS INC	3/24/2005	3/24/2005	final
	X-05-15789	X-LEGACY PERMIT	INSTALL 1 FAUCET, 1 SINK, 1 TOILET	210 PALMO WAY		DEE MARIA PLUMBING INC	5/4/2005	5/4/2005	final
	X-05-15879	X-LEGACY PERMIT	INSTALL 1 BAR LIGHT, 1 GFI RECEPT & 2 SWITCHES	210 PALMO WAY		CURRENT CONNECTIONS INC	5/6/2005	5/6/2005	final
	B-22-96215	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	(SEE PERMIT CONDITIONS) NEW CONSTRUCTION SF RESIDENCE POOL, HARDSCAPE, LANDSCAPE AS PER PLANS.	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	8/26/2022	9/22/2022	issued
B-22-96215	B-22-96217	F-FLOOD PLAIN DEVELOPMENT	FLOOD PLAIN DEVELOPMENT	210 PALMO WAY		AMC CUSTOM BUILDERS LLC	8/26/2022	9/22/2022	issued
	U-23-13623	U-EXCAVATION IN ROW	PROPOSED 2-90 BONDS INTO PMTX, 100' 2-2" PVC AND 30" HANDHOLE INSTALLS	210 PALMO WAY		FLORIDA POWER & LIGHT	8/2/2023	8/8/2023	issued
	U-23-13741	U-EXCAVATION IN ROW	REMOVE EXISTING LATERAL & REPLACE WITH NEW 6" PVC LATERAL AT THE SAME LINE, GRADE & ELEVATION AS EXISTING PER TOPB STANDARDS-OBTAIN DENSITIES-INSTALL CLEAN	210 PALMO WAY		S MACDONALD CONTRACTING LLC	8/11/2023	8/22/2023	issued
	U-23-13742	U-SEWER/DRAINAGE - CAP-OFF /CONNECTION	REMOVE EXISTING LATERAL & REPLACE WITH NEW 6" PVC LATERAL AT THE SAME LINE, GRADE & ELEVATION AS EXISTING PER TOPB STANDARDS-OBTAIN DENSITIES-INSTALL CLEAN	210 PALMO WAY		S MACDONALD CONTRACTING LLC	8/11/2023	8/22/2023	issued

Count: 52

TC Development Review Meeting Backup 8-12-2024

Property Detail

Location Address : 210 PALMO WAY
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-03-08-000-0040
Subdivision : ALTO LIDO
Official Records Book/Page : 33945 / 762
Sale Date : NOV-2022
Legal Description : ALTO LIDO LOT 4

Owner Information

Owner(s)	Mailing Address
210 PALMO WAY LLC	GUNSTER, ATTN BRADLEY MCPHERSON ESQ C/O 777 S FLAGLER DR STE 500 WEST PALM BEACH FL 33401 6121

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
NOV-2022	$10,250,000	33945 / 00762	WARRANTY DEED	210 PALMO WAY LLC
JUL-2021	$10	32695 / 01336	WARRANTY DEED	210 PALMO WAY LLC
JUL-2021	$5,286,908	32689 / 00135	WARRANTY DEED	PERCELAY BRUCE
JUN-2021	$10	32689 / 00132	WARRANTY DEED	PALMO PROPERTIES LLC
APR-2021	$4,400,000	32442 / 01009	WARRANTY DEED	PALMO PROPERTIES LLC
DEC-2018	$10	30320 / 01068	WARRANTY DEED	ASPLUNDH KEITH M &
APR-2018	$3,150,000	29827 / 00153	WARRANTY DEED	210 PALMO LLC
JUN-2015	$3,115,000	27645 / 00605	WARRANTY DEED	EAGLE BAY HOLDINGS LLC
MAR-1998	$720,000	10255 / 01739	WARRANTY DEED	NAVY BLUE OVERSEAS INC

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 0
Acres : 0.3216
Property Use Code : 0000—VACANT
Zoning : R-B—LOW DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$0	$0	$185,952	$69,112	$188,337
Land Value	$6,308,741	$5,133,250	$3,068,409	$2,851,239	$2,592,035
Total Market Value	$6,308,741	$5,133,250	$3,254,361	$2,920,351	$2,780,372

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$6,308,741	$5,133,250	$3,212,386	$2,920,351	$2,780,372
Exemption Amount	$0	$0	$0	$0	$0
Taxable Value	$6,308,741	$5,133,250	$3,212,386	$2,920,351	$2,780,372

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Time Extensions

Agenda Title
Waiver of Town Code Section 18-237, For Building Permit Extension for **255 Wells Road -** Permit Extension B-22-926215

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 225 Wells Road. Permit B-22-94872

Date: July 19, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Jeff Wildes, President of Wildes Builders regarding a time extension in which to complete the construction of a new two-story single-family residence at 225 Wells Rd. The request is to extend the permit by twenty-three months to complete work by June 30, 2026.

GENERAL INFORMATION

The current owner is LLPB Trust who purchased the property in May of 2023. The permit was issued July 29, 2022, with a total of twenty-four months for completion. Expiration date is July 29, 2024. The contractor explains in their letter dated July 12, 2024, the need for extension is due to the original owner and contractor who stopped the construction for over a year. There was a transition to a new owner and new contractor. In addition, plan revisions have delayed the project an additional ten months. The revised construction schedule shows the project completion to be June 30, 2026.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from Wildes Builders with Construction Schedule, Nuisance Mitigation Measures, and Neighbor Notice
Permit Summary for the Property
Property Appraiser Details for the Property

TOWN OF PALM BEACH

Planning, Zoning and Building

RECEIVED
JUL 19 2024
TOWN OF PALM BEACH
PZB DEPARTMENT

BUILDING PERMIT TIME EXTENSION REQUEST

ExtPermit-24-00017

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. ✓ Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. ✓ Provide nuisance mitigation measures.
4. ✓ Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. ✓ Include a copy of the above notification to neighbors. Be sure to include the meeting date in the letter to neighbors.
6. ✓ Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. ✓ Payment – provide a copy of the receipt showing payment of all applicable fees (1% of remaining, unfinished construction plus technology fee).

Deadlines: **See Permit Time Extension Schedule for submittal deadlines (page 3).** For Town Council Meeting dates please visit our website at **www.townofpalmbeach.com**

- Town Council Development Review Date (Wednesday): AUGUST 14, 2024
- Deadline for submittal of request/backup must be received by: JULY 22, 2024
  (Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: JULY 19, 2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-22-94872 Exp. Date: 7-29-2024

Job Address: 225 WELLS ROAD

Length of time extension being requested: (in days) 700 CALENDAR DAYS

Proposed completion date if requested time extension is granted: JUNE 30, 2026
(Must attach completion schedule)

Contact: TOM KELLER Phone: 561-797-3667

Email: TOM.KELLER@WILDESBUILDERS.COM

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Job Address: 225 WELLS ROAD

Permit# : B-22-94872 Job Value $ 1,700,000.00
Permit# : _____ Job Value $ —
Permit# : _____ Job Value $ —
Permit# : _____ Job Value $ —
TOTAL valuation of project $ 1,700,000.00

Value of work remaining to complete the project, even if included in valuation above. Include labor, materials and the value of any owner supplied items, etc $ 1,522,084.00

Time Extension fee due based upon 1% of this amount: $ 15,220.84
Technology Fee (2% of permit fee above) $ 304.42

Total Time Extension Fee Due:
(attach a copy of the receipt for payment) $ 15,525.26

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

✓ A. Hyper 07/17/24.
OWNER SIGNATURE DATE

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 17 day of July

2024, By ANDREA LENKZNER

Who are personally known X OR produced identification (Type of identification)_____
OR Online Notarization_____.

Ruby H Incitti
Printed Name of Notary

Ruby H Incitti
Signature of Notary

SEAL:

RUBY H INCITTI
Notary Public - State of Florida
Commission # HH 87711
My Comm. Expires Mar 24, 2025

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

Jeffrey M Wilds 7/17/24
CONTRACTOR SIGNATURE DATE

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 17 day of July

2024, By JEFFREY M WILDS

Who are personally known X OR produced identification (Type of identification) _____
OR Online Notarization_____.

Ruby H Incitti
Printed Name of Notary

Ruby H Incitti
Signature of Notary

SEAL:

RUBY H INCITTI
Notary Public - State of Florida
Commission # HH 87711
My Comm. Expires Mar 24, 2025

WILDES W B BUILDERS
ESTABLISHED 1999

CBC 059360

440 25th Street, West Palm Beach, FL 33407 * 561-833-2023 phone * 561-833-2024 fax

wildesbuilders@wildesbuilders.com

July 12, 2024

Town of Palm Beach
Mr. Wayne Bergman
360 South County Road
Palm Beach, FL 33480

Re: 225 Wells Road – B-22-94872
Permit Time Extension

Dear Mr. Bergman,

Wildes Builders respectfully requests a time extension to our building permit at the above referenced address, 225 Wells Road - (Permit # B-22-94872).

Wildes Builders transferred the existing building permit from Dunworth Construction on July 5, 2023. This building permit will expire on July 29, 2024. This project has been delayed because the original Owner and Contractor stopped the construction for over a year, and the transition to the new Owner and new plan revisions have delayed the construction an additional 10 months.

Wildes Builders requests that the permit time extension required to complete this project be extended by 23 months from the expiration date. The new date for the building permit completion is June 30th, 2026. A new Gantt construction schedule will be e-mailed to you shortly.

Feel free to call or e-mail me with any questions.

Sincerely yours,

Jeff Wildes
President - Wildes Builders

225 WELLS

CONSTRUCTION

SCHEDULE

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
1		Project Start-Up Post Permit & Mobilize	2 days	Mon 6/10/24	Tue 6/11/24	
2		Scalp and Grade Building Pad	4 days	Wed 6/12/24	Mon 6/17/24	1
3		Cut-Off Piling Caps & Remo	6 days	Tue 6/18/24	Tue 6/25/24	2
4		Grade & Compact Building Pad	3 days	Thu 6/27/24	Mon 7/1/24	3
5		Survey Corners and Set Benchmark Elevation	2 days	Tue 7/2/24	Wed 7/3/24	4
6		Set Form Perimeter Batter Boards and Layout Pilings	3 days	Thu 7/4/24	Mon 7/8/24	5
7		Mobilize and Install the Auger Cast Piling	5 days	Tue 7/9/24	Mon 7/15/24	6
8		Clean-Up Piling Spoils & Complete Pile Log	3 days	Wed 7/17/24	Fri 7/19/24	7
9		Set Perimeter Foundation Form Work	1 day	Mon 7/22/24	Mon 7/22/24	8
10		Form & Reinforce Interior Grade Beams	14 days	Tue 7/23/24	Fri 8/9/24	9
11		Inspect Foundation and Pour Grade Beams	2 days	Mon 8/12/24	Tue 8/13/24	10
12		Strip Grade Beam Form Work	3 days	Wed 8/14/24	Fri 8/16/24	11
13		Fill & Compact Slab on Grad	3 days	Mon 8/19/24	Wed 8/21/24	12
14		Plumbing Slab Rough-In	12 days	Thu 8/22/24	Fri 9/6/24	13
15		Mechanical Slab Rough-In	9 days	Thu 8/22/24	Tue 9/3/24	13
16		Electrical Slab Rough-In	7 days	Thu 8/22/24	Fri 8/30/24	13
17		Tamp, Prep, Reinforce & Inspect Slab on Grade	6 days	Mon 9/9/24	Mon 9/16/24	14
18		Pour and Strip Slab on Grade	3 days	Tue 9/17/24	Thu 9/19/24	17
19		Lay First Block Lift	6 days	Fri 9/20/24	Fri 9/27/24	18
20		Form, Reinf & Insp 1st Fl Columns & Beams	15 days	Mon 9/30/24	Fri 10/18/24	19
21		Pour and Strip 1st Fl Columns & Beams	3 days	Mon 10/21/24	Wed 10/23/24	20
22		Set Structural Red-Iron at 1st Fl Lift	4 days	Thu 10/24/24	Tue 10/29/24	21

24		Pour and Strip 2nd Fl Slab Work	3 days	Fri 11/8/24	Tue 11/12/24	23
25		Storm Drainage Piping Work	1 day	Mon 6/10/24	Mon 6/10/24	
26		Lay Second Block Lift	6 days	Wed 11/13/2	Wed 11/20/224	
27		Form, Reinf & Insp 2nd Fl Columns & Beams	13 days	Thu 11/21/24	Mon 12/9/24	26
28		Pour and Strip 2nd Fl Columns & Beams	5 days	Tue 12/10/24	Mon 12/16/24	27
29		Form, Reinf, Pour and Strip Stairs	7 days	Tue 12/17/24	Wed 12/25/24	28
30		Set Roof Trusses, Red Iron & Laminated Joists	19 days	Thu 12/26/24	Tue 1/21/25	29
31		Plywood Sheath Roof, Subfascia & Inspect	9 days	Wed 1/22/25	Mon 2/3/25	30
32		Dry-In, Tin Tag and Inspect Roofing	4 days	Tue 2/4/25	Fri 2/7/25	31
33		Install Opening Bucks and Waterproof Openings	14 days	Mon 2/10/25	Thu 2/27/25	32
34		Exterior Impact Doors & Windows Install	12 days	Fri 2/28/25	Mon 3/17/25	33
35		Garage Impact Doors Install	1 day	Mon 6/10/24	Mon 6/10/24	
36		Stucco Exterior Masonry Walls	27 days	Tue 3/18/25	Wed 4/23/25	34
37		Metal Stud Partitions & Ceilings	21 days	Tue 3/18/25	Tue 4/15/25	34
38		Plumbing Walls/Ceilings Rough-In	19 days	Wed 4/16/25	Mon 5/12/25	37
39		Electrical Walls/Ceilings Rough-In	24 days	Wed 4/16/25	Mon 5/19/25	37
40		Install Elevator Equipment & Rails	8 days	Wed 4/16/25	Fri 4/25/25	37
41		Mechanical Walls/Ceilings Rough-In	23 days	Wed 4/16/25	Fri 5/16/25	37
42		Roofing Hot Mop & Clay Barrel Tile Work	1 day	Mon 6/10/24	Mon 6/10/24	
43		Ornamental Metal Exter Balcony Railing	1 day	Mon 6/10/24	Mon 6/10/24	
44		Low Voltage Work	14 days	Wed	Mon 5/5/25	37

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
45		Insulation at Roof & Walls	8 days	Wed 5/21/25	Fri 5/30/25	39
46		Rough-In & Insulation Inspections	2 days	Mon 6/2/25	Tue 6/3/25	45
47		Drywall Hang/Tape/ Finish	26 days	Wed 6/4/25	Wed 7/9/25	46
48		Prime Interior Walls	5 days	Thu 7/10/25	Wed 7/16/25	47
49		Wood Floors Install	14 days	Thu 7/17/25	Tue 8/5/25	48
50		Stone Formal Floors Install	10 days	Thu 7/17/25	Wed 7/30/25	48
51		Marble & Tile Bathroom Floors and Walls	23 days	Thu 7/31/25	Mon 9/1/25	50
52		Interior Doors, Jambs & Casing Install	10 days	Wed 8/6/25	Tue 8/19/25	49
53		Millwork Extension Jambs, Base and Crown Molding	22 days	Wed 8/20/25	Thu 9/18/25	52
54		Kitchen, Butler & Laundry Cabinetry	10 days	Wed 8/6/25	Tue 8/19/25	49
55		Cabinetry & Bath Vanities	7 days	Tue 9/2/25	Wed 9/10/25	51
56		Closet Cabinetry & Casework	5 days	Thu 9/11/25	Wed 9/17/25	55
57		Install Elevator Finish Cab	4 days	Wed 11/5/25	Mon 11/10/25	58
58		Wood Floors -Sanding & Finishing	11 days	Tue 10/21/25	Tue 11/4/25	62
59		Kitchen & Laundry Countertops	19 days	Wed 8/20/25	Mon 9/15/25	54
60		Shower Enclosures & Mirrors	11 days	Tue 10/7/25	Tue 10/21/25	61
61		Bath Room and Bath Tub Stone Countertops	18 days	Thu 9/11/25	Mon 10/6/25	55
62		Plumbing Trim-Out Fixtures	10 days	Tue 10/7/25	Mon 10/20/25	61
63		HVAC Trim-Out	19 days	Tue 10/7/25	Fri 10/31/25	61
64		Electrical Trim-Out Light Fixtures	24 days	Tue 10/7/25	Fri 11/7/25	61
65		Painting Finish Coats at Interiors	39 days	Fri 9/19/25	Wed 11/12/25	53

66		& Hand Railing				
67		Interior Finish Door Hardware Handles	7 days	Fri 9/19/25	Mon 9/29/25	53
68		Install Ventless Gas Fireplace	6 days	Mon 11/3/25	Mon 11/10/25	63
69		Appliances Install	5 days	Mon 11/10/2	Fri 11/14/25	64
70		Site Wall & Site Fences	12 days	Mon 11/10/2	Tue 11/25/2	64
71		Rough Grade Driveway and Site	9 days	Wed 11/26/25	Mon 12/8/25	70
72		Site Irrigation Rough Piping Work	5 days	Tue 12/9/25	Mon 12/15/25	71
73		Landscape Large Trees & Hedge Material	14 days	Tue 12/16/25	Fri 1/2/26	72
74		Pool Shell Piping & Gunite Work	11 days	Mon 1/5/26	Mon 1/19/26	73
75		Pour Site Concrete Flatwork	12 days	Tue 1/20/26	Wed 2/4/26	74
76		Exterior Cast Stone Paver Tiles	29 days	Thu 2/5/26	Tue 3/17/26	75
77		Grade and Compact Driveway Base Rock	8 days	Wed 3/18/26	Fri 3/27/26	76
78		Driveway Finish Pavers Install	21 days	Mon 3/30/26	Mon 4/27/26	77
79		Install ROW Walks & Drive Turn-Out	5 days	Tue 4/28/26	Mon 5/4/26	78
80		Final MEP Inspections & Finish Clean-Up	4 days	Tue 5/5/26	Fri 5/8/26	79
81		Landscape Groundcover and Sod Work	13 days	Mon 5/11/26	Wed 5/27/26	80
82		Finish Irrigation Work	5 days	Thu 5/28/26	Wed 6/3/26	81
83		Pool Equipment & Plaster Work	6 days	Thu 6/4/26	Thu 6/11/26	82
84		Pool Kiddie Fence	3 days	Fri 6/12/26	Tue 6/16/26	83
85		Storm Drainage Trim-Out	5 days	Wed 6/17/26	Tue 6/23/26	84
86		Final Site Inspections	3 days	Wed 6/24/26	Fri 6/26/26	85
87		Final Building Inspection & Certificate of Occupancy	2 days	Mon 6/29/26	Tue 6/30/26	86

WILDES W B BUILDERS
ESTABLISHED 1999

CBC 059360

440 25th Street, West Palm Beach, FL 33407 * 561-833-2023 phone * 561-833-2024 fax

wildesbuilders@wildesbuilders.com

July 12, 2024

Town of Palm Beach
Wayne Bergman
360 S County Rd
Palm Beach, FL 33480

Re: 86 Middle Road
Permit Extension

Dear Wayne,

Wildes Builders is requesting a permit extension for the above referenced address. The nuisance mitigation measures are as follows:

1) The privacy screening is currently erected around the entire perimeter of the property.
2) All parking, off loading and site work are performed on-site (not in the street).
3) Right-of-Way permits are scheduled for sitework concrete deliveries, new pavers and landscape trees.
4) The Australian Pines are currently all protected with a perimeter fence around each Pine tree.
5) Carpooling will be utilized when the sitework congestion begins.

Thank you in advance.

Sincerely,

Jeffrey Wildes
President

WILDES W B BUILDERS
ESTABLISHED 1999

CBC 059360

440 25th Street, West Palm Beach, FL 33407 * 561-833-2023 phone * 561-833-2024 fax

wildesbuilders@wildesbuilders.com

July 18, 2024

Town of Palm Beach
Wayne Bergman
360 S County Rd
Palm Beach, FL 33480

Re: 225 Wells Road
Permit Time Extension

Dear Wayne,

Wildes Builders is requesting a permit extension for the above referenced address.

This letter serves as a statement that all the neighbors within 300 feet of 225 Wells Road have been sent a notice via first class USPS mail (Neighbor notice letter attached as proof). This notice states the request for permit time extension and the Town Council date of August 14, 2024, that the meeting will be held.

A construction schedule (Gant bar chart) has been submitted for the time requested.

Thank you in advance for your assistance with our client's new house.

Sincerely,

Thomas Keller
Project Manager

WILDES BUILDERS
ESTABLISHED 1999
CBC 059360
440 25th Street, West Palm Beach, FL 33407 * 561-833-2023 phone * 561-833-2024 fax
wildesbuilders@wildesbuilders.com

July 19, 2024

OLIVE McCARTHY
209 Wells Road
Palm Beach, FL 33480

Re: 225 Wells Road
Permit Extension

Dear Owner,

Wildes Builders is requesting a permit extension for the above referenced address at the Town Council Development Review meeting on Monday August 12, 2024. This extension notice is due to the original Owner stopping the Work and the new Owner and new Architect revising the plans. These new architectural plans have been approved by the Town's ARCOM Committee recently.

Wildes Builders will present an updated construction schedule at the August 12th Meeting, to give the new completion date for our new 225 Wells Road Residence.

Thank you in advance.

Sincerely,

Jeffrey Wildes
President

Master Permit #	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-22-94872	A-23-01786	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL WINDOW & DOOR MODIFICATION, EXTENSION OF EYEBROW ROOF SW CORNER, CHANGE OF SHUTTER COLOR	225 WELLS RD		M2B PROPERTIES LLC	2/3/2023		canceled
B-17-68690	B-17-68691	P-SITE WORK	REPLACE BACKFLOW.	225 WELLS RD		E C STOKES MECHANICAL CONTRACT	11/14/2017		canceled
B-22-94872	A-22-03440	A-ARCOM STAFF APPROVAL	ARCOM - REVISION OF FAMILY ROOM CHIMNEY DESIGN AND ED 120. IN ADDITION, GUTTERS, DOWNSPOUTS, AND FLOOD VENTS WERE ADDED.	225 WELLS RD		DUNWORTH CONSTRUCTION INC	6/29/2022	7/5/2022	final
	B-12-24022	S-POOL/WATER FEATURE	NEW RESURFACE OF DIAMOND BRITE IN EXISTING POOL. ALSO REMOVE EXISTING TILE AND INSTALL NEW VENUS 2"X 2" GLASS TILE.	225 WELLS RD		ATLANTIC POOL & SPA SERVICES I	4/26/2012	5/3/2012	final
	B-17-63206	B-ROOF REPAIR/RE-ROOF	REROOF, NEW TILE INSTALLED W/FOAM CERTAINTEED PONDING WATER SPEC ON FLAT DECKS	225 WELLS RD		CJM ROOFING INC	4/6/2017	4/13/2017	final
	B-17-64838	B-RESIDENTIAL OTHER (WITH PLANS)	REPLACING EXISTING GUTTERS WITH MATCHING MATERIALS 6" SEAMLESS K-STYLE GUTTERS.	225 WELLS RD		PROLINE SEAMLESS GUTTER	6/13/2017	6/28/2017	final
	B-17-68745	P-SITE WORK	REPLACE BACKFLOW	225 WELLS RD		E C STOKES MECHANICAL CONTRACT	11/16/2017	11/20/2017	final
	B-20-84837	B-WINDOWS/DOORS/SHUTTERS/GARAGE DOORS	INSTALLATION OF REMOVABLE SHUTTERS	225 WELLS RD		ARMOR SCREEN CORP	7/9/2020	7/15/2020	final
	B-21-90419	P-SITE WORK	CAPP OFF WATER SERVICE AND PROVIDE TEMPORARY HOSE BIB WITH BACKFLOW FOR USE DURING CONSTRUCTION	225 WELLS RD		CATOE & SON PLUMBING	7/28/2021	8/4/2021	final
	B-21-91405	D-DEMOLITION	(SEE PERMIT CONDITIONS) *DEMOLITION OF THE MAIN HOUSE, POOL, LANDSCAPE & HARDSCAPE*	225 WELLS RD		DUNWORTH CONSTRUCTION INC	10/1/2021	10/14/2021	final
B-22-94872	B-22-95903	R-REVISION	REVISION BUILDING TRUSS ENGINEERING AND LAYOUT.	225 WELLS RD		DUNWORTH CONSTRUCTION INC	8/8/2022	8/11/2022	final
B-22-94872	B-22-95964	R-REVISION	REVISON ELECTRICAL: TEMP POWER RISER DIAGRAM	225 WELLS RD		DUNWORTH CONSTRUCTION INC	8/12/2022	8/15/2022	final
B-22-94872	B-22-96234	R-REVISION	REVISION BUILDING - ROOFING MATERIAL NOA'S	225 WELLS RD		DUNWORTH CONSTRUCTION INC	8/29/2022	8/31/2022	final
B-22-94872	B-22-96552	R-REVISION	REVISION BUILDING: EPICORE SHOP DRAWINGS	225 WELLS RD		DUNWORTH CONSTRUCTION INC	9/20/2022	10/18/2022	final
B-22-94872	B-22-96795	R-REVISION	REVISION BUILDING: REMOVED TRUSSES OVER LIVING/DINING ROOM - HAND FRAMED NOW.	225 WELLS RD		DUNWORTH CONSTRUCTION INC	10/7/2022	10/11/2022	final
B-22-94872	B-22-97076	R-REVISION	REVISION BUILDING: REVISED ROOF TRUSS ENGINEERING	225 WELLS RD		DUNWORTH CONSTRUCTION INC	10/28/2022	11/2/2022	final
B-22-94872	B-22-97102	R-REVISION	REVISION SITE PLAN: POOL ENGINEERING	225 WELLS RD		DUNWORTH CONSTRUCTION INC	11/1/2022	11/16/2022	final
B-22-94872	B-23-99953	R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR	225 WELLS RD		WILDES BUILDERS LLC	7/5/2023	7/5/2023	final
B-17-63206	F-17-01871	F-FIRE RESCUE STANDARD	REROOF NEW TILE INSTALLATION SLOPE, CERTAINTEED HOT MOP APPLICATION ON FLAT DECK PORTIONS	225 WELLS RD		CJM ROOFING INC	4/6/2017	4/7/2017	final
B-21-91405	U-21-08562	U-USE OF/WORK IN ROW	USE OF- UNLOAD EQUIPMENT	225 WELLS RD		FREDERICO INC	10/13/2021	10/22/2021	final
	U-21-08863	U-DELIVERY PERMIT (2-HR LIMIT) LOAD/UNLOAD	UNLOADING (SOD) TRUCK PARK IN STREET (BY HAND)	225 WELLS RD		3R LANDSCAPE DESIGN INC	11/12/2021	11/12/2021	final
	U-21-08864	U-DELIVERY PERMIT (2-HR LIMIT) LOAD/UNLOAD	UNLOADING (SOD) TRUCK PARKING IN THE STREET (BY HAND)	225 WELLS RD		3R LANDSCAPE DESIGN INC	11/12/2021	11/12/2021	final
	U-21-08889	U-DELIVERY PERMIT (2-HR LIMIT) LOAD/UNLOAD	UNLOAD SOD TRUCK PARKED ON THE STREET BY HAND.	225 WELLS RD		3R LANDSCAPE DESIGN INC	11/16/2021	11/16/2021	final
	U-21-08890	U-DELIVERY PERMIT (2-HR LIMIT) LOAD/UNLOAD	UNLOADING SOD TRUCK PARK ON THE STREET BY HAND.	225 WELLS RD		3R LANDSCAPE DESIGN INC	11/16/2021	11/16/2021	final
B-22-94872	U-22-11394	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: JAYSON CLOUTIER - (561) 722-8124 DATES: 10/18 THRU 1/17	225 WELLS RD		DUNWORTH CONSTRUCTION INC	9/30/2022	10/11/2022	final
B-22-94872	U-22-11395	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: JAYSON CLOUTIER - (561) 722-8124 DATES: 10/18 THRU 1/17	225 WELLS RD		DUNWORTH CONSTRUCTION INC	9/30/2022	10/11/2022	final

Count: 47

TC Development Review Meeting Backup 8-12-2024

Master Permit #	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-22-94872	U-22-11396	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: JAYSON CLOUTIER - (561) 722-8124 DATES: 10/18 THRU 1/17	225 WELLS RD		DUNWORTH CONSTRUCTION IN C	9/30/2022	10/11/2022	final
B-22-94872	U-22-11616	U-USE OF/WORK IN ROW	USE OF- TO REMOVE EXISTING BROKEN SIDEWALK AND REP LACE WITH TEMPORARY ASPHALT.	225 WELLS RD		DUNWORTH CONSTRUCTION IN C	10/18/2022	10/27/2022	final
B-22-94872	U-22-11752	U-DEWATERING	DEWATERING PERMIT	225 WELLS RD		DUNWORTH CONSTRUCTION IN C	10/31/2022	11/8/2022	final
B-22-94872	U-22-12032	U-DEWATERING	DEWATERING PERMIT	225 WELLS RD		DUNWORTH CONSTRUCTION IN C	12/6/2022	4/20/2023	final
B-22-94872	U-23-12190	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: JAYSON CLOUTIER - (561) 722-8124 DATES: 1/18 THRU 4/17	225 WELLS RD		DUNWORTH CONSTRUCTION IN C	1/5/2023	1/9/2023	final
B-22-94872	U-23-12191	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: JAYSON CLOUTIER - (561) 722-8124 DATES: 1/18 THRU 4/17	225 WELLS RD		DUNWORTH CONSTRUCTION IN C	1/5/2023	1/9/2023	final
B-22-94872	U-23-12192	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: JAYSON CLOUTIER - (561) 722-8124 DATES: 1/18 THRU 4/17	225 WELLS RD		DUNWORTH CONSTRUCTION IN C	1/5/2023	1/9/2023	final
B-22-94872	U-23-14207	U-USE OF/WORK IN ROW	USE OF- DEMOBILIZE EXCAVATOR, MOVE EXCAVATOR	225 WELLS RD		N & P CONSTRUCTION AND DEV ELOP	9/21/2023	9/27/2023	final
	X-05-18589	X-LEGACY PERMIT	INSTALL STANDBY GENERATOR	225 WELLS RD		INACTIVE	9/6/2005	9/6/2005	final
	X-05-19336	X-LEGACY PERMIT	SUPPLY & INSTALL 1" NATURAL GAS LINE FROM EXISTING G AS METER TO NEW GAS GENERATOR & HOOK UP GENERAT	225 WELLS RD		KGW ENTERPRISES INC	10/11/2005	10/11/2005	final
	X-08-33805	X-LEGACY PERMIT	REPLACE EXISTING ELECTRIC WATER HEATER IN ATTCHD GA RAGE	225 WELLS RD		GENERAL HOME SOLUTIONS INC	2/11/2008	2/11/2008	final
	X-08-34156	X-LEGACY PERMIT	HARDWIRE NEW WATER HEATER BY GENERAL PLUMBING P ERMIT ISSUED AT NO FEE W/PERMIT 8095251	225 WELLS RD		LIFESTYLES ELECTRICAL SERVICES	3/7/2008	3/7/2008	final
	B-22-94872	B-RESIDENTIAL NEW CONSTRUC TION/ADDITION	*****PRIVATE PROVIDER***** (SEE PERMIT CONDITIONS) CONSTRUCTION OF NEW 2 STORY HOME W/ NEW LANDSCA PE & HARDSCAPE.	225 WELLS RD		DUNWORTH CONSTRUCTION IN C	6/2/2022	7/29/2022	issued
B-22-94872	B-22-94873	F-FLOOD PLAIN DEVELOPMENT	FLOOD PLAIN	225 WELLS RD		DUNWORTH CONSTRUCTION IN C	6/2/2022	7/29/2022	issued
	U-21-07901	U-SEWER/DRAINAGE - CAP-OFF /CONNECTION	SEWER CAP OFF FOR EXISTING SEWER FOR DEMOLITION	225 WELLS RD		CATOE & SON PLUMBING	7/28/2021	8/5/2021	issued
	U-22-11230	U-EXCAVATION IN ROW	CONNECT SEWER LATERAL TO MAIN	225 WELLS RD		ABSOLUTE PLUMBING LLC	9/14/2022	9/23/2022	issued
	U-22-11231	U-SEWER/DRAINAGE - CAP-OFF /CONNECTION	CONNECT SEWER LATERAL TO MAIN	225 WELLS RD		ABSOLUTE PLUMBING LLC	9/14/2022	9/23/2022	issued
	U-22-11472	U-EXCAVATION IN ROW	EXCAVATE- INSTALL NEW 2" TAP AND 1 1/2" WATER SERVIC	225 WELLS RD		ABSOLUTE PLUMBING LLC	10/6/2022	10/21/2022	issued
	U-22-11473	U-SEWER/DRAINAGE - CAP-OFF /CONNECTION	INSTALL NEW 2" TAP AND 1 1/2" WATER SERVICE	225 WELLS RD		ABSOLUTE PLUMBING LLC	10/6/2022	10/21/2022	issued
	U-22-11625	U-EXCAVATION IN ROW	EXCAVATION WITH GRASS AREA. EXCAVATE- 1.25" PE GAS SERVICE BY DIRECTIONAL BORE AN D CONNECT TO EXISTING 2" PE GAS MAIN. LOCATION WITHIN PHASE 7 S OF THE UNDERGROUNDING	225 WELLS RD		GAS SYSTEMS TECHNOLOGY INC	10/19/2022	10/21/2022	issued
	U-23-12252	U-EXCAVATION IN ROW	*** EMERGENCY *** EXCAVATE FOR PATCH	225 WELLS RD		ABSOLUTE PLUMBING LLC	1/12/2023	1/27/2023	issued

Count: 47

CONTRACTOR CHANGED TO WILDES BUILDERS JULY 2023.

TC Development Review Meeting Backup 8-12-2024

Property Detail

Location Address : 225 WELLS RD
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-14-06-000-0150
Subdivision : STOTESBURY PARK REV IN
Official Records Book/Page : 34329 / 597
Sale Date : MAY-2023
Legal Description : REVISED PL OF STOTESBURY PARK LT 15

Owner Information

Owner(s)	Mailing Address
LLPB TRUST	225 WELLS RD PALM BEACH FL 33480 3624

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-2023	$11,500,000	34329 / 00597	WARRANTY DEED	LLPB TRUST
JUN-2021	$6,500,000	32652 / 01272	WARRANTY DEED	M2B PROPERTIES LLC
DEC-2015	$10	27988 / 00935	WARRANTY DEED	LIPPMAN JUDITH S TRUST FBO
DEC-2015	$10	27990 / 00061	WARRANTY DEED	LIPPMAN JUDITH S
JUN-2002	$10	13940 / 00918	QUIT CLAIM	LIPPMAN JUDITH S
AUG-1993	$650,000	07844 / 01365	WARRANTY DEED	
MAR-1992	$585,000	07207 / 00204	REP DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 0
***Total Square Feet :** 0
Acres : 0.3214
Property Use Code : 0000—VACANT
Zoning : R-B—LOW DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$0	$0	$69,795	$158,014	$147,162
Land Value	$7,140,000	$5,390,000	$3,711,400	$2,887,920	$2,807,700
Total Market Value	$7,140,000	$5,390,000	$3,781,195	$3,045,934	$2,954,862

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$5,929,000	$5,390,000	$3,350,527	$3,045,934	$2,954,862
Exemption Amount	$0	$0	$0	$0	$0
Taxable Value	$5,929,000	$5,390,000	$3,350,527	$3,045,934	$2,954,862

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	$96,829	$83,519	$57,323	$50,239	$49,575

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Time Extensions

Agenda Title
Waiver of Town Code Section 18-237, For Building Permit Extension for **500 Regents Park,** Permit Extension - B-21-92420

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 500 Regents Park. Permit B-21-02420

Date: July 19, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Kyle Papke, co-founder of PBB Construction regarding a time extension in which to complete the construction of a new single-family residence at 500 Regents Park. The request is to extend the permit by one year and thirty two days to complete work by November 30, 2025.

GENERAL INFORMATION

The current owner is Robert A. Merrill who purchased the property in March of 2020. The permit was issued April 7, 2022, with a total of thirty months for completion. Expiration date is October 7, 2024. The contractor explains in their letter dated July 22, 2024, the need for extension is in part due to a chang eof contractor as well as ongoing design development changes necessary to the project as well as unforseen structural adjustments. The revised construction schedule shows the project completion to be November 30, 2025.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from PBB Construction with Construction Schedule, Nuisance Mitigation Measures, and Neighbor Notice
Permit Summary for the Property
Property Appraiser Details for the Property

Ext-permit 24-00019

TOWN OF PALM BEACH

Planning, Zoning and Building

$23,842.50

BUILDING PERMIT TIME EXTENSION REQUEST

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

RECEIVED
JUL 22 2024
Town of Palm Beach
PZB Dept

1. Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. Include a copy of the above notification to neighbors. Be sure to include the meeting date in the letter to neighbors.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – provide a copy of the receipt showing payment of applicable fees (1% of remaining, unfinished construction).

Deadlines: **See Permit Time Extension Schedule for submittal deadlines (page 3).** For Town Council Meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): 8/12/2024
- Deadline for submittal of request/backup must be received by: 7/22/2024
  (Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: 7/19/2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-02420 Exp. Date: 10-29-2024

Job Address: 500 Regents Park Rd., Palm Beach, FL 33480

Length of time extension being requested: (in days) 397 Days

Proposed completion date if requested time extension is granted: 11/30/2025
(Must attach completion schedule)

Contact: Kyle H. Papke Phone: 561.802.0799

Email: kpapke@pbbconstruction.com

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Job Address: 500 Regents Park Rd., Palm Beach, FL 33480

B-20-90497 ~ 200,000

Permit# : B-21-92420 Job Value $ 3,663,000.00

Permit# : _____ Job Value $ _____

Permit# : _____ Job Value $ _____

Permit# : _____ Job Value $ _____

Valuation of work remaining to complete the project: $ 2,337,500.00
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 23,375.00
(attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

Maura Ziska, agent
OWNER SIGNATURE DATE

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me this 18th day of July 2024, By Maura Ziska, agent

Who are personally known ✓ OR produced identification (Type of identification) _____
OR Online Notarization _____.

Jeanette M. Civils
Printed Name of Notary

Jeanette M. Civils
Signature of Notary

SEAL:

JEANETTE M. CIVILS
MY COMMISSION # HH 527719
EXPIRES: July 8, 2028

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me this 22nd day of July 2024, By Kyle Papke

Who are personally known _____ OR produced identification (Type of identification) FL DL
OR Online Notarization _____.

Jeanette M. Civils
Printed Name of Notary

Jeanette M. Civils
Signature of Notary

SEAL:

JEANETTE M. CIVILS
MY COMMISSION # HH 527719
EXPIRES: July 8, 2028

PBB
CONSTRUCTION

July 22, 2024

PBB Construction, LLC
7711. N Military Trail
West Palm Beach, FL 33410

Attn: Wayne Bergman, MCP, LEED-AP

RE: Request for Extension of Building for 500 Regents Park Rd.

Dear Wayne,

I am writing to formally request an extension for the building permit related to 500 Regents Park Rd, Palm Beach, Florida . The current permit is set to expire on 10/29/2024, and we are seeking an extension due to ongoing design development, necessary changes to the project, and unforeseen structural adjustments.

The additional time requested is essential to finalize the design refinements, complete necessary consultations with our architectural and engineering teams, and overcome the delay of the contractor change. Additionally, the lifting and lowering of the home necessitated more structural work than anticipated, and bad soil conditions that further impacted our timeline.

We have included a construction schedule outlining the revised timeline for completion of the project, now targeted for the end of November 2025. Additionally, I have included a copy of the letter sent to notify the abutting property owners and owners within a three-hundred-foot radius from the project, certificate of mailing for said letters, as well as all necessary permitting documentation.

Should you require any additional information or clarification regarding this request, please do not hesitate to contact me at 561-379-2001 or via email at kpapke@pbbconstruction.com. Your prompt attention to this matter is greatly appreciated, and we look forward to your favorable response.

Thank you for your kind assistance.

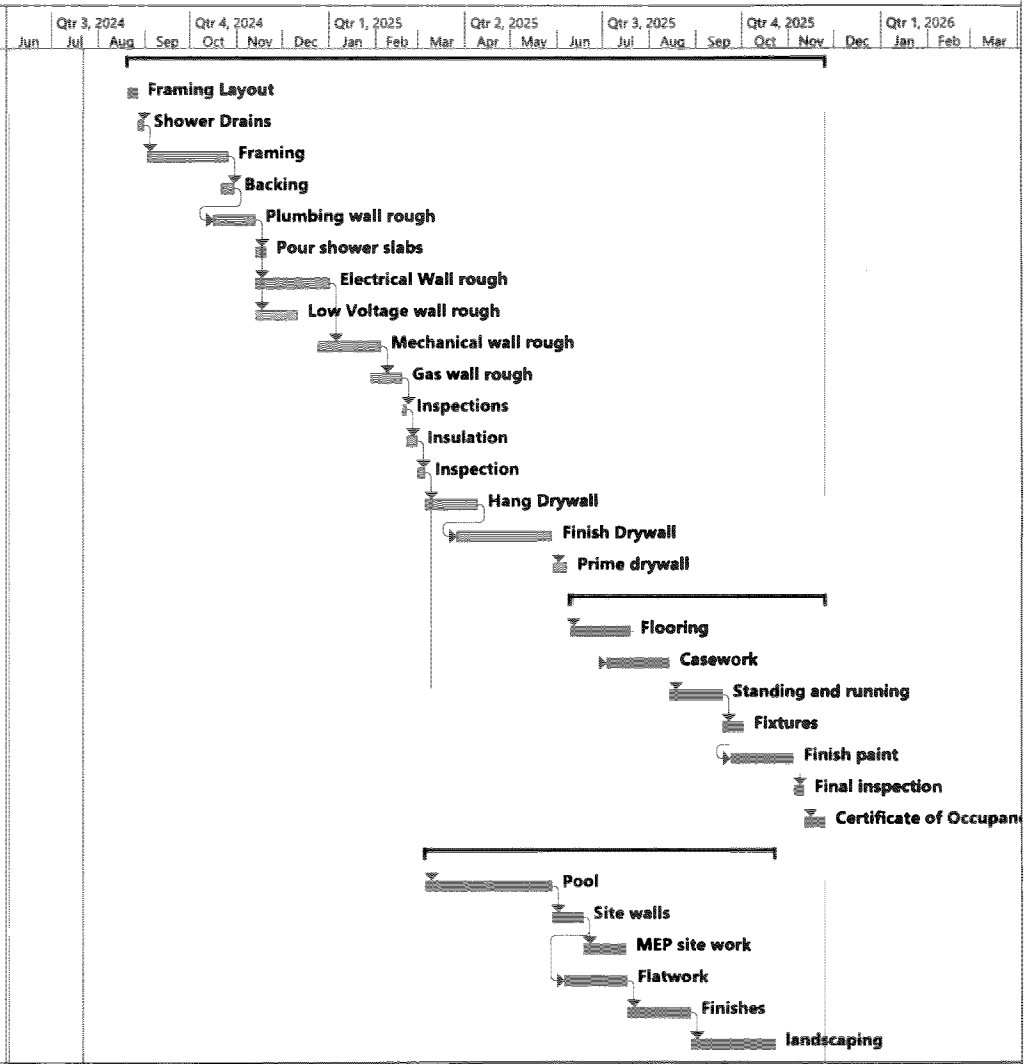
Very truly yours,

Kyle H. Papke, Co-Founder

7711 MILITARY TRAIL, WEST PALM BEACH, FL 33410 | T: 561 802 0799 | PBBCONSTRUCTION.COM | CGC1527341

Master Schedule:
500 Regents Park Rd.
Palm Beach, FL

	Task Mode	Task Name	Duration	Start	Finish	Predecessors
1		**500 Regent Park Road**	**330 days**	**Tue 8/20/24**	**Mon 11/24/25**	
2		Framing Layout	5 days	Tue 8/20/24	Mon 8/26/24	
3		Shower Drains	4 days	Tue 8/27/24	Fri 8/30/24	2
4		Framing	40 days	Mon 9/2/24	Fri 10/25/24	3
5		Backing	7 days	Mon 10/21/24	Tue 10/29/24	4FS-5 days
6		Plumbing wall rough	20 days	Wed 10/16/24	Tue 11/12/24	5FS-10 days
7		Pour shower slabs	5 days	Wed 11/13/24	Tue 11/19/24	6
8		Electrical Wall rough	35 days	Wed 11/13/24	Tue 12/31/24	6
9		Low Voltage wall rough	20 days	Wed 11/13/24	Tue 12/10/24	6
10		Mechanical wall rough	30 days	Tue 12/24/24	Mon 2/3/25	8FS-6 days
11		Gas wall rough	15 days	Tue 1/28/25	Mon 2/17/25	10FS-5 days
12		Inspections	3 days	Tue 2/18/25	Thu 2/20/25	11
13		Insulation	5 days	Fri 2/21/25	Thu 2/27/25	12
14		Inspection	3 days	Fri 2/28/25	Tue 3/4/25	13
15		Hang Drywall	25 days	Wed 3/5/25	Tue 4/8/25	14
16		Finish Drywall	45 days	Wed 3/26/25	Tue 5/27/25	15FS-10 days
17		Prime drywall	8 days	Wed 5/28/25	Fri 6/6/25	16
18		**Interior finishes**	**121 days**	**Mon 6/9/25**	**Mon 11/24/25**	
19		Flooring	30 days	Mon 6/9/25	Fri 7/18/25	17
20		Casework	30 days	Thu 7/3/25	Wed 8/13/25	19FS-12 days
21		Standing and running	25 days	Thu 8/14/25	Wed 9/17/25	20
22		Fixtures	10 days	Thu 9/18/25	Wed 10/1/25	21
23		Finish paint	30 days	Tue 9/23/25	Mon 11/3/25	22FS-7 days
24		Final inspection	5 days	Tue 11/4/25	Mon 11/10/25	23
25		Certificate of Occupancy	10 days	Tue 11/11/25	Mon 11/24/25	24
26		**Exterior finishes**	**166 days**	**Wed 3/5/25**	**Wed 10/22/25**	
27		Pool	3 mons	Wed 3/5/25	Tue 5/27/25	14
28		Site walls	15 days	Wed 5/28/25	Tue 6/17/25	27
29		MEP site work	20 days	Wed 6/18/25	Tue 7/15/25	28
30		Flatwork	30 days	Thu 6/5/25	Wed 7/16/25	28FS-9 days
31		Finishes	30 days	Thu 7/17/25	Wed 8/27/25	30
32		landscaping	2 mons	Thu 8/28/25	Wed 10/22/25	31



Mon 7/22/24

PBB
CONSTRUCTION

Nuisance Mitigation Plan

500 Regents Park Rd.

July 22, 2024

1. PBB Construction superintendent and project manager will manage and coordinate subcontractors on site. Direct mobile phone numbers of both the superintendent and project manager will be available to all subcontractors for coordination.

2. On site management will ensure all subcontractors have been notified of items below:
    a. Town of Palm Beach Three-Strike Rule
    b. Town of Palm Beach Holidays
    c. Town of Palm Beach Working Hours
    d. Town of Palm Beach Material Delivery Requirements vs. Right of Way Permits

3. On site management will hold meetings to ensure subcontractors follow additional rules below:
    a. No music outside
    b. No Eating Lunch near site walls, gates or near other properties
    c. No loud noise during quiet working hours
    d. No parking on street, only within job site gates
    e. No fishing from seawall
    f. Maintain erosion control and construction fence at perimeter of job site

4. On site management will coordinate parking, deliveries, smooth flow of traffic and job site conditions by taking additional steps below
    a. Ensure any parking permits are current and updated regularly
    b. Encourage car-pooling to job site
    c. Ensure construction fence is in good working order
    d. Maintain existing landscape buffers at property lines
    e. Clean street as needed if any trucks leave behind construction debris
    f. Encourage an open line of communication with neighbors with on site management

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PBB
CONSTRUCTION

July 18, 2024

To Whom It My Concern:

A waiver of Town Ordinance 18-242, Section 105.4.1.6, agreed maximum time schedule for completion of construction, is being requested by 500 Regents Park Road, Palm Beach, Florida, allowing extra time to complete construction. The new completion date would be the end of November, 2025.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled meeting on August 12, 2024. Any concerns regarding this matter should be expressed at this meeting and/or to the Town's Planning, Zoning & Building Department in advance of the Town Council meeting.

If you have any questions regarding the permit extension request, please contact PBB Construction at 561-802-0799.

Sincerely,

Kyle H. Papke, Co-Founder

7711 MILITARY TRAIL, WEST PALM BEACH, FL 33410 | T: 561 802 0799 | PBBCONSTRUCTION.COM | CGC1527341

Master Permit #	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-21-92420	B-22-97066	R-REVISION	***** PRIVATE PROVIDER ***** REVISION - SITE PLAN- SITE WALL DETAILS	500 REGENTS PARK		PBB CONSTRUCTION LLC	10/27/2022		canceled
B-21-92420	B-23-99577	R-REVISION	***** PRIVATE PROVIDER ***** REVISION- PLUMBING SANITARY WASTE PIPING REVISIONS	500 REGENTS PARK		WILDES BUILDERS LLC	6/5/2023		canceled
B-20-87032	L-21-00581	L-LPC STAFF APPROVAL	INSTALL ROOF MOUNTED SOLAR PV SYSTEM	500 REGENTS PARK		EFFICIENT HOME SERVICES OF FLORIDA LLC	2/19/2021		canceled
B-15-50413	B-15-50414	S-SITE WORK/DRAINAGE	REPAVE EXSITING ROADWAY. ALL WORK AS PER PLANS	500 REGENTS PARK		B & A DESIGN BUILDERS INC	7/24/2015	8/24/2015	final
	B-16-55972	E-ELECTRICAL	REMOVE WALL OVEN EXISTING OUTLET BOX BETWEEN OVEN IN CABINET TO BE J-BOX & INSTALL 10-3 TO CABINET.	500 REGENTS PARK		CUSTOM MECHANICAL INC	4/14/2016	4/21/2016	final
B-21-92193	B-22-96123	R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR PER ATTACHED LETTER	500 REGENTS PARK		PBB CONSTRUCTION LLC	8/22/2022	8/22/2022	final
B-21-92420	B-22-96124	R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR PER ATTACHED LETTER	500 REGENTS PARK		PBB CONSTRUCTION LLC	8/22/2022	8/22/2022	final
B-21-92421	B-22-96125	R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR PER ATTACHED LETTER	500 REGENTS PARK		PBB CONSTRUCTION LLC	8/22/2022	8/22/2022	final
B-21-92420	B-22-96497	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	***** PRIVATE PROVIDER ***** PERMIT UPDATE- INTERIOR AND EXTERIOR RENOVATIONS.	500 REGENTS PARK		PBB CONSTRUCTION LLC	9/15/2022	11/8/2022	final
B-21-92420	B-23-98024	R-REVISION	***** PRIVATE PROVIDER ***** REVISION- BUILDING- STRUCTURAL AS BUILTS TO THE EXISTING GRADE BEAM DESIGN, ELEVATIONS AND LOADS WERE NOT EFFECTED.	500 REGENTS PARK		PBB CONSTRUCTION LLC	2/10/2023	2/13/2023	final
B-21-92420	B-23-99701	R-REVISION	***** PRIVATE PROVIDER ***** REVISION- PLUMBING- SANITARY WASTE PIPING REVISIONS	500 REGENTS PARK		PBB CONSTRUCTION LLC	6/13/2023	6/21/2023	final
	L-23-00864	L-LPC STAFF APPROVAL	LPC STAFF APPROVAL LANDSCAPE AND HARDSCAPE REVISIONS	500 REGENTS PARK		NIEVERA WILLIAMS DESIGN INC	10/9/2023	1/5/2024	final
	X-05-18038	X-LEGACY PERMIT	TEAROFF EXISTING FLAT ROOF-INSTALL PERLITE ON EAST & WEST LOWER ROOFS.TINTAG 1#75 MOP 2PLY & 1 GAF **	500 REGENTS PARK		INACTIVE	8/5/2005	8/5/2005	final
	X-05-19301	X-LEGACY PERMIT	SERVICE CHANGE FROM FUSE5 TO BREAKERS 200A	500 REGENTS PARK		ANGELOCCI ELECTRIC INC	10/7/2005	10/7/2005	final
	B-20-85674	S-MARINE STRUCTURE	(SEE PERMIT CONDITIONS) CONCRETE SEAWALL REPLACEMENT OWNER LISTED AS MERRILL	500 REGENTS PARK		CONSTRUCTION TECHNOLOGY INC	9/2/2020	4/6/2023	issued
	B-20-87032	E-ELECTRICAL	INSTALL ROOF MOUNTED SOLAR PV SYSTEM	500 REGENTS PARK		EFFICIENT HOME SERVICES OF FLORIDA LLC	12/17/2020	3/26/2021	issued
	B-21-92193	D-INTERIOR DEMOLITION	(SEE PERMIT CONDITIONS) SELECTIVE INTERIOR & EXTERIOR DEMO PER PLANS	500 REGENTS PARK		WILDES BUILDERS LLC	11/30/2021	12/16/2021	issued
	B-21-92420	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	***** PRIVATE PROVIDER ***** (SEE PERMIT CONDITIONS) NEW FOUNDATION PER ATTACHED PLANS TO FEMA REQUIR	500 REGENTS PARK		WILDES BUILDERS LLC	12/10/2021	4/7/2022	issued
B-21-92420	B-21-92421	F-FLOOD PLAIN DEVELOPMENT	***** PRIVATE PROVIDER ***** FLOOD PLAIN DEVELOPMENT	500 REGENTS PARK		WILDES BUILDERS LLC	12/10/2021	4/7/2022	issued
	B-22-96480	E-ELECTRICAL	INSTALLATION OF 400AMP TEMPORARY POWER BOARD AS PER DRAWING	500 REGENTS PARK		MALONE ELECTRICAL SOLUTIONS LLC	9/15/2022	9/19/2022	issued
B-21-92420	B-22-96498	R-REVISION	***** PRIVATE PROVIDER ***** REVISION- ELECTRICAL TEMPORARY POWER RISER	500 REGENTS PARK		PBB CONSTRUCTION LLC	9/15/2022		pending
B-21-92420	B-23-99674	R-REVISION	***** PRIVATE PROVIDER ***** REVISION- SITE PLAN- HARDSCAPE DETAILS	500 REGENTS PARK		PBB CONSTRUCTION LLC	6/9/2023		pending

Count: 23

TC Development Review Meeting Backup 8-12-2024

Master Permit #	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
	Z-20-00316	Z-DEVELOPMENT REVIEW PERMIT	The applicant is undertaking the renovation of a landmark home and raising the finished floor of the residence and appurtenances to 9.0 feet NAVD, adding pergolas to the rear of the residence, and adding a bay window to the north of the residence. The following variances are being requested in order to raise the house above the minimum flood elevation and add three additions as follows: 1)Section 134-793 (7): a building height plane of 33.3 feet in lieu of the 40.7 minimum required; 2) Section 134-793(8): a north side yard setback for the 286 square foot pergola to be 11 feet in lieu of the 30 foot minimum required; 3) Section 134-793(8): a south side yard setback for the 276 square foot pergola to be 11.66 feet in lieu of the 30 foot minimum required; 4) Section 134-793(8): a north side yard setback for the 17.5 square foot bay window to be 28 feet in lieu of the 30 foot minimum required; 5) Section 134-793(11): a lot coverage of 41.3% in lieu of the 38% existing and the 25%maximum allowed to add the 2 pergolas to the rear of the house; 6) Section 134-1667: a height of the retaining wall/fence combination in the front yard setback of 9.7 feet in lieu of the 6 foot maximum allowed; 7) Section 134-1668: a height of the two piers to be 14.4 feet in lieu of the 8 foot maximum allowed; 8) Section 134-1667: to allow the piers in the front to not have a continuous 3 f	500 REGENTS PARK		KOCHMAN AND ZISKA	12/9/2020		pending

Count: 23

TC Development Review Meeting Backup 8-12-2024

Property Detail

Location Address : 500 REGENTS PARK RD
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-35-07-000-0030
Subdivision : REGENTS PARK IN
Official Records Book/Page : 31293 / 443
Sale Date : MAR-2020
Legal Description : REGENTS PARK LT 3

Owner Information

Owner(s)	Mailing Address
MERRILL ROBERT A	500 REGENT PARK PALM BEACH FL 33480 5011

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAR-2020	$7,500,000	31293 / 00443	WARRANTY DEED	MERRILL ROBERT A
APR-1994	$500,000	08286 / 01377	QUIT CLAIM	LOUIS EDDY J
APR-1985	$2,200,000	04527 / 01995	WARRANTY DEED	
JAN-1973	$625,000	02153 / 01896		
JAN-1972	$500,000	02037 / 01775	WARRANTY DEED	

Exemption Information

Applicant/Owner(s)	Year	Detail
MERRILL ROBERT A	2024	HOMESTEAD
MERRILL ROBERT A	2024	ADDITIONAL HOMESTEAD

Property Information

Number of Units : 1
***Total Square Feet :** 7326
Acres : 0.4896
Property Use Code : 0100—SINGLE FAMILY
Zoning : R-AA—LARGE ESTATE RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$759,015	$691,774	$1,021,976	$1,596,744	$1,954,693
Land Value	$11,231,260	$8,718,360	$5,093,336	$4,520,000	$5,450,000
Total Market Value	$11,990,275	$9,410,134	$6,115,312	$6,116,744	$7,404,693

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$6,487,734	$6,298,771	$6,115,312	$3,274,617	$3,200,994
Exemption Amount	$50,000	$50,000	$50,000	$50,500	$50,500
Taxable Value	$6,437,734	$6,248,771	$6,065,312	$3,224,117	$3,150,494

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	$96,809	$96,988	$98,582	$53,354	$53,036

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Time Extensions

Agenda Title
Waiver of Town Code Section 18-237, For Building Permit Extension for **224 Southland Rd.**, Permit Extension - B-22-97455

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 224 Southland Rd – Permit B-22-97455

Date: July 19, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Jason Chase, Director of Construction with Newport Property Construction regarding a time extension in which to complete the construction of a home renovation and addition at 224 Southland Rd. The request is to extend the permit by four months, complete work by October 10, 2024.

GENERAL INFORMATION

The current owner is John A. English Trust who purchased the property in April of 2024. The permit was issued February 6, 2023, with a total of sixteen months for completion. The expiration date was June 6, 2024. The contractor explains in their letter attached the need for extension is due to a combination of design changes and material lead times.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from Newport Property Construction with Nuisance Mitigation measures and Construction Schedule
Neighbor Notice
Permit Summary for the Property
Property Appraiser Details for the Property

Extramt-24-0020

TOWN OF PALM BEACH

Planning, Zoning and Building

BUILDING PERMIT TIME EXTENSION REQUEST

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. Include a copy of the above notification to neighbors. Be sure to include the meeting date in the letter to neighbors.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – provide a copy of the receipt showing payment of applicable fees (1% of remaining, unfinished construction).

Deadlines: **See Permit Time Extension Schedule for submittal deadlines (page 3).** For Town Council Meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): AUGUST 14, 2024
- Deadline for submittal of request/backup must be received by: AUGUST 1, 2024
  (Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: JULY 19, 2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-22-97455 Exp. Date: _____

Job Address: 224 SOUTHLAND Rd.

Length of time extension being requested: (in days) 120 DAYS

Proposed completion date if requested time extension is granted: 10/10/24
(Must attach completion schedule)

Contact: JASON CHASE Phone: 786 586 3554

Email: JCHASE@NPWLTD.COM

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Job Address: 224 SOUTHLAND RD.

Permit# : B22-97455 Job Value $ 950,000

Permit# : _____ Job Value $ _____

Permit# : _____ Job Value $ _____

Permit# : _____ Job Value $ _____

Valuation of work remaining to complete the project: $ 100,000
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 1,000 # 1020.00
(attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

OWNER SIGNATURE 7/22/24 DATE

NOTARY TO OWNER

STATE OF Florida
COUNTY OF Pinellas

Sworn to (or affirmed) and subscribed before me this 22nd day of July 2024 By Linda Frost

Who are personally known ✓ OR produced identification (Type of identification) _____
OR Online Notarization _____

Yolanda Canizares
Printed Name of Notary

Signature of Notary

SEAL:

YOLANDA CANIZARES
MY COMMISSION # HH 341031
EXPIRES: April 13, 2027

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

CONTRACTOR SIGNATURE 7/22/24 DATE

NOTARY TO CONTRACTOR

STATE OF Florida
COUNTY OF Pinellas

Sworn to (or affirmed) and subscribed before me this 22nd day of July 2024 By Jason Cross

Who are personally known ✓ OR produced identification (Type of identification) _____
OR Online Notarization _____

Yolanda Canizares
Printed Name of Notary

Signature of Notary

SEAL:

YOLANDA CANIZARES
MY COMMISSION # HH 341031
EXPIRES: April 13, 2027

NEWPORT
PROPERTY CONSTRUCTION

Town of Palm Beach
Building Official
360 South County Road
Palm Beach, FL. 33480

Dear Mr.Bergman,

Master Permit No. B22-97455

Please accept the letter as our request for time extension to the above noted master permit. This time extension is being requested due to a combination of design changes and material lead times that have resulted in changes to the construction schedule.

The contact person for the project is Jason Chase, 786-586-3554.

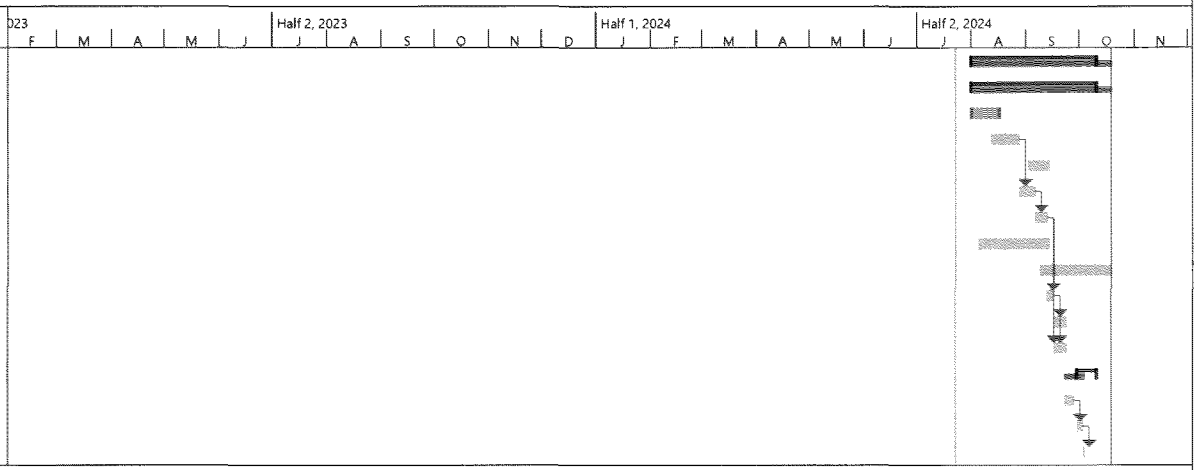
Thank you in advance for your consideration.

Regards,

JC

Jason Chase
Director of Construction
Newport Property Construction

ID	Task Name	Duration	Start
1	**FROST RESIDENCE**	**51 days**	**Thu 8/1/24**
2	**Construction**	**51 days**	**Thu 8/1/24**
3	Install bathroom tile	12 days	Thu 8/1/24
4	Millwork	12 days	Mon 8/12/24
5	Interior Custom Doors	10 days	Mon 9/2/24
6	Install Countertops	7 days	Wed 8/28/24
7	Install Plumbing Fixtures	5 days	Fri 9/6/24
8	Pool Restoration (pending permit acquisition)	30 days	Mon 8/5/24
9	Driveway and Site Wall	30 days	Mon 9/9/24
10	Install Appliances	2 days	Fri 9/13/24
11	Electrical Trim & Final	5 days	Tue 9/17/24
12	Plumbing Trim & Final	5 days	Tue 9/17/24
13	**Final Completion**	**9 days**	**Mon 9/30/24**
14	Punch List	5 days	Mon 9/23/24
15	Final cleanup	3 days	Mon 9/30/24
16	Demobilization & Project Closeout	1 day	Thu 10/3/24



NEWPORT PROPERTY CONSTRUCTION, LTD.
STATUS DATE: NA

Task	Inactive Task	Manual Summary Rollup	External Milestone	Manual Progress
Split	Inactive Milestone	Manual Summary	Deadline	
Milestone	Inactive Summary	Start-only	Critical	
Summary	Manual Task	Finish-only	Critical Split	
Project Summary	Duration-only	External Tasks	Progress	

PROJECT: FROST RESIDENCE
224 SOUTHLAND RD, PALM BEACH, FL 33480

PROPOSED BASELINE CONSTRUCTION PROGRESS SCHEDULE
Page 1

PROJECT START DATE: Wed 2/1/23
PROJECT FINISH DATE: Fri 10/18/24
PROJECT CURRENT DATE: Tue 7/23/24

Frost Residence

224 Southland Rd

Palm Beach, Fl. 33480

Nuisance Mitigation Measures:

1. Attached Truck Plan
2. Attached Construction Screening Plan
3. Attached Construction Staging Plan
4. Abide by all time and date and noise restrictions set by Town of Palm Beach
5. Full time supervision by Newport Property Construction (GC)

NEWPORT
PROPERTY CONSTRUCTION

Town of Palm Beach
Building Official
360 South County Road
Palm Beach, FL. 33480

Dear Mr.Bergman,

Master Permit No. B22-97455

Please accept this letter as statement that notices to neighbors within 300 feet of the noted property will be first class mailed twenty five (25) days prior to our meeting where the extension will be considered.

The contact person for the project is Jason Chase, 786-586-3554.

Thank you in advance for your consideration.

Regards,

Jason Chase
Director of Construction
Newport Property Construction

Property Detail

Location Address : 224 SOUTHLAND RD
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-10-10-000-0330
Subdivision : EAST SHORE ADD IN
Official Records Book/Page : 35041 / 1964
Sale Date : APR-2024
Legal Description : EAST SHORE ADDITION LT 33

Owner Information

Owner(s)	Mailing Address
ENGLISH JOHN A TRUST & FROST NINA & FROST SIMON	224 SOUTHLAND RD PALM BEACH FL 33480 3417

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
APR-2024	$2,500,000	35041 / 01964	WARRANTY DEED	ENGLISH JOHN A TRUST &
OCT-2021	$5,308,000	32950 / 00989	WARRANTY DEED	FROST SIMON &
JUL-1998	$100	10516 / 01437	WARRANTY DEED	
AUG-1994	$100	08408 / 01833	QUIT CLAIM	
AUG-1989	$100	06156 / 01847	QUIT CLAIM	
JUL-1989	$385,000	06152 / 01274	WARRANTY DEED	
NOV-1984	$337,500	04387 / 00702	WARRANTY DEED	

Exemption Information

Applicant/Owner(s)	Year	Detail
FROST SIMON &	2024	ADDITIONAL HOMESTEAD
FROST SIMON &	2024	HOMESTEAD

Property Information

Number of Units : 1
***Total Square Feet :** 3080
Acres : 0.2525
Property Use Code : 0100—SINGLE FAMILY
Zoning : R-B—LOW DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$210,625	$205,024	$23,056	$9,776	$17,371
Land Value	$5,608,470	$4,233,845	$2,443,358	$2,169,158	$1,979,460
Total Market Value	$5,819,095	$4,438,869	$2,466,414	$2,178,934	$1,996,831

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$4,572,035	$4,438,869	$658,731	$649,636	$635,030
Exemption Amount	$50,000	$50,000	$50,000	$50,000	$50,000
Taxable Value	$4,522,035	$4,388,869	$608,731	$599,636	$585,030

Master Permit I	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-22-97455	B-22-95805	B-RESIDENTIAL ALTERATION	HOUSE RENOVATIONS	224 SOUTHLAND RD		NEWPORT PROPERTY CONSTRUCTION LTD	8/2/2022		canceled
B-22-97455	A-22-02443	A-ARCOM STAFF APPROVAL	ARCOM- LOCATION CHANGE OF EQUIPMENT (POOL EQUIPMENT AC GENERATOR) FRONT ENTRY MODIFIED PER ARCOM CONDITION OF APPROVAL (LOWERING OF ENTRY ROOF)	224 SOUTHLAND RD		NEWPORT PROPERTY CONSTRUCTION LTD	7/1/2022	11/28/2022	final
	A-23-02871	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL WINDOW AND DOOR MODIFICATIONS TO THE WEST AND SOUTH ELEVATIONS	224 SOUTHLAND RD		NEWPORT PROPERTY CONSTRUCTION LTD	3/16/2023	3/17/2023	final
	A-23-02944	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL MODIFICATION TO RAISE FRONT ENTRY ROOF SECTION BY 1' (PREVIOUSLY REVIEWED AT PRE-APP).	224 SOUTHLAND RD		PATRICK SEGRAVES ARCHITECT	4/25/2023	4/28/2023	final
B-22-97455	A-23-03286	A-ARCOM STAFF APPROVAL	ARCOM- FRONT DOOR MODIFICATION	224 SOUTHLAND RD		NEWPORT PROPERTY CONSTRUCTION LTD	9/26/2023	11/16/2023	final
	B-08-00309	S-HARDSCAPE/DRIVEWAY/LANDSCAPE	RESURFACE DRIVEWAY 1" S III ASPHALT PATCH 2 SMALL AREAS - SAME AS EXISTING	224 SOUTHLAND RD		BCM CONSTRUCTION INC	10/15/2008	10/23/2008	final
	B-10-12889	M-REPLACEMENT	A/C CHANGEOUT - EXACT REPLACEMENT ST RHEEM 16 SEE	224 SOUTHLAND RD		AZTIL INC	9/10/2010	9/20/2010	final
	X-03-05475	X-LEGACY PERMIT	WATER HEATER 12/5/05:CMD MOVED FROM 40905 TO ORIG VRU 39764. (40905 DUP ENTRY-TO BE HISTORIED)	224 SOUTHLAND RD		INACTIVE	10/7/2003	10/7/2003	final
	X-05-15660	X-LEGACY PERMIT	INSTALL ALARM 1 MASTER 3 DEVICES	224 SOUTHLAND RD		BRINKS HOME SECURITY INC	4/28/2005	4/28/2005	final
	X-06-24619	X-LEGACY PERMIT	INSTALL 16 KW STAND BY GENERATOR ON PRE FAB SLAB	224 SOUTHLAND RD		HARDWIRE ELECTRICAL SERVICES I	8/15/2006	8/15/2006	final
	X-06-24620	X-LEGACY PERMIT	INSTALL NATURAL GAS LINES TO GENERATOR. (GENERATOR BY OTHER)	224 SOUTHLAND RD		FLORIDA PUBLIC UTILITIES COMPA	8/15/2006	8/15/2006	final
	X-06-25491	X-LEGACY PERMIT	REROOF GRAVEL 6SF (MODIFIED BITUMEN (TORCH)	224 SOUTHLAND RD		ALL CENTRAL FLORIDA ROOFING CENTER	10/3/2006	10/3/2006	final
	X-06-25618	X-LEGACY PERMIT	CHANGE OUT GARAGE DOOR W/SAME SIZE, SAME DESIGN MATCH EXISTING.	224 SOUTHLAND RD		ALL FLORIDA GARAGE DOOR SERVICE INC	10/9/2006	10/9/2006	final
	X-07-27468	X-LEGACY PERMIT	REPLACE TILE ROOF.4000SF CEMENT TILE TO SAME. RE- PLACE FLAT DECK 3505F BUR TO TAMKO BUR	224 SOUTHLAND RD		CARPENTERS ROOFING&SHEET META	1/30/2007	1/30/2007	final
B-22-97455	B-22-94380	D-INTERIOR DEMOLITION	(SEE PERMIT CONDITIONS) INTERIOR DEMO	224 SOUTHLAND RD		NEWPORT PROPERTY CONSTRUCTION LTD	4/29/2022	7/11/2022	issued
B-22-97455	B-22-95388	F-FLOOD PLAIN DEVELOPMENT	FLOOD PLAIN	224 SOUTHLAND RD		NEWPORT PROPERTY CONSTRUCTION LTD	7/1/2022	7/11/2022	issued
	B-22-97455	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	HOME RENOVATION- ADDITION OF 750 SF	224 SOUTHLAND RD		NEWPORT PROPERTY CONSTRUCTION LTD	12/7/2022	2/6/2023	issued
B-22-97455	A-24-03641	A-ARCOM STAFF APPROVAL	ARCOM- IMPACT WINDOWS AND DOORS INSTALLATION	224 SOUTHLAND RD		NEWPORT PROPERTY CONSTRUCTION LTD	3/22/2024		pending

Count: 18

TC Development Review Meeting Backup 8-12-2024

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Time Extensions

Agenda Title
Waiver of Town Code Section 18-237, For Building Permit Extension for **363 Cocoanut Row**, Permit Extension - B-23-98323

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 363 Cocoanut Row. Permit B-23-98323

Date: July 19, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Melisa Perez, project manager for Mouw Associates, Inc., regarding a time extension in which to complete the renovations at 363 Cocoanut Row. The request is to extend the permit by and additional six months – to complete work by November 26, 2024.

GENERAL INFORMATION

The current owner is 363 Cocoanut Row Propco, LLC who purchased the property in April 2022. The permit was issued May 15, 2023, with a duration of 16 months. Expiration date is September 15, 2024. The contractor explains in their letter dated July 15, 2024, the need for extension is due to unforeseen circumstances based on the condition of the building's structure to which there were several additions to the overall renovation scope of work. The revised construction schedule shows the project completion to be end of November 2024.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from Mouw Associates with Construction Schedule, Nuisance Mitigation Measures, and Neighbor Notice
Permit Summary for the Property
Property Appraiser Details for the Property

RECEIVED
JUL 19 2024
TOWN OF PALM BEACH
PZB DEPARTMENT

TOWN OF PALM BEACH

Planning, Zoning and Building

BUILDING PERMIT TIME EXTENSION REQUEST

EXTPERMIT-24-00015

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. Include a copy of the above notification to neighbors. Be sure to include the meeting date in the letter to neighbors.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – provide a copy of the receipt showing payment of all applicable fees (1% of remaining, unfinished construction plus technology fee).

Deadlines: **See Permit Time Extension Schedule for submittal deadlines (page 3).** For Town Council Meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): August 14, 2024
- Deadline for submittal of request/backup must be received by: July 22, 2024
  (Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: July 19, 2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-23-98323 Exp. Date: September 15, 2024

Job Address: 363 Cocoanut Row 33480 Palm Beach FL

Length of time extension being requested: (in days) 180 days

Proposed completion date if requested time extension is granted: November 26th, 2024 (TCO)
(Must attach completion schedule)

Contact: John Hart Phone: 832-808-1807

Email: hart@mouwassociates.com

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Job Address: 363 Cocoanut Row, 33480 Palm Beach FL

Permit# : B-23-98323	Job Value	$ 1,500,000.00
Permit# : B-23-99504	Job Value	$18,000,000.00
Permit# :	Job Value	$
Permit# :	Job Value	$
TOTAL valuation of project		$ 19,500,000.00

Value of work remaining to complete the project, even if included in valuation above. Include labor, materials and the value of any owner supplied items, etc $ 5,035,900.86

Time Extension fee due based upon 1% of this amount: $ 50,359.01
Technology Fee (2% of permit fee above) $ 1,007.18

Total Time Extension Fee Due:
(attach a copy of the receipt for payment) $ 51,366.19

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

OWNER SIGNATURE 7/19/24 DATE

NOTARY TO OWNER

STATE OF
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 19 day of July

20 24 . By Trevor Stabelski

Who are personally known _____ OR produced identification (Type of identification) license
OR Online Notarization _____

Maria Paola Chaparro Cardona
Printed Name of Notary

Maria Paola Chaparro Cardona
Signature of Notary

SEAL:

Maria Paola Chaparro-Cardona
Notary Public
State of Florida
Comm# HH570291
Expires 7/12/2028

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

CONTRACTOR SIGNATURE 7-19-24 DATE

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 19 day of July

20 24 . By Joshua Mooney

Who are personally known _____ OR produced identification (Type of identification) license
OR Online Notarization _____

Maria Paola Chaparro Cardona
Printed Name of Notary

Maria Paola Chaparro Cardona
Signature of Notary

SEAL:

Maria Paola Chaparro-Cardona
Notary Public
State of Florida
Comm# HH570291
Expires 7/12/2028

Mouw Associates, Inc.

The Vineta Hotel
363 Cocoanut Row
Time Extension Request
Permit Renewal
July 15th, 2024

To whom it may concern,

Mouw Associates is reaching out regarding a time extension request for Permit #B-23-98323, located at 363 Cocoanut Row 33480 Palm Beach FL.
Due to the following unforeseen circumstances based on the condition of the building's structure, there have been several additions to the renovation scope that were not encapsulated in the original project schedule as listed below:

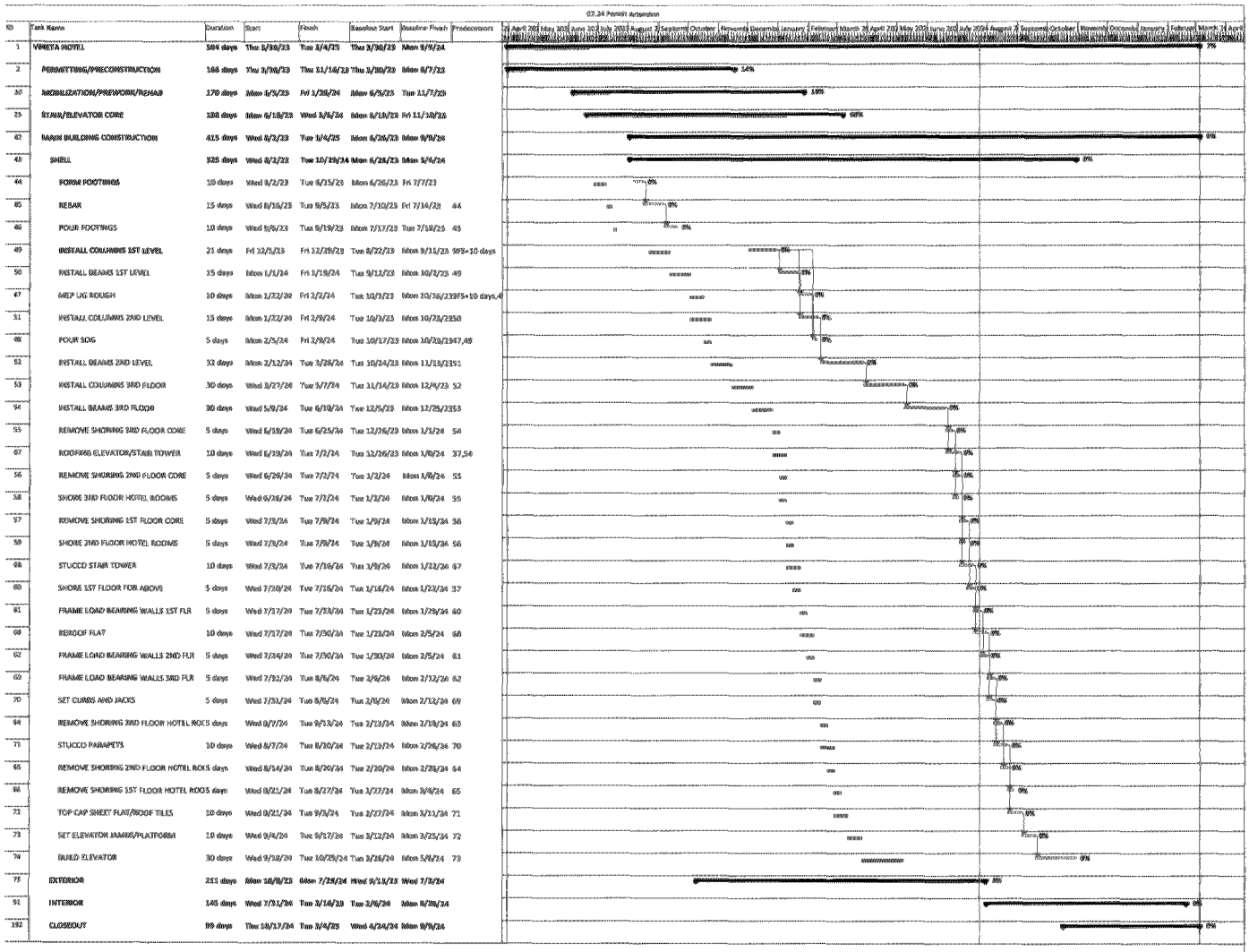
1. Stucco removal and reinstallation: *Based on the poor structural condition of the building's existing stucco*, the existing stucco needed to be removed and reinstalled. This quickly was identified as a life safety issue, creating additional scope and duration that were not accounted for in the project's original schedule.
2. Floor Leveling: Once the structure was stabilized, it became apparent there was no safe way to level the floors. The amount of water and termite damage was too great, and the joists were undersized for current building codes. With the building being balloon framed, the walls had to be stabilized and strapped and then the floors removed and replaced one section at a time. This was a timely and costly procedure to execute safely, and beyond the scope of the original plans.
3. Hidden defects and out of compliance elements have played a large part in the addition to scope and timeline of execution. We are highly conscious of the neighbors and the standards of Palm Beach. We make every effort to maintain a clean, well-managed site with Safety and impact on the Town at the forefront of our thinking. Because of this, we have also limited our working hours to Monday through Friday and off the island by 5:00 PM.

Mouw Associates would like to request a 6-month (180 day) time extension for Permit #B-23-98323 as a result of the above listed unforeseen circumstances.

Please feel free to reach out if there are any questions or concerns.

Respectfully,

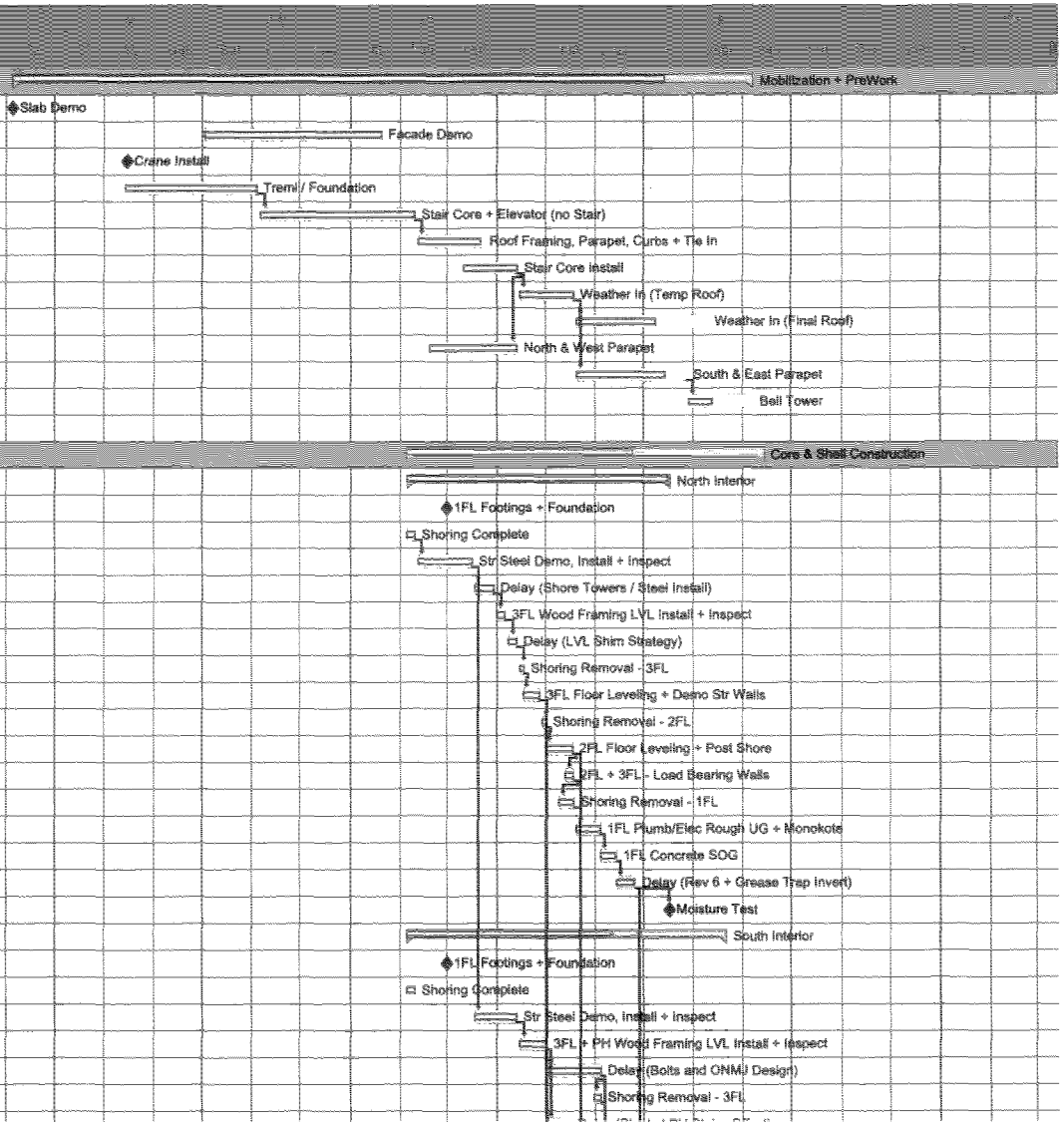
Melisa Perez
Project Manager
M: 561-271-3707, melisa@mouwassociates.com



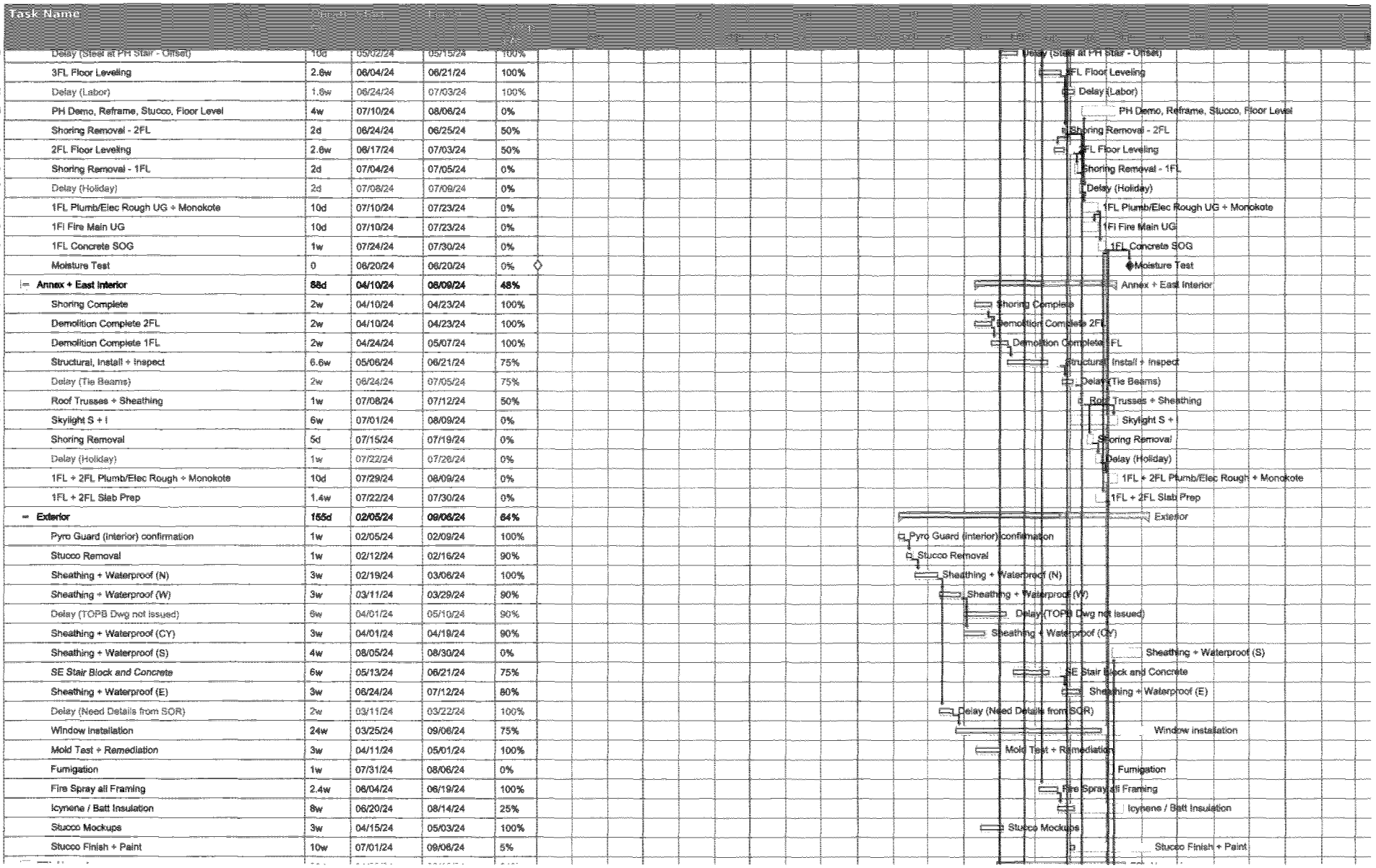
ID	Task Name	Duration	Start	Finish	Baseline Start	Baseline Finish	Predecessors
1	VENETA HOTEL	384 days	Thu 2/20/25	Tue 2/4/25	Thu 2/20/25	Mon 8/19/24	
2	PERMITTING/PRECONSTRUCTION	166 days	Thu 2/20/25	Thu 11/16/23	Thu 2/20/25	Mon 8/7/23	
20	MOBILIZATION/PREWORK/REMAB	170 days	Mon 6/5/23	Fri 1/26/24	Mon 6/5/25	Tue 11/7/23	
25	STAIR/ELEVATOR CORE	188 days	Mon 6/12/23	Wed 2/6/24	Mon 6/19/23	Fri 11/10/23	
42	MAIN BUILDING CONSTRUCTION	415 days	Wed 8/2/23	Tue 2/4/25	Mon 8/28/23	Mon 9/9/24	
43	SHELL	325 days	Wed 8/2/23	Tue 10/29/24	Mon 8/28/23	Mon 5/6/24	
44	FORM FOOTINGS	10 days	Wed 8/2/23	Tue 8/15/23	Mon 8/28/23	Fri 7/7/23	
45	REBAR	15 days	Wed 8/16/23	Tue 9/5/23	Mon 7/10/23	Fri 7/14/23	44
46	POUR FOOTINGS	10 days	Wed 9/6/23	Tue 9/19/23	Mon 7/17/23	Tue 7/18/23	45
49	INSTALL COLUMNS 1ST LEVEL	21 days	Fri 12/1/23	Fri 12/29/23	Tue 8/22/23	Mon 9/11/23	9FS+10 days
50	INSTALL BEAMS 1ST LEVEL	15 days	Mon 1/1/24	Fri 1/19/24	Tue 9/12/23	Mon 10/2/23	49
47	MEP UG ROUGH	10 days	Mon 1/22/24	Fri 2/2/24	Tue 10/3/23	Mon 10/16/23FS+10 days,4	
51	INSTALL COLUMNS 2ND LEVEL	13 days	Mon 1/22/24	Fri 2/9/24	Tue 10/3/23	Mon 10/23/2350	
48	POUR SOG	5 days	Mon 2/5/24	Fri 2/9/24	Tue 10/17/23	Mon 10/23/2347,48	
52	INSTALL BEAMS 2ND LEVEL	32 days	Mon 2/12/24	Tue 3/26/24	Tue 10/24/23	Mon 11/13/2351	
53	INSTALL COLUMNS 3RD FLOOR	30 days	Wed 3/27/24	Tue 5/7/24	Tue 11/14/23	Mon 12/4/23	52
54	INSTALL BEAMS 3RD FLOOR	30 days	Wed 5/8/24	Tue 6/18/24	Tue 12/5/23	Mon 12/25/2353	
55	REMOVE SHORING 3RD FLOOR CORE	5 days	Wed 6/19/24	Tue 6/25/24	Tue 12/26/23	Mon 1/1/24	54
57	ROOFING ELEVATOR/STAIR TOWER	10 days	Wed 6/19/24	Tue 7/2/24	Tue 12/26/23	Mon 1/8/24	37,54
56	REMOVE SHORING 2ND FLOOR CORE	5 days	Wed 6/26/24	Tue 7/2/24	Tue 1/2/24	Mon 1/8/24	55
58	SHORE 3RD FLOOR HOTEL ROOMS	5 days	Wed 6/26/24	Tue 7/2/24	Tue 1/2/24	Mon 1/8/24	55
57	REMOVE SHORING 1ST FLOOR CORE	5 days	Wed 7/3/24	Tue 7/9/24	Tue 1/9/24	Mon 1/15/24	56
59	SHORE 2ND FLOOR HOTEL ROOMS	5 days	Wed 7/3/24	Tue 7/9/24	Tue 1/9/24	Mon 1/15/24	56
61	STUCCO STAIR TOWER	10 days	Wed 7/3/24	Tue 7/16/24	Tue 1/9/24	Mon 1/22/24	57
60	SHORE 1ST FLOOR FOR ABOVE	5 days	Wed 7/10/24	Tue 7/16/24	Tue 1/16/24	Mon 1/22/24	37
61	FRAME LOAD BEARING WALLS 1ST FLR	5 days	Wed 7/17/24	Tue 7/23/24	Tue 1/23/24	Mon 1/29/24	60
69	REROOF FLAT	10 days	Wed 7/17/24	Tue 7/30/24	Tue 1/23/24	Mon 2/5/24	68
62	FRAME LOAD BEARING WALLS 2ND FLR	5 days	Wed 7/24/24	Tue 7/30/24	Tue 1/30/24	Mon 2/5/24	61
63	FRAME LOAD BEARING WALLS 3RD FLR	5 days	Wed 7/31/24	Tue 8/6/24	Tue 2/6/24	Mon 2/12/24	62
70	SET CURBS AND JACKS	5 days	Wed 7/31/24	Tue 8/6/24	Tue 2/6/24	Mon 2/12/24	69
64	REMOVE SHORING 3RD FLOOR HOTEL ROOMS days		Wed 8/7/24	Tue 8/13/24	Tue 2/13/24	Mon 2/19/24	63
71	STUCCO PARAPETS	10 days	Wed 8/7/24	Tue 8/20/24	Tue 2/13/24	Mon 2/26/24	70
65	REMOVE SHORING 2ND FLOOR HOTEL ROOMS days		Wed 8/14/24	Tue 8/20/24	Tue 2/20/24	Mon 2/26/24	64
66	REMOVE SHORING 1ST FLOOR HOTEL ROOMS days		Wed 8/21/24	Tue 8/27/24	Tue 2/27/24	Mon 3/4/24	65
73	TOP CAP SHEET FLAT/ROOF TILES	10 days	Wed 8/21/24	Tue 9/3/24	Tue 2/27/24	Mon 3/11/24	71
73	SET ELEVATOR JAMBS/PLATFORM	10 days	Wed 9/4/24	Tue 9/17/24	Tue 3/12/24	Mon 3/25/24	72
74	BUILD ELEVATOR	30 days	Wed 9/18/24	Tue 10/29/24	Tue 3/26/24	Mon 5/6/24	73
75	EXTERIOR	225 days	Mon 10/9/23	Mon 7/29/24	Wed 9/13/23	Wed 7/3/24	
91	INTERIOR	145 days	Wed 7/31/24	Tue 2/18/25	Tue 2/20/24	Mon 8/26/24	
102	CLOSEOUT	99 days	Tue 10/17/24	Tue 2/4/25	Wed 6/26/24	Mon 9/9/24	

Vineta Hotel - Milestone Schedule 20240627

	Task Name				
1	**Mobilization + PreWork**	**330d**	**06/05/23**	**09/06/24**	**88%**
2	Slab Demo	0	06/05/23	06/05/23	100%
3	Facade Demo	16w	10/02/23	01/19/24	100%
4	Crane Install	0	08/15/23	08/15/23	100%
5	Tremi / Foundation	12w	08/14/23	11/03/23	100%
6	Stair Core + Elevator (no Stair)	14w	11/06/23	02/09/24	100%
7	Roof Framing, Parapet, Curbs + Tie In	6w	02/12/24	03/22/24	95%
8	Stair Core Install	25d	03/11/24	04/12/24	100%
9	Weather In (Temp Roof)	5w	04/15/24	05/17/24	100%
10	Weather In (Final Roof)	12w	05/20/24	08/09/24	60%
11	North & West Parapet	8w	02/19/24	04/12/24	100%
12	South & East Parapet	10w	05/20/24	07/26/24	80%
13	Bell Tower	6w	07/29/24	09/06/24	35%
14					
15	**Core & Shell Construction**	**180d**	**02/05/24**	**09/13/24**	**83%**
16	**North Interior**	**117d**	**02/05/24**	**07/16/24**	**99%**
17	1FL Footings + Foundation	0	03/01/24	03/01/24	100%
18	Shoring Complete	5d	02/05/24	02/09/24	100%
19	Str Steel Demo, Install + Inspect	5w	02/12/24	03/15/24	100%
20	Delay (Shore Towers / Steel Install)	2w	03/18/24	03/29/24	100%
21	3FL Wood Framing LVL Install + Inspect	1w	04/01/24	04/05/24	100%
22	Delay (LVL Shim Strategy)	1w	04/08/24	04/12/24	100%
23	Shoring Removal - 3FL	2d	04/15/24	04/18/24	100%
24	3FL Floor Leveling + Demo Str Walls	1.6w	04/17/24	04/26/24	100%
25	Shoring Removal - 2FL	2d	04/29/24	04/30/24	100%
26	2FL Floor Leveling + Post Shore	2.6w	05/01/24	05/17/24	100%
27	2FL + 3FL - Load Bearing Walls	5d	05/13/24	05/17/24	100%
28	Shoring Removal - 1FL	7d	05/09/24	05/17/24	100%
29	1FL Plumb/Elec Rough UG + Monokote	11d	05/20/24	06/03/24	100%
30	1FL Concrete SOG	8d	06/04/24	06/13/24	95%
31	Delay (Rev 6 + Grease Trap Invert)	1.6w	06/14/24	06/25/24	95%
32	Moisture Test	0	07/16/24	07/16/24	0%
33	**South Interior**	**142d**	**02/05/24**	**08/20/24**	**64%**
34	1FL Footings + Foundation	0	03/01/24	03/01/24	100%
35	Shoring Complete	5d	02/05/24	02/09/24	100%
36	Str Steel Demo, Install + Inspect	4w	03/18/24	04/12/24	100%
37	3FL + PH Wood Framing LVL Install + Inspect	2.6w	04/15/24	05/01/24	100%
38	Delay (Bolts and ONMJ Design)	23d	05/02/24	06/03/24	100%
39	Shoring Removal - 3FL	2d	05/31/24	06/03/24	100%

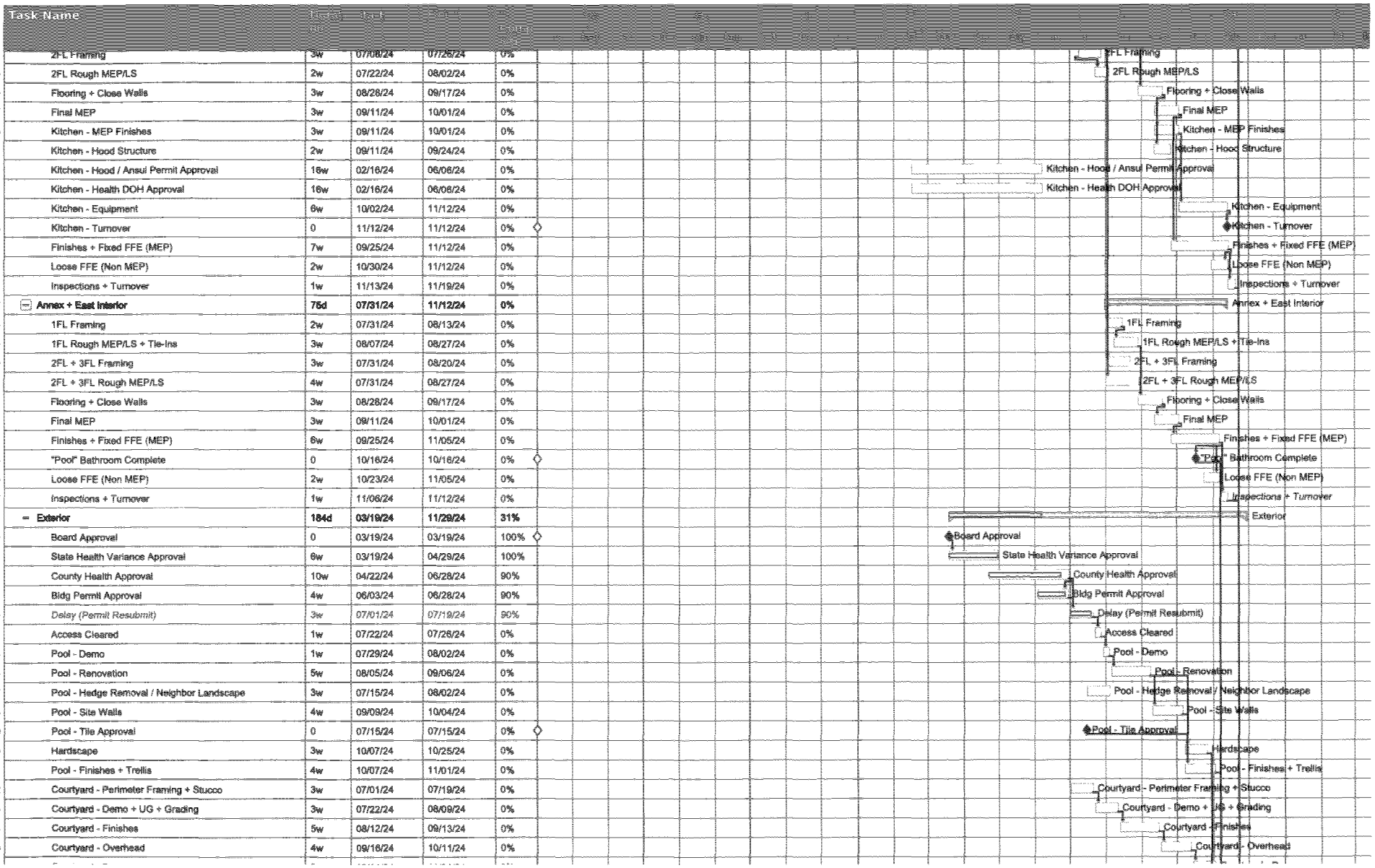


	Task Name	Duration	Start	Finish	% Complete
40	Delay (Steel at PH Stair - Offset)	10d	05/02/24	05/15/24	100%
41	3FL Floor Leveling	2.6w	06/04/24	06/21/24	100%
42	Delay (Labor)	1.6w	06/24/24	07/03/24	100%
43	PH Demo, Reframe, Stucco, Floor Level	4w	07/10/24	08/06/24	0%
44	Shoring Removal - 2FL	2d	06/24/24	06/25/24	50%
45	2FL Floor Leveling	2.6w	06/17/24	07/03/24	50%
46	Shoring Removal - 1FL	2d	07/04/24	07/05/24	0%
47	Delay (Holiday)	2d	07/08/24	07/09/24	0%
48	1FL Plumb/Elec Rough UG + Monokote	10d	07/10/24	07/23/24	0%
49	1Fl Fire Main UG	10d	07/10/24	07/23/24	0%
50	1FL Concrete SOG	1w	07/24/24	07/30/24	0%
51	Moisture Test	0	08/20/24	08/20/24	0%
52	**Annex + East Interior**	**88d**	**04/10/24**	**08/09/24**	**48%**
53	Shoring Complete	2w	04/10/24	04/23/24	100%
54	Demolition Complete 2FL	2w	04/10/24	04/23/24	100%
55	Demolition Complete 1FL	2w	04/24/24	05/07/24	100%
56	Structural, Install + Inspect	6.6w	05/08/24	06/21/24	75%
57	Delay (Tie Beams)	2w	06/24/24	07/05/24	75%
58	Roof Trusses + Sheathing	1w	07/08/24	07/12/24	50%
59	Skylight S + I	6w	07/01/24	08/09/24	0%
60	Shoring Removal	5d	07/15/24	07/19/24	0%
61	Delay (Holiday)	1w	07/22/24	07/26/24	0%
62	1FL + 2FL Plumb/Elec Rough + Monokote	10d	07/29/24	08/09/24	0%
63	1FL + 2FL Slab Prep	1.4w	07/22/24	07/30/24	0%
64	**Exterior**	**155d**	**02/05/24**	**09/06/24**	**64%**
65	Pyro Guard (Interior) confirmation	1w	02/05/24	02/09/24	100%
66	Stucco Removal	1w	02/12/24	02/16/24	90%
67	Sheathing + Waterproof (N)	3w	02/19/24	03/06/24	100%
68	Sheathing + Waterproof (W)	3w	03/11/24	03/29/24	90%
69	Delay (TOPB Dwg not issued)	6w	04/01/24	05/10/24	90%
70	Sheathing + Waterproof (CY)	3w	04/01/24	04/19/24	90%
71	Sheathing + Waterproof (S)	4w	08/05/24	08/30/24	0%
72	*SE Stair Block and Concrete*	6w	05/13/24	06/21/24	75%
73	Sheathing + Waterproof (E)	3w	06/24/24	07/12/24	80%
74	Delay (Need Details from SOR)	2w	03/11/24	03/22/24	100%
75	Window Installation	24w	03/25/24	09/06/24	75%
76	Mold Test + Remediation	3w	04/11/24	05/01/24	100%
77	Fumigation	1w	07/31/24	08/06/24	0%
78	Fire Spray all Framing	2.4w	06/04/24	06/19/24	100%
79	Icynene / Batt Insulation	8w	06/20/24	08/14/24	25%
80	Stucco Mockups	3w	04/15/24	05/03/24	100%
81	Stucco Finish + Paint	10w	07/01/24	09/06/24	5%

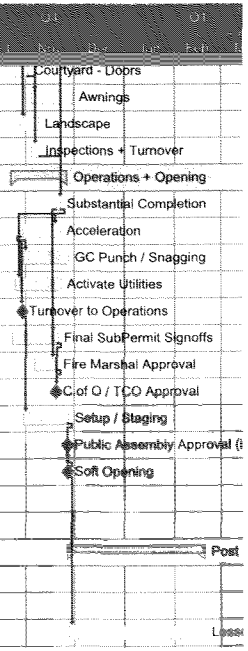


	Task Name	Duration	Start	Finish	% Complete
82	**FPL Upgrade**	80d	04/29/24	08/16/24	21%
83	Tree Removal (Klauss)	0	04/29/24	04/29/24	100%
84	Delay (Wilco schedule)	4.8w	04/29/24	05/29/24	100%
85	Temp Pole + De-Energize (FPL)	3d	05/30/24	06/03/24	100%
86	Transformer Relocate - Pole 3 to Hot (Wilco - Paul)	2.6w	06/04/24	06/21/24	25%
87	Delay (Wilco schedule)	2.2w	06/24/24	07/08/24	25%
88	Line Voltage - Pole 3 to 1 (Wilco)	8w	06/24/24	08/16/24	0%
89	Low Voltage (Comcast)	6w	06/24/24	08/02/24	0%
90	Low Voltage (ATT)	6w	06/24/24	08/02/24	0%
91	**Elevator**	160d	02/05/24	09/13/24	64%
92	Confirm Interior Finishes	0	06/01/24	06/01/24	50%
93	PO Release + Deposit	0	02/05/24	02/05/24	100%
94	Engineering	8w	02/05/24	03/29/24	100%
95	Fabrication	14w	04/01/24	07/05/24	90%
96	Installation - Shaft / Cab	6w	07/08/24	08/16/24	0%
97	Installation - Finishes	4w	08/19/24	09/13/24	0%
98	**Fit Out**	**206d**	**02/16/24**	**11/29/24**	**14%**
99	**North Interior**	**135d**	**04/29/24**	**11/01/24**	**21%**
100	1FL Framing	3w	06/26/24	07/16/24	0%
101	1FL Rough MEP/LS + Tie-Ins	2.6w	07/10/24	07/28/24	0%
102	3FL Framing	2w	04/29/24	05/10/24	75%
103	3FL Rough MEP/LS	4w	05/13/24	06/07/24	60%
104	2FL Framing	2w	05/20/24	05/31/24	75%
105	2FL Rough MEP/LS	4w	06/03/24	06/28/24	60%
106	Subflooring + Close Walls	3w	07/29/24	08/16/24	0%
107	Final MEP	3w	08/12/24	08/30/24	0%
108	Finishes + Fixed FFE (MEP)	100d	08/10/24	10/25/24	12%
109	Total Install	8w	09/02/24	10/25/24	0%
110	Wood Flooring - Samples	2w	06/10/24	06/21/24	50%
111	Delay (Samples)	1.4w	06/24/24	07/02/24	50%
112	Wood Flooring - Production (8w Fab)	10w	06/24/24	08/30/24	25%
113	Wood Flooring - Install	5w	09/02/24	10/04/24	0%
114	Terrazzo - Sample Approval	0	07/18/24	07/18/24	0%
115	Terrazzo - Supply	4w	07/18/24	08/14/24	0%
116	Terrazzo - Install	6w	08/15/24	09/25/24	0%
117	Loose FFE (Non MEP)	3w	10/07/24	10/25/24	0%
118	Inspections + Turnover	1w	10/28/24	11/01/24	0%
119	**South Interior (Incl Kitchen)**	**198d**	**02/16/24**	**11/19/24**	**0%**
120	1FL Framing	3w	07/31/24	08/20/24	0%
121	1FL Rough MEP/LS	3w	08/14/24	09/03/24	0%
122	3FL Framing	3w	07/08/24	07/28/24	0%
123	3FL Rough MEP/LS	2w	07/22/24	08/02/24	0%

	Task Name	Duration	Start	Finish	% Complete
124	2FL Framing	3w	07/08/24	07/26/24	0%
125	2FL Rough MEP/LS	2w	07/22/24	08/02/24	0%
126	Flooring + Close Walls	3w	08/26/24	09/17/24	0%
127	Final MEP	3w	09/11/24	10/01/24	0%
128	Kitchen - MEP Finishes	3w	09/11/24	10/01/24	0%
129	Kitchen - Hood Structure	2w	09/11/24	09/24/24	0%
130	Kitchen - Hood / Ansul Permit Approval	16w	02/16/24	06/06/24	0%
131	Kitchen - Health DOH Approval	16w	02/16/24	06/06/24	0%
132	Kitchen - Equipment	6w	10/02/24	11/12/24	0%
133	Kitchen - Turnover	0	11/12/24	11/12/24	0%
134	Finishes + Fixed FFE (MEP)	7w	09/25/24	11/12/24	0%
135	Loose FFE (Non MEP)	2w	10/30/24	11/12/24	0%
136	Inspections + Turnover	1w	11/13/24	11/19/24	0%
137	**Annex + East Interior**	**75d**	**07/31/24**	**11/12/24**	**0%**
138	1FL Framing	2w	07/31/24	08/13/24	0%
139	1FL Rough MEP/LS + Tie-Ins	3w	08/07/24	08/27/24	0%
140	2FL + 3FL Framing	3w	07/31/24	08/20/24	0%
141	2FL + 3FL Rough MEP/LS	4w	07/31/24	08/27/24	0%
142	Flooring + Close Walls	3w	08/26/24	09/17/24	0%
143	Final MEP	3w	09/11/24	10/01/24	0%
144	Finishes + Fixed FFE (MEP)	6w	09/25/24	11/05/24	0%
145	"Pool" Bathroom Complete	0	10/16/24	10/16/24	0%
146	Loose FFE (Non MEP)	2w	10/23/24	11/05/24	0%
147	Inspections + Turnover	1w	11/06/24	11/12/24	0%
148	**Exterior**	**184d**	**03/19/24**	**11/29/24**	**31%**
149	Board Approval	0	03/19/24	03/19/24	100%
150	State Health Variance Approval	6w	03/19/24	04/29/24	100%
151	County Health Approval	10w	04/22/24	06/28/24	90%
152	Bldg Permit Approval	4w	06/03/24	06/28/24	90%
153	*Delay (Permit Resubmit)*	*3w*	*07/01/24*	*07/19/24*	*90%*
154	Access Cleared	1w	07/22/24	07/26/24	0%
155	Pool - Demo	1w	07/29/24	08/02/24	0%
156	Pool - Renovation	5w	08/05/24	09/06/24	0%
157	Pool - Hedge Removal / Neighbor Landscape	3w	07/15/24	08/02/24	0%
158	Pool - Site Walls	4w	09/09/24	10/04/24	0%
159	Pool - Tile Approval	0	07/15/24	07/15/24	0%
160	Hardscape	3w	10/07/24	10/25/24	0%
161	Pool - Finishes + Trellis	4w	10/07/24	11/01/24	0%
162	Courtyard - Perimeter Framing + Stucco	3w	07/01/24	07/19/24	0%
163	Courtyard - Demo + UG + Grading	3w	07/22/24	08/09/24	0%
164	Courtyard - Finishes	5w	08/12/24	09/13/24	0%
165	Courtyard - Overhead	4w	09/16/24	10/11/24	0%



	Task Name	Duration	Start	Finish	% Complete
166	Courtyard - Doors	3w	10/14/24	11/01/24	0%
167	Awnings	4w	11/04/24	11/29/24	0%
168	Landscape	2w	10/28/24	11/08/24	0%
169	Inspections + Turnover	1w	11/04/24	11/08/24	0%
170	**Operations + Opening**	**24.5d**	**10/23/24**	**11/26/24**	**0%**
171	Substantial Completion	2d	11/20/24	11/21/24	0%
172	Acceleration	3.5w	10/29/24	11/21/24	
173	GC Punch / Snagging	4w	10/29/24	11/26/24	0%
174	Activate Utilities	4w	10/25/24	11/21/24	0%
175	**Turnover to Operations**	**0**	**10/29/24**	**10/29/24**	**0%**
176	Final SubPermit Signoffs	4w	10/23/24	11/19/24	0%
177	Fire Marshal Approval	2w	11/06/24	11/19/24	0%
178	**C of O / TCO Approval**	**0**	**11/19/24**	**11/19/24**	**0%**
179	Setup / Staging	4w	10/29/24	11/26/24	0%
180	Public Assembly Approval (if reqd)	0	11/26/24	11/26/24	0%
181	**Soft Opening**	**0**	**11/26/24**	**11/26/24**	**0%**
182	Grand Opening	0	TBD	TBD	0%
183					
184	**Post Opening**	**60d**	**11/26/24**	**02/18/25**	
185	Day 2 Scope				
186	Awnings	0			
187	Lessons Learnt	12w	11/26/24	02/18/25	



Mouw Associates, Inc.

The Vineta Hotel
363 Cocoanut Row
Nuisance Mitigation
Permit Renewal
July 15th, 2024

Director Berman & Ms. Moody,

Good afternoon. We would like to share with the Town of Palm Beach some of the measures we have taken to minimize nuisance/impact on the community while renovating the Vineta hotel to its original landmarked status. Below are a few of the steps we have taken.
We have an open-door policy and try to stay in touch with the adjacent neighbors, being mindful of their concerns and safety. The policies and procedures we have put in place cover everything from traffic logistics to mitigating anything that would reduce the use or enjoyment of their property.

1.) Logistics-
   a. MOT plan includes a waterwall to insulate and protect pedestrians and local traffic from the day-to-day operations on site.
   b. Two different screens to keep construction out of the public's eyes.
   c. Large format signs and barricades to direct foot traffic around the construction area.
   d. A planned truck route for deliveries, with a limit on the truck size we will accept.
   e. In spite of being out of season, we have kept our working hours from 9am-5pm to reduce the noise impact to neaighbors.

2.) Cleanliness-
   a. Two full time laborers dedicated to keeping the area adjacent to the site clean and free of debris.
   b. We have invested in filters and "wet socks" to ensure we don't contaminate the water shed.
   c. Onsite foreman to direct men and vehicle traffic during working hours.
   d. We have doubled the OSHA recommendation for porta potties and hand wash stations, having them cleaned and refreshed daily to avoid any air pollutants.

Respectfully,

John Hart
Senior Project Manager
M: 832-808-1807/ Hart@mouwassociates.com

Notice to Neighbors Statement

All neighbors within 300 feet of the property have been notified at least 25 days prior to the meeting at which the extension is to be considered by USPS Mail. Letter and receipt of USPS is attached. Palm Beach Addresses that have been notified are as follows:

1. 334 Australian Ave
2. 412 Australian Ave
3. 401 Australian Ave
4. 328 Australian Ave
5. 322 Australian Ave
6. 403 Australian Ave
7. 415 Australian Ave
8. 343 Australian Ave
9. 333 Australian Ave
10. 331 Australian Ave
11. 329 Australian Ave
12. 414 Australian Ave
13. 354 Brazilian Ave
14. 346 Brazilian Ave
15. 340 Brazilian Ave
16. 412 Brazilian Ave
17. 342 Cocoanut Row APT C
18. 350 Cocoanut Row 2A
19. 340 Cocoanut Row
20. 342 Cocoanut Row APT A
21. 342 Cocoanut Row APT B
22. 330 Cocoanut Row
23. 350 Cocoanut Row 2B
24. 350 Cocoanut Row 3B
25. 350 Cocoanut Row 3A
26. 360 Cocoanut Row
27. 342 Cocoanut Row
28. 355 Cocoanut Row
29. 337 Cocoanut Row
30. 335 Cocoanut Row
31. 323 Chilean Ave
32. 325 Chilean Ave
33. 417 Chilean Ave
34. 347 Chilean Ave
35. 359 Chilean Ave
36. 351 Chilean Ave
37. 354 Chilean Ave
38. 353 Chilean Ave
39. 401 Chilean Ave

Mouw Associates, Inc.

The Vineta Hotel
363 Cocoanut Row
Notification to Neighbors
Permit Time Extension
July 15th, 2024

To whom it may concern,

The purpose of this letter is to notify all neighbors adjacent to the property located at 363 Cocoanut Row 33480, that Mouw Associates is requesting a time extension for the existing construction permit B-23-98323.

Due additional structural rework that was not encapsulated in the project's original project's schedule, Mouw Associates is proposing a 6 month (180 day) time extension request for Permit #B-23-98323 to bring the project to final completion. The Town Council Review meeting to assess the permit's time extension is rescheduled for 8/12/2024.

We encourage you to reach out if there are any questions or concerns, as we would like to remain mindful of the properties neighbors at all times. We will continue to abide by the Town of Palm Beach's policies and procedures to mitigate any inconveniences or impacts to the surrounding area.

Site contacts are as listed below:

- Lead Superintendent: Spencer Biggs, Cell: (561)271-3087
- Senior Project Manager: John Hart, Cell: 832-808-1807
- Project Manager: Melisa Perez, Cell: 561-271-3707

Respectfully,

Melisa Perez

Project Manager
M: 561-271-3707, melisa@mouwassociates.com

General Contractors - CGC#038463
601 N. Congress Avenue, Suite 109 • Delray Beach, FL 33445
Telephone (561) 276-9640 • FAX (561) 265-3886 • www.mouwassociates.com

Master Permit #	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-23-98323	U-24-15277	U-DEWATERING	DEWATERING POOL (ONGOING FOR GRUOND/RAIN WATER) SINGLE (1) 2" HOSE INTO GUTTER	363 COCOANUT ROW		MOUW ASSOCIATES INC	1/22/2024	1/23/2024	final
B-23-98323	U-24-15278	U-USE OF/WORK IN ROW	CRANE ON NORTH SIDE OF PROPERTY	363 COCOANUT ROW		MOUW ASSOCIATES INC	1/22/2024	1/23/2024	final
B-23-98323	U-24-15628	U-DEWATERING	DEWATERING POOL (ONGOING FOR GRUOND/RAIN WATER) SINGLE (1) 2" HOSE INTO GUTTER	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/4/2024	3/6/2024	final
B-23-98323	U-24-15728	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- CONSTRUCTION E QUIPMENT, LOADING/UNLOADING, SCAFFOLDING	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/18/2024	3/19/2024	final
B-23-98323	U-24-15811	U-DEWATERING	DEWATERING POOL (ONGOING FOR GRUOND/RAIN WATER) SINGLE (1) 2" HOSE INTO GUTTER	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/27/2024	4/3/2024	final
B-23-98323	U-24-15812	U-USE OF/WORK IN ROW	CRANE ON NORTH SIDE OF PROPERTY	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/27/2024	4/3/2024	final
B-23-98323	U-24-15813	U-USE OF/WORK IN ROW	SIDEWALK CLOSURE/REDIRECT SCAFFOLDING FACE	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/27/2024	4/3/2024	final
B-23-98323	U-24-15814	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: John Hart - (832) 808-1807	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/27/2024	4/3/2024	final
B-23-98323	U-24-15815	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: John Hart - (832) 808-1807	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/27/2024	4/3/2024	final
B-23-98323	U-24-15816	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: John Hart - (832) 808-1807	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/27/2024	4/3/2024	final
	X-04-11199	X-LEGACY PERMIT	REPLACEMENT OF DUCTWORK SERVICE THE LEOPARD ROO	363 COCOANUT ROW		INACTIVE	8/26/2004	8/26/2004	final
	X-04-11200	X-LEGACY PERMIT	UPDATE TO INCLUDE REMODEL/ALTER OF LEOPARD ROOM BAR	363 COCOANUT ROW		INACTIVE	10/25/2004	10/25/2004	final
	X-04-11573	X-LEGACY PERMIT	DEMO AND REPLACE DRYWALLS	363 COCOANUT ROW		CATALFUMO CONSTRUCTION LT	9/20/2004	9/20/2004	final
	X-04-12065	X-LEGACY PERMIT	ELECTRIC AS PER MASTER PLAN	363 COCOANUT ROW		PROTON ELECTRIC SERVICE LLC	10/14/2004	10/14/2004	final
	X-04-13522	X-LEGACY PERMIT	RESURFACING POOL & SPA, REDOING POOL TILE	363 COCOANUT ROW		INACTIVE	12/27/2004	12/27/2004	final
	X-05-18133	X-LEGACY PERMIT	REMODEL/ALTER: 2ND FLOOR, 3RD FLOOR & ROOF; SHEET ROCK REMOVAL & REPLACEMENT FOR A/C EQUIP REPLCMN	363 COCOANUT ROW		INACTIVE	8/11/2005	8/11/2005	final
	X-05-18224	X-LEGACY PERMIT	DEMO DRYWALL CEILING AND REPLACE	363 COCOANUT ROW		INACTIVE	8/16/2005	8/16/2005	final
	X-05-18374	X-LEGACY PERMIT	REPLACE 2 - 10T A/C ROOF UNITS & WIRE ONE 2T UNIT	363 COCOANUT ROW		ARROW ELECTRIC COMPANY	8/23/2005	8/23/2005	final
	X-05-18693	X-LEGACY PERMIT	FLASH AROUND 2 A/C UNITS USING WHITE GRANULATED M ODIFIED BITUMEN FLASHING	363 COCOANUT ROW		GOLD COAST ROOFING & BUILDI NG	9/9/2005	9/9/2005	final
	X-06-26971	X-LEGACY PERMIT	REPLACE EXISTING CONDENSER AND AHU. SYSTEM(1)30T C NDNSR,SYSTEM (2) 25 AHU.	363 COCOANUT ROW		INACTIVE	12/22/2006	12/22/2006	final
	X-07-31409	X-LEGACY PERMIT	INSTALLATION OF 16KW GENERATOR AND 16 CIR.TRANSFER SWITCH-PRE FABBED ENGINEERED STAMPED SLAB	363 COCOANUT ROW		CERRITO ENTERPRISE INC	8/30/2007	8/30/2007	final
	X-07-31410	X-LEGACY PERMIT	REPLACE 1" GALVANIZED SUPPLYING (2) POOL HEATERS W/ 2" GALV. AND ADD 400K BTU GENERATOR	363 COCOANUT ROW		INACTIVE	8/30/2007	8/30/2007	final
	B-18-76138	M-REPLACEMENT	REPLACE A/C UNIT.	363 COCOANUT ROW		SOUTH FLORIDA AIR CONDITION ING CORP	10/24/2018	12/11/2018	issued
	B-20-84635	E-ELECTRICAL	**** EMERGNECY ***** ELECTRICAL DEMO AND GENERAL REPAIRS	363 COCOANUT ROW		BROWN ELECTRICAL SOLUTIONS LLC	6/24/2020	6/25/2020	issued
	B-20-86715	M-MECHANICAL	A/C CHANGEOUT - ONE ROOF TOP 10 TON NOT SEEN FROM THE ROAD ONE CONDENSER UNIT 12.5 TON ON THE FLOOR AT THE BA	363 COCOANUT ROW		MONROE SERVICE CO	11/17/2020	12/1/2020	issued
B-23-98323	B-22-96612	D-INTERIOR DEMOLITION	(SEE PERMIT CONDITIONS) INTERIOR DEMOLITION	363 COCOANUT ROW		VERDEX CONSTRUCTION LLC	9/23/2022	10/18/2022	issued
	B-23-98323	B-COMMERCIAL ALTERATION	*****PRIVATE PROVIDER***** (SEE PERMIT CONDITIONS) FOUNDATION AND STAIR TOWER/DOORS & WINDOWS/ELE VATOR SHAFT	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/13/2023	5/15/2023	issued
B-23-98323	B-23-98324	F-FLOOD PLAIN DEVELOPMENT	*****PRIVATE PROVIDER***** FLOOD PLAIN	363 COCOANUT ROW		MOUW ASSOCIATES INC	3/13/2023	5/15/2023	issued
B-23-98323	B-23-99401	E-ELECTRICAL	*****PRIVATE PROVIDER***** TEMP POWER FOR CONSTR UCTION	363 COCOANUT ROW		MOUW ASSOCIATES INC	5/22/2023	5/24/2023	issued
	U-23-13074	U-EXCAVATION IN ROW	EXCAVATION- PARK ALONG ROW IN FRONT OF PROPERTY. 4 3" HANDHOLE TO BE INSTALLED TO FEED REPAIRED TEMPO RARY SERVICE.	363 COCOANUT ROW		FLORIDA POWER & LIGHT	5/30/2023	6/2/2023	issued

Count: 333

Property Detail

Location Address : 363 COCOANUT ROW
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-23-05-006-0010
Subdivision : ROYAL PARK ADD TO P B IN
Official Records Book/Page : 33509 / 441
Sale Date : APR-2022
Legal Description : ROYAL PARK ADD LTS 1 THRU 6 BLK 6

Owner Information

Owner(s)	Mailing Address
363 COCOANUT ROW PROPCO LLC	21-24 MILLBANK 4TH FLOOR LONDON SW1P 4QP GREAT BRITAIN & NRTHRN IRELAND

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
APR-2022	$42,000,000	33509 / 00441	WARRANTY DEED	363 COCOANUT ROW PROPCO LLC
AUG-2011	$6,500,000	24797 / 01707	WARRANTY DEED	CHESTERFIELD PB HOTEL PROPERTY INC
DEC-1989	$3,158,000	06285 / 01268	WARRANTY DEED	
OCT-1988	$0	05831 / 01904		

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 55
***Total Square Feet :** 32758
Acres : 0.4304
Property Use Code : 3900—MOTEL
Zoning : R-C—MEDIUM DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$2,904,093	$10,033,333	$3,167,261	$4,587,431	$4,975,161
Land Value	$19,912,475	$18,411,250	$5,472,390	$5,313,000	$5,060,000
Total Market Value	$22,816,568	$28,444,583	$8,639,651	$9,900,431	$10,035,161

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$22,816,568	$9,503,616	$8,639,651	$8,844,595	$8,040,541
Exemption Amount	$0	$0	$0	$0	$0
Taxable Value	$22,816,568	$9,503,616	$8,639,651	$8,844,595	$8,040,541

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	$342,536	$270,736	$140,179	$153,283	$149,189
NON AD VALOREM	$23,206	$22,324	$21,819	$21,539	$21,889
TOTAL TAX	$365,742	$293,060	$161,998	$174,822	$171,078

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda
Time Extensions

Agenda Title
Waiver of Town Code Section 18-237, For Building Permit Extension for **870 S Ocean Blvd.,** Permit Extension - B-21-92487

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 870 S. Ocean Blvd - Permit B-21-92487

Date: July 19, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Jared Martin, project manager of John G. Mitchell Inc regarding a time extension in which to complete the construction of a new cabana bath, storage and pergola at 870 S. Ocean Blvd. The request is to extend the permit by ninety days to complete work by November 13, 2024.

GENERAL INFORMATION

The current owner is K&M Douglas Trust who purchased the property in July of 2021. The permit was issued January 13, 2022, with a total of thirty months for completion. Expiration date is July 13, 2024. They were given a thirty-day extension by Wayne Bergman to continue working while preparing required documents for the Town Council. The contractor explains in their letter dated July 19, 2024, the need for extension is to obtain all final inspections, submit final surveys and stormwater management documentation and anything additional to complete the project. The revised construction schedule shows the project completion to be November 13, 2024.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from John G. Mitchell, Inc. with Construction Schedule and Neighbor Notice
Permit Summary for the Property
Property Appraiser Details for the Property

ext permit-24-00018

TOWN OF PALM BEACH

Planning, Zoning and Building

RECEIVED
JUL 22 2024
Town of Palm Beach
PZB Dept

BUILDING PERMIT TIME EXTENSION REQUEST

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. Include a copy of the above notification to neighbors. Be sure to include the meeting date in the letter to neighbors.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – provide a copy of the receipt showing payment of all applicable fees (1% of remaining, unfinished construction plus technology fee).

Deadlines: **See Permit Time Extension Schedule for submittal deadlines (page 3).** For Town Council Meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): 8/14/24
- Deadline for submittal of request/backup must be received by: 7/22/24
  (Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: 7/19/24
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-92487 Exp. Date: 8/13/24

Job Address: 870 S OCEAN BLVD

Length of time extension being requested: (in days) 90 DAYS 11/13/24

Proposed completion date if requested time extension is granted: _____
(Must attach completion schedule)

Contact: JARED MARTIN Phone: 561-223-7129

Email: JARED @ JOHNGMITCHELL.NET

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Job Address: 870 S OCEAN BLVD

Permit# : B-21-92487 Job Value $ 40,000
Permit# : B-21-92489 Job Value $ _____
Permit# : _____ Job Value $ _____
Permit# : _____ Job Value $ _____
TOTAL valuation of project $ _____

Value of work remaining to complete the project, even if included in valuation above. Include labor, materials and the value of any owner supplied items, etc $ 10,000

Time Extension fee due based upon 1% of this amount: $ 100
Technology Fee (2% of permit fee above) $ 2

Total Time Extension Fee Due:
(attach a copy of the receipt for payment) $ 102

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

Michael Douglas 7.18.24
OWNER SIGNATURE DATE

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

7/22/24
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF see attached.
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this _____ day of _____

20____, By _____

Who are personally known _____ OR produced identification (Type of identification) _____
OR Online Notarization _____.

_____
Printed Name of Notary

_____
Signature of Notary

SEAL:

NOTARY TO CONTRACTOR

STATE OF Florida
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 22 day of July

2024 By Brett Ehrlich

Who are personally known _____ OR produced identification (Type of identification) _____
OR Online Notarization _____.

Barbara Rich
Printed Name of Notary

Signature of Notary

SEAL:

BARBARA RICH
Commission # HH 350774
Expires February 11, 2027

CALIFORNIA JURAT **GOVERNMENT CODE § 8202**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Marin

Subscribed and sworn to (or affirmed) before me on this 18th day of July, 2024, by

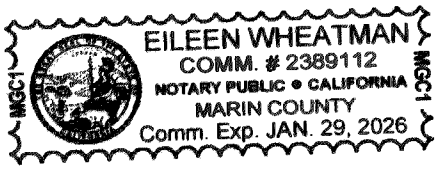
Date *Month* *Year*

(1) Michelle Douglas

(and (2) _____),

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Signature Eileen Wheatman

Place Notary Seal and/or Stamp Above *Signature of Notary Public*

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Town of Palm Beach Planning - Permit Extension

Document Date: _____ Number of Pages: 2

Signer(s) Other Than Named Above: _____

©2019 National Notary Association

John G. Mitchell, Inc.

CONTRACTOR

1440 OKEECHOBEE ROAD
WEST PALM BEACH, FLORIDA 33401
PHONE: (561) 655-6000
FAX: (561) 655-0006
CBC1261969

July 19, 2024

Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

Dear Town of Palm Beach Building Officials:

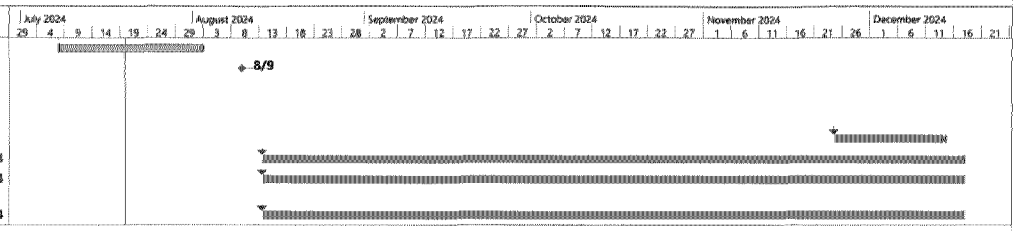
I am requesting a 90 day extension on permit B-21-92487 at 870 S Ocean Blvd. We are working diligently each day, but will not be finished by our permit expiration date 08/13/24 when we final and CO. The substantial work is completed at the location but we still have final inspections, a final survey, and stormwater management record drawings to submit that will require additional time to complete. We are moving forward with the Town of Palm Beach's Building Permit Extension Request to be added to the August 14th, 2024 Town Council agenda. Any questions, please contact me at 561-655-6000.

Sincerely,

Jared Martin
Project Manager
John G. Mitchell, Inc.
561-223-7129

870 S OCEAN BLVD - B-21-92487 - CLOSEOUT SCHEDULE

ID	Task Mode	Task Name	Duration	Start	Finish
1		Chair Review	20 days	Mon 7/8/24	Fri 8/2/24
2		Completion of Site Disturbing Activities/Nuisance work	1 day?	Fri 8/9/24	Fri 8/9/24
3		Final Inspections	15 days	Mon 11/25/24	Fri 12/13/24
4		Survey	90 days	Wed 8/14/24	Tue 12/17/24
5		Stormwater Management	90 days	Wed 8/14/24	Tue 12/17/24
6		Revisions	90 days	Wed 8/14/24	Tue 12/17/24



Project: Project1
Date: Sat 7/20/24

Task | Split | Milestone | Summary | Project Summary | Inactive Task | Inactive Milestone | Inactive Summary | Manual Task | Duration-only | Manual Summary Rollup | Manual Summary | Start-only | Finish-only | External Tasks | External Milestone | Deadline | Progress | Manual Progress

Page 1

John G. Mitchell, Inc.

CONTRACTOR

1440 OKEECHOBEE ROAD
WEST PALM BEACH, FLORIDA 33401
PHONE: (561) 655-6000
FAX: (561) 655-0006
CBC1261969

07/19/2024
XXXXX Family
XXXXXXXXX Rd
Palm Beach, Fl 33480

Dear XXXXXX Family,

We are writing this letter to inform you that John G Mitchell, Inc is requesting permit extension time for the work ongoing at 870 South Ocean Blvd at the August 14th, 2024 Town Council meeting. We are requesting additional time to complete our final inspections, final surveys, and stormwater management agreements with the Town of Palm Beach. Please contact us at 561-655-6000 with any questions.

Thanks,

Jared Martin
Project Manager
John G Mitchell, Inc.

Property Detail

Location Address : 870 S OCEAN BLVD
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-35-02-000-0210
Subdivision : VIA VIZCAYA ADD IN
Official Records Book/Page : 32700 / 1583
Sale Date : JUL-2021
Legal Description : VIA VIZCAYA ADDITION LTS 21 & 25

Owner Information

Owner(s)

K&M DOUGLAS TRUST
DOUGLAS KEVIN TR
DOUGLAS MICHELLE TR

Mailing Address

126 HILL DR
GREENBRAE CA 94904 1095

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUL-2021	$28,500,000	32700 / 01583	WARRANTY DEED	K&M DOUGLAS TRUST
JAN-2021	$12,640,650	32141 / 00526	WARRANTY DEED	870 SOUTH OCEAN LLC
APR-2016	$8,500,000	28222 / 00311	WARRANTY DEED	INVEST KOMFORT FL LCC
APR-2016	$10	28222 / 00309	QUIT CLAIM	INVEST KOMFORT FL LLC
APR-2002	$5,000,000	13630 / 01861	WARRANTY DEED	ZOIS ELIA
MAR-2000	$2,850,000	11655 / 00387	WARRANTY DEED	WOOLIN MARTIN & RACHEL
APR-1998	$450,000	10374 / 00305	QUIT CLAIM	MARTIN HARRIET AKA
APR-1996	$1,600,000	09215 / 00512	WARRANTY DEED	
JAN-1976	$96,000	02496 / 00075	WARRANTY DEED	
JAN-1974	$100,000	02337 / 01595	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 7154
Acres : 0.4345
Property Use Code : 0100—SINGLE FAMILY
Zoning : R-A—ESTATE RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$7,193,321	$7,135,625	$1,274,521	$1,003,999	$1,017,803
Land Value	$20,127,600	$17,193,660	$8,680,000	$6,090,000	$7,000,000
Total Market Value	$27,320,921	$24,329,285	$9,954,521	$7,093,999	$8,017,803

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$26,762,214	$24,329,285	$7,803,399	$7,093,999	$7,735,277
Exemption Amount	$0	$0	$0	$0	$0

Master Permit #	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
	X-03-03271	X-LEGACY PERMIT	BURGLAR ALARM;1-PANEL,4-KEYPADS,2-HEATS,33-DEVICES 14-SMOKES	870 S OCEAN BLVD		INACTIVE	6/19/2003	6/19/2003	final
	X-03-04629	X-LEGACY PERMIT	REMOVE EXISTING DRIVEWAY REPLACE W/COQUINA STONE POUR SLAB 4"	870 S OCEAN BLVD		LS CONSTRUCTION & DESIGN IN C	8/22/2003	8/22/2003	final
	X-03-04630	X-LEGACY PERMIT	UPDATE ADDITIONAL WORK;SLOT DRAIN & EXFILTERATION TRENCH	870 S OCEAN BLVD		LS CONSTRUCTION & DESIGN IN C	9/15/2003	9/15/2003	final
	X-04-07571	X-LEGACY PERMIT	INSTALL POOL HEATER & 300' OF FUEL LINE (NATURAL GAS)	870 S OCEAN BLVD		FLORIDA PUBLIC UTILITIES COMP A	2/23/2004	2/23/2004	final
	X-04-08557	X-LEGACY PERMIT	POOL HEATER:DISC.EXIST ELECTIC & HOOKUP GAS HEATER	870 S OCEAN BLVD		SOUTHEAST ELECTRICAL SERVICE S	4/30/2004	4/30/2004	final
	B-21-90025	S-POOL/WATER FEATURE	*****PRIVATE PROVIDER***** (SEE PERMIT CONDITIONS) CABANA NEW SWIMMING POOL	870 S OCEAN BLVD		CUSTOM POOL SYSTEMS LLC	7/6/2021	11/15/2021	issued
	B-21-91877	S-POOL/WATER FEATURE	***** PRIVATE PROVIDER ***** ***MAIN HOUSE POOL*** (SEE PERMIT CONDITIONS)	870 S OCEAN BLVD		CUSTOM POOL SYSTEMS LLC	11/4/2021	4/11/2022	issued
	B-21-92487	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	***** PRIVATE PROVIDER ***** (SEE PERMIT CONDITIONS) NEW CABANA BATH, STORAGE AND PERGOLA - **OK FOR 30-DAY EXTENSION PER WB - NEW EXP 8/13/2024**	870 S OCEAN BLVD		G 7 HOLDINGS INC	12/15/2021	1/13/2022	issued
B-21-92487	B-21-92489	F-FLOOD PLAIN DEVELOPMENT	***** PRIVATE PROVIDER ***** FLOOD PLAIN	870 S OCEAN BLVD		G 7 HOLDINGS INC	12/15/2021	1/13/2022	issued
	B-23-01081	S-MARINE STRUCTURE	(SEE PERMIT CONDITIONS) SEAWALL CONSTRUCTION	870 S OCEAN BLVD		MURRAY LOGAN CONSTRUCTION LLC	9/15/2023	10/11/2023	issued
	B-24-02524	B-RESIDENTIAL ALTERATION	SUPERVISION FOR NEW 600 AMP SERVICE	870 S OCEAN BLVD		JOHN G MITCHELL INC	2/15/2024	2/22/2024	issued
B-21-92487	B-22-94293	B-AGREEMENTS PUBLIC WORKS	EASEMENT INSTALLATION AND REMOVAL AGREEMENT	870 S OCEAN BLVD		G 7 HOLDINGS INC	4/25/2022		pending
	Z-21-00359	Z-DEVELOPMENT REVIEW PERMIT	Section 134-840: Request for a Special Exception with Site Plan Review to allow construction of a 435 square foot beach cabana (20' x 25') with a 250 square foot pool and a new seawall in the R-A/B-A Zoning District. Section 134-1474(a): Request for a variance to construct a 435 square foot beach cabana that is on a lot with frontage of 101.53 feet in lieu of the 125 feet required for lot width in the B-A Zoning District for beach area property adjacent to R-A Zoning District. Section 134-1701 and 62-37: Request for a variance to construct a new 100.5' seawall three feet east of the existing seawall which is east of the Town of Palm Beach bulkhead line 6'2" at the south end and 6'0" at the north end, in lieu of the seawall being placed directly on the bulkhead line. The proposed new seawall will align with the recently-constructed	870 S OCEAN BLVD		KOCHMAN AND ZISKA	4/15/2021		pending

Count: 109

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 020-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida; Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan Pursuant To Chapter 163, Florida Statutes; Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Designation For Parcels Of Land More Particularly Described In Exhibit C, From "Public", "Recreation" And "Single Family", Respectively To "Private Group Use"; Providing For Inclusion Into The Comprehensive Plan; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

[Recommended to Town Council by the Planning & Zoning Commission at the August 6, 2024, meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Ordinance No. 020-2024: FLU Map Amendment**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: **Comprehensive Plan Future Land Use Map and Zoning Map Amendments to the Four Arts Ordinance No. 020-2024 and Ordinance No. 021-2024**

Date: August 6, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the Ordinances on first reading accepting the proposed Future Land Use and Zoning Map amendments.

GENERAL INFORMATION

Attached please find the applications and draft Ordinance No. 020-2024 and Ordinance No. 021-2024 to amend the Future Land Use and Zoning Maps from Recreation, Single Family and Public Use to Private Group Use and from R-B Low Density Residential to the new CI Cultural Institution Zoning District for the Four Arts campus, respectively.

On March 13, 2024, the Town Council conducted a public hearing wherein it considered the recommendations of the Planning, Zoning and Building Department and the Planning and Zoning Commission regarding the text amendments to the Future Land Use Element of the Town of Palm Beach Comprehensive Plan and Zoning Code. The amendments provided changes to the Private Group Use text and created a new Zoning district necessary to properly correspond to the Future Land Use category of Private Group Use. The Future Land Use text amendment was transmitted to the state planning agency, Florida Department of Commerce, and no comments were received. These subject map amendments are the subsequent requirements that the applicant must take in order to apply for a site plan modification for the Four Arts campus.

Per Code Section 261, the Town Council provided review and feedback on the proposed map amendments at their June 12, 2024 meeting. At the meeting the Town Council directed the applicant to include a Future Land Use Map amendment for the Fitz Eugene Dixon building from Public Use to Private Group Use.

BOARD OR COMMISSION RECOMMENDATION

On August 6, 2024, the Planning and Zoning Commission recommended Ordinance No. 020-2024 and Ordinance No. 021-2024 move forward to first and second reading to the Town Council.

TOWN ATTORNEY REVIEW

The subject code amendment has been reviewed and approved for legal form and sufficiency.

WRB:JHD

Attachment: Applicant Letter of Intent and Ordinances

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP

LETTER OF INTENT

FIRST SUBMITTAL – Post TC Review and Recommendation

DATE: June 17, 2024

TO: Town of Palm Beach, Planning, Zoning & Building Dept.

RE: CPA-24-0001 100 FOUR ARTS PLZ

REQUEST

On behalf of the Society of the Four Arts, Inc. ("**Applicant**"), Shutts & Bowen LLP ("**Agent**") submits this request for an Amendment to the Future Land Use ("**FLU**") Map of the Comprehensive Plan ("**Comp Plan**") from the Single Family ("**SF**") FLU to the Private Group Use ("**PGU**") FLU for the 0.22-acre site located at the southwest corner of the intersection of Seaview Avenue and Four Arts Plaza ("**Parcel 1**"), from the Recreation ("**REC**") FLU to PGU FLU for the 0.78-acre parcel located between S. Lake Trail and the Lake Worth Lagoon ("**Parcel 2**"), and from the Public ("**PUB**") FLU to the PGU FLU for the 0.70-acre parcel located at the southwest corner of Cocoanut Row and Seaview Avenue ("**Parcel 3**") (collectively the "**Site**") in the Town of Palm Beach ("**Town**").

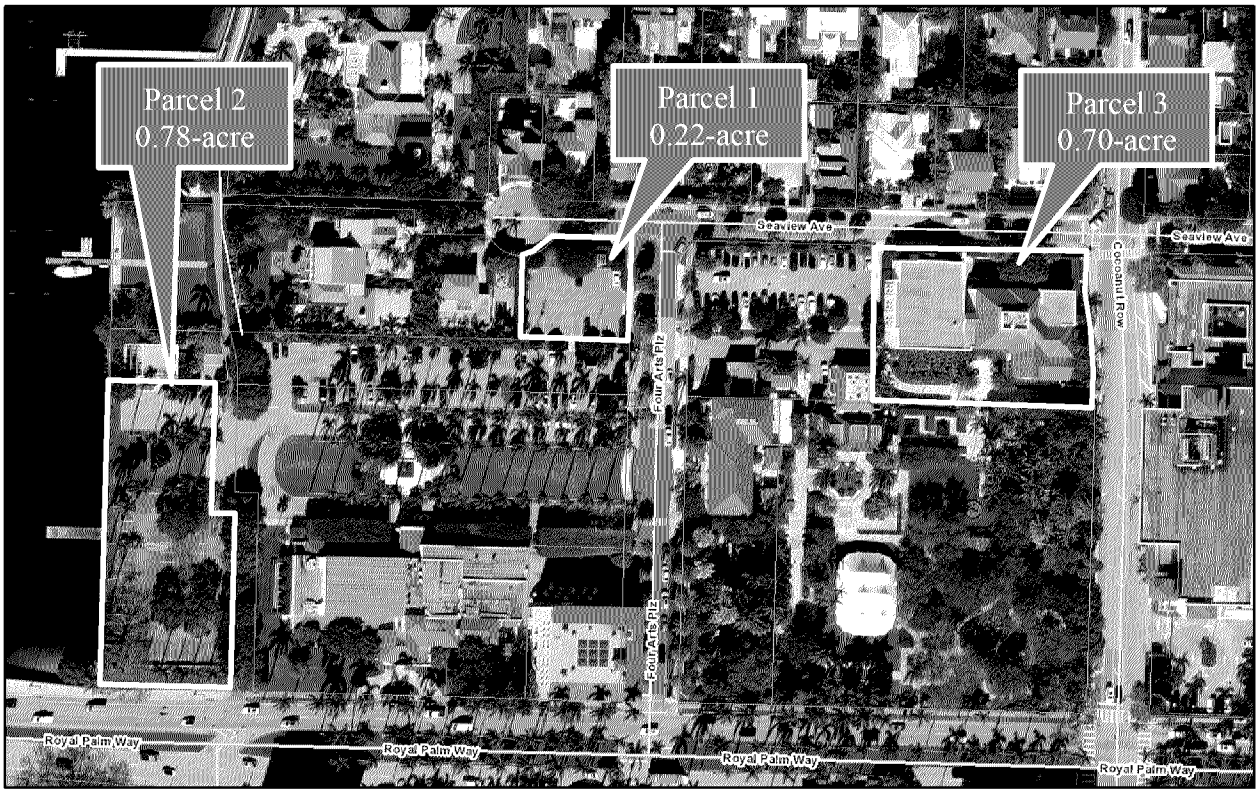


FIGURE 1 – Location map

Existing FLU:	SF, REC, and PUB
Proposed FLU:	PGU
Existing Zoning District:	R-B Low Density Residential District ("**R-B District**")
Proposed Zoning District:	Cultural Institution District ("**CI District**") *(tandem application)*
Parcel Control Number (PCN):	Parcel 1 - 0.22-acre: 50434322000030030 Parcel 2 - 0.78-acre: 50434323050210010 Parcel 3 - 0.70-acre: 50434322000030140
Municipality:	Town of Palm Beach

BACKGROUND

Per Section 134-261 of the Town Code of Ordinances ("**Code**"), the Town Council ("**TC**") must provide review and feedback on requests for amendments to the Comp Plan prior to submitting to the Planning and Zoning Commission ("**PZC**") for its recommendations and report.

On June 12, 2024, the request was considered by the TC and approved to move forward to the PZC with a condition that Parcel 3 be included in the request to change the FLU designation from the PUB FLU to the PGU FLU. The Applicant has agreed to this change and amended the original request, which was only for Parcels 1 and 2, to now include Parcel 3. That said, the request is to amend the Comp Plan's FLU Map to allow for a consistent applicability of FLU designations on the 7.68-acre site located at 100, 101, 102, and 103 Four Arts Plaza, and 240 Cocoanut Row ("**Property**"). The request will amend the FLU designations of the Site as follows (see **Exhibit "A"**):

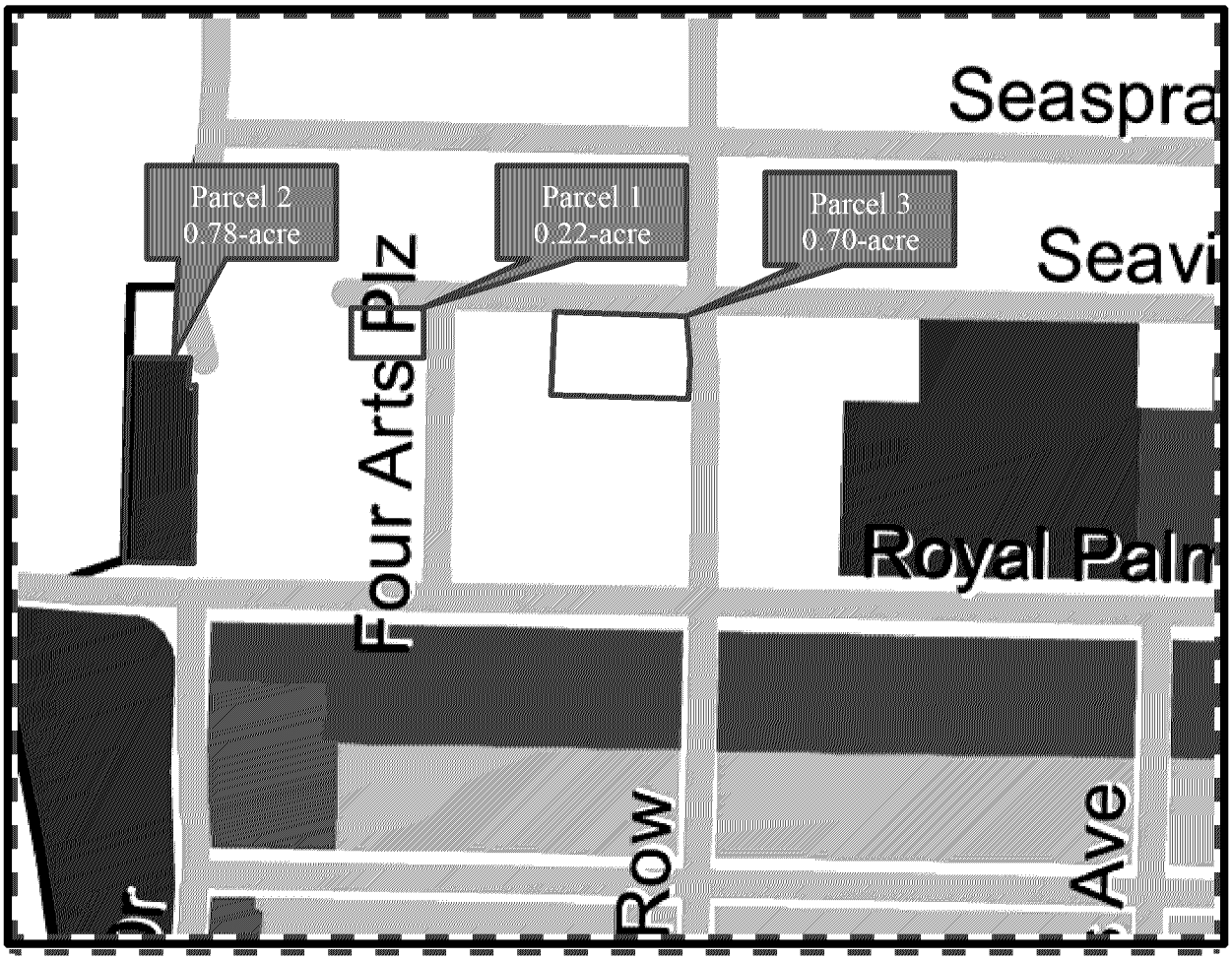
- Parcel 1. SF FLU to the PGU FLU for the 0.22-acre site located at the southwest corner of the intersection of Seaview Avenue and Four Arts Plaza;
- Parcel 2. REC FLU to PGU FLU for the 0.78-acre parcel located between S. Lake Trail and the Lake; and,
- Parcel 3. PUB FLU to PGU FLU for the 0.70-acre parcel located at the southwest corner of Cocoanut Row and Seaview Avenue.

This request is submitted concurrently with a separate application (ZCA-24-0001) for a zoning change from the R-B District to the CI District on the 7.68-acre site located at 100, 101, 102, and 103 Four Arts Plaza, and 240 Cocoanut Row. The intent is to have both the FLU Map Amendment and the zoning change approved at the same time by the TC.

Note that pursuant to F.S. 163.3187, this request qualifies as a small scale Comp Plan amendment and thus only requires one public hearing before the TC for adoption, and thus is exempt from the requirement for a review and recommendation by the Florida State Department of Commerce.

EXHIBIT A

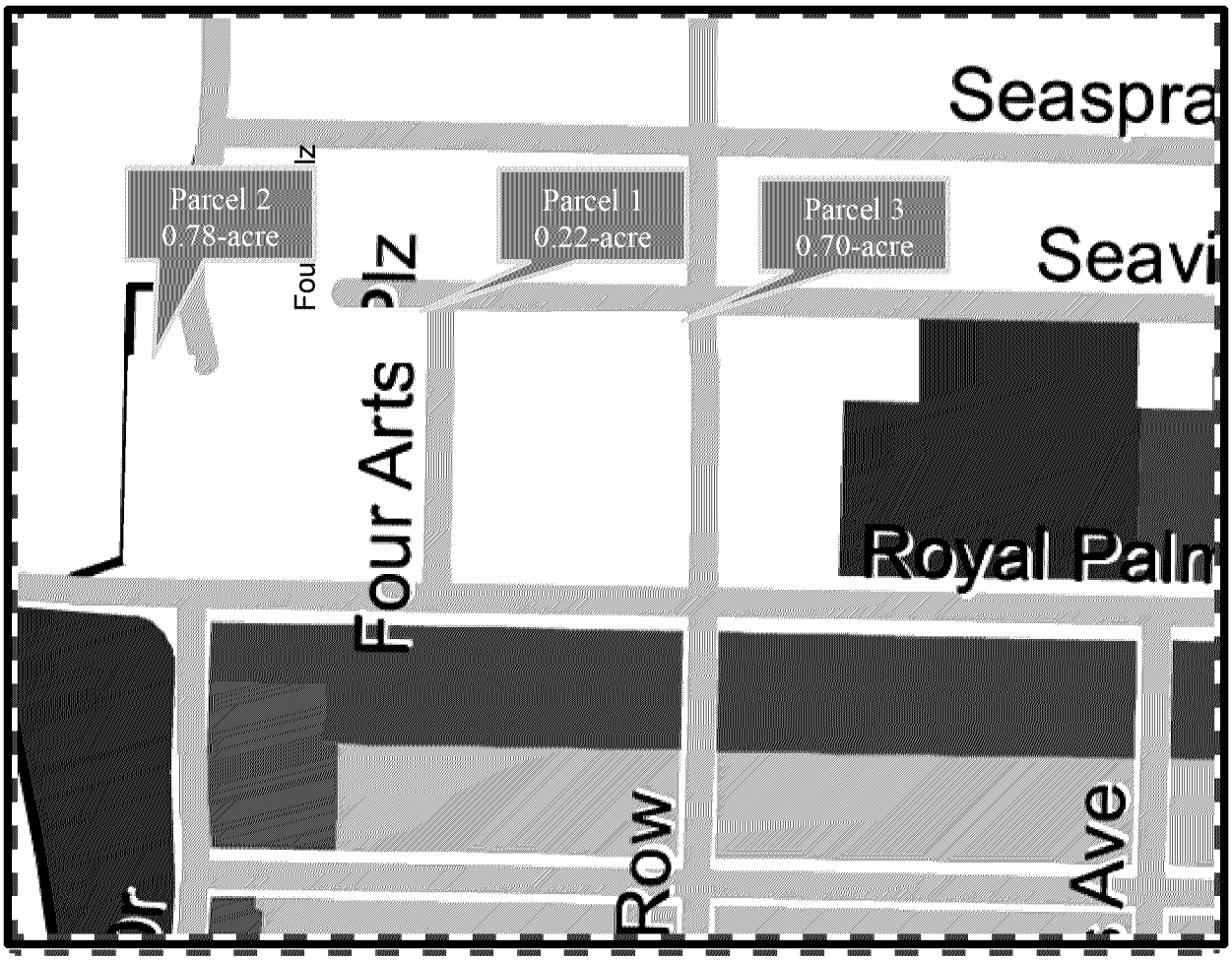
EXISTING FLU MAP *(Only the Site-specific section of FLU Map)*



TOWN OF PALM BEACH FUTURE LAND USE MAP - 2027
Planning, Zoning & Building Department

APPROVED PUD	MULTI-FAMILY	PUBLIC
COMMERCIAL	MULTI-FAMILY- HIGH DENSITY	RECREATION
CONSERVATION	PRIVATE GROUP USE	SINGLE-FAMILY

PROPOSED FLU MAP *(Only the Site-specific section of FLU Map)*



LETTER OF INTENT

FIRST SUBMITTAL

DATE: May 9, 2024

TO: Town of Palm Beach, Planning, Zoning & Building Dept.

RE: ZON-24-00x 100 FOUR ARTS PLZ

REQUEST

On behalf of the Society of the Four Arts, Inc. ("**Applicant**"), Shutts & Bowen LLP ("**Agent**") submits this request for a zoning change from the R-B Low Density Residential District ("**R-B District**") to the Cultural Institution District ("**CI District**") on the 7.68-acre site located at 100, 101, 102, and 103 Four Arts Plaza, and 240 Cocoanut Row ("**Site**").

FIGURE 1 – Location map

Future Land Use ("FLU"):	Private Group Use ("**PGU**")
Existing Zoning District:	R-B Low Density Residential District ("**R-B District**")
Proposed Zoning District:	Cultural Institution District ("**CI District**")
Parcel Control Number (PCN):	50434323050210010; 50434322000030030; 50434322000030080; 50434323050210010; 50434323050210031; 50434322000030090; 50434322000030140; 50434323050210040; 50434323050210050
Municipality:	Town of Palm Beach ("**Town**")

BACKGROUND

Specifically, the request is to amend the Town's Zoning Map to allow for the zoning change to the new CI District designed to implement the PGU FLU (See **Exhibit "A"**). This request is contingent upon the approval of two tandem zoning applications as outlined below:

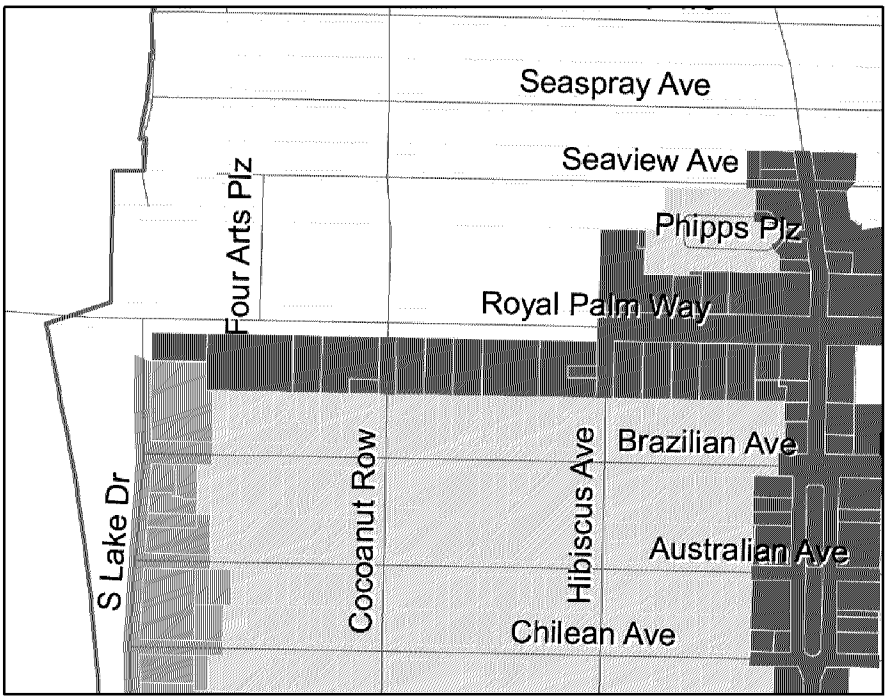
Application for a Zoning Text Amendment: The Town assigned the Site and other properties a PGU FLU designation, but failed to create a zoning district consistent with the PGU FLU. As such, on November 20, 2023, the Applicant submitted a Zoning Text Amendment to the Town's Code of Ordinances ("**Code**") to create the CI District for that purpose. This application is proposed to be adopted by the Town Council ("**TC**") on May 15, 2024.

Application for a Comprehensive Plan ("**Comp Plan**") Text Amendment: All Zoning Text Amendments are required to be consistent with the Comp Plan. In order to ensure there is consistency between the Code and the Comp Plan, there was a need to amend the language under the FLU Element of the Comp Plan specific to the PGU FLU. As such, on November 20, 2023, the Applicant submitted a Comp Plan Text Amendment to amend the text to ensure consistency between the Code and the Comp Plan. This application is proposed to be adopted by the TC on May 15, 2024.

Both of these zoning applications are in process with the Town's Planning, Zoning, and Building Department. These applications are proposed to be adopted by the TC on May 15, 2024. Town staff has required that this tandem zoning change application be submitted with the Zoning and Comp Plan Text Amendment applications for consistency purposes.

EXHIBIT A

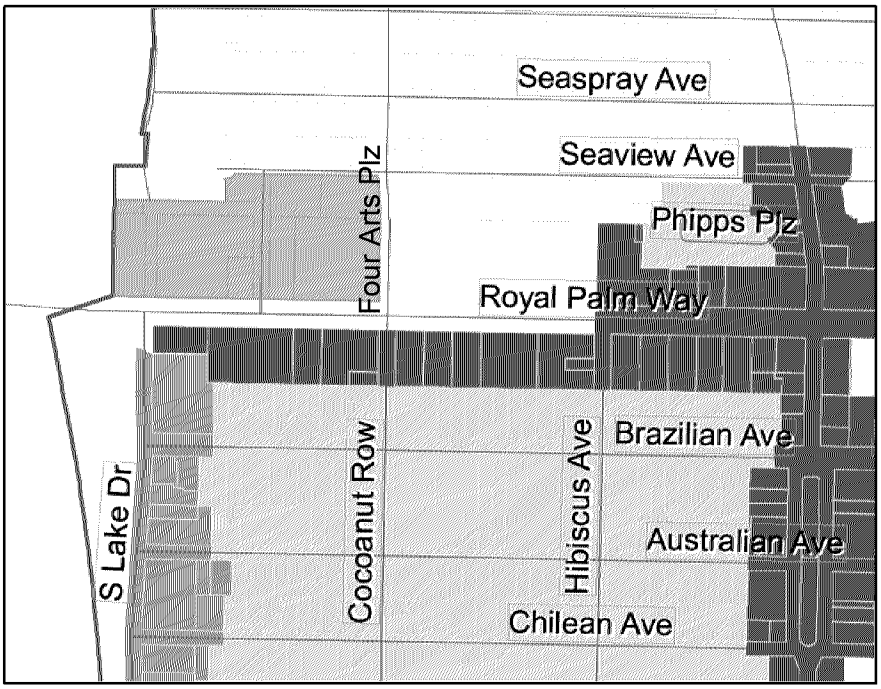
EXISTING ZONING MAP *(Only the Site specific section of Official Zoning Map)*



TOWN OF PALM BEACH ZONING MAP - 2017
Planning, Zoning & Building Department

- R-AA (Large Estate Residential)
- R-A (Estate Residential)
- R-B (Low Density Residential)
- R-C (Medium Density Residential)
- R-D(1) (Moderate Density Residential)
- R-D(2) (Heavy Density Residential)
- C-OPI (Commercial Off, Prof, Inst)
- C-PC (Commercial Planned Ctr)
- C-TS (Commercial Town Serving)
- C-WA (Commercial Worth Ave)
- C-B (Commercial Offices)
- C (Conservation District)
- PUD-A (Planned Unit Dev)
- PUD-B (Planned Unit Dev)
- PUD-C (Planned Unit Dev)
- BA (Beach Area)

PROPOSED ZONING MAP *(Only the Site specific section of Official Zoning Map)*



TOWN OF PALM BEACH ZONING MAP - 2024
Planning, Zoning & Building Department

- R-AA (Large Estate Residential)
- R-A (Estate Residential)
- R-B (Low Density Residential)
- R-C (Medium Density Residential)
- R-D(1) (Moderate Density Residential)
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- C-PC (Commercial Planned Ctr)
- C-TS (Commercial Town Serving)
- C-WA (Commercial Worth Ave)
- C-B (Commercial Offices)
- C (Conservation District)
- PUD-A (Planned Unit Dev)
- PUD-B (Planned Unit Dev)
- PUD-C (Planned Unit Dev)
- BA (Beach Area)
- CI (Cultural Institution)

ORDINANCE NO. 020-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA; AMENDING THE ADOPTED 2017 TOWN OF PALM BEACH'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FOR PARCELS OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT C, FROM "PUBLIC", "RECREATION" AND "SINGLE FAMILY", RESPECTIVELY TO "PRIVATE GROUP USE"; PROVIDING FOR INCLUSION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, known as the Community Planning Act (the "Act"); and

WHEREAS, on August 9, 2017, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan based on the Town's Evaluation and Appraisal of the Comprehensive Plan with the adoption of Ordinance No. 9-2017; and

WHEREAS, pursuant to Town Code Section 86-51, in accordance with Section 163.3174, Florida Statutes, the Town Council of the Town of Palm Beach is hereby designated and established as the Local Planning Agency for the incorporated territory of the Town of Palm Beach; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, a small-scale development amendment may be adopted pursuant to this section if the proposed amendment involves a use of 50 acres or fewer and if the proposed text changes to the Goals, Objectives and Policies relate directly to and are adopted simultaneously with the small-scale future land use map amendment; and

WHEREAS, on June 17, 2024, the Town of Palm Beach received a privately initiated development review application to amend the Town of Palm Beach Comprehensive Plan Future Land Use Map for the properties legally described in Exhibit "C" (the "Subject Properties"); and

WHEREAS, on August 6, 2024, the Town of Palm Beach Planning and Zoning Commission reviewed the Future Land Use Map Amendments ("Amendments") to the Subject Properties and recommended to the Town Council that the Amendments be approved; and

WHEREAS, on August 12, 2024, pursuant to Section 163.3174(4)(a), Florida Statutes, the Town Council acting as the Local Planning Agency conducted a public hearing wherein it considered the recommendations of the Planning, Zoning and Building Department and the Planning and Zoning Commission regarding the Amendments to the Future Land Use Element of the Town of Palm Beach Comprehensive Plan; and

WHEREAS, the Town Council has determined that the proposed Amendments to the Comprehensive Plan Future Land Use Map promote the public health, safety and welfare and are consistent with the requirements in Florida Statutes, and all elements of the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals.

The above recitals are incorporated as fully set forth herein.

Section 2. Amendment of the Comprehensive Plan.

The Town of Palm Beach Future Land Use Map of the Comprehensive Plan, set forth in Ordinance No. 9-2017 of the Town of Palm Beach, is hereby amended for the Subject Properties

from Public, Recreation, and Single Family as shown in Exhibit "B" to Private Group Use as displayed on Exhibits "A" and "B" and legally described in Exhibit "C".

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Comprehensive Plan of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect 31 days subsequent to its enactment on second and final reading, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, and for second and final reading on this _____ day of_____.

_____	_____
Danielle H. Moore, Mayor	Bobbie D. Lindsay, Town Council President
	_____
	Lewis S.W. Crampton, Council President Pro Tem
	_____
ATTEST:	Julie Araskog, Town Council Member
	_____
	Edward A. Cooney, Town Council Member
_____	_____
Kelly Churney, Acting Town Clerk	Bridget Moran, Town Council Member

Map Location:
Four Arts Plaza

Map Description:
This map shows Future Land Use (Existing) for the Four Arts Plaza.

Future Land Use (Existing)

GIS Department

Sheet No.	Date
1 of 1	7/10/2024

Legend

PRIVATE GROUP USE | PUBLIC | SINGLE-FAMILY

Map Location:
Four Arts Plaza

Map Description:
This map shows Future Land Use (Proposed) for the Four Arts Plaza.

Future Land Use (Proposed)

GIS Department

Sheet No.
1 of 1

Date	7/10/2024

NORTHEAST PARCEL (DIXON BUILDING)

A PORTION OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SEAVIEW AVENUE AND COCOANUT ROW IN SECTION 22, TOWNSHIP 43 SOUTH, OF RANGE 43 EAST, AS SHOWN ON PLAT OF POINCIANA PARK, 3RD ADDITION, FILED IN PLAT BOOK 8 AT PAGE 72, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 200 FEET TO A POINT; THENCE SOUTHERLY MAKING AN ANGLE OF 90 DEGREES WITH THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 147.62 FEET TO A POINT IN THE NORTH LINE OF BLOCK "A" OF ROYAL PARK, ACCORDING TO THE PLAT OF ROYAL PARK ON FILE IN PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK "A" OF ROYAL PARK, A DISTANCE OF 219.41 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID COCOANUT ROW, AS NOW LAID OUT AND IN USE; THENCE NORTHERLY ALONG THE WEST LINE OF SAID COCOANUT ROW AND MAKING AN ANGLE WITH THE NORTH LINE OF SAID BLOCK "A", OF 90 DEGREES, A DISTANCE OF ONE (1) FOOT TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE LEFT, RADIUS OF WHICH IS 217.83 FEET, A DISTANCE OF 61.27 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE RIGHT, RADIUS OF WHICH IS 276.17 FEET, A DISTANCE OF 77.68 FEET TO A POINT, SAID POINT BEING THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE NORTHERLY ALONG TANGENT TO SAID CURVE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING.

WEST PARCEL – LAKE WORTH LAGOON

A PORTION OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LYING EAST OF AND ADJACENT TO THE WATERS OF LAKE WORTH (LESS LAKE DRIVE RIGHT-OF-WAY, PER OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA), SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100-FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 386.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE, N90°00'00"W, 110.63 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°12'38"E, ALOND SAID WATERS OF LAKE WORTH, 285.13 FEET TO THE INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 614, OF THE PUBLIC RECORDS OF PALM BEACH

COUNTY, FLORIDA; THENCE N90°00'00"E, ALONG SAID SOUTH LINE, 104.17 FEET TO THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S00°00'53"E ALONG SAID WEST LINE, 122.36 FEET; THENCE N89°59'13"E, 7.85 FEET; THENCE S00°52'16"W, 162.79 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

NORTH PARCEL PARKING LOT

THE EAST 100 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY EXTENSION OF THE SOUTH LINE OF A STRIP OF LAND TEN (10) FEET IN WIDTH, DESIGNATED AS "10' PATH FOR WHEELCHAIRS, BICYCLES AND PEDESTRIANS ONLY" ON PLAT OF POINCIANA PARK, 3RD ADDITION, AS FILED IN PLAT BOOK 8, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID WESTERLY EXTENSION AND ALONG THE SOUTH LINE OF SAID 10' PATH A DISTANCE OF 354 FEET, MORE OR LESS, TO A POINT IN A CIRCULAR DRIVE HAVING A RADIUS OF 36 FEET, AS SHOWN ON SAID PLAT; THENCE SOUTHERLY AND EASTERLY ALONG THE CIRCUMFERENCE OF SAID CIRCLE TO A POINT IN THE SOUTH LINE OF SEAVIEW AVENUE, AS SHOWN ON SAID PLAT; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE TO A POINT OF INTERSECTION WITH THE WEST LINE OF CEIBA AVENUE, AS NOW LAID OUT AND IN USE; THENCE SOUTHERLY ALONG THE WEST LINE OF CEIBA AVENUE, A DISTANCE OF 102.50 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL TO AND 125 FEET SOUTH OF MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID 10' PATH; THENCE WESTERLY ALONG SAID PARALLEL LINE A DISTANCE OF 493 FEET, MORE OF LESS, TO THE WATERS OF LAKE WORTH; THENCE NORTHERLY ALONG THE WATERS OF LAKE WORTH TO THE POINT OF BEGINNING, INCLUDING ALL RIPARIAN RIGHTS BELONGING TO SAID PROPERTY, SAID PROPERTY BEING COMMONLY KNOWN AND REFERRED TO AS NO. 15 SOUTH LAKE TRAIL.

TOGETHER WITH:

LEGAL DESCRIPTION: (PARCEL 2)

THE EAST 4 FEET OF THE PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF SEAVIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK, 3RD ADDITION AS RECORDED IN PLAT

BOOK 8, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE CENTERLINE OF FOUR ARTS PLAZA (CEIBA AVENUE) AS NOW LAID OUT AND IN USE; THENCE SOUTH ALONG SAID CENTERLINE, A DISTANCE OF 119.81 FEET; THENCE WESTERLY AT AN ANGLE TO THE PRECEDING COURSE, A DISTANCE OF 128.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID COURSE, A DISTANCE OF 108.32 FEET; THENCE NORTHERLY, PARALLEL TO SAID CENTERLINE OF FOUR ARTS PLAZA, A DISTANCE OF 107.00 FEET; THENCE EASTERLY, PARALLEL TO SAID CENTERLINE OF SEAVIEW AVENUE A DISTANCE OF 68.40 FEET TO THE POINT OF INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A CENTRAL ANGLE OF 79°13'05" AND A RADIUS OF 36.0 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 49.77 FEET TO THE POINT OF INTERSECTION WITH A LINE EXTENDING NORTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE SAID CENTERLINE OF FOUR ARTS PLAZA; THENCE SOUTHERLY ALONG SAID LINE, A DISTANCE OF 84.36 FEET TO THE POINT OF BEGINNING. SAID PARCEL BEING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 12, 2024

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 021-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Amended Official Zoning Map Of The Town Of Palm Beach Updated July 26, 2022; Rezoning Parcels Of Land More Particularly Described In Exhibit B, From "R-B Low Density Residential" District, To "CI Cultural Institution" District; Providing For Inclusion On The Zoning Map; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

[Recommended to Town Council by the Planning & Zoning Commission at the August 6, 2024, meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Ordinance No. 021-2024: Zoning Map Amendment**

LETTER OF INTENT

FIRST SUBMITTAL – Post TC Review and Recommendation

DATE: June 17, 2024

TO: Town of Palm Beach, Planning, Zoning & Building Dept.

RE: CPA-24-0001 100 FOUR ARTS PLZ

REQUEST

On behalf of the Society of the Four Arts, Inc. ("**Applicant**"), Shutts & Bowen LLP ("**Agent**") submits this request for an Amendment to the Future Land Use ("**FLU**") Map of the Comprehensive Plan ("**Comp Plan**") from the Single Family ("**SF**") FLU to the Private Group Use ("**PGU**") FLU for the 0.22-acre site located at the southwest corner of the intersection of Seaview Avenue and Four Arts Plaza ("**Parcel 1**"), from the Recreation ("**REC**") FLU to PGU FLU for the 0.78-acre parcel located between S. Lake Trail and the Lake Worth Lagoon ("**Parcel 2**"), and from the Public ("**PUB**") FLU to the PGU FLU for the 0.70-acre parcel located at the southwest corner of Cocoanut Row and Seaview Avenue ("**Parcel 3**") (collectively the "**Site**") in the Town of Palm Beach ("**Town**").

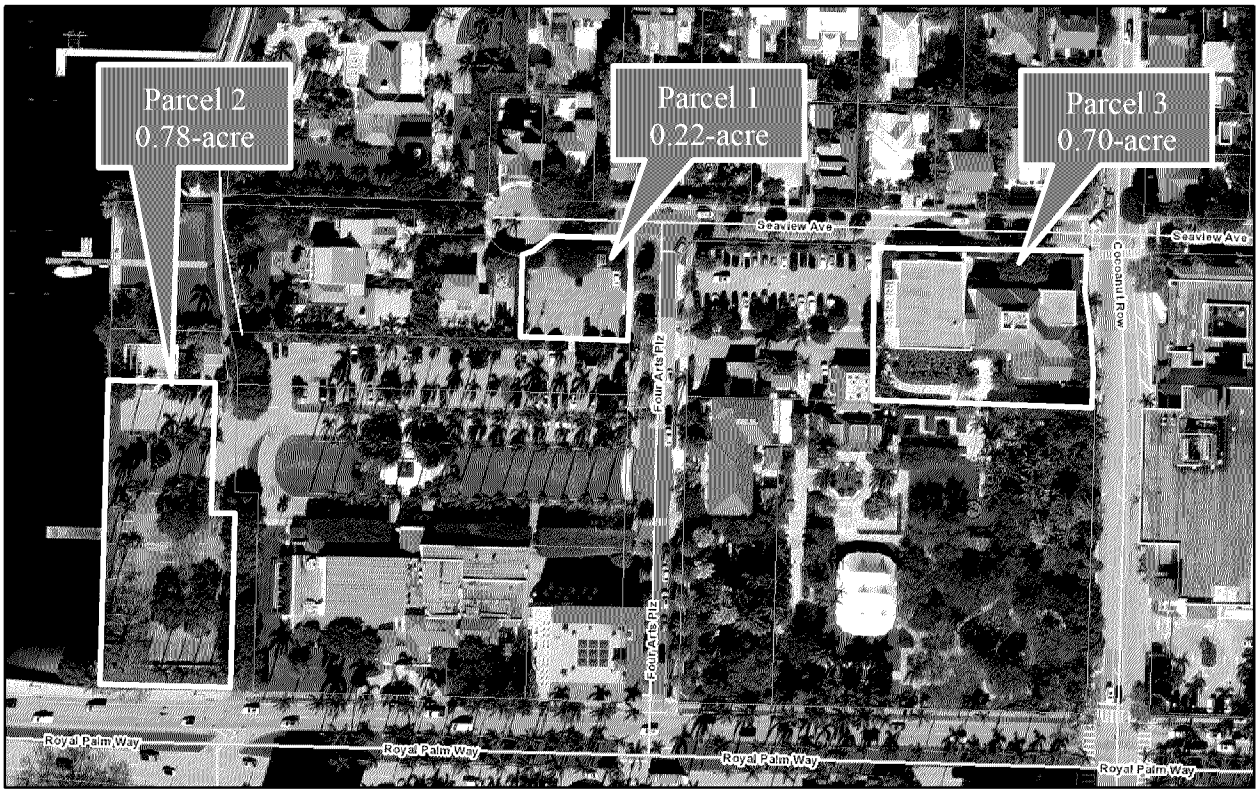

FIGURE 1 – Location map

Existing FLU:	SF, REC, and PUB
Proposed FLU:	PGU
Existing Zoning District:	R-B Low Density Residential District ("**R-B District**")
Proposed Zoning District:	Cultural Institution District ("**CI District**") *(tandem application)*
Parcel Control Number (PCN):	Parcel 1 - 0.22-acre: 50434322000030030 Parcel 2 - 0.78-acre: 50434323050210010 Parcel 3 - 0.70-acre: 50434322000030140
Municipality:	Town of Palm Beach

BACKGROUND

Per Section 134-261 of the Town Code of Ordinances ("**Code**"), the Town Council ("**TC**") must provide review and feedback on requests for amendments to the Comp Plan prior to submitting to the Planning and Zoning Commission ("**PZC**") for its recommendations and report.

On June 12, 2024, the request was considered by the TC and approved to move forward to the PZC with a condition that Parcel 3 be included in the request to change the FLU designation from the PUB FLU to the PGU FLU. The Applicant has agreed to this change and amended the original request, which was only for Parcels 1 and 2, to now include Parcel 3. That said, the request is to amend the Comp Plan's FLU Map to allow for a consistent applicability of FLU designations on the 7.68-acre site located at 100, 101, 102, and 103 Four Arts Plaza, and 240 Cocoanut Row ("**Property**"). The request will amend the FLU designations of the Site as follows (see **Exhibit "A"**):

- Parcel 1. SF FLU to the PGU FLU for the 0.22-acre site located at the southwest corner of the intersection of Seaview Avenue and Four Arts Plaza;
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This request is submitted concurrently with a separate application (ZCA-24-0001) for a zoning change from the R-B District to the CI District on the 7.68-acre site located at 100, 101, 102, and 103 Four Arts Plaza, and 240 Cocoanut Row. The intent is to have both the FLU Map Amendment and the zoning change approved at the same time by the TC.

Note that pursuant to F.S. 163.3187, this request qualifies as a small scale Comp Plan amendment and thus only requires one public hearing before the TC for adoption, and thus is exempt from the requirement for a review and recommendation by the Florida State Department of Commerce.

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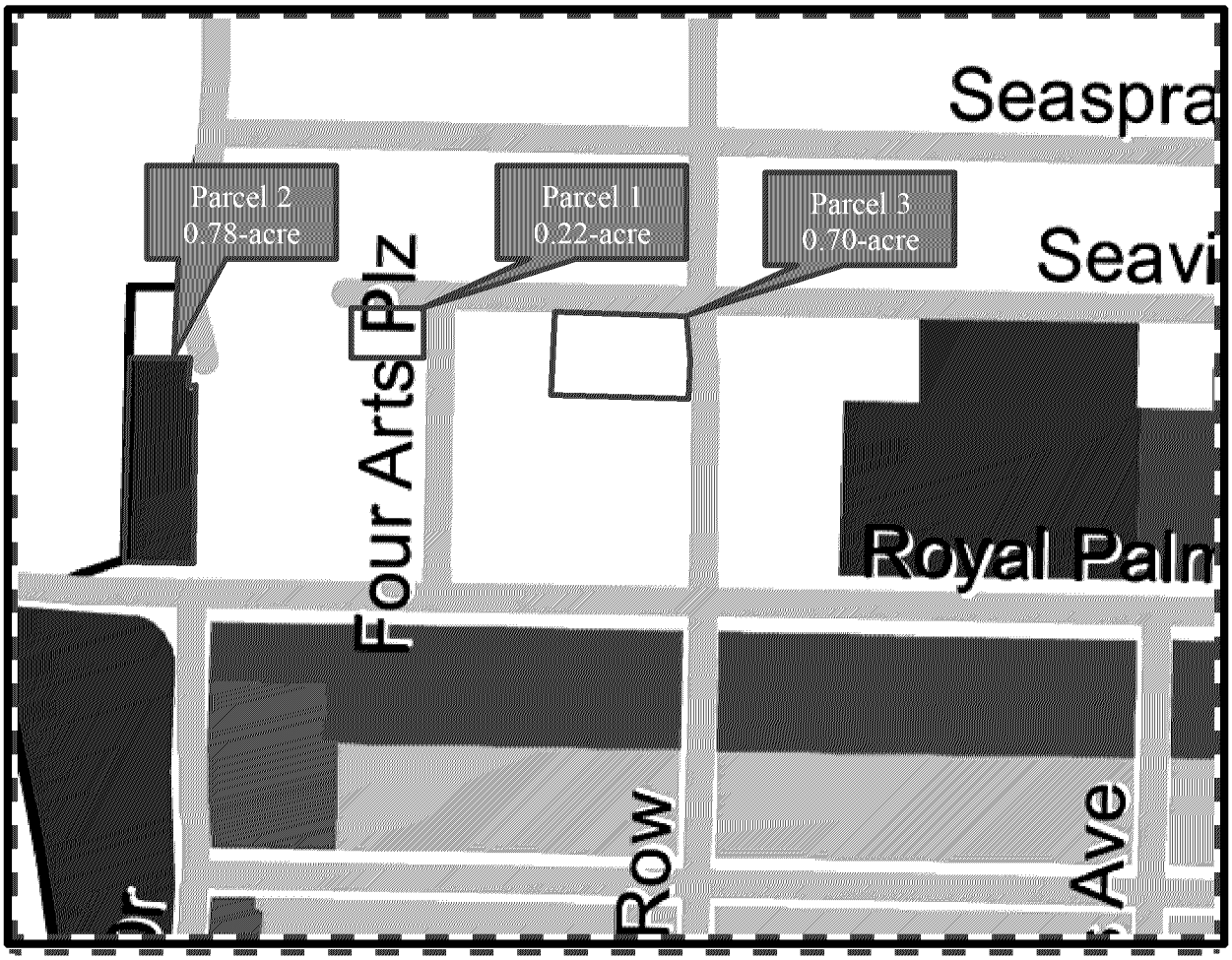
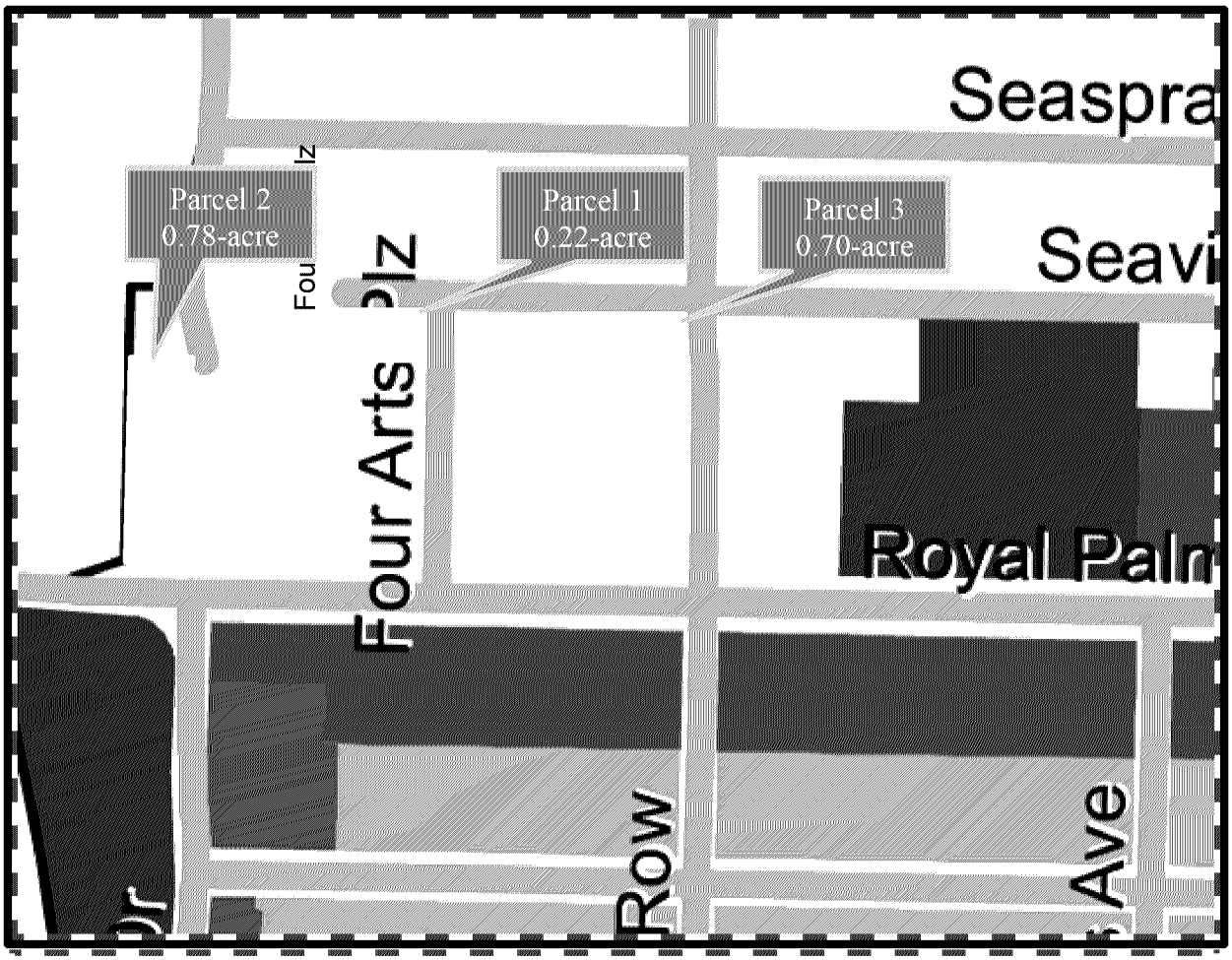
EXISTING FLU MAP *(Only the Site-specific section of FLU Map)*



TOWN OF PALM BEACH FUTURE LAND USE MAP - 2027
Planning, Zoning & Building Department

APPROVED PUD	MULTI-FAMILY	PUBLIC
COMMERCIAL	MULTI-FAMILY- HIGH DENSITY	RECREATION
CONSERVATION	PRIVATE GROUP USE	SINGLE-FAMILY

PROPOSED FLU MAP *(Only the Site-specific section of FLU Map)*



LETTER OF INTENT

FIRST SUBMITTAL

DATE: May 9, 2024

TO: Town of Palm Beach, Planning, Zoning & Building Dept.

RE: ZON-24-00x 100 FOUR ARTS PLZ

REQUEST

On behalf of the Society of the Four Arts, Inc. ("**Applicant**"), Shutts & Bowen LLP ("**Agent**") submits this request for a zoning change from the R-B Low Density Residential District ("**R-B District**") to the Cultural Institution District ("**CI District**") on the 7.68-acre site located at 100, 101, 102, and 103 Four Arts Plaza, and 240 Cocoanut Row ("**Site**").

FIGURE 1 – Location map

Future Land Use ("FLU"):	Private Group Use ("**PGU**")
Existing Zoning District:	R-B Low Density Residential District ("**R-B District**")
Proposed Zoning District:	Cultural Institution District ("**CI District**")
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Municipality:	Town of Palm Beach ("**Town**")

BACKGROUND

Specifically, the request is to amend the Town's Zoning Map to allow for the zoning change to the new CI District designed to implement the PGU FLU (See **Exhibit "A"**). This request is contingent upon the approval of two tandem zoning applications as outlined below:

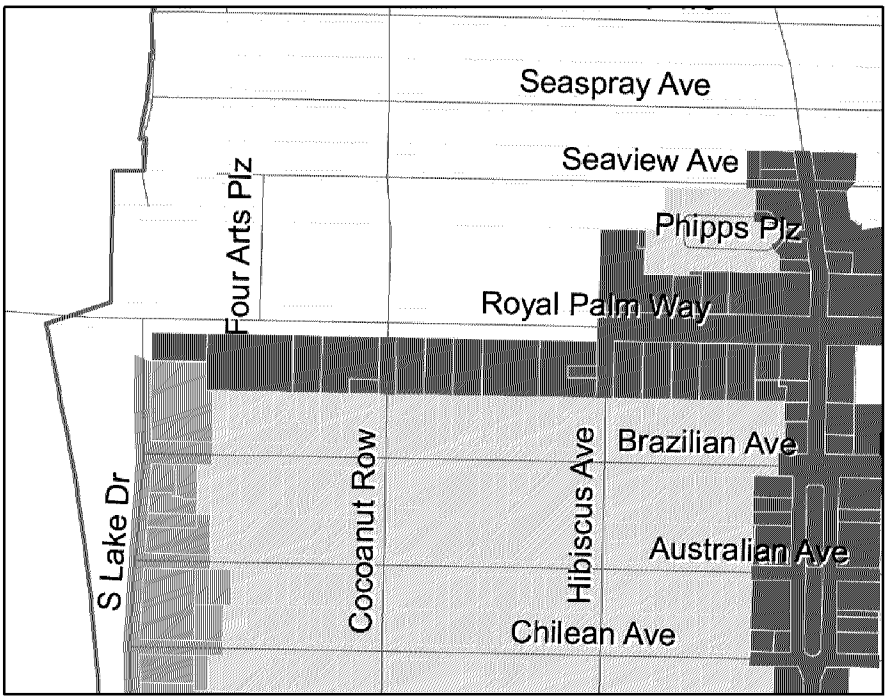
Application for a Zoning Text Amendment: The Town assigned the Site and other properties a PGU FLU designation, but failed to create a zoning district consistent with the PGU FLU. As such, on November 20, 2023, the Applicant submitted a Zoning Text Amendment to the Town's Code of Ordinances ("**Code**") to create the CI District for that purpose. This application is proposed to be adopted by the Town Council ("**TC**") on May 15, 2024.

Application for a Comprehensive Plan ("**Comp Plan**") Text Amendment: All Zoning Text Amendments are required to be consistent with the Comp Plan. In order to ensure there is consistency between the Code and the Comp Plan, there was a need to amend the language under the FLU Element of the Comp Plan specific to the PGU FLU. As such, on November 20, 2023, the Applicant submitted a Comp Plan Text Amendment to amend the text to ensure consistency between the Code and the Comp Plan. This application is proposed to be adopted by the TC on May 15, 2024.

Both of these zoning applications are in process with the Town's Planning, Zoning, and Building Department. These applications are proposed to be adopted by the TC on May 15, 2024. Town staff has required that this tandem zoning change application be submitted with the Zoning and Comp Plan Text Amendment applications for consistency purposes.

EXHIBIT A

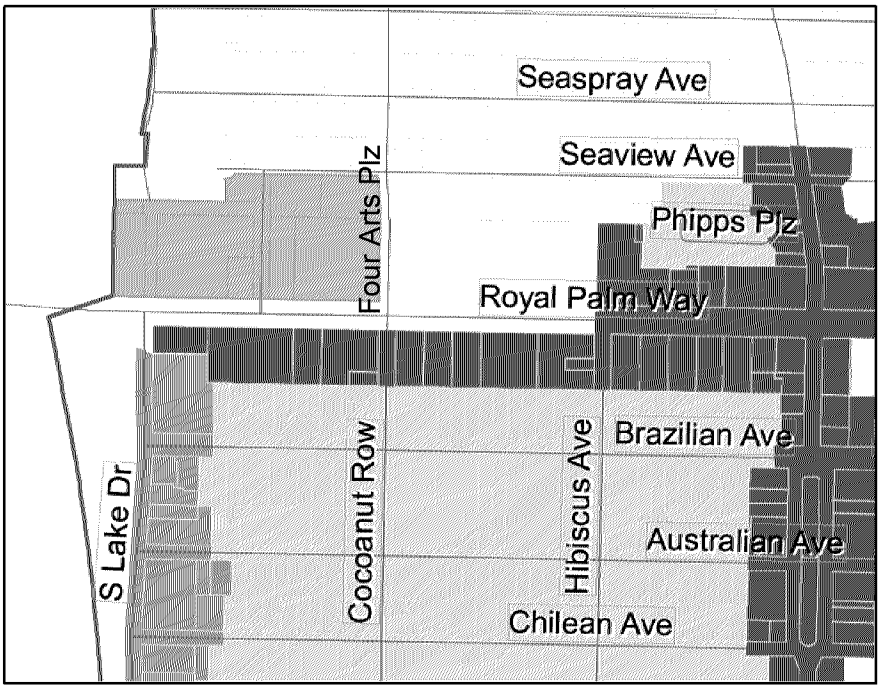
EXISTING ZONING MAP *(Only the Site specific section of Official Zoning Map)*



TOWN OF PALM BEACH ZONING MAP - 2017
Planning, Zoning & Building Department

- R-AA (Large Estate Residential)
- R-A (Estate Residential)
- R-B (Low Density Residential)
- R-C (Medium Density Residential)
- R-D(1) (Moderate Density Residential)
- R-D(2) (Heavy Density Residential)
- C-OPI (Commercial Off, Prof, Inst)
- C-PC (Commercial Planned Ctr)
- C-TS (Commercial Town Serving)
- C-WA (Commercial Worth Ave)
- C-B (Commercial Offices)
- C (Conservation District)
- PUD-A (Planned Unit Dev)
- PUD-B (Planned Unit Dev)
- PUD-C (Planned Unit Dev)
- BA (Beach Area)

PROPOSED ZONING MAP *(Only the Site specific section of Official Zoning Map)*



TOWN OF PALM BEACH ZONING MAP - 2024
Planning, Zoning & Building Department

R-AA (Large Estate Residential)
R-A (Estate Residential)
R-B (Low Density Residential)
R-C (Medium Density Residential)
R-D(1) (Moderate Density Residential)
R-D(2) (Heavy Density Residential)
C-OPI (Commercial Off, Prof, Inst)
C-PC (Commercial Planned Ctr)
C-TS (Commercial Town Serving)
C-WA (Commercial Worth Ave)
C-B (Commercial Offices)
C (Conservation District)
PUD-A (Planned Unit Dev)
PUD-B (Planned Unit Dev)
PUD-C (Planned Unit Dev)
BA (Beach Area)
CI (Cultural Institution)

ORDINANCE NO. 021-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE AMENDED OFFICIAL ZONING MAP OF THE TOWN OF PALM BEACH UPDATED JULY 26, 2022; REZONING PARCELS OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT B, FROM "R-B LOW DENSITY RESIDENTIAL" DISTRICT, TO "CI CULTURAL INSTITUTION" DISTRICT; PROVIDING FOR INCLUSION ON THE ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Code Section 134-261, the Town Council of the Town of Palm Beach may from time to time on its own motion or on petition, signed by the fee simple property owner of the property involved or authorized designee, agent or representative of the owner by power of attorney filed with the director of the Planning, Zoning and Building Department or designee, amend, supplement, change, modify or repeal the regulations, restrictions or district boundaries; and

WHEREAS, by Ordinance No. 006-2024, the Town Council of the Town of Palm Beach created a new Division 16 of Chapter 134, "CI Cultural Institution" District; and

WHEREAS, Ordinance No. 006-2024 was adopted on May 15, 2024, and took effect on or about June 15, 2024; and

WHEREAS, on May 9, 2024, the Town of Palm Beach received a privately initiated development review application to amend the Amended Official Zoning Map of the Town of Palm Beach Updated July 26, 2022, to rezone the property shown on Exhibit "A" and legally described in Exhibit "B" (the "Subject Property") from "R-B Low Density Residential" District to "CI

Cultural Institution" District as shown in Exhibit "C", attached hereto and incorporated herein by reference; and

WHEREAS, on August 6, 2024, the Town of Palm Beach Planning and Zoning Commission reviewed the proposed rezoning of the Subject Property and recommended to the Town Council that the rezoning be approved; and

WHEREAS, on August 12, 2024, the Town Council conducted a public hearing wherein it considered the recommendations of the Planning, Zoning and Building Department and the Planning and Zoning Commission regarding the recommended rezoning of the Subject Property; and

WHEREAS, the Town Council has determined that the rezoning of the Subject Property would be consistent with the future land use designation assigned to the Subject Property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals.

The above recitals are incorporated as fully set forth herein.

Section 2. Amendment of the Amended Official Zoning Map of the Town of Palm Beach Updated July 26, 2022.

The Town Council directs the Zoning Map be amended to "CI Cultural Institution" for the Subject Property as shown in Exhibit "A" and legally described in Exhibit "A", attached hereto and incorporated herein by reference.

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect

without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect 31 days subsequent to its enactment on second and final reading, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, and for second and final reading on this _____ day of_____.

_____
Danielle H. Moore, Mayor

_____
Bobbie D. Lindsay, Town Council President

_____
Lewis S.W. Crampton, Council President Pro Tem

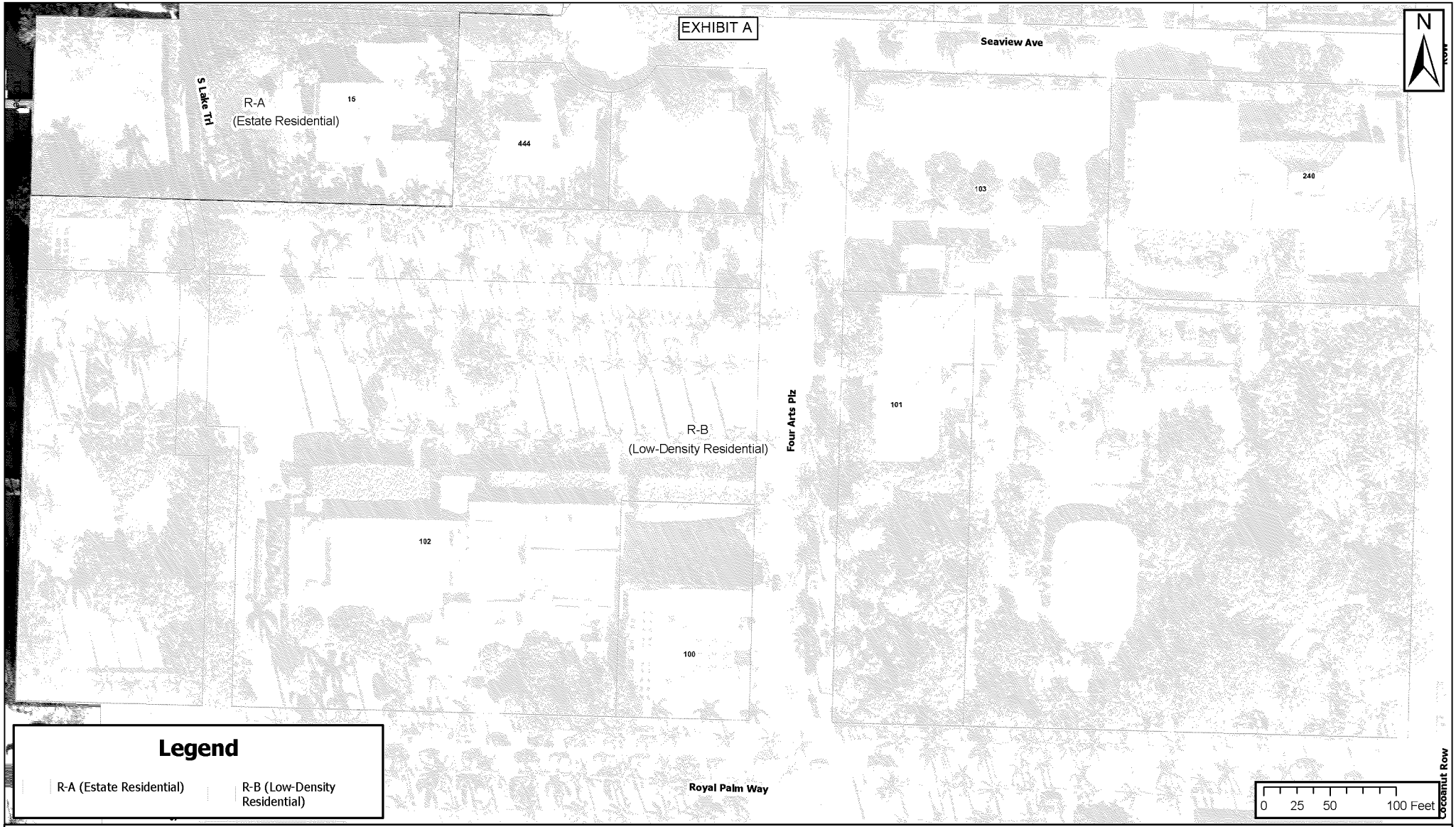
ATTEST:

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Bridget Moran, Town Council Member



Legend

R-A (Estate Residential)

R-B (Low-Density Residential)

Map Location:
Four Arts Plaza

Map Description:
This map shows Zoning (Existing) for the Four Arts Plaza.

Zoning (Existing)

GIS Department

Sheet No.
1 of 1

Date	7/10/2024

WEST CAMPUS:
A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, AND LOTS 1, 2, AND A PORTION OF LOT 3, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID BLOCK "A" BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY FOR A DISTANCE OF 302.04 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°00'47"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 182.78 FEET; THENCE S89°59'13"W FOR A DISTANCE OF 3.76 FEET TO A POINT ON THE WEST LINE OF A PARCEL DESCRIBED IN SECTION ONE IN OFFICIAL RECORDS BOOK 469, PAGE 230, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°49'40"E ALONG SAID WEST LINE FOR A DISTANCE OF 107.24 FEET; THENCE N90°00'00"W TO A POINT ON THE WESTERLY EXTENSION OF LOT 1 OF SAID BLOCK "A" FOR A DISTANCE OF 20.30 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7151, PAGE 617, SAID POINT BEING ON A NON TANGENT CIRCULAR CURVE CONCAVE TO THE WEST, SAID POINT BEARING N88°48'20"E FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 13°23'57" FOR A DISTANCE OF 26.89 FEET TO A POINT OF TANGENCY; THENCE N14°35'41"W FOR A DISTANCE OF 19.16 FEET; THENCE N90°00'00"E ALONG THE NORTH LINE OF PARCEL 3 DESCRIBED IN DEED BOOK 809, PAGE 524, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A DISTANCE OF 276.10 FEET; THENCE N00°00'00"E ALONG THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5272, PAGE 331, FOR A DISTANCE OF 84.36 FEET TO A POINT ON A NON TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARING S03°10'59"E FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 36.00 FEET AND A CENTRAL ANGLE OF 57°10'32" FOR A DISTANCE OF 35.92 FEET; THENCE S90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 72 FOR A DISTANCE OF 74.71 FEET; THENCE S00°00'00"W ALONG THE WEST RIGHT OF WAY LINE OF FOUR ARTS PLAZA (FORMERLY CEIBA AVENUE) FOR A DISTANCE OF 437.62 FEET; THENCE N90°00'00"W ALONG THE NORTH RIGHT OF WAY LINE OF SAID ROYAL PALM WAY FOR A DISTANCE OF 47.00 FEET TO THE POINT OF BEGINNING; SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.
TOGETHER WITH (A):

A PORTION OF GOVERNMENT LOT 3 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100 FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00”W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 90.00 FEET; THENCE N00°00'00”E, PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE OF CIEBA AVENUE, 335.12 FEET; THENCE N90°00'00”W, PARALLEL

WITH SAID NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY, 300.58 FEET TO THE POINT OF BEGINNING; THENCE S14°34'47"E, 21.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF A TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 105.00 FEET, A DELTA OF 12°53'47", AN ARC DISTANCE OF 23.63 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 3.00 FEET, A DELTA OF 91°41'08", AN ARC DISTANCE OF 4.80 FEET; THENCE TANGENT TO SAID CURVE N90°00'00"W, 6.96 FEET; THENCE S00°00'00"E, 2.51 FEET; THENCE N90°00'00"W, 102.47 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°22'23"E, ALONG SAID WATERS, 50.00 FEET; THENCE S90°00'00"E, 103.29 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH (B):

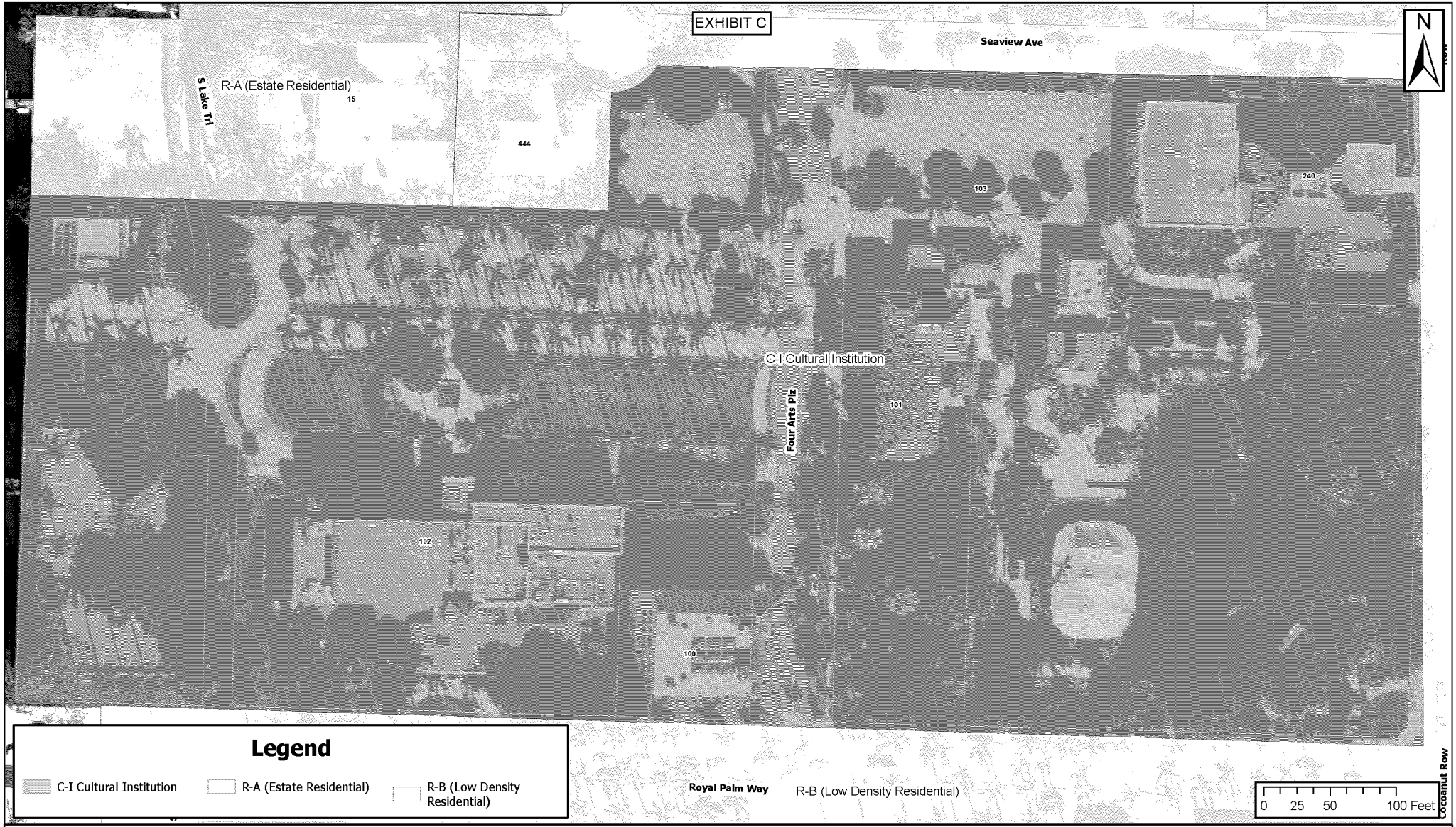
A PORTION OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LYING EAST OF AND ADJACENT TO THE WATERS OF LAKE WORTH (LESS LAKE DRIVE RIGHT-OF-WAY, PER OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100-FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 386.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE, N90°00'00"W, 110.63 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°12'38"E, ALONG SAID WATERS OF LAKE WORTH, 285.13 FEET TO THE INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 614, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N90°00'00"E, ALONG SAID SOUTH LINE, 104.17 FEET TO THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S00°00'53"E ALONG SAID WEST LINE, 122.36 FEET; THENCE N89°59'13"E, 7.85 FEET: THENCE S00°52'16"W, 162.79 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

EAST CAMPUS:
A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, AND LOTS 5, 6, A PORTION OF LOTS 4, AND 7, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 7 OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID BLOCK "A" BEING COINCIDENT WITH THE WEST RIGHT OF WAY LINE OF COCOANUT ROW FOR A DISTANCE OF 275.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE DESCRIBED IN OFFICIAL RECORDS BOOK 1909, PAGE 74 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TO A TANGENT CIRCULAR CURVE CONCAVE TO THE WEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET AND CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 23.56 FEET; THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID BLOCK "A", BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY FOR A DISTANCE OF 373.90 FEET TO A POINT ON THE EAST LINE OF THE WEST 3 FEET OF LOT 4, PLAT BOOK 4, PAGE 1, AS DESCRIBED IN DEED BOOK 549, PAGE 180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°00'00"E ALONG THE SAID EAST LINE OF THE WEST 3 FEET OF LOT 4 AND THE EXTENSION THEREOF, BEING COINCIDENT WITH EAST RIGHT OF WAY LINE OF FOUR ARTS PLAZA FOR A DISTANCE OF 437.62 FEET; THENCE N90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 72, FOR A DISTANCE OF 379.44 FEET; THENCE S00°00'00"E ALONG THE WEST RIGHT OF WAY LINE OF COCOANUT ROW, AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1909, PAGE 74, A DISTANCE OF 9.51 FEET TO A TANGENT CIRCULAR CURVE CONCAVE TO THE EAST; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 276.17 FEET, AND CENTRAL ANGLE OF 02°08'33", FOR A DISTANCE OF 10.33 FEET; THENCE S04°08'54"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 127.72 FEET TO THE POINT OF BEGINNING, SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

EXHIBIT C



Legend

- C-I Cultural Institution
- R-A (Estate Residential)
- R-B (Low Density Residential)

Map Location:
Four Arts Plaza

Map Description:
This map shows Zoning (Proposed) for the Four Arts Plaza.

Zoning (Proposed)

GIS Department

Sheet No.
1 of 1

Date	7/10/2024