



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MAY 15, 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. CONSENT AGENDA

- A. **ZON-24-064 325 VIA LINDA—SITE PLAN REVIEW** The applicant, Three Palm Trees LLC (Warren Kanders, Manager-Member), has filed an application requesting Town Council review and approval of a Site Plan Review for the installation of a 200 kW generator to the previously approved underground enclosed basement level of a guest house, as it relates to the construction of a new residence. Pg. 9

VIII. REGULAR BUSINESS

- A. Discussion Regarding Code Review Pg. 15
Julie Araskog, Council Member

IX. ITEMS PULLED FROM THE CONSENT AGENDA, IF NEEDED

X. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. **ZON-24-002 219-221 WORTH AVE AND 220 PERUVIAN AVE - TABOO** - Declaration of Use Agreement Pg. 18
2. **ZON-22-132 (ARC-22-200) 165 BRADLEY PL - ALEF SCHOOL L** - Declaration of Use Agreement Progress Update Pg. 33
3. **ZON-23-046 329 WORTH AVE - CHURCHILL CIGAR COMPANY** - Declaration of Use Progress Update Pg. 61

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **ZON-24-047 (ARC-24-008) 264 DUNBAR RD (COMBO) – VARIANCE** The applicant, 264 Dunbar LLC (Lee Fensterstock, Manager), has filed an application requesting Town Council review and approval of (1) variance to exceed maximum equipment screening wall height in the south rear yard setback, as part of the construction of a new single-family residence. The Architectural Commission shall perform design review of the application. ***[This project variance has been withdrawn by the applicant.]***
- b. **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 forgo required garage parking. The Architectural Commission shall perform design review of the Pg. 74

application. *[Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Motion Carried 6-1.] [The Architectural Review Commission approved the project with conditions. Carried 5-2.]*

- c. **ZON-24-044 (ARC-24-031) 1181 N LAKE WAY (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Sage Andrew G C III Trust (Gregg Sage, Trustee), has filed an application requesting Town Council review and approval for construction of a new single-family residence on an existing nonconforming parcel comprised of portions of platted lots, which is deficient in lot width. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the June 12, 2024, Town Council Meeting pending review by the Architectural Commission.]***
- d. **ZON-24-045 (ARC-24-038) 207 PENDLETON AVE (COMBO)—VARIANCES** The applicant, Maura Ziska (Attorney) in conjunction with Thomas M. Kirchhoff (Architect), has filed an application requesting Town Council review and approval for two variances: one (1) to exceed the maximum allowable lot coverage and two (2) to exceed the maximum allowable Cubic Content Ratio (CCR) with the construction of the new front entry porch. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 6-0.] [The Architectural Review Commission approved the project as presented. Carried 6-0.]*

Pg. 81

2. New Business

- a. **ZON-23-117 (COA-23-043) 235 BANYAN RD (COMBO)—VARIANCES** The applicant, Richard Kurtz, has filed an application requesting Town Council approval for three (3) variances in accordance with Section 134-201 for: (1) front yard setback found in Section 134-843(5), (2) building height plane requirement found in Section 134-843(7), and (3) side yard setback found in Section 134-843(8) associated with the construction of a new two-story approximately 1,072 SF accessory structure with hardscape and landscape. The Landmarks Preservation Commission shall perform design review of the application. ***[This project shall be deferred to the June 12, 2024, Town Council Meeting pending review by the Landmarks Preservation Commission.]***
- b. **ZON-24-039 (ARC-24-033) 1464 N OCEAN BLVD (COMBO)—VARIANCE** The applicant, Manuel & Evan Castelo, has filed an application requesting Town Council review and approval for one (1) variance to reduce landscape open space below minimum

requirements with the installation of artificial turf material. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the June 12, 2024, Town Council Meeting pending review by the Architectural Commission.]***

- c. **ZON-24-046 (ARC-24-040) 227 ANGLER DR (COMBO)—VARIANCES** The applicant, Bryan and Mary Thomas, has filed an application requesting Town Council review and approval for one (1) variance to reduce lot coverage below minimum requirements and (2) variance to exceed maximum allowable Cubic Content ratio (CCR) with the installation of a pergola. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 6-0.] [The Architectural Review Commission approved the project as presented. Carried 6-0.]*

Pg. 91

- d. **ZON-24-048 (ARC-24-077) 450 S COUNTY RD (204 WORTH AVE) (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Rosetta Bakery and FERRAGAMO USA INC, has filed an application requesting Town Council review and approval for a Special Exception with site plan review request to allow a retail specialty foods with indoor seating in the C-WA district. The Architectural Commission shall perform design review of the application.

Pg. 98

- e. **ZON-24-050 (COA-24-014) 218 PHIPPS PLAZA (COMBO)—VARIANCES** The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, has filed an application requesting Town Council review and approval of variances for three (3) variances for; (1) greater lot coverage, (2) a reduced rear-yard setback, and (3) a reduced side-yard setback in conjunction with the construction of a new covered parking structure, to modify the location of the pedestrian entryway with new piers and a gate, revisions to the landscape and hardscape to accommodate the new pedestrian entryway, and to install a decorative well. The Landmarks Preservation Commission shall perform design review of the application. ***[This project shall be deferred to the June 12, 2024, Town Council Meeting pending review by the Landmarks Preservation Commission.]***

- f. **ZON-24-057 (ARC-24-047) 960 N OCEAN BLVD (COMBO)—VARIANCE** The applicant, PB NORTH OCEAN TRUST (represented by Todd Cury), has filed an application requesting Town Council review and approval of one (1) variance for a lot coverage to exceed the maximum permitted in the R-B zoning district on a lot 20,000 square feet or more in area for the construction of a 2-story accessory structure and construction of an approximately 30 square foot addition. The Architectural

Pg. 104

Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 5-2.] [The Architectural Commission approved the project with conditions. Carried 5-2.]*

- g. **ZON-24-058 (ARC-24-073) 400 ROYAL PALM WAY (COMBO) —VARIANCE(S)** The applicant, Citizens Bank (James Meany), has filed an application requesting Town Council review and approval for eight (8) variances as they relate to the installation of commercial signage, including (1) a variance to install signage on an exterior electronic banking machine, (2-4) variances to exceed maximum sign area permitted, exceed maximum logo size permitted, and exceed maximum sign and logo height above grade permitted on the north elevation, (5) a variance to exceed height of logo above grade on east elevation, and (6 – 8) variances to exceed maximum height and logo size and to permit signage facing a parking area in lieu of a right of way. The Architectural Commission shall perform design review of the application.
- h. **ZON-24-060 360 EL BRILLO WAY – VARIANCE** The applicant, 360 El Brillo Way Trust (David E. Klein, Trustee), has filed an application requesting Town Council review and approval of a variance for a marginal marine dock to exceed the maximum width permitted. *[This project has been withdrawn by Staff.]*
- i. **ZON-24-061 757 ISLAND DR—VARIANCE(S)** The applicant, 757 Island Drive LLC (Maura Ziska, Manager), has filed an application requesting Town Council review and approval for installation of a marine structure(s) requiring five (5) variances to (1) exceed maximum marginal marine dock width permitted, (2) to exceed maximum projection west of the U.S. Pierhead Line for a marginal dock, (3) to exceed maximum projection west of the US Pierhead Line for a boatlift, (4) to exceed maximum projection west of the US Pierhead Line for installation of fender piles, and (5) to exceed maximum projection west of the US Pierhead Line for installation of mooring piles.
- j. **ZON-24-066 340 ROYAL POINCIANA WAY—SPECIAL EXCEPTION** The applicant, Richemont North America, dba Cartier, has filed an application requesting Town Council review and approval of a Special Exception for a permitted use greater than 3,000 SF for an individual retail use in the C-PC zoning district within the Playhouse building within The Royal Poinciana Plaza.

Pg. 112

Pg. 120

Pg. 125

C. Time Extensions and Waivers

- 1. Waiver of Town Code Section 42-199, For the Working Hours at **247 Worth Avenue**

Pg. 143

- | | | |
|----|---|---------|
| 2. | Waiver of Town Code Section 18-237, For Building Permit Extension for 936 N Lake Way | Pg. 153 |
| 3. | Waiver of Town Code Section 18-237, For Building Permit Extension for 1340 S Ocean Blvd. | Pg. 163 |
| 4. | Waiver of Town Code Section 18-237, For Building Permit Extension for 1095 N Ocean Blvd. | Pg. 173 |
| 5. | Waiver of Town Code Section 18-237, For Building Permit Extension for 100 Casa Bendita | Pg. 184 |
| 6. | Waiver of Town Code Section 18-237, For Building Permit Extension for 346 Seabreeze Ave. | Pg. 199 |
| 7. | Waiver of Town Code Section 18-237, For Building Permit Extension for 756 Hi Mount Road | Pg. 206 |

XI. ORDINANCES

A. Second Reading

- | | | |
|----|---|---------|
| 1. | Amending 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. | Pg. 215 |
|----|---|---------|

ORDINANCE NO. 005-2024: 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 Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending 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; Amending Policy 2.3.6 To Remove The Maximum Lot Coverage And To Allow, In Limited Circumstances, The Maximum Building Height To Be Three Stories With Town Council Approval; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

- | | | |
|----|---|---------|
| 2. | Text Amendment amending Chapter 134, Zoning, to create a new Division 16. CI Cultural Institutional District. | Pg. 239 |
|----|---|---------|

ORDINANCE NO. 006-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, District Regulations; Amending Sections 134-1482-134-1500. – Reserved, To Create A New Division 16. CI Cultural Institution District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

- | | | |
|----|---|--|
| 3. | Proposed Ordinance to Limit Time Extensions made to LPC | |
|----|---|--|

ORDINANCE NO. 011-2024: An Ordinance of the Town Council of Pg. 250

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 2, Procedures and Effect, Section 54-94, Duration of Approval, Time Extension, Denial of Application, Determination, Clarification, and Deferral, Subsections (1) and (2), by Providing for a Thirty-Day Administrative Extension of the Duration of Approval and Limiting the Number of Time Extensions to One; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

4. Proposed Ordinance to Limit Time Extensions made to ARCOM

Pg. 254

ORDINANCE NO. 012-2024: 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 3, Procedure and Requirements, Section 18-203, Duration of Approval, Time Extensions, Denial of Application, Determination, Deferral, Subsections (1) and (2), by Providing for a Thirty-Day Administrative Extension of the Duration of Approval and Limiting the Number of Time Extensions to One; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

XII. ANY OTHER MATTERS

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

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Consent Agenda

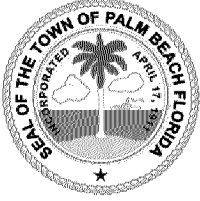
Agenda Title

ZON-24-064 325 VIA LINDA—SITE PLAN REVIEW The applicant, Three Palm Trees LLC (Warren Kanders, Manager-Member), has filed an application requesting Town Council review and approval of a Site Plan Review for the installation of a 200 kW generator to the previously approved underground enclosed basement level of a guest house, as it relates to the construction of a new residence.

Presenter

ATTACHMENTS:

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



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

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

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

SUBJECT: ZON-24-064 325 VIA LINDA

MEETING: MAY 15, 2024

ZON-24-064 325 VIA LINDA—SITE PLAN REVIEW. The applicant, Three Palm Trees LLC (Warren Kanders, Manager-Member), has filed an application requesting Town Council review and approval of a Site Plan Review for the installation of a 200 kW generator to the previously approved underground enclosed basement level of a guest house, as it relates to the construction of a new residence.

Applicant: Three Palm Trees LLC (Warren Kander, Manager-Member)
Professional: Dailey Janssen Architects
Representative: Maura Ziska

HISTORY:

A new two-story residence was approved (5-2) at the April 26, 2023 Architectural Commission meeting, pursuant to ARC-23-014 (ZON-23-029). The item was a COMBO project due to the backup distance of the driveway gates along a cul-de-sac.

At the May 10, 2023 Development Review meeting, an application was approved (5-0) by Town Council for a Special Exception and Site Plan Approval to permit a to permit a reduction in the required setback for the proposed driveway gate and gateposts, pursuant to ZON-23-029 (ARC-23-014).

THE PROJECT:

The applicant has submitted plans, entitled "Proposed Modifications to 325 Via Linda", as prepared by **Dailey Janssen Architects**, date stamped by the Town, April 15, 2024.

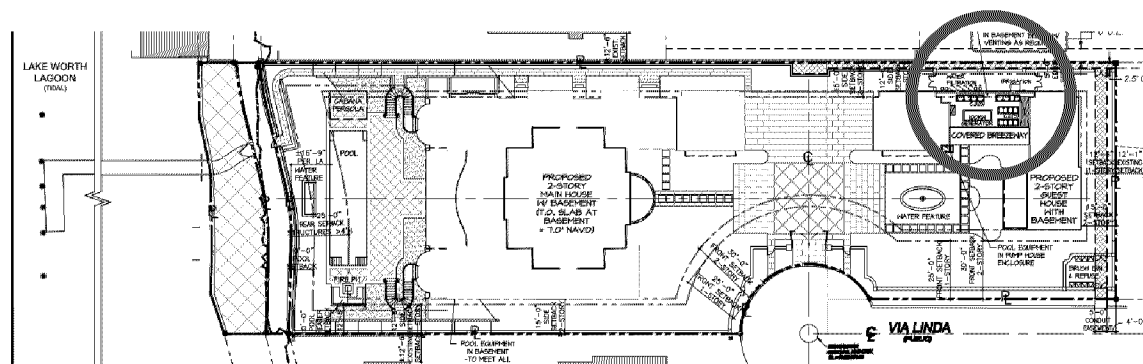
The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **SITE PLAN REVIEW:** Section 134-1729(2)c: If the generator exceeds an output capacity of 100 KW or the combined output capacity of multiple generators exceeds 120 KW, said generator(s) shall be subject to site plan review. If any individual generator output capacity exceeds 100 KW it shall be housed in an enclosed building with landscaping as approved by the Architectural Commission or Landmarks Preservation Commission, whichever is applicable.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	39,434 SF	Crown of Road	16.92' NAVD
Surrounding Properties / Zoning			
North	1969 2-Story Residence & 1966 2-Story Residence / R-B Zoning		
South	1952 2-Story Residence & 1954 1-Story Residence / R-B Zoning		
East	1954 1-Story Residence / R-B Zoning		
West	Lake Worth Lagoon		

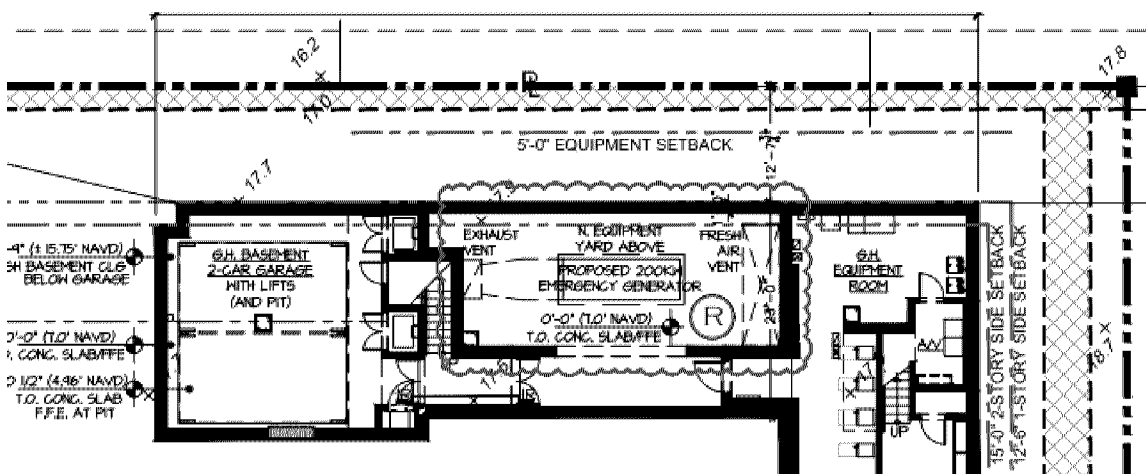
STAFF ANALYSIS

The applicant is proposing one 200 kW generator to service the main residence. The proposed generator will be located within an enclosed building in the northeast corner of the site in the basement level of the guest house (underground in an enclosed structure). This plan was already approved by ARCOM along with the location of the aboveground equipment yard that contains the previously approved 100kw generator. The above ground area will remain to contains the equipments. This application is for adding an additional generator in the below-grade basement.



Site Plan

The Code requires those generators that exceeds 120 kW are subject to site plan review by Town Council.



Enlarged area basement plan

The house is within the Zone X flood zone, therefore the generator could be in the basement as long as it has the proper ventilation per the Code. To note, another application, ARC-24-074, which is not a COMBO project is currently on track to be reviewed by ARCOM at the 05/29/24 meeting for exterior modifications to the prior design approved and minor site alterations. Staff has no concerns with the proposal.

WRB:JGM



ROGER PATTON JANSSEN, A.I.A.

April 1, 2024 (Second Submittal)
Town of Palm Beach
Planning, Zoning and Building Department

**LETTER OF INTENT
RELATED TO MODIFICATIONS TO PROPOSED NEW CONSTRUCTION AT
325 VIA LINDA PALM BEACH, FLORIDA 33480
ZON-24-064**

Section 134-1729(2)c.: Site Plan Review for the installation of a 200 kW generator and multiple generators exceeding 120 kW.

THE FOLLOWING ARE THE REASONS WHY THE SITE PLAN SHOULD BE APPROVED PURSUANT TO SECTION 134-329:

1. Sufficiency of statements on ownership and control of the subject property and the 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 the intended purpose and to ensure that such common facilities will not become a future liability for the Town.

The owner of the property is Three Palm Trees LLC and is the entity that controls the property.

2. Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon.

The proposed 200 KW generator will not intensify the use of the property but will enhance the protection and preservation for the homeowner and will not have any negative effects on nearby properties as the generator will be in the basement.

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.

Ingress and egress to the property will remain the same on Via Linda.

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 or emergency.

The location and use of the off-street parking will remain the same.

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

The landscaping will be as approved.

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 capacity.

The drainage will be as approved.

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

The utility hook ups will remain the same.

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 the uses within the property, and the relationship to community-wide open spaces and recreation facilities.

N/A.

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

The proposed generator should not impose any other standards to the project.

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.

The proposed generator has no negative impact on scale of the building and adjoining buildings as it is in the basement.

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, 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 proposed generator will have no impact on visible size since it is in the basement.

Respectfully Submitted,



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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Regular Business

Agenda Title

Discussion Regarding Code Review

Presenter

Julie Araskog, Council Member

ATTACHMENTS:

- ▣ **Memorandum From Sean Suder, Lead Principal & Founder, ZoneCo.**
- ▣ **Zoning Code Review Fees Summary through March 2024**

TO: Mayor Danielle Moore and Town Council Members, Bobby Lindsay, President
Gail Coniglio, Chair, Planning and Zoning Commission
Wayne Bergman, Director of Planning, Zoning & Building
James Murphy, Deputy Director of Planning, Zoning & Building
Jennifer Hofmeister, Planner III

FROM: Sean S. Suder, ZoneCo, Lead Consultant

DATE: April 19, 2023

RE: Town of Palm Beach Zoning Code Review - Module III – “Codify” – Next Steps

ZoneCo commenced Module III – “Codify” in May 2023. This followed extensive work in Module I “Diagnose,” Module II “Calibrate,” and the public ideation of the 2023 “Designing Our Palm Beach Week” charrettes.

The zoning code review project has had numerous stops and starts largely due to the imposition of unexpected state law, seasonal pauses, and the necessary intervention of the comprehensive plan update.

In November 2023, ZoneCo delivered the North End study and introduced the draft residence districts to the Planning and Zoning Commission and Town Council.

In January 2024, ZoneCo delivered to the Town’s professional planning staff a Mid-Town commercial districts study memo, draft commercial standards calibrations, a Mid-Town commercial districts study, a draft introduction chapter, a draft nonconformities chapter, and a draft administration and procedures chapter.

In March 2024, we delivered a full draft of the commercial districts to Town professional planning staff.

At April’s Planning & Zoning Commission meeting, we revisited the residential districts and reviewed the Mid-Town commercial districts and South End studies. The full draft of the residential districts was inadvertently not included in the meeting packet and was re-sent to the Commission and Town Council for review and comment following the meeting.

The remaining chapters to be drafted include the generally applicable regulations, specific use standards, and the glossary. These chapters, along with revised residential and commercial districts, will be drafted in the coming months and a full administrative review draft of the code will be delivered to Town professional planning staff by August 31, 2024. This will allow for a review of the entire code document rather than a piecemeal review of individual sections – an approach like the comprehensive plan review process.

Upon delivery, Town Council will take the lead in determining next steps with respect to review and engagement following adoption of the updated comprehensive plan.

Town of Palm Beach Zoning Code Review Fees Summary

ZONECO - Project Module - PO220819				
Module I - Kick Off, Information Gathering & Diagnose	Prime Consultant	Sub-Consultant	Sub-Consultant	Total Fees
	<u>ZoneCo Fees</u>	<u>Yard & Company Fees</u>	<u>Fairfax & Sammons Fees</u>	
May-22	\$8,000.00	\$0.00	\$0.00	\$8,000.00
Jun-22	\$6,080.00	\$0.00	\$0.00	\$6,080.00
Jul-22	\$10,715.00	\$0.00	\$0.00	\$10,715.00
Aug-22	\$19,525.00	\$5,000.00	\$0.00	\$24,525.00
Sep-22	\$12,801.25	\$6,700.00	\$0.00	\$19,501.25
Oct-22	\$7,350.00	\$13,200.00	\$0.00	\$20,550.00
Nov-22	\$0.00	\$5,131.20	\$0.00	\$5,131.20
Dec-22	\$20,741.00	\$9,459.00	\$0.00	\$30,200.00
Jan-23	\$15,275.00	\$0.00	\$0.00	\$15,275.00
Sub-Total	\$100,487.25	\$39,490.20	\$0.00	\$139,977.45
Module II - Calibrate & Charrette	<u>ZoneCo Fees</u>	<u>Yard & Company Fees</u>	<u>Fairfax & Sammons Fees</u>	<u>Total Fees</u>
Jan-23	\$3,500.00	\$76,500.00	\$0.00	\$80,000.00
Mar-23	\$64,100.00	\$96,500.00	\$14,400.00	\$180,000.00
Apr-23	\$5,387.50	\$0.00	\$0.00	\$5,387.50
Apr-23	\$32,500.00	\$16,500.00	\$0.00	\$49,000.00
Sub-Total	\$105,487.50	\$189,500.00	\$14,400.00	\$314,387.50
Module IIA - Pre-Codify	<u>ZoneCo Fees</u>	<u>Yard & Company Fees</u>	<u>Fairfax & Sammons Fees</u>	<u>Total Fees</u>
May-23	\$6,037.50	\$0.00	\$0.00	\$6,037.50
Jun-23	\$7,262.50	\$0.00	\$0.00	\$7,262.50
Sub-Total	\$13,300.00	\$0.00	\$0.00	\$13,300.00
Module III - Codify	<u>ZoneCo Fees</u>	<u>Yard & Company Fees</u>	<u>Fairfax & Sammons Fees</u>	<u>Total Fees</u>
May-23	\$16,100.00	\$10,500.00	\$0.00	\$26,568.75
Apr-23	\$875.00	\$0.00	\$0.00	\$875.00
Jun-23	\$30,269.61	\$0.00	\$0.00	\$30,269.61
Jul-23	\$33,169.79	\$0.00	\$0.00	\$33,169.79
Aug-23	\$20,000.00	\$0.00	\$0.00	\$20,000.00
Sep-23	\$21,241.35	\$3,758.65	\$0.00	\$25,000.00
Oct-23	\$25,000.00	\$0.00	\$0.00	\$25,000.00
Nov-23	\$24,650.00	\$0.00	\$0.00	\$24,650.00
Dec-23	\$12,500.00	\$0.00	\$0.00	\$12,500.00
Jan-24	\$10,250.00	\$0.00	\$0.00	\$10,250.00
Feb-24	\$9,450.00	\$0.00	\$0.00	\$9,450.00
Sub-Total	\$203,505.75	\$14,258.65	\$0.00	\$217,733.15
	<u>ZoneCo</u>	<u>Yard & Company</u>	<u>Fairfax & Samons</u>	<u>Project Total To Date</u>
Total Paid	\$422,780.50	\$243,248.85	\$14,400.00	\$685,398.10
TOTAL AMOUNT AVAILABLE TO BE BILLED				\$514,601.90

CORRADINO - Code Reform - PO220829	
<u>Invoice Date</u>	<u>Total Fees</u>
Sep-23	\$1,575.00
Oct-23	\$1,650.00
Dec-23	\$6,350.00
Jan-23	\$6,540.00
Feb-23	\$15,417.73
Apr-23	\$18,324.09
May-23	\$7,170.69
Jul-23	\$6,555.00
Sep-23	\$11,163.50
Oct-23	\$6,942.00
TOTAL PAID	\$81,688.01
TOTAL AMOUNT AVAILABLE TO BE BILLED	\$368,311.99

CORRADINO - Traffic/Parking Study - PO230665	
<u>Invoice Date</u>	<u>Total Fees</u>
Mar-23	\$37,620.56
Mar-23	\$30,875.00
May-23	\$7,642.80
Jun-23	\$16,720.16
Jun-23	\$2,505.00
Aug-23	\$91,717.00
Sep-23	\$31,946.10
Nov-23	\$11,484.50
Feb-24	\$141,832.60
TOTAL PAID	\$372,343.72
TOTAL AMOUNT AVAILABLE TO BE BILLED	\$45,451.28

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Declaration of Use Agreements

Agenda Title

ZON-24-002 219-221 WORTH AVE AND 220 PERUVIAN AVE - TABOO -

Declaration of Use Agreement

Presenter

ATTACHMENTS:

- ▢ **Declaration of Use Agreement - Taboo**

 **DRAFT**

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

PBTAK, LLC (d/b/a Taboo)

May____, 2024

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2024 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "Town") and PB TAK, LLC (hereinafter called "Restaurant"), which terms "Town" and "Restaurant" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

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

WHEREAS, the Restaurant Location falls within the Town's C-WA Worth Avenue Zoning District; and

WHEREAS, The Restaurant desires a Special Exception Use for the Restaurant at the Restaurant Location; and

WHEREAS, the Town Council conditionally approved Application Number ZON-24-002 on March 13, 2024 which granted the Restaurant Special Exception approval to allow the restaurant use; and

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

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

ARTICLE I RECITALS

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

ARTICLE II REPRESENTATION OF AUTHORITY

PB TAK, LLC has full right to enter into this Agreement and to bind the Land and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement.

No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority, or other party other than any such consent which already has been unconditionally given or referenced herein. The execution of this Agreement or the consummation of the transactions contemplated herein will not violate any restriction, court order or agreement to which the Restaurant or Land are subject.

ARTICLE III RESTAURANT USE

The Restaurant use that is the subject of this Agreement shall be as set forth in the application submitted to the Town as ZON-24-002 and approved by the Town Council on March 13, 2024 as the same may be amended from time to time (hereinafter referred to as the "Approval").

ARTICLE IV CONDITIONS

The Approval shall be based upon the following conditions:

- 1) The Restaurant use is to be located at 219-221 Worth Avenue, Palm Beach, Florida, 33480. The main entrance to the Restaurant shall be on Worth Avenue.
- 2) No Restaurant guests, or other social or leisure activity or entertainment of any kind will be permitted on the roof of the Restaurant.
- 3) The Restaurant shall be allowed to have 213 seats.
- 4) The Restaurant shall have hours of operation to be 11:30 a.m. to 11:00 p.m. Sunday through Wednesday, and 11:30 a.m. through 1:00 a.m. Thursday through Saturday with last meal orders to be cut off by 10:30 p.m. All guests will be required to exit the Restaurant by closing time.
- 5) The Restaurant shall be allowed to remain open until 2:00 a.m. on New Year's Eve. The Restaurant will be required to hire two (2) off duty police officers on New Year's Eve, unless an alternative arrangement is recommended by the Town police. A minimum of four (4) valets shall be required on New Year's Eve. The maximum occupancy on New Year's Eve shall be 220 people.
- 6) The Restaurant shall provide state of the art exhaust vent(s) and scrubber(s) and shall have them cleaned on a weekly basis.
- 7) The Restaurant shall be allowed to have background music and a piano and piano player. The Restaurant shall not have amplified music, a DJ, or a dance floor.
- 8) The Restaurant is required to have valet parking and shall obtain and maintain a valet parking permit for their valet stand on Worth Avenue. A minimum of four (4) valets

shall be on duty from 6:00 p.m. until closing. The number of valets may be modified by the Police Department should it be determined that more or fewer valets are required to manage the Restaurant parking. Valet parking shall be operated in accordance with the valet circulation plan prepared by Kimley Horn and attached hereto as Exhibit "B".

- 9) All parking at the Apollo Parking Lot shall be valet managed with a valet parking permit approved by the Town Police Chief. Valet parking shall not be permitted on Worth Avenue. If it is determined by the Town Manager, or his/her designee, that the valet parking operation at the Restaurant is not working properly, the Town has the right to require measures as deemed necessary, including additional valet parking personnel or special duty officer(s), to resolve the issue(s). Further, the Town Council has the ability to place on their monthly agenda a discussion and resolution of any confirmed parking problem and/or requested parking revision, made by either the Town or the Owner, for a period of three (3) years, which will begin on the date the certificate of occupancy is issued for the Restaurant.
- 10) The Restaurant will use their best efforts to have their employees park "off-island" or in Town in a designated parking garage, that allows such parking.
- 11) The Restaurant shall instruct its delivery services to use the commercial loading zones on Worth Avenue and/or in the 220 Peruvian parking lot behind the Restaurant.
- 12) All trash shall be stored in the indoor trash room inside the Restaurant daily and not taken to the outdoor rubbish receptacle until after 8:00 a.m. the following day.
- 13) Any violation of the noise ordinance as verified by a Town official shall be deemed a violation of this Agreement.
- 14) The Restaurant shall not add any new lighting to the parking lot located at 220 Peruvian Avenue, unless approved by the requisite Town official.
- 15) The Restaurant shall at all times be continually maintained with the upmost standards of a first-class restaurant and will comply with all ordinances, rules and regulations of the Town of Palm Beach, Palm Beach County, and State of Florida, (and each of the foregoing governmental entity's respective districts, departments, and agencies) as to maintenance, health, and safety standards.
- 16) All buildings and improvements shall be maintained in a first-class condition, especially as to the exterior appearance. Painting and other exterior maintenance shall be periodically performed as reasonably required. No excessive and/or unsightly mildew, rust deposits, dirt, graffiti, or deterioration shall be permitted to accumulate on any building or other improvement. The glass in windows and in glass sliding doors shall not be cracked or broken. Building openings shall not be boarded up. Foundations, exterior walls, and

roofs shall be weather-tight and shall be maintained in good repair. All appurtenances to any structure, such as awnings, shutters, doors, rails, and light fixtures shall be securely attached and in working condition, and shall not be broken, hanging loose, or falling away from the structure. All walls and fences shall be maintained in good repair and in an upright condition and shall be free from graffiti, or broken, cracked, or leaning sections, or loose component pieces.

- 17) All landscaping within the Land shall be regularly maintained with proper horticultural and arboricultural practices, including without limitation such replanting and, as is from time to time necessary, mowing, trimming, fertilization, and weed, insect, and disease control. All dead or diseased sod, trees, plants, shrubs, or flowers shall be promptly replaced.
- 18) Maintenance or other actions reasonably required by the Town to meet the forgoing Maintenance Provisions in Paragraphs 10-12 shall be commenced and completed within a commercially reasonable time period as determined by the Town Director of Planning, Zoning, and Building Department within the exclusive reasonable exercise of his or her discretion, and a failure to maintain or take other curative action as so reasonably required shall be subject to being treated by the Town as a violation of the terms and conditions of this Agreement. The Maintenance Provisions of this Declaration of Use Agreement provide the Town with supplemental means to assure that the buildings and improvements on the Land are maintained and shall not create any obligation on the Town (or its officials, officers, or employees) to conduct such maintenance or enforce the Maintenance Provisions of this Declaration of Use Agreement. Further, the Maintenance Provisions of this Declaration of Use Agreement shall not prevent the Town from enforcing any building or structure maintenance or appearance law or regulation the Town may currently enforce, or that may from time to time become applicable in the future.
- 19) The Restaurant shall return to the Town Council after six (6) months of operation during the period from November 1 through April 30 to review the list of conditions and compliance.
- 20) If there are more than three verified complaints regarding noise or activities beyond the scope of this Agreement, the Restaurant shall cease operation and the applicant shall return to the next regularly scheduled Town Council meeting to address said complaints.
- 21) The Town shall have the right to conduct inspections on the Buildings and Land on a periodic basis to ascertain compliance with this Agreement. Failure to allow an inspection by the Town will constitute a violation of this Agreement.
- 22) The Restaurant shall provide an affidavit of compliance each year at the time of renewal of the business tax receipt.

ARTICLE V VOLUNTARY AGREEMENT

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

ARTICLE VI REMEDIES FOR VIOLATION

Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the Restaurant's representative of said violation(s) and the date upon which said violations(s) shall be corrected, Restaurant shall pay to the TOWN a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the Restaurant. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

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

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

ARTICLE VII PROVISIONS TO RUN WITH

THE RESTAURANT

This Agreement shall not run with the Land and shall be only be binding upon the Restaurant. If the Restaurant is no longer operating, this Agreement shall terminate upon the termination of the Restaurant's business tax receipt for operation of a restaurant. This Agreement shall be recorded by the Restaurant in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

ARTICLE VIII ENTIRE AGREEMENT

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

ARTICLE IX EFFECTIVE DATE

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

ARTICLE X MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

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

Signed, sealed and delivered
In the presence of:

THE TOWN OF PALM BEACH:

Print Name: _____

By: _____
Danielle Moore, Mayor

Print Name: _____

By: _____
Barbara Lindsay, President

Print Name: _____

Print Name: _____

By: _____
Kirk Blouin, Town Manager

Print Name: _____

Print Name: _____

RESTAURANT:

PBTAK, LLC

By: _____
Toney Lopez, CFO

Print Name: _____

Print Name: _____

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2024, by DANIELLE MOORE, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation, who ☐ is personally known to me or who ☐ has produced _____ as identification.

Notary Public — State of Florida

Notary Seal: _____

[illegible]

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2024, by BARBARA LINDSAY, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation, who ☐ is personally known to me or who ☐ has produced _____ as identification.

Notary Public — State of Florida

Notary Seal: _____

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2024, by KIRK BLOUIN, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation, who ☐ is personally known to me or who ☐ has produced _____ as identification.

Notary Public – State of Florida

Notary Seal:_____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2024, by Tony Lopez, the Chief Financial Officer of PBTA, LLC, a _____ limited liability company, on behalf of the company, who ☐ is personally known to me or who ☐ has produced _____ as identification.

Notary Public – State of _____

Notary Seal: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: _____
Joanne O'Connor, Esquire

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 20, 21 and 34 through 37, Block 15, ROYAL PARK ADDITION, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 4, Page 1.

PCN: 50-43-43-23-05-015-0340

AND

PCN: 50-43-43-23-05-015-0200

EXHIBIT “B”

VALET PLAN

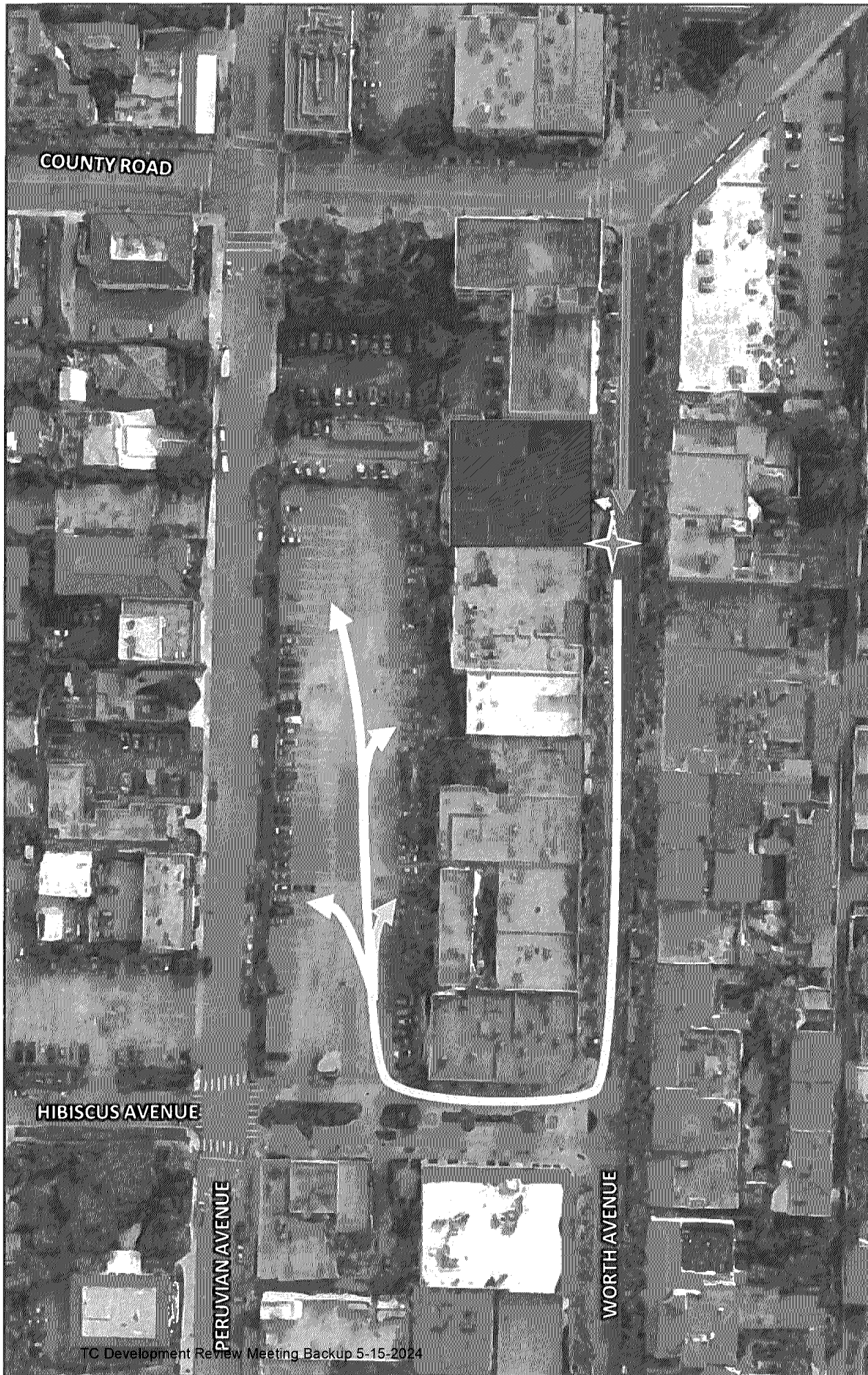
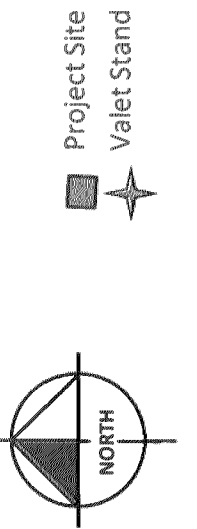


FIGURE 1
VALET OPERATIONS - ARRIVAL
219 / 221 NORTH AVENUE
Kimley»Horn

LEGEND

Patron Vehicle Route Inbound to Valet Stand
Valet Drive Route from Stand to Parking
Patron Pedestrian Route to Destination



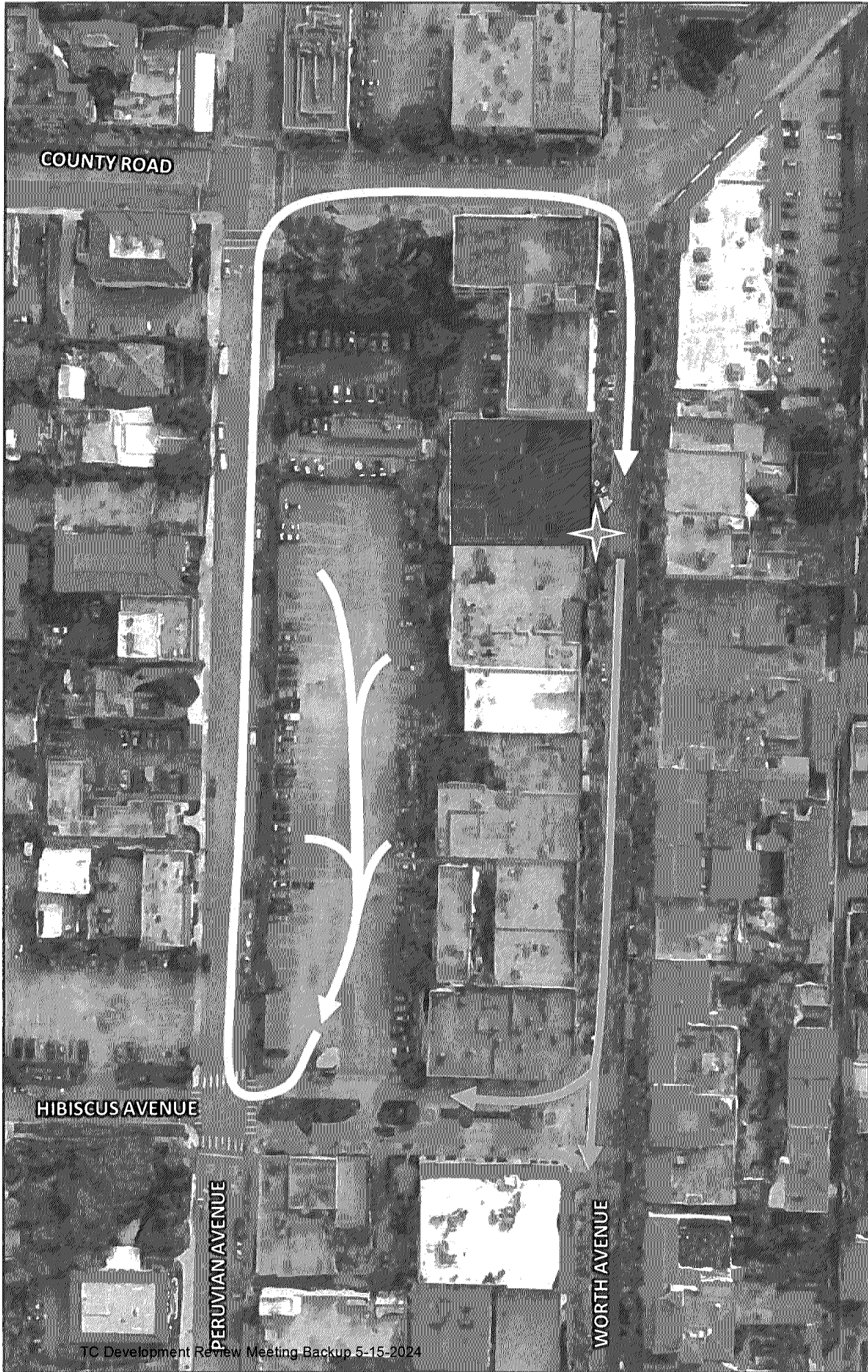


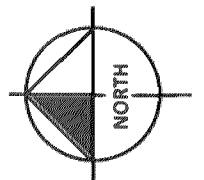
FIGURE 2
VALET OPERATIONS - DEPARTURE
219 / 221 WORTH AVENUE
Kimley»Horn

LEGEND

Patron Vehicle Route Outbound from Valet Stand

Valet Drive Route from Parking to Stand

Patron Pedestrian Route to Valet Stand



TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Declaration of Use Agreements

Agenda Title

ZON-22-132 (ARC-22-200) 165 BRADLEY PL - ALEF SCHOOL -

Declaration of Use Agreement Progress Update

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Declaration of Use Agreement - July 2023 - Alef School**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

WB

From: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning and Building

Re: ZON-22-132 (ARC-22-200) 165 Bradley Place Condition of Declaration of Use Agreement

Date: April 16, 2024

STAFF RECOMMENDATION

Pursuant to the Declaration of Use Agreement (DOUA) between the Town of Palm Beach and the Alef Preschool, dated July 2023 and recorded on August 7, 2023 in the Palm Beach County Clerk of the Court, the applicant was instructed to return to Town Council on May 15, 2024 to review operations. Staff recommends that the Town Council consider the findings of staff following approximately six months of operations.

GENERAL INFORMATION

On December 14, 2022, the Town Council approved exterior changes to the one-story building located at 165 Bradley Place and the conversion of a portion of the associated surface parking lot to a child play area. The applicant was granted a parking variance as the site modifications resulted in the elimination of five parking spaces.

In association with the project approval, a DOUA was required that specified sixteen conditions of approval. As previously stated, one of the requirements was to return to the Town Council on May 15, 2024 to review operations. As part of the staff review for compliance, possible public works, police and code issues were researched, inspections of the property were made, and an in-person meeting was held with the applicant to verify school logistics and activities. As noted in the attached emails, there have been no reported incidents at the school and the operations comply with the conditions of approval in the DOUA.

Attachment: Recorded Declaration of Use Agreement July 2023
Emails from the Police Department, Code Enforcement, and Public Works

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

CFN 20230269358
OR BK 34478 PG 954
RECORDED 8/7/2023 2:18 PM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 954 - 964; (11pgs)

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

ALEF PRESCHOOL

JULY 2023

Prepared by and return to:
Harvey E. Oyer, III, Esquire
Shutts & Bowen LLP
525 Okeechobee Boulevard, Suite 1100
West Palm Beach, FL 33401
(561) 650-8517

TABLE OF CONTENTS

	Page
ARTICLE I RECITALS	1
ARTICLE II AUTHORITY	1
ARTICLE III PRESCHOOL USE.....	2
ARTICLE IV CONDITIONS	2
ARTICLE V VOLUNTARY AGREEMENT AND HOLD HARMLESS.....	3
ARTICLE VI REMEDIES FOR VIOLATION.....	3
ARTICLE VII PROVISIONS TO RUN WITH THE PRESCHOOL.....	4
ARTICLE VIII ENTIRE AGREEMENT.....	4
ARTICLE IX EFFECTIVE DATE.....	4
ARTICLE X MISCELLANEOUS	4

DECLARATION OF USE AGREEMENT

This Declaration of Use Agreement ("Agreement") is made and entered into this 4th day of AUGUST, 2023 by and between the Town of Palm Beach, a Florida municipality, with an address of 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town") and Alef Preschool of Palm Beach Inc, with an address of 165 Bradley Place, Palm Beach, Florida 33480 (hereinafter called "Alef Preschool"), which terms "the Town" and "Alef Preschool" will include and bind the successors and assigns of the parties.

RECITALS:

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

WHEREAS, The Alef Preschool is a private academic preschool which is a Special Exception use in the C-TS Zoning District; and

WHEREAS, the Town Council conditionally approved Application Number ZON-22-132 for a Special Exception with Site Plan Review and Variance ("Application") on November 15, 2022 which approved the Special Exception with Site Plan Review to open the Alef Preschool at the above referenced location, together with a Variance to reduce the parking requirement from 80 off-street parking spaces to 76 off-street parking spaces; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Application is conditioned upon the representations made herein and all the conditions herein imposed.

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

AGREEMENT

ARTICLE I

RECITALS

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

ARTICLE II

AUTHORITY

The Alef Preschool has full right to enter into this Agreement and the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent

which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated herein will violate any restriction, court order or agreement to which the Alef Preschool or the Land are subject.

ARTICLE III

PRESCHOOL USE

The private academic preschool use that is the subject of this Agreement shall be as set forth in the Application submitted to the Town for Special Exception with Site Plan Review and Variance, and approved by Town Council on November 15, 2022, as the same may be amended from time to time (hereinafter referred to as the “Approval”). The set of plans which are part of the Application, and as identified on sheet drawings A001.1, A002.1, A100.1, LP1, EL1, and A200 prepared by MP Design & Architecture, Inc., dated September 2, 2022, may not be deviated from unless prior Special Exception approval is granted by the Town Council.

ARTICLE IV

CONDITIONS

The approval to allow the Alef Preschool to operate is based upon the following conditions:

1. The maximum number of students shall not exceed 68 students.
2. The drop-off and pick-up times shall be staggered as follows:
 - a. Drop-off occurs over a 90 min. period from 7:45AM to 9:15AM, evenly divided over three separate 30-minute periods.
 - b. Pick-up occurs over two separate periods: a 30 min. period from 12:15PM to 12:45PM and a 45 min. period from 2:45 PM to 3:30PM.
3. A minimum of 40% of the students shall be picked up no later than 12:45PM.
4. If the Alef Preschool vacates the Land or there is a rescission of the Approval by the Town Council, the Alef Preschool shall be responsible for the following:
 - a. Obtaining any required permits for the reconstruction of the parking spaces removed for the playground and the one-way drive aisle accessed from Park Avenue connecting to the Land; and
 - b. The reconstruction of the parking spaces removed for the playground and the one-way drive aisle accessed from Park Avenue connecting to the Land.
5. A satisfactory site management plan related to the flow of traffic, parking, and pedestrians shall be submitted to the Town Public Safety staff for their review and approval.
6. Vehicular traffic related to the Alef Preschool operation shall be prohibited on Park Avenue.
7. The Alef Preschool shall install two (2) shade trees on the proposed playground.
8. The proposed artificial turf on the playground is not approved. The asphalt on the east parking lot where the playground will be located shall be removed and replaced with grass.

9. The Alef Preschool is required to meet the Town serving requirements of the Town code. Commencing at the start of the second year of operations of the Alef Preschool and at the beginning of each school year thereafter, the Alef Preschool shall submit evidence to the Town demonstrating that not less than 50% of the students of the Alef Preschool are town persons.

10. The Alef Preschool shall appear before Town Council on May 15, 2024, following the completion of a full school year and during peak season, to review operation.

11. Alef Preschool shall not have a vehicular drop-off line, pick-up line, or vehicular queuing. All vehicles must park for drop-off and pick-up on-site and faculty shall not park in the designated parent drop-off parking spaces.

12. The new hedge to be installed on Park Avenue shall be planted and maintained at no less than nine (9) feet in height.

13. Alef Preschool shall not have more than eight (8) special events per year and notification of all such special events shall be provided, in advance, to the neighboring property owners.

14. Alef Preschool shall not sell or assign its school to another party, the provisions of this Agreement being specific to Alef Preschool.

15. Alef Preschool shall ensure that its student contracts, parent handbooks, website, and other similar written material clearly state that parents shall not use Park Avenue during student drop-off or pick-up. Alef Preschool shall require all parents to sign an acknowledgement that they will not use Park Avenue during student drop-off or pick-up.

16. Alef Preschool shall plant a clusia hedge along the east property line planted at nine (9) feet in height and ultimately maintained at no less than fifteen (15) feet in height, while leaving the existing areca palms on the east property line in place.

ARTICLE V

VOLUNTARY AGREEMENT AND HOLD HARMLESS

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

ARTICLE VI

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the Alef Preschool of said violation(s) and the date upon which said violation(s) shall be corrected, Alef Preschool or Alef Preschool's successor or assigns shall pay to the Town a liquidated amount of \$2,000.00 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this Agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement

may be reconsidered by the Town Council at a future meeting upon thirty days notification to the Alef Preschool. The Town Council may, upon a finding of violation, alter this Agreement or rescind the Approval of the use.

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

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

ARTICLE VII

PROVISIONS TO RUN WITH THE ALEF PRESCHOOL

This Agreement shall NOT run with the Land and shall be binding upon the Alef Preschool only and shall terminate upon the termination of the Alef Preschool's lease and/or business tax receipt, or rescission of the Approval by the Town Council. This Agreement shall be recorded by the Alef Preschool in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Agreement shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE VIII

ENTIRE AGREEMENT

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

ARTICLE IX

EFFECTIVE DATE

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

ARTICLE X

MISCELLANEOUS

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

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

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

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

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

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

Signed, sealed and delivered
In the presence of:

THE TOWN OF PALM BEACH


Print Name: Deborah Jones

By: 
Danielle H. Moore, Mayor


Print Name: Deborah Moody

By: 
Margaret Zeidman, Council President


Print Name: Deborah Jones


Print Name: Deborah Moody

By: 
Kirk Blouin, Town Manager

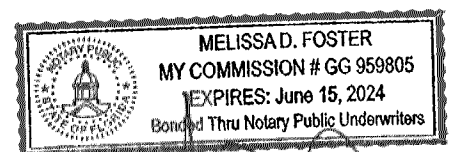

Print Name: Deborah Jones


Print Name: Deborah Moody

ALEF PRESCHOOL OF PALM BEACH INC


Print Name: Zalman Levitin

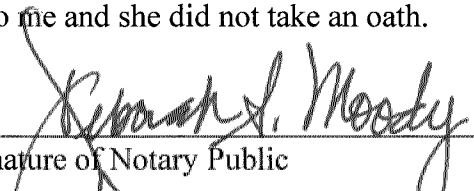
By: 
Name: Zalman Levitin
Title: President



STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 4th day of AUGUST, 2023, by Danielle H. Moore, the Mayor of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. She is personally known to me and she did not take an oath.

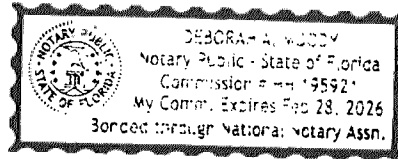


Signature of Notary Public

Deborah A. Moody

Printed Name of Notary Public

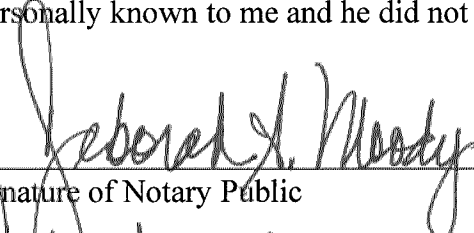
Commission Expires: 2/28/2026



STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 4th day of AUGUST, 2023, by Margaret Zeidman, the Council President of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. He is personally known to me and he did not take an oath.

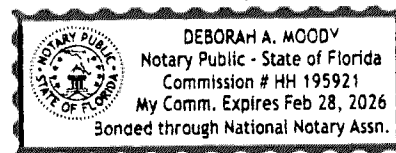


Signature of Notary Public

Deborah A. Moody

Printed Name of Notary Public

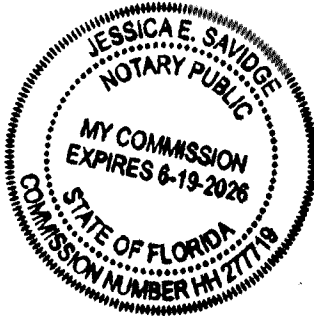
Commission Expires: 2/28/2026



STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 24th day of July, 2023, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. He is personally known to me and he did not take an oath.



Jess Savidge
Signature of Notary Public

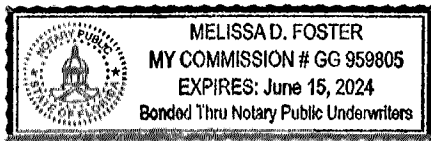
Jessica Savidge
Printed Name of Notary Public

Commission Expires: June 19, 2026

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 21st day of July, 2023, by Shneur Z. Levitin, on behalf of Alef Preschool of Palm Beach Inc. He is personally known to me and he did not take an oath.



[Signature]
Signature of Notary Public

Melissa D. Foster
Printed Name of Notary Public

Commission Expires: June 15, 2024

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
TOWN OF PALM BEACH

By: [Signature]
John C. Randolph, Esquire

RECOMMENDED APPROVAL:

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 35, 36 and 37, BUNGALOW PARK ADDITION, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida. recorded in Plat Book 7, Page 26.

From: Jennifer Hofmeister-Drew <jhofmeister@TownOfPalmBeach.com>
Sent: Tuesday, April 16, 2024 10:57 AM
To: Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Paul Brazil
<PBrazil@TownofPalmBeach.com>; Benjamin Alma <BALma@PalmBeachPolice.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: Alef Preschool operations

Good morning all,

Pursuant to the attached Declaration of Use Agreement (DOUA) between the Town of Palm Beach and the Alef Preschool, dated July 2023 and recorded on August 7, 2023 in the Palm Beach County Clerk of the Court, the applicant was instructed to return to Town Council on May 15, 2024 to review operations. In preparation for that meeting, can you all check your records to see if they have any complaints or issues prior to the Town Council meeting?

Thank you!

The Town of Palm Beach PZB Department is excited to launch its new permitting and licensing software! EPL (Enterprise Permitting & Licensing) allows applicants to apply for permits, submit plans, request licenses, make payments, and track application progress on an online portal customized for the Town. This includes applications for any of the development review boards. [Click here for a link to register for access to this system via the online portal.](#)

Jennifer Hofmeister-Drew, AICP, LCAM
Planner III
Town of Palm Beach
Planning, Zoning, & Building
360 S. County Road
Palm Beach, FL 33480
Office Phone: 561-227-6406 Cell Phone: 561-573-7907
www.townofpalmbeach.com

From: [Benjamin Alma](#)
To: [Jennifer Hofmeister-Drew](#)
Subject: FW: Alef Preschool operations
Date: Tuesday, April 16, 2024 11:25:16 AM
Attachments: [image001.png](#)

FYI

From: Carla Marcote <CMarcote@PalmBeachPolice.com>
Sent: Tuesday, April 16, 2024 11:21 AM
To: Benjamin Alma <BAAlma@PalmBeachPolice.com>
Subject: RE: Alef Preschool operations

No code enforcement violations after school opened.

Respectfully,

Carla Marcote

Carla Marcote
Code Enforcement Specialist
Palm Beach Police Department
561-227-6388



From: Benjamin Alma <BAAlma@PalmBeachPolice.com>
Sent: Tuesday, April 16, 2024 11:17 AM
To: Carla Marcote <CMarcote@PalmBeachPolice.com>
Subject: FW: Alef Preschool operations

FYI

From: Jennifer Hofmeister-Drew <jhofmeister@TownOfPalmBeach.com>
Sent: Tuesday, April 16, 2024 10:58 AM
To: Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Benjamin Alma <BAAlma@PalmBeachPolice.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: Alef Preschool operations

Good morning all,

Pursuant to the attached Declaration of Use Agreement (DOUA) between the Town of Palm Beach and the Alef Preschool, dated July 2023 and recorded on August 7, 2023 in the Palm Beach County Clerk of the Court, the applicant was instructed to return to Town Council on

From: [Nicholas Caristo](#)
To: [Jennifer Hofmeister-Drew](#); [Paul Brazil](#); [Benjamin Alma](#)
Cc: [Wayne Bergman](#)
Subject: RE: Alef Preschool operations
Date: Tuesday, April 16, 2024 12:07:44 PM

Good afternoon Jennifer,

Since its opening in 2023, the PD has not received any complaints or concerns regarding Alef Preschool. Let me know if you need anything else.

Nicholas Caristo
Chief of Police

Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480
561-838-5454

From: Jennifer Hofmeister-Drew <jhofmeister@TownOfPalmBeach.com>
Sent: Tuesday, April 16, 2024 10:58 AM
To: Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Benjamin Alma <BAlma@PalmBeachPolice.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: Alef Preschool operations

Good morning all,

Pursuant to the attached Declaration of Use Agreement (DOUA) between the Town of Palm Beach and the Alef Preschool, dated July 2023 and recorded on August 7, 2023 in the Palm Beach County Clerk of the Court, the applicant was instructed to return to Town Council on May 15, 2024 to review operations. In preparation for that meeting, can you all check your records to see if they have any complaints or issues prior to the Town Council meeting?

Thank you!

The Town of Palm Beach PZB Department is excited to launch its new permitting and licensing software! EPL (Enterprise Permitting & Licensing) allows applicants to apply for permits, submit plans, request licenses, make payments, and track application progress on an online portal customized for the Town. This includes applications for any of the development review boards. [Click here for a link to register for access to this system via the online portal.](#)

Jennifer Hofmeister-Drew, AICP, LCAM
Planner III

From: [Jennifer Bell](#)
To: [Paul Brazil](#); [Jennifer Hofmeister-Drew](#)
Cc: [Wayne Bergman](#)
Subject: RE: Alef Preschool operations
Date: Tuesday, April 16, 2024 2:51:24 PM

Paul and Jennifer,

My team does not recall receiving any complaints regarding the Alef Preschool. I also searched our Lucity workorder system and found no record of any complaints regarding the Alef Preschool (165 Bradley Place).

Jennifer – if you haven't already, you may want to double check with our PB Police Communications Unit at ext. #5454 or code enforcement at ext. #7080 to have them check their records for possible noise complaints, etc.

Jennifer Bell
Office Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A
West Palm Beach, FL 33401
Main Office: 561-838-5440
Direct: 561-227-7012
Fax: 561-835-4691

From: Paul Brazil <PBrazil@TownofPalmBeach.com>
Sent: Tuesday, April 16, 2024 2:23 PM
To: Jennifer Bell <jbell@TownofPalmBeach.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Jennifer Hofmeister-Drew <jhofmeister@TownOfPalmBeach.com>
Subject: Re: Alef Preschool operations

Jennifer,

Has your staff received any complaints about the operation of the preschool referenced below.

Paul

H. Paul Brazil, PE
Director of Public Works
Town of Palm Beach

CFN 20230269358
OR BK 34478 PG 954
RECORDED 8/7/2023 2:18 PM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 954 - 964; (11pgs)

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

ALEF PRESCHOOL

JULY 2023

Prepared by and return to:
Harvey E. Oyer, III, Esquire
Shutts & Bowen LLP
525 Okeechobee Boulevard, Suite 1100
West Palm Beach, FL 33401
(561) 650-8517

TABLE OF CONTENTS

	Page
ARTICLE I RECITALS	1
ARTICLE II AUTHORITY	1
ARTICLE III PRESCHOOL USE.....	2
ARTICLE IV CONDITIONS	2
ARTICLE V VOLUNTARY AGREEMENT AND HOLD HARMLESS.....	3
ARTICLE VI REMEDIES FOR VIOLATION.....	3
ARTICLE VII PROVISIONS TO RUN WITH THE PRESCHOOL.....	4
ARTICLE VIII ENTIRE AGREEMENT.....	4
ARTICLE IX EFFECTIVE DATE.....	4
ARTICLE X MISCELLANEOUS	4

DECLARATION OF USE AGREEMENT

This Declaration of Use Agreement ("Agreement") is made and entered into this 4th day of AUGUST, 2023 by and between the Town of Palm Beach, a Florida municipality, with an address of 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town") and Alef Preschool of Palm Beach Inc, with an address of 165 Bradley Place, Palm Beach, Florida 33480 (hereinafter called "Alef Preschool"), which terms "the Town" and "Alef Preschool" will include and bind the successors and assigns of the parties.

RECITALS:

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

WHEREAS, The Alef Preschool is a private academic preschool which is a Special Exception use in the C-TS Zoning District; and

WHEREAS, the Town Council conditionally approved Application Number ZON-22-132 for a Special Exception with Site Plan Review and Variance ("Application") on November 15, 2022 which approved the Special Exception with Site Plan Review to open the Alef Preschool at the above referenced location, together with a Variance to reduce the parking requirement from 80 off-street parking spaces to 76 off-street parking spaces; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Application is conditioned upon the representations made herein and all the conditions herein imposed.

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

AGREEMENT

ARTICLE I

RECITALS

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

ARTICLE II

AUTHORITY

The Alef Preschool has full right to enter into this Agreement and the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent

which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated herein will violate any restriction, court order or agreement to which the Alef Preschool or the Land are subject.

ARTICLE III

PRESCHOOL USE

The private academic preschool use that is the subject of this Agreement shall be as set forth in the Application submitted to the Town for Special Exception with Site Plan Review and Variance, and approved by Town Council on November 15, 2022, as the same may be amended from time to time (hereinafter referred to as the “Approval”). The set of plans which are part of the Application, and as identified on sheet drawings A001.1, A002.1, A100.1, LP1, EL1, and A200 prepared by MP Design & Architecture, Inc., dated September 2, 2022, may not be deviated from unless prior Special Exception approval is granted by the Town Council.

ARTICLE IV

CONDITIONS

The approval to allow the Alef Preschool to operate is based upon the following conditions:

1. The maximum number of students shall not exceed 68 students.
2. The drop-off and pick-up times shall be staggered as follows:
 - a. Drop-off occurs over a 90 min. period from 7:45AM to 9:15AM, evenly divided over three separate 30-minute periods.
 - b. Pick-up occurs over two separate periods: a 30 min. period from 12:15PM to 12:45PM and a 45 min. period from 2:45 PM to 3:30PM.
3. A minimum of 40% of the students shall be picked up no later than 12:45PM.
4. If the Alef Preschool vacates the Land or there is a rescission of the Approval by the Town Council, the Alef Preschool shall be responsible for the following:
 - a. Obtaining any required permits for the reconstruction of the parking spaces removed for the playground and the one-way drive aisle accessed from Park Avenue connecting to the Land; and
 - b. The reconstruction of the parking spaces removed for the playground and the one-way drive aisle accessed from Park Avenue connecting to the Land.
5. A satisfactory site management plan related to the flow of traffic, parking, and pedestrians shall be submitted to the Town Public Safety staff for their review and approval.
6. Vehicular traffic related to the Alef Preschool operation shall be prohibited on Park Avenue.
7. The Alef Preschool shall install two (2) shade trees on the proposed playground.
8. The proposed artificial turf on the playground is not approved. The asphalt on the east parking lot where the playground will be located shall be removed and replaced with grass.

9. The Alef Preschool is required to meet the Town serving requirements of the Town code. Commencing at the start of the second year of operations of the Alef Preschool and at the beginning of each school year thereafter, the Alef Preschool shall submit evidence to the Town demonstrating that not less than 50% of the students of the Alef Preschool are town persons.

10. The Alef Preschool shall appear before Town Council on May 15, 2024, following the completion of a full school year and during peak season, to review operation.

11. Alef Preschool shall not have a vehicular drop-off line, pick-up line, or vehicular queuing. All vehicles must park for drop-off and pick-up on-site and faculty shall not park in the designated parent drop-off parking spaces.

12. The new hedge to be installed on Park Avenue shall be planted and maintained at no less than nine (9) feet in height.

13. Alef Preschool shall not have more than eight (8) special events per year and notification of all such special events shall be provided, in advance, to the neighboring property owners.

14. Alef Preschool shall not sell or assign its school to another party, the provisions of this Agreement being specific to Alef Preschool.

15. Alef Preschool shall ensure that its student contracts, parent handbooks, website, and other similar written material clearly state that parents shall not use Park Avenue during student drop-off or pick-up. Alef Preschool shall require all parents to sign an acknowledgement that they will not use Park Avenue during student drop-off or pick-up.

16. Alef Preschool shall plant a clusia hedge along the east property line planted at nine (9) feet in height and ultimately maintained at no less than fifteen (15) feet in height, while leaving the existing areca palms on the east property line in place.

ARTICLE V

VOLUNTARY AGREEMENT AND HOLD HARMLESS

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

ARTICLE VI

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the Alef Preschool of said violation(s) and the date upon which said violation(s) shall be corrected, Alef Preschool or Alef Preschool's successor or assigns shall pay to the Town a liquidated amount of \$2,000.00 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this Agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement

may be reconsidered by the Town Council at a future meeting upon thirty days notification to the Alef Preschool. The Town Council may, upon a finding of violation, alter this Agreement or rescind the Approval of the use.

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

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

ARTICLE VII

PROVISIONS TO RUN WITH THE ALEF PRESCHOOL

This Agreement shall NOT run with the Land and shall be binding upon the Alef Preschool only and shall terminate upon the termination of the Alef Preschool's lease and/or business tax receipt, or rescission of the Approval by the Town Council. This Agreement shall be recorded by the Alef Preschool in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Agreement shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE VIII

ENTIRE AGREEMENT

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

ARTICLE IX

EFFECTIVE DATE

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

ARTICLE X

MISCELLANEOUS

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

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

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

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

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

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

Signed, sealed and delivered
In the presence of:

THE TOWN OF PALM BEACH


Print Name: Deborah Jones

By: 
Danielle H. Moore, Mayor


Print Name: Deborah Moody

By: 
Margaret Zeidman, Council President


Print Name: Deborah Jones


Print Name: Deborah Moody

By: 
Kirk Blouin, Town Manager

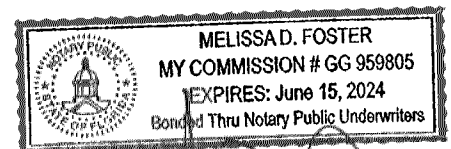

Print Name: Deborah Jones

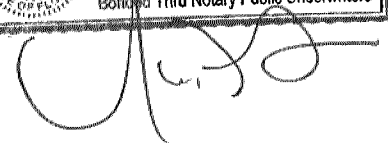

Print Name: Deborah Moody

ALEF PRESCHOOL OF PALM BEACH INC


Print Name: Zalman Levitin

By: 
Name: Zalman Levitin
Title: President

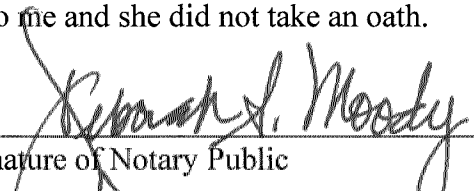




STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 4th day of AUGUST, 2023, by Danielle H. Moore, the Mayor of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. She is personally known to me and she did not take an oath.

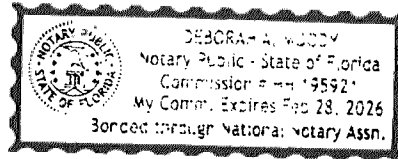


Signature of Notary Public

Deborah A. Moody

Printed Name of Notary Public

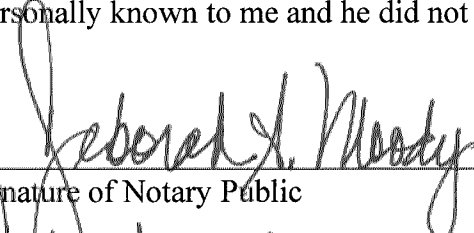
Commission Expires: 2/28/2026



STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 4th day of AUGUST, 2023, by Margaret Zeidman, the Council President of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. He is personally known to me and he did not take an oath.

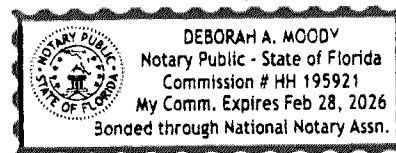


Signature of Notary Public

Deborah A. Moody

Printed Name of Notary Public

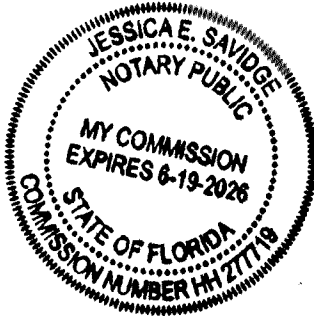
Commission Expires: 2/28/2026



STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 24th day of July, 2023, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. He is personally known to me and he did not take an oath.



Jess Savidge
Signature of Notary Public

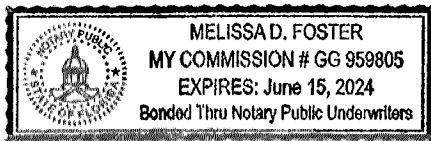
Jessica Savidge
Printed Name of Notary Public

Commission Expires: June 19, 2026

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 21st day of July, 2023, by Shneur Z. Levitin, on behalf of Alef Preschool of Palm Beach Inc. He is personally known to me and he did not take an oath.



[Signature]
Signature of Notary Public

Melissa D. Foster
Printed Name of Notary Public

Commission Expires: June 15, 2024

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
TOWN OF PALM BEACH

By: [Signature]
John C. Randolph, Esquire

RECOMMENDED APPROVAL:

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 35, 36 and 37, BUNGALOW PARK ADDITION, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida. recorded in Plat Book 7, Page 26.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Declaration of Use Agreements

Agenda Title

ZON-23-046 329 WORTH AVE - CHURCHILL CIGAR COMPANY -

Declaration of Use Progress Update

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Declaration of Use Agreement - Churchill Cigar Company**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: ZON-23-046 239 Worth Avenue #6

Date: May 02, 2024

STAFF RECOMMENDATION

Pursuant to the Declaration of Use Agreement (DOUA) between the Town of Palm Beach and the Churchill Cigar Company dated August 22, 2023 and recorded on August 23, 2023 in the Palm Beach County Clerk of the Court, pursuant to CFN 20230290856 OR BK 34513 PG 1302. The applicant was instructed to return to Town Council on May 15, 2024 to review operations. Staff recommends that the Town Council consider the findings of staff and the applicant following one nearly one year of operations.

GENERAL INFORMATION

An application was approved on 6-14-2023 for a Special Exception With Site Plan Review to allow a 12-seat lounge/bar with the service of beer, wine, and liquor at the existing Churchill Cigar Co. retail space in the C-WA Worth Avenue zoning district, pursuant to ZON-23-046.

The Declaration of Use Agreement (DoUA) for said application was approved on 8-9-2023 with an addition to Article 4, Number 3, which states, "and any other issues that may arise." Within the DoUA, a Condition #3 (pg 4 of 10 of attached) that requires the operator to return to Town Council in May 2024 to review the operations of the business.

Attachment: 2023 Declaration of Use

cc: James Murphy, Assistant Planning Director

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

CHURCHILL CIGAR COMPANY

Aug. 22nd, 2023

**Prepared by and return to:
Maura A. Ziska, Esquire
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
(561) 802-8960**

RECEIVED

AUG 24 2023

**TOWN OF PALM BEACH
PZB DEPARTMENT**

329 WORTH AVE #6

B-22-96803

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

CHURCHILL CIGAR COMPANY

Aug. 22nd, 2023

**Prepared by and return to:
Maura A. Ziska, Esquire
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
(561) 802-8960**

TABLE OF CONTENTS

	Page
ARTICLE 1	RECITALS.....3
ARTICLE 11	REPRESENTATION OF OWNERSHIP.....3
ARTICLE III	BAR/LOUNGE USE4
ARTICLE IV	CONDITIONS.....4
ARTICLE V	VOLUNTARY AGREEMENT.....4
ARTICLE VI	REMEDIES FOR VIOLATION.....4
ARTICLE VII	PROVISIONS TO RUN WITH THE LAND/RECORDING.....5
ARTICLE VIII	ENTIRE AGREEMENT.....5
ARTICLE IX	EFFECTIVE DATE.....5
ARTICLE X	MISCELLANEOUS.....5

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT ("Agreement") is made and entered into this 22nd day of August, 2023 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "Town") and CHURCHILL CIGAR COMPANY, 329 Worth Avenue, Palm Beach, Florida 33480 (hereinafter called "Bar/Lounge"), which terms "Town" and "Bar/Lounge" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

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

WHEREAS, the Bar/Lounge Location falls within the Town's C-WA Worth Avenue Zoning District; and

WHEREAS, The Bar/Lounge desires a Special Exception use at the Bar/Lounge Location; and

WHEREAS, the Town Council conditionally approved Zoning Application Number ZON-23-046 on June 14, 2023 which granted the Bar/Lounge Special Exception approval to allow a change of use from retail to Bar/Lounge with a 12-seat lounge/bar with the service of beer, wine and liquor at the existing Lounge Location (a/k/a Churchill Cigar Co. retail space); and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Special Exception and Site Plan are conditioned upon the representations made herein and all of the conditions herein imposed; and

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

ARTICLE I **RECITALS**

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

ARTICLE II **REPRESENTATION OF OWNERSHIP**

The Bar/Lounge has full right to enter into this Agreement and to bind the Land and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or

referenced herein. The execution of this Agreement or the consummation of the transactions contemplated herein will not violate any restriction, court order or agreement to which the Bar/Lounge or Land are subject.

ARTICLE III BAR/LOUNGE USE

The Bar/Lounge space use that is the subject of this Agreement shall be as set forth in the application submitted to the Town as ZON-23-046 and approved by the Town Council on June 14, 2023, as the same may be amended from time to time (hereinafter referred to as the "Approval").

ARTICLE IV CONDITIONS

The approval shall be based upon the following conditions:

- 1) The door to the Bar/Lounge shall remain closed at all times unless being used for access.
- 2) The Bar/Lounge shall close at 10:00 PM.
- 3) The Bar/Lounge shall return to Town Council in May, 2024 to review the operation of the business and the above conditions of approval or any other issues that may arise.

ARTICLE V VOLUNTARY AGREEMENT AND HOLD HARMLESS

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

ARTICLE VI REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the Bar/lounge and the Bar/Lounge's representative of said violation(s) and the date upon which said violations(s) shall be corrected, Bar/Lounge or Bar/Lounge's successor or assigns shall pay to the TOWN a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

In the event Bar/Lounge disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this Agreement, or in the event the

Bar/Lounge disputes any code violation, Bar/Lounge may appeal the determination of the Director of the Planning, Zoning and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days following the written notice of violation.

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

ARTICLE VII PROVISIONS TO RUN WITH THE BAR/LOUNGE

This Agreement shall NOT run with the Land and shall be binding upon the Bar/Lounge only and shall terminate upon the termination of the Bar/Lounge's business tax receipt for operation of a cooperative bar/lounge, or rescission of the Approval. This Agreement shall be recorded by the Bar/Lounge in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

ARTICLE VIII ENTIRE AGREEMENT

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

ARTICLE IX EFFECTIVE DATE

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

ARTICLE X MISCELLANEOUS

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

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

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

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

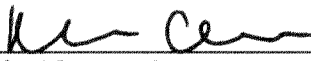
In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken from this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

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

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

Signed, sealed and delivered
In the presence of:


Print Name: Deborah Jones


Print Name: Katherine deClaire


Print Name: Deborah Jones

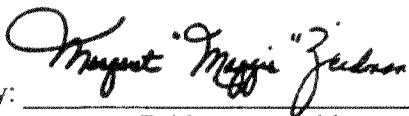

Print Name: Katherine deClaire

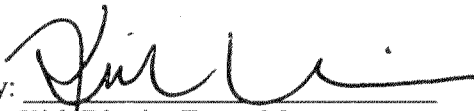

Print Name: Katherine deClaire


Print Name: Deborah Jones

THE TOWN OF PALM BEACH:

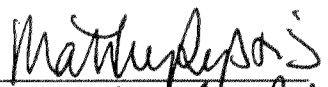
By: 
Danielle Moore, Mayor

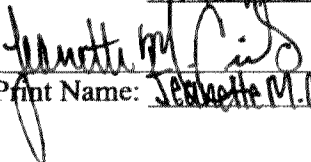
By: 
Margaret Zeidman, President

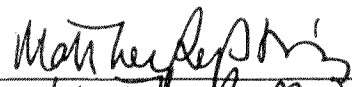
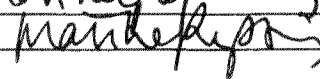
By: 
Kirk Blouin, Town Manager

BAR/LOUNGE:

CHURCHILL CIGAR COMPANY

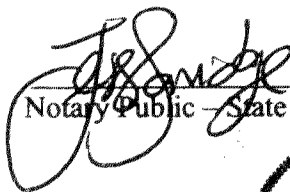

Print Name: Matthew Repton


Print Name: Jeanette M. Civils

By: 
Its: 

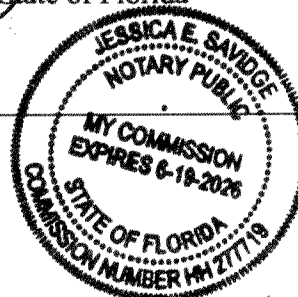
STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22nd day of April, 2023, by DANIELLE MOORE, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation, who ☒ is personally known to me or who ☐ has produced _____ as identification.



Notary Public - State of Florida

Notary Seal: _____



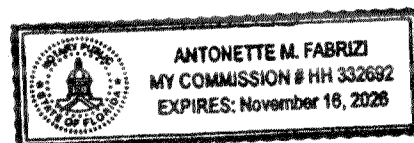
STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22nd day of August, 2023, by MARGARET ZEIDMAN, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation, who ☒ is personally known to me or who ☐ has produced _____ as identification.



Notary Public - State of Florida

Notary Seal: _____

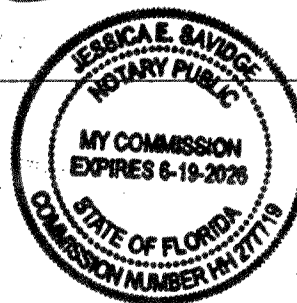


STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 21st day of April, 2023, by KIRK BLOUIN, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation, who ☒ is personally known to me or who ☐ has produced _____ as identification.

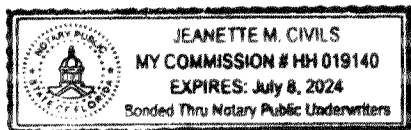
Notary Public – State of Florida

Notary Seal: _____



STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of August, 2023, by Matthew Baptis, the _____ of CHURCHILL CIGAR COMPANY, a Florida corporation, on behalf of the corporation, who ☒ is personally known to me or who ☐ has produced _____ as identification.



Notary Public – State of Florida

Notary Seal: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: _____
John C. Randolph, Esquire
Brett Lashley

EXHIBIT "A"

LEGAL DESCRIPTION

Condominium Parcels II, IV, V, VI and VII, Via Roma. A Commercial Condominium according to the Declaration as recorded in Official Records Book 4930, Page 1761, and any amendments thereto, of the Public Records of Palm Beach County, Florida.

I hereby certify the foregoing is a true copy of the record in my office
with redactions, if any as required by law as of this day, 08/23/2023.
Joseph Abruzzo, Clerk of the Circuit Court & Comptroller Palm Beach County, Florida
By: _____ Deputy Clerk

Melina Quirez

Melina Quirez



TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Development Review - Old Business

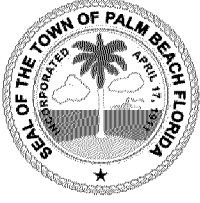
Agenda Title

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 forgo required garage parking. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implentation of the proposed varience will not cause a negative architectural impact to the subject property. Motion Carried 6-1.] [The Architectural Review Commission approved the project with conditions. Carried 5-2.]*

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: ZON-24-025 (ARC-24-015) 153 AUSTRALIAN AVE (COMBO)

MEETING: APRIL 24, 2024 ARCOM
MAY 15, 2024 TOWN COUNCIL

ARC-24-015 (ZON-24-025) 153 AUSTRALIAN AVE (COMBO). The applicant, Rabbi Zalman Levitin, 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 a variance required to forgo required garage parking. Town Council shall review the application as it pertains to zoning relief/approval.

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 request to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to forgo required garage parking. The Architectural Commission shall perform design review of the application.

Applicant: Rabbi Zalman Levitin
Architecture: Dailey Janssen Architects (Jason Skinner)
Landscape: Todd MacClean Outdoors (Todd MacClean)

HISTORY:

At the FEBRUARY 28, 2024 ARCOM meeting, the Commission deferred (7-0) the project with comments to restudy architectural details, massing, roof plan, and landscape plantings. Additionally, a motion was made and approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

The project was deferred at the MARCH 27, 2024 meeting for further refinement of architectural details. At the APRIL 24, 2024 ARCOM meeting, the Commission approved (5-2) the design of the project. Additionally, the Commission approved (7-0) a motion that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "153 AUSTRALIAN AVE" as prepared Dailey Janssen Architects, dated March 11, 2024.

The following scope of work is proposed:

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

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

- **SPECIAL EXCEPTION W/ SITE PLAN REVIEW: Sec. 134-893(c): Special Exception**

with Site Plan Review for development of an existing nonconforming parcel which is 75 ft in width in lieu of the 100 ft width required.

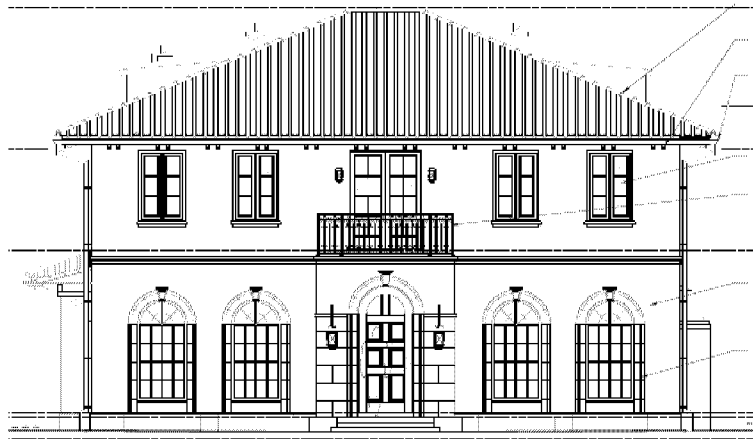
- **VARIANCE 1: Sec. 134-2179(b)(1):** A variance to provide zero (0) garage parking spaces in lieu of the two (2) garage parking spaces required for new construction of a residence on a lot 75 ft in width or greater.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	10,500 SF	Crown of Road	8.68' NAVD
Lot Depth	140'	Lot Width	75'
Lot Coverage	Permitted: 30% (3,150 SF) Proposed: 23.35% (2,452 SF)	Enclosed Square Footage	4,281 SF
Building Height	Permitted: 22' Proposed: 19' – 0 1/8"	Overall Building Height	Permitted: 30' Proposed: 29' – 10 3/8"
Finished Elevation	10'-6" NAVD	FEMA Flood Zone	ZONE X
Maximum Fill	Proposed: 0.91' (max)	Zero Datum	10.18' NAVD
Overall Landscape Open Space	Req'd: 45% Prop: 46% (4,800 SF)	Front Yard Landscape Open Space	Req'd: 40% Prop: 46% (875 SF)
Surrounding Properties / Zoning			
North	160 Brazilian Ave (Parking Lot) 150 Brazilian Ave (Residence) / R-B		
South	150 Australian Ave (Multi-Family) / C-TS 149 Chilean Ave (Residence) / R-B		
East	149 Australian Ave Residence / R-B		
West	159 Australian Ave Residence / R-B		

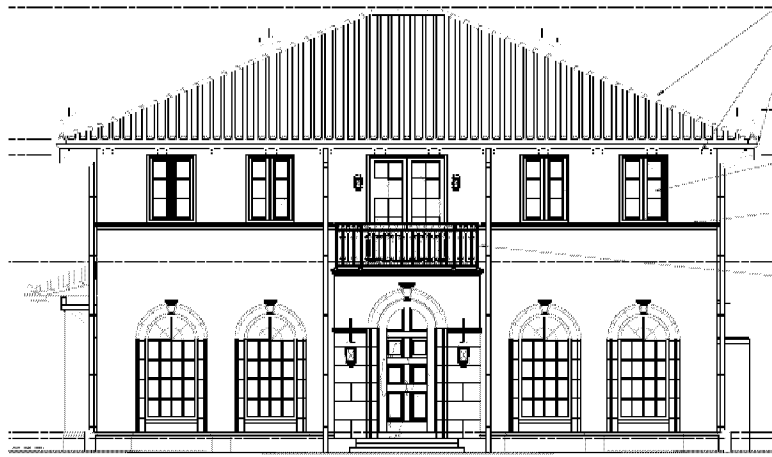
STAFF ANALYSIS

The application is for the construction of a new two-story residence. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) special exception with site plan review and one (1) variance for the construction of the new single-family residence. There is no need for ARCOM to weigh in on the variance, as the Commission directed on that aspect at the February meeting.

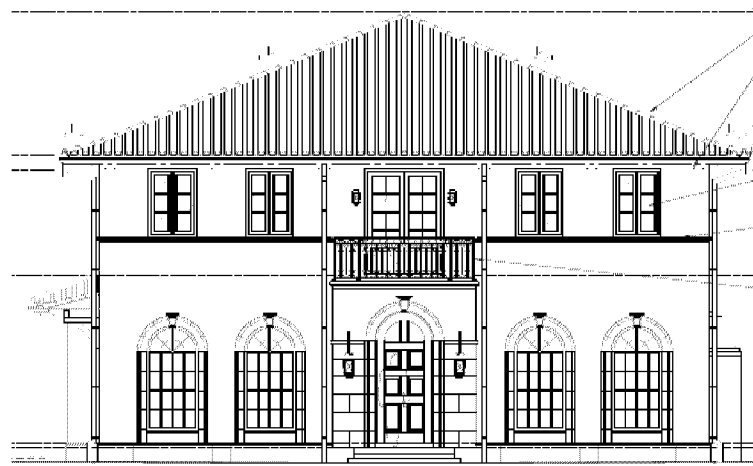




PREVIOUSLY PROPOSED SOUTH ELEVATION



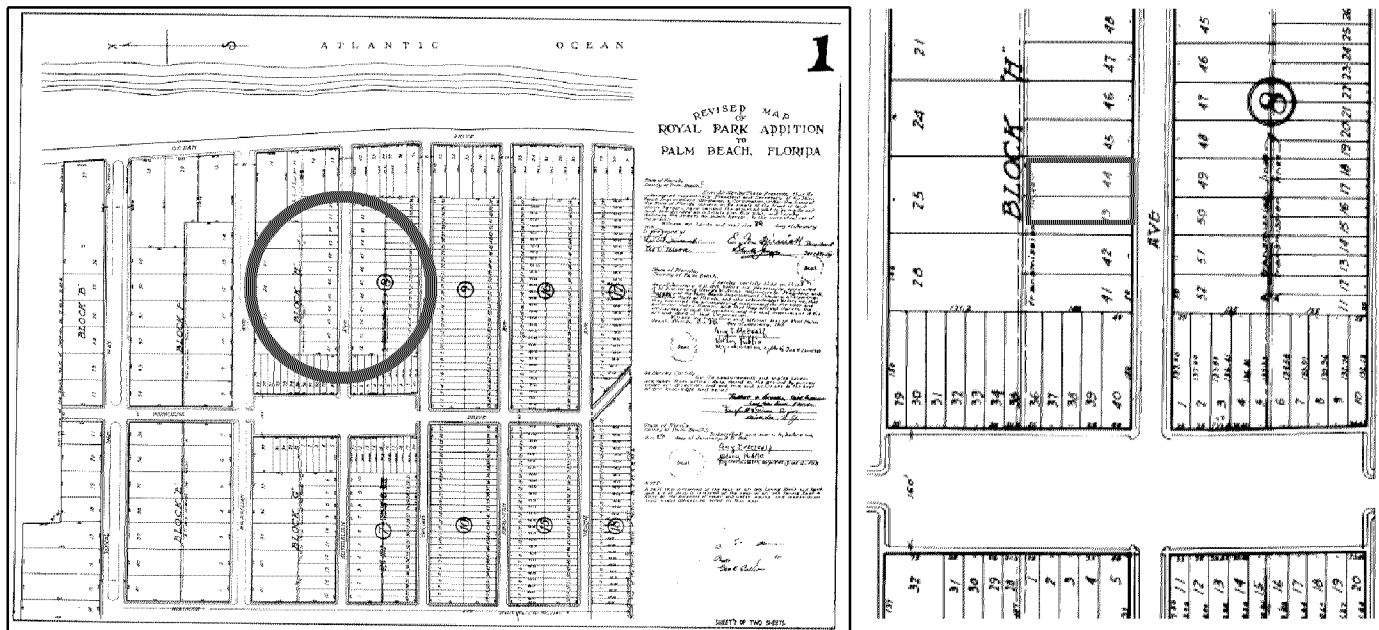
CURRENTLY PROPOSED SOUTH ELEVATION



ALTERNATE SOUTH ELEVATION

The applicant has resubmitted plans in response to comments of the commission. Changes include relocation of the belt course to the second floor sill, and modification of the entire roof, including elimination of previously proposed dormer windows. An alternate roof design is also included in the presentation.

The application as presented requires (1) Special Exception With Site Plan Review for construction and (1) variance.



As it pertains to the special exception with site plan review required, the lot is 75 ft in width where 100 ft is required. A special exception with site plan review is required for the development or redevelopment of a parcel in the R-B zoning district that is comprised of un-platted lots or portions of platted lots. This lot is comprised of the East ½ of lot 42 and lot 43 of block H of the Royal Park Addition Plat.

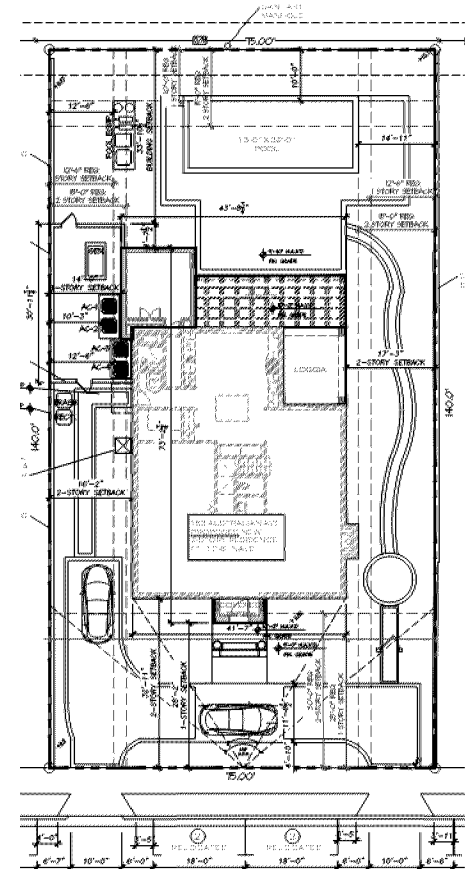
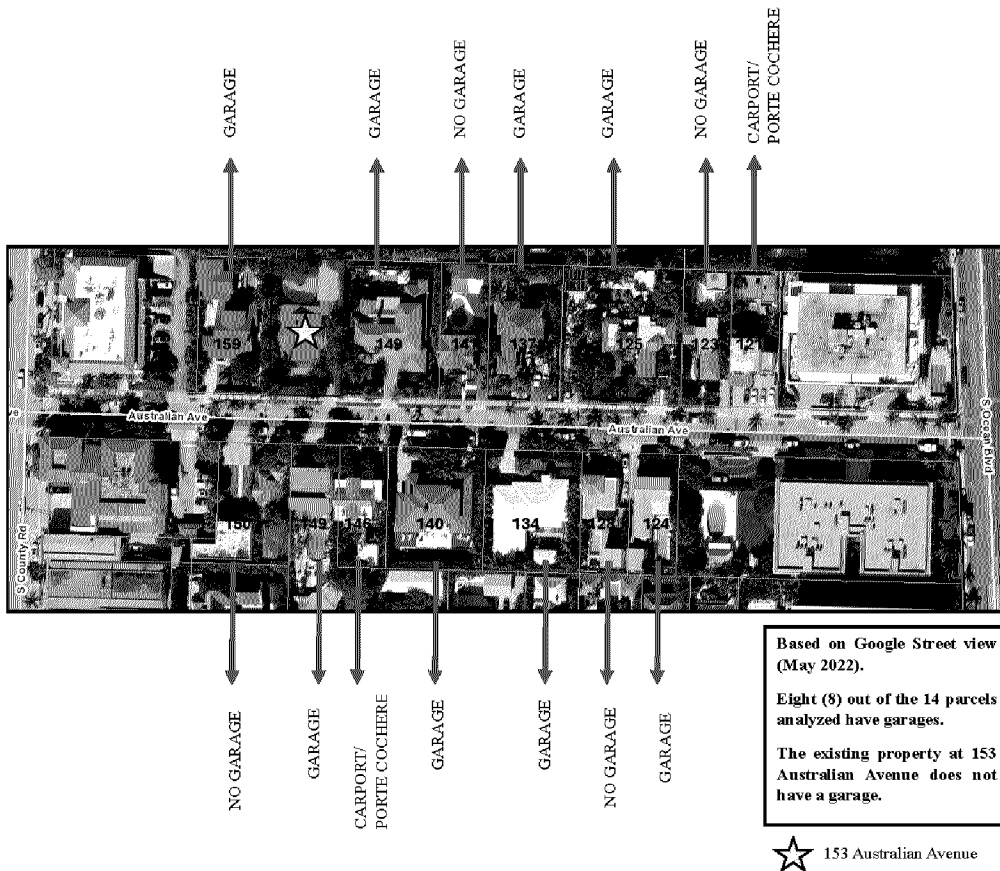
Code Section	Required	Existing	Difference
SPECIAL EXCEPTION W/ SITE PLAN REVIEW: Sec.134-893(c)	Minimum Lot Width of 100'	Lot Width of 75'	25' of Lot Width

As it pertains to the variance request, the applicant is proposing zero (0) enclosed garage parking spaces where two garage parking spaces are required for a lot which is 75' or greater in width.

Code Section	Required	Proposed	Variance
VARIANCE 1: Sec. 134-2179(b)(1)	Two (2) Enclosed 9' x 18' Garage Parking Spaces	Zero (0) Garage Parking Spaces	2 Garage Parking Spaces

A precursory review of the immediate area (the 100 block of Australian Avenue), indicates that

eight of the 14 parcels have garages, or 57% of the residences.



CONCLUSION:

Approval of the project will require two (2) separate motions 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 (2) separate motions 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, and
- (2) for final determination of approval or denial of the Sec. 134-2179(b)(1) Special Exception with Site Plan Review for the redevelopment of a nonconforming parcel comprised of portions of platted lots.

WRB:JGM:BMF

D J A DAILEY JANSSEN ARCHITECTS, P.A.

ROGER PATTON JANSSEN, A.I.A.

April 8, 2024
Town of Palm Beach Planning, Zoning and Building Department

ARC-24-015 (ZON-24-025) 153 Australian Ave Narrative Response

Below are responses to the NTP comments that were provided on 03/27/2024 been made in response to the comments emailed to us on 03/27/2024.

1. APPLICATION

2. ARCHITECTURAL PRESENTATION

- a. *Belt course has been modified and moved to the second floor sill height.*
- b. *Entire roof has been modified. All dormers have been removed. Roof kick has been made all round at 3:12. Height changes have been noted appropriately.*

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Development Review - Old Business

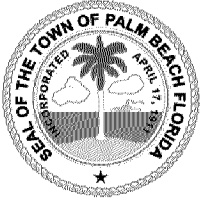
Agenda Title

ZON-24-045 (ARC-24-038) 207 PENDLETON AVE (COMBO)—VARIANCES The applicant, Maura Ziska (Attorney) in conjunction with Thomas M. Kirchhoff (Architect), has filed an application requesting Town Council review and approval for two variances: one (1) to exceed the maximum allowable lot coverage and two (2) to exceed the maximum allowable Cubic Content Ratio (CCR) with the construction of the new front entry porch. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 6-0.] [The Architectural Review Commission approved the project as presented. 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
www.townofpalmbeach.com

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

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

SUBJECT: ZON-24-045 (ARC-24-038) 207 PENDLETON AVE (COMBO)

MEETING: APRIL 24, 2024, ARCOM
MAY 15, 2024, TC

ARC-24-038 (ZON-24-045) 207 PENDLETON AVE (COMBO) VARIANCES. The applicant, Maura Ziska (Attorney) in conjunction with Thomas M. Kirchhoff (Architect), has filed an application requesting Architectural Commission review and approval for the demolition of the existing front entry porch and removal of the front door to be replaced with the construction of a new front entry porch and installation of a new front door, replacement of all fixed shutters with new operable shutters, and removal of the existing driveway and installation of a new paver driveway with grass joints. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-045 (ARC-24-038) 207 PENDLETON AVE (COMBO) VARIANCES. The applicant, Maura Ziska (Attorney) in conjunction with Thomas M. Kirchhoff (Architect), has filed an application requesting Town Council review and approval for two variances: one (1) to exceed the maximum allowable lot coverage and two (2) to exceed the maximum allowable Cubic Content Ratio (CCR) with the construction of the new front entry porch. The Architectural Commission shall perform design review of the application.

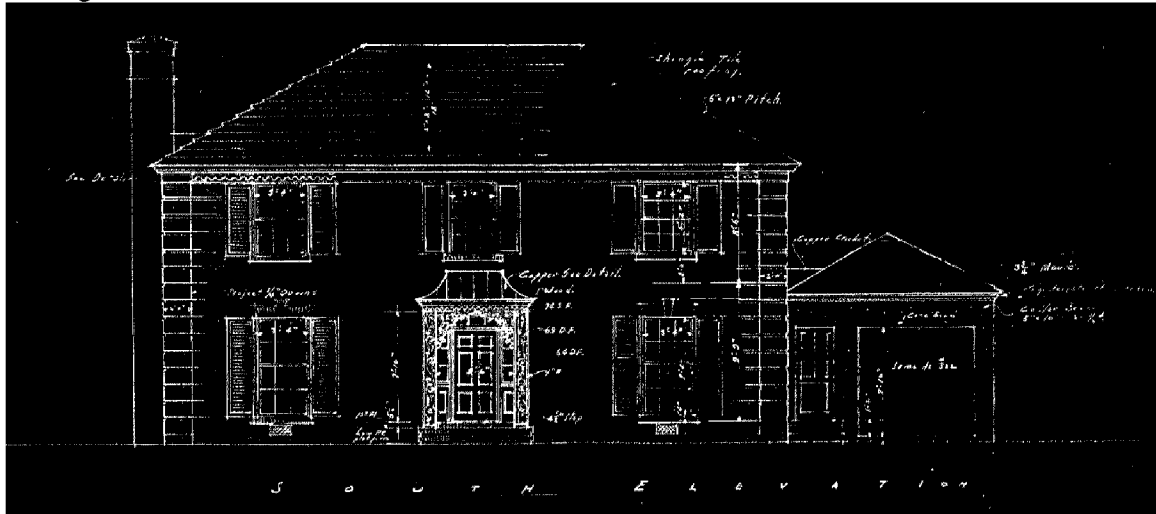
Applicant/Representative: Maura Ziska, Esq.
Professionals: Thomas M. Kirchhoff (Kirchhoff & Associates Architects) /
Mario F. Niviera (Niviera Williams Design)

HISTORY:

The residence was designed by John Volk in 1940. Volk was a prolific architect with over 2,000 projects in Palm Beach. The structure's distinguishing architectural features include a symmetrical facade, a front porch with decorative piers, a cornice, and quoin detailing which exemplify the Georgian Revival architectural style.

The subject property was granted three (3) variances at the September 18, 2018, Town Council meeting for (1) a west side yard setback for the loggia addition with an open balcony above; (2) cubic content ratio for the kitchen addition; and (3) lot coverage for the kitchen addition. In addition, several staff-level approvals were issued in 2018, 2019, and 2020, for window and door realignment and exterior sconces (A-18-00271), widening of sidelights in the north elevation (A-19-00319), and minor landscape and hardscape modifications (A-20-00931).

At the March 27, 2024, ARCOM meeting, the Palm Beach Preservation Foundation provided historic John Volk drawings of the property from their archives. The Commissioners discussed replicating the original metal/iron columns and deferred the project to the April 24, 2024, ARCOM meeting.



At the APRIL 24, 2024 ARCOM meeting, the Commission approved (7-0) the design of the project. Additionally, the Commission approved (7-0) a motion that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "ENTRY RENOVATION 207 PENDLETON AVENUE", as prepared by **Kirchhoff & Associates Architects**, date stamped by the Town, April 8, 2024.

The application is proposing the following scope of work at the property:

- Demolition of existing front porch and door
- Construction of a new entry porch
- Installation of a new impact-rated front door
- Replacement of all fixed shutters with new operable shutters
- Removal of existing driveway and walkway
- Installation of a new driveway and walkway pavers with grass joints
- Minor landscape alterations

The following Variances are required for completion of the project as presented:

- **VARIANCE #1** – Section 134-893(b)(11)(b): To allow a lot coverage of 37.4%, whereas 37.1% is existing, and 30% is the maximum allowed for a two-story building.
- **VARIANCE #2**– Section 134-893(b)(13)(a)(1): To allow a Cubic Content Ratio of 4.52, whereas 4.51 is existing, and 4.31 is the maximum allowed.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY

Lot Size	Required: 10,000 SF Existing: 8,894 SF	Crown of Road	3.41' NAVD
Lot Depth	111.20' - 111.23'	Lot Width	79.95' - 80.00'
Lot Coverage	Permitted: 30% (2,668 SF) Existing: 37.1% (3,302 SF) Proposed: 37.4% (3,325 SF)		
Cubic Content Ratio (CCR)	Permitted: 4.31 (38,352 CF) * Existing: 4.51 (40,233 CF) * Proposed: 4.52 (40,235 CF) *		* Includes 5% allowance for Unenclosed loggias, pergolas, porches, terraces, and covered patios located on the first floor
Building Height	Permitted: 22'-0" Existing: 18'-3" Proposed Entry Porch: 9'-9"	Overall Building Height	Permitted: 30'-0" Proposed: 25'-8"
Finished Floor Elevation	Required: 7' NAVD Existing: 4.96' NAVD	FEMA Flood Zone	ZONE AE
Overall Landscape Open Space	Required: 45% (4,002 SF) Existing: 28.9% (2,572 SF) Proposed: 31.5% (2,801 SF)	Front Yard Landscape Open Space	Required: 40% (800 SF) Existing: 26.7% (533 SF) Proposed: 30.1% (615 SF)
Surrounding Properties / Zoning			
North	2 South County Road The Breakers / PUD		
South	206 & 216 Pendleton Avenue Residence / R-B		
East	201 Pendleton Avenue Residence / R-B		
West	223 Pendleton Avenue Residence / R-B		

STAFF ANALYSIS

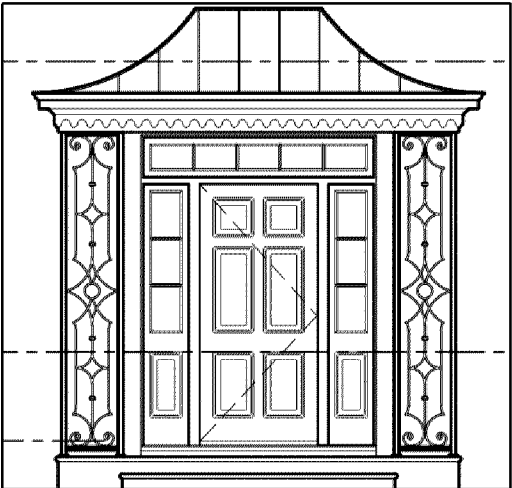
The application is for the demolition of the existing front entry porch and the replacement with a larger front entry porch which triggers two (2) variances for lot coverage and cubic content ratio. In addition, the application is requesting front door replacement, shutter replacement, a new paver driveway and walkway with grass joints, and minor landscape alterations.

The previously new entry porch was detailed with painted wood columns, a wood entablature, and a lead-coated copper roof. The new front door was proposed to be painted mahogany with sidelights and a transom.



Previously Proposed

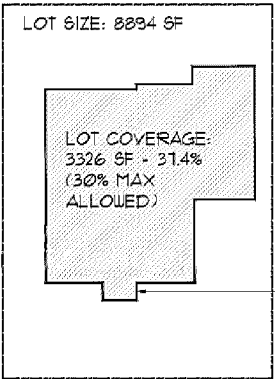
The currently proposed entry porch has been lowered and the cornice design was revised to match the existing detail. The columns have been revised to a Regency metal pattern design. In addition, the overall entry porch dimensions were modified to be narrower in width and deeper. This proposal much more closely resembles the historic entry of which the existing support columns no longer are the original pattern, having been changed in approximately 2018. A new exterior light fixture has been added to the scope of work. The new driveway and walkway are proposed with tabby concrete and 4" grass joints.



Currently Proposed

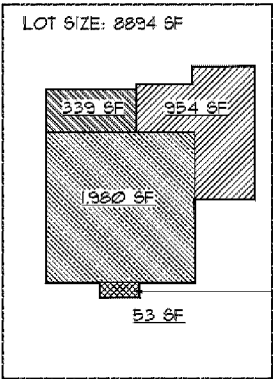
The structure is an existing nonconforming structure as it pertains to lot coverage with a 37.1% coverage where 30% is permitted. The cubic content ratio existing is also non-conforming, with 4.51 existing and 4.31 maximum permitted. The expansion of the covered entry increases these nonconformities by increasing lot coverage to 37.4% and CCR to 4.52. Therefore, two requests are being pursued by the applicant for review by Town Council for the enlargement of the front entry. However, it is important to note that the actual expansion is just 23 SF of an open covered porch.

Code Section	Permitted	Existing & Proposed	Variance
VARIANCE 1 Section 134-893(b)(11)(b)	Lot Coverage: 30% (2668 SF)	Existing: 37.1% (3302 SF) Proposed: 37.4% (3325 SF)	0.3% (657 SF)
VARIANCE 2 Section 134-893(b)(13)(a)(1)	Cubic Content Ratio: 4.31	Existing: 4.51 Proposed: 4.52	0.01



VARIANCE REQUIRED
 SECTION 134-893 (11) A REQUEST FOR A VARIANCE TO ALLOW THE FRONT ENTRY ADDITION TO HAVE A 37.4% LOT COVERAGE IN LIEU OF THE 37.1% EXISTING AND THE 30.0% MAXIMUM ALLOWABLE.

ADDED COVERAGE:
24 SF



VARIANCE REQUIRED
 SECTION 134-893 (13) A REQUEST FOR A VARIANCE TO ALLOW THE FRONT ENTRY ADDITION TO HAVE A CUBIC CONTENT RATIO (CCR) OF 4.52 IN LIEU OF THE 4.51 EXISTING AND THE 4.31 MAXIMUM ALLOWABLE.

ADDED CUBIC CONTENT:
147 CF

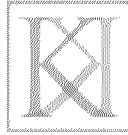
Approval of the project will require two (2) separate motions to be made by the Architectural Commission:

- (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 to be made by the Town Council:

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

WRB: JGM: FHM: ALF



KIRCHHOFF & ASSOCIATES
ARCHITECTS

LETTER OF INTENT
RENOVATION TO EXISTING FRONT ENTRY
AT 207 PENDLETON ROAD
ARC-24-038
ZON-24-045

Please find for review the attached drawings for our project at 207 Pendleton Road in the R-B Zoning District. The existing two-story residence was designed by Architect John Volk and was issued a Permit in 1940. Other than permits for normal maintenance and repairs, the property was altered in 1995, including a new pool with Variances for setbacks and substantially remodeled in 2019. As part of that remodel, the covered front entry was modified. The metal columns supporting the roof were replaced with the current pattern and the front door along with transom and sidelights were replaced with an impact rated unit which we feel is not properly scaled. The current Owners purchased the home following the completion of that work.

The work requested here is the replacement of the front door (transom and sidelights) with a similar Mahogany impact rated unit in the same masonry opening but more properly detailed. We are also requesting replacement of the covered entry. The proposed entry is wider and deeper to provide protection from the weather at the only access (besides the overhead garage door) to the home.

As per Commissioner's comments at the March meeting the following revisions have been made:

1. The covered Entry roof eave has been lowered and the cornice revised to match the existing.
2. The support columns have been revised to a Regency pattern metal design, more n keeping with the original design.
3. The proportions of the Entry have been modified. It is narrower in width and deeper. The additional Lot Coverage remains the same, the additional Cubic Content is less.
4. The proposed Sconce light fixture has been added.

The proposed design requires two Variances for the minor increase in lot coverage and cubic content. The Site is non-conforming, being undersized in width at 80 feet in lieu of the 100 feet required. The proposed entry complies with the Front yard setback.

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161
Not Applicable

B) ARCOM 18-205

We are submitting a proposal that we consider tastefully designed, with harmonious and balanced elevations, providing texture and shadow, and designed for our tropical climate with appropriate materials and details consistent with the existing.

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.

C) ARCOM 18-206 – CRITERIA FOR DEMOLITION PERMIT

1. Not Applicable

D) SITE PLAN REVIEW 134-329

Not Applicable

E) VARIANCES

- 1) Section 134-893 (11) A request for a Variance to allow the front entry addition to have a 37.4% lot coverage in lieu of the 37.1% existing and the 30.0% maximum allowable.
- 2) Section 134-893(13) A request for a variance to allow the front entry addition to have a Cubic Content Ratio of 4.52 in lieu of the 4.51 existing and the 4.31 maximum allowable.

The criteria for granting the variances are as follows:

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 property is located in the R-B Zoning District and is non-conforming in width and area than what is required in the R-B Zoning District. Further, when the house was constructed there was no CCR requirement in the code thus the existing house is currently non-conforming to that calculation as well as the lot coverage.

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

The Applicant was not the cause of the special conditions of the property or residence, as the characteristics of the residence and land have been in existence since the house was designed and built in 1940.

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.

The granting of the variances will not confer on the Applicant a special privilege. There are other properties in the neighborhood with non-conforming CCR and lot coverage as many of the residences were constructed prior to today's zoning code requirements.

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.**

The hardship for the cubic content ratio variance, which runs with the land, is that the residence was built in 1940 and is non-conforming to today's code as the width of the lot is 80 feet in lieu of the 100 foot minimum required and 8,887 square feet in area in lieu of the 10,000 square foot minimum required. The proposed increase in lot coverage and CCR is minor in order to add a covered entry to the front door.

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

The variances requested are the minimum necessary to make reasonable use of the land in order to protect the front door.

6. **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.**

Granting the variances will not be injurious to the neighborhood as the requests are minor.

F) OTHER

Not applicable.

Sincerely,



Thomas M Kirchhoff
Principal Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Development Review - New Business

Agenda Title

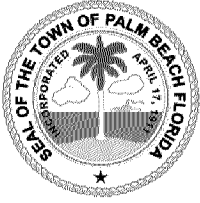
ZON-24-046 (ARC-24-040) 227 ANGLER DR (COMBO)—VARIANCES

The applicant, Bryan and Mary Thomas, has filed an application requesting Town Council review and approval for one (1) variance to reduce lot coverage below minimum requirements and (2) variance to exceed maximum allowable Cubic Content ratio (CCR) with the installation of a pergola. The Architectural Commission shall perform design review of the application. *[The Aceri ht ul cRAtv wCo o AmAs d ceCo o csnt rAs dAt o Iwo csrt rAs dGpr cd hCI GendRt hA secnaw Aus Gr et i na d as cft rRcd he Aceri ht ul It erAs ar can glcerd hCI chryxawt hhAna 6-y0d] c The Aceri ht ul cRAtv awCo o AmAs d I I hCRenar cd hCbera na hcnas rnyxawt hhAna 6-y0*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans 1 of 3**
- ▣ **Plans 2 of 3**
- ▣ **Plans 3 of 3**



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: ZON-24-046 (ARC-24-040) 227 ANGLER AVE (COMBO)

MEETING: APRIL 24, 2024 ARCOM
MAY 15, 2024 TOWN COUNCIL

ARC-24-040 (ZON-24-046) 227 ANGLER AVE (COMBO) -VARIANCES. The applicant, Bryan and Mary Thomas, has filed an application requesting Architectural Commission review and approval for construction of a new pergola structure and outdoor fireplace with two variances 1) exceeding allowable lot coverage a 2) exceeding allowable cubic content ratio. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-046 (ARC-24-040) 227 ANGLER DR (COMBO) - VARIANCES. The applicant, Bryan and Mary Thomas, has filed an application requesting Town Council review and approval for one (1) variance to reduce lot coverage below minimum requirements and (2) variance to exceed maximum allowable Cubic Content ratio (CCR) with the installation of a pergola. The Architectural Commission shall perform design review of the application.

Applicant: Bryan and Mary Thomas
Architecture: Kirchhoff & Associates Architects

HISTORY:

In 2020 a staff level application A-20-01041 was approved for landscape and hardscape changes. The pool and spa were removed to construct a new pool and fountain with a 4-foot screening wall for equipment. Following that approval, application A-065-2020 was submitted for ARCOM review. The application was for the removal of a 167 SF awning to be replaced with a 565 SF pergola. The pergola was constructed over previous hardscape area thus no decrease to open space calculations. The proposed pergola included screening and roll down shutters and was approved on consent at the November 20, 2020 ARCOM meeting. This approval, predating the new procedure format for land use applications, seems unlikely to have been thoroughly reviewed for zoning compliance. At the APRIL 24, 2024 ARCOM meeting, the Commission approved (7-0) the design of the project. Additionally, the Commission approved (7-0) a motion that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "Demolition of Existing Pergola, Replacement with Loggia, 224 Angler Ave" as prepared Kirchhoff & Associates Architects, dated April 8, 2024.

The following scope of work is proposed:

- Demolition of existing pergola.
- Construction of a roofed loggia.

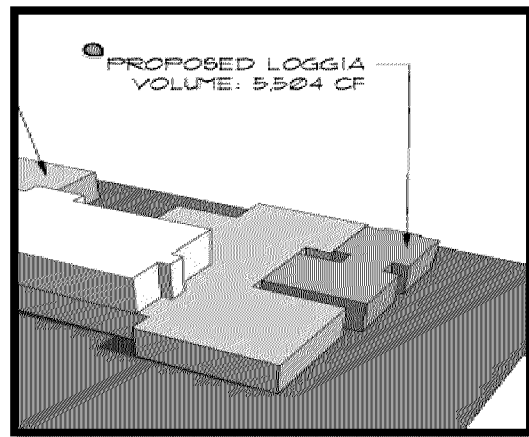
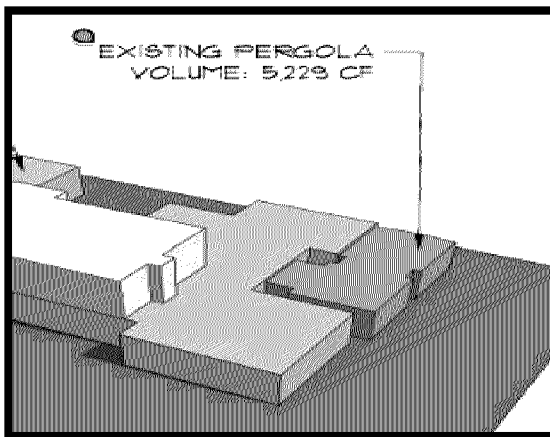
The following Special Exception, Site Plan Review, and/or Variances are required to complete the project:

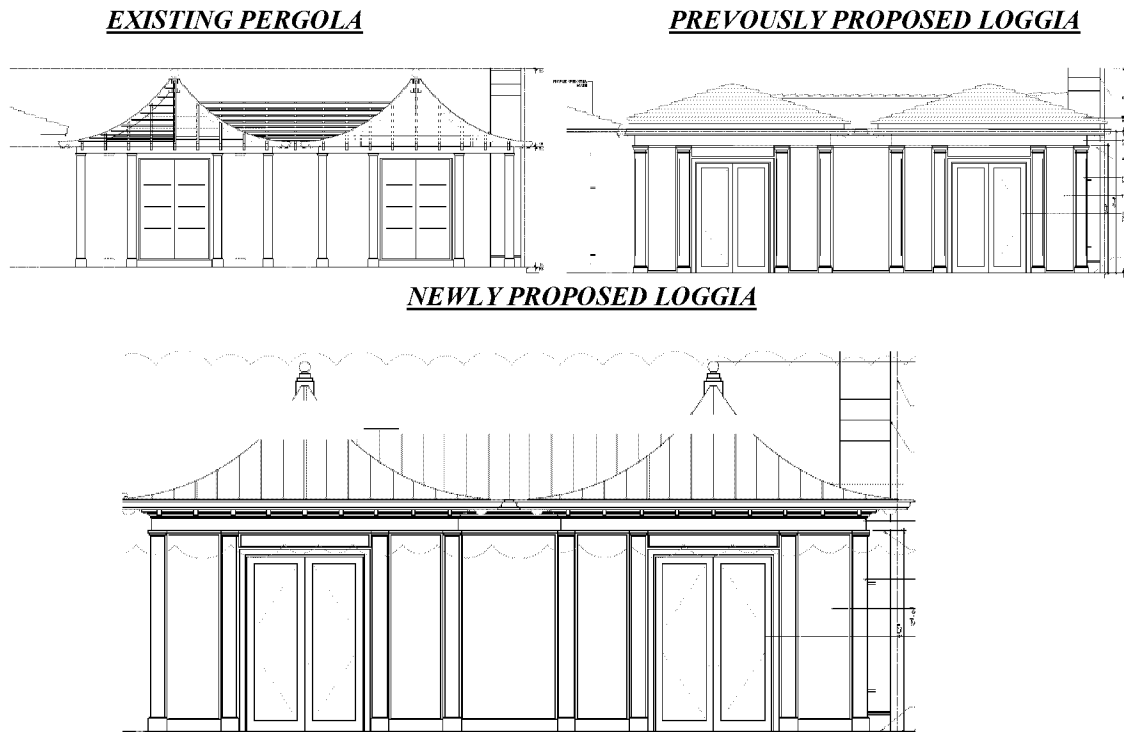
- VARIANCE 1: Sec.134-893(11): Variance to exceed maximum lot coverage of 30% to 33.26%.
- VARIANCE 2: Sec.134-893(13): Variance to exceed maximum allowable CCR from 4.15 to 4.46.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Required: 10,000 SF Existing: 15,070 SF	Lot Depth Lot Width	100.41' 150'
Lot Coverage	Permitted: 30% (4,521 SF) Existing: 29.61%(4,463SF) Proposed: 33.26% (5,013 SF)	Enclosed Square Footage	6,007 SF
Cubic Content Ratio	Permitted: 4.15 Existing: 4.09 Proposed: 4.46	Side Yard Setback (1st Story)	Required: 12'6" Existing: 29'8" Proposed: 27'4"
Overall Landscape Open Space	Required: 45% Proposed: 45%	Front Yard Landscape Open Space	Required: 40% (1,500 SF) Proposed: 87.4% (2,879 SF)
Surrounding Properties / Zoning			
North	140 Seagate Rd / R-B		
South	216 Angler Ave / R-B		
East	215 Angler Ave / R-B		
West	235 Angler Ave / R-B		

STAFF ANALYSIS

The application is for the construction of an enclosed loggia at the rear of an existing two-story residence. A preliminary review of the project indicates that the application, as proposed, is **inconsistent** with the Town zoning code and requires two variances (1) variance to exceed the allowable lot coverage and (2) variance to exceed the allowable cubic content ratio.





Staff notes that the progression from original construction will continue the deficiency in lot coverage and trigger relief from cubic content requirements. Lot coverage prior to the 167 SF awning replacement was 29.61% just under the 30% permitted. In 2020, with the addition of the 565 SF pergola over existing hardscape, the main house with the pergola covered 34% of the lot and the new loggia, although 15 SF less (33.26%) will still exceed allowable lot coverage. The zoning code permits a 5% credit to CCR for unenclosed loggias, pergolas, porches, terraces and covered patios and a 3% lot coverage exemption for awnings or trellises.

The applicant has made note within this application of rainwater/drainage issues with the current structure as well as concerns with their adjacent neighbor. Approval of the proposed loggia and variances would renew the parcels existing non-conformities.

At the March ARCOM meeting the commissioners expressed concern over the required variances to maintain the current deficiencies in lot coverage and CCR. The applicant has resubmitted with revisions including the reduction in column diameter, a redesign in the rafters to match the existing and a metal roof in lieu of the previously proposed wood however the footprint remains the same.

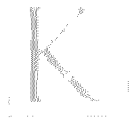
CONCLUSION:

Approval of the project will require two (2) separate motions 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 motion 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, and



KIRCHHOFF & ASSOCIATES

LETTER OF INTENT
DEMOLITION OF EXISTING PERGOLA
REPLACEMENT WITH ROOFED LOGGIA
AT 227 ANGLER AVENUE
ARC-24-040
ZON-24-046

Please find for review the attached drawings for our project at 227 Angler Avenue in the **R-B** Zoning District. The site has an existing two-story main residence and an attached one-story Pergola structure with a masonry fireplace. The Clients purchased the home in 2013. The Pergola was constructed along with a new pool and other sitework in 2019. The existing pergola is detailed with an awning roof, fixed screen panels (or swing screen doors), and roll-down kevlar protection. The structure as constructed has had numerous construction issues primarily due to its relationship to the adjacent residence and rainwater. The proposed work is to demolish the existing Pergola and construct a roofed Loggia substantially in the same footprint.

The existing structure does not currently include a Loggia space elsewhere on the property.
The Proposed Loggia will include a Variance for lot Coverage and Cubic Content.

As per the commissioner's comments at the March meeting the following revisions have been made:

1. The columns' diameter was reduced from 10" to 8"
2. The roof was revised to match the existing rafters' shape
3. Roof material revised to be standing metal

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

(a) Not Applicable

B) ARCOM 18-205

We are submitting a proposal that we consider tastefully designed, with harmonious and balanced elevations, providing texture and shadow, and designed for our tropical climate with appropriate materials and details consistent with the existing.

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.

C) ARCOM 18-206 - CRITERIA FOR DEMOLITION PERMIT

1. The property is not designated a landmark and is not included on a list of properties within the structure.

D) SITE PLAN REVIEW 134-329

Not Applicable.

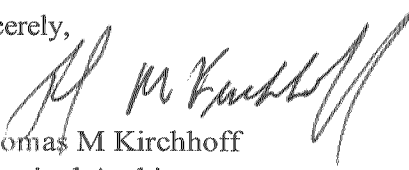
E) VARIANCES

- 1) Section 134-893(11) A request for a variance to allow the addition a new 550 SF roofed Loggia that will have a lot coverage of 5,013 SF (33.26%) in lieu of the 30% maximum allowed.
- 1) Section 134-893(13) A request for a variance to allow the addition of a roofed Pergola to have a Cubic Content Ratio of 4.46 in lieu of the 4.08 existing and the 4.15 maximum allowable.

F) OTHER

Not applicable.

Sincerely,


Thomas M Kirchhoff
Principal Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Development Review - New Business

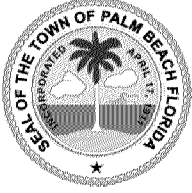
Agenda Title

ZON-24-048 (ARC-24-077) 450 S COUNTY RD (204 WORTH AVE) (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, Rosetta Bakery and FERRAGAMO USA INC, has filed an application requesting Town Council review and approval for a Special Exception with site plan review request to allow a retail specialty foods with indoor seating in the C-WA district. The Architectural Commission shall perform design review of the application.

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 Combination Memorandum: Town Council and Architectural Commission

FROM: Wayne Bergman, Director, MCP, LEED-AP^{CRB}

SUBJECT: ZON-24-048 (ARC-24-077) 450 S COUNTY RD

MEETING: MAY 15, 2024 TC
MAY 29, 2024 ARCOM

ZON-24-048 (ARC-24-077) 450 S COUNTY RD (204 WORTH AVE) (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, Rosetta Bakery and FERRAGAMO USA INC, has filed an application requesting Town Council review and approval for a Special Exception with site plan review request to allow a retail specialty foods with indoor seating in the C-WA district. The Architectural Commission shall perform design review of the application.

Applicant: Rosetta Bakery and FERRAGAMO USA INC
Professional: Jerome I Baumohl
Representative: Marua Ziska

THE PROJECT:

The applicant has submitted plans, entitled "Rosetta Bakery 450 SOUTH COUNTY ROAD" as prepared by **Jerome I Baumohl**, date stamped by the Town, April 15, 2024.

The following is the scope of work for the project:

- Retail buildout in existing commercial bay of one-story commercial building at the southwest corner of South County Road and Worth Avenue.

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

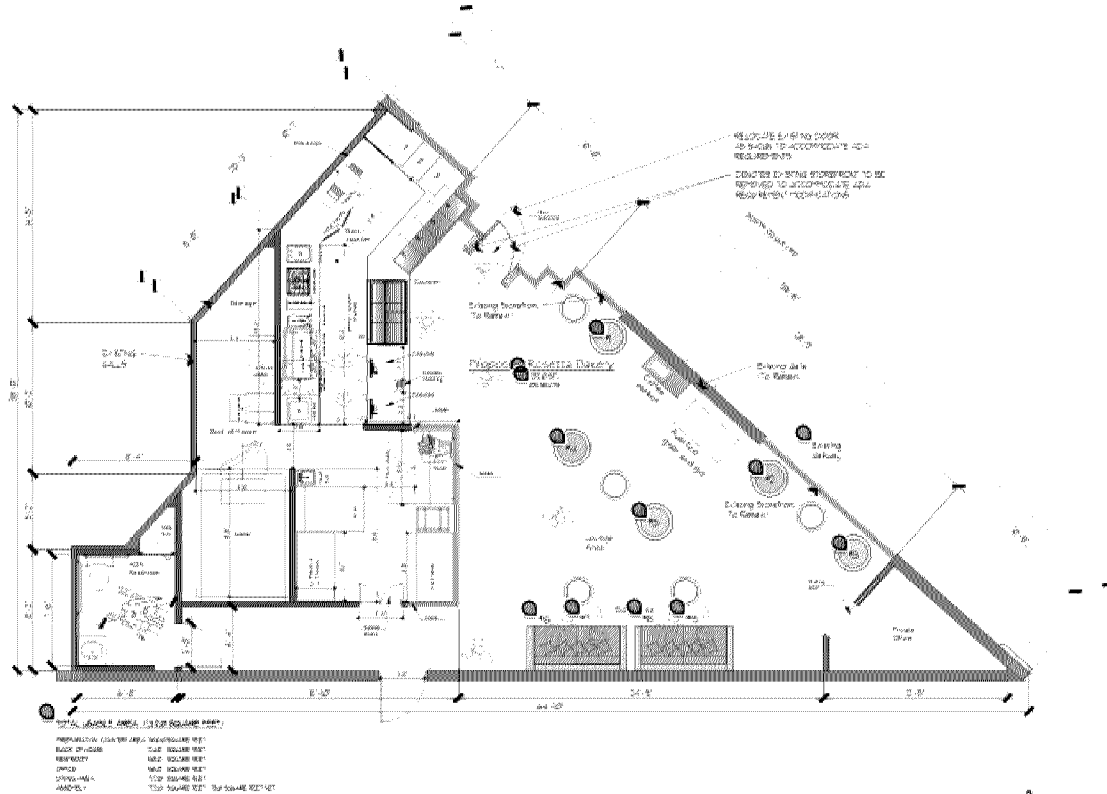
- **Special Exception #1**, Sec. 134-1159(a)(14) Retail specialty foods, including incidental sale of prepared foods for takeout.

Site Data			
Zoning District	C-WA	Future Land Use	COMMERCIAL
Use	RETAIL (specialty foods)	Square Footage (SF)	TOTAL: 1,322 SF

STAFF ANALYSIS

The application is for the interior buildout of a retail bay to accommodate Rosetta Bakery which proposes to build out 1,312 square feet to be a retail specialty food store which approximately 722 SF will serve as take out area (front of house) and 590 square feet (back-of-house). The scope of work involves minor modification to the existing storefront to accommodate ADA requirements. The existing building turns the corner at South County Road and Worth Avenue and currently

houses seven (including the applicant) retail bays and provides for on-site parking in a surface lot for 56 spaces located behind the building and accessed from South County Road.



Rosetta Bakery is a purveyor of baked goods and coffees where the foods are baked off site, and prepared and available on the counter. Food is cooked and prepared in the commissary kitchen in Miami and stored in the walk-in refrigerator on site. No service is provided, but customers purchase the products at counter for take away; additionally there is limited seating the front area for nine (9) seats.



The exterior changes are limited to 'pulling out' the front door from the existing serrated storefront.

CONCLUSION:

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

- (1) Special Exception request for retail specialty foods the C-WA zoning district.

Approval of the project will require one (1) separate motions 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.

WRB:JGM

April 1, 2024

Town of Palm Beach

Planning, Building and Zoning Department
360 South County Road
Palm Beach, Florida 33480

Project Reference: ZON-24-048 Rosetta Bakery

450 South County Road
Palm Beach, Florida 33480

Letter of Intent:

Town of Palm Beach Planning, Building and Zoning Department,

Rosetta Bakery proposes to build out 1,312 square feet to be a retail specialty food store which approximately 722 square feet will serve as take out area and 590 square feet as back-of-house.

The scope of work involves minor modification to the existing storefront to accommodate ADA requirements. The bakery should be considered retail specialty foods including incidental sale of prepared foods for takeout. The bakery will source the majority of its products from their Miami facility and will prep the food on site. Seating will be limited to nine (9) seats.

The following zoning requests are being requested in conjunction with this application:

Special Exception #1: Section 134-1159(14) Retail specialty foods, including incidental sale of prepared foods for takeout.

Section 134-229:

1. A retail specialty food take out business is a permitted use in the C-WA Zoning District with special exception approval.
2. The take out food specialty bakery will be operated that the public health, safety, welfare and morals will be protected.
3. The take out food specialty bakery will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
4. The take out food specialty bakery will be compatible with adjoining development and the intended purpose of the district in which it is to be located as there are other restaurants in the area.
5. The take out food specialty bakery will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
6. The take out food specialty bakery will comply with all elements of the comprehensive plan.
7. The take out food specialty bakery will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district as the space is small and will have limited seating.
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, all along Worth Avenue and abutting streets.

9. Any proposed signage will meet the Town's guidelines.

10. Location, availability and compatibility of utility service for the take out food specialty bakery will remain the same.

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. The proposed take out food specialty bakery will not attract the principal portion of its customers/clients from off-island locations. Since there is no other type of take out café in the vicinity other than Starbucks, it will give the neighborhood another option and it is expected their customers will be merchant employees and retail customers of Worth Avenue and the neighboring streets. It is foreseeable that most customers will come on foot and not in a vehicle from off island.

13. There are no historic trees on site.

14. The proposed take out food specialty bakery 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 as the café is a small operation with limited seats and limited service.

We are available to answer any questions that may arise.

Warmest Regards,

Jerome I. Baumoechl, NCARB

Jerome Baumoechl Architect, Incorporated

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Development Review - New Business

Agenda Title

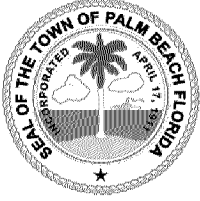
ZON-24-057 (ARC-24-047) 960 N OCEAN BLVD (COMBO)—VARIANCE

The applicant, PB NORTH OCEAN TRUST (represented by Todd Cury), has filed an application requesting Town Council review and approval of one (1) variance for a lot coverage to exceed the maximum permitted in the R-B zoning district on a lot 20,000 square feet or more in area for the construction of a 2-story accessory structure and construction of an approximately 30 square foot addition. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 5-2.] [The Architectural Commission approved the project with conditions. Carried 5-2.]*

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 Combination Memorandum: Town Council and Architectural Commission

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

SUBJECT: ZON-24-057 (ARC-24-047) 960 N OCEAN BLVD (COMBO)

MEETING: APRIL 24, 2024, ARCOM
MAY 15, 2024, TC

ARC-24-047 (ZON-24-057) 960 N OCEAN BLVD (COMBO). The applicant, PB NORTH OCEAN TRUST (represented by Todd Cury), has filed an application requesting Architectural Commission review and approval for the construction of a 2-story accessory structure, demolition of approximately 28 square feet of the existing residence, and construction of an approximately 30 square foot addition. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval.

ZON-24-057 (ARC-24-047) 960 N OCEAN BLVD (COMBO) VARIANCE. The applicant, PB NORTH OCEAN TRUST (represented by Todd Cury), has filed an application requesting Town Council review and approval of one (1) variance for a lot coverage to exceed the 25% maximum permitted in the R-B zoning district on a lot 20,000 square feet or more in area for the construction of a 2-story accessory structure and construction of an approximately 30 square foot addition. The Architectural Commission shall perform design review of the application.

Applicant: Todd Cury
Professional: Portuondo Perotti Architects, Inc (Rafael Portuondo)

HISTORY:

This property contains a one-story Regency style primary residence with the primary facade facing east. At the APRIL 24, 2024 ARCOM meeting, the Commission approved (5-2) the design of the project with conditions to reduce the overall height and size. Additionally, the Commission approved (5-2) a motion that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "960 N OCEAN RESIDENCE", as prepared by **Portuondo Perotti Architects, Inc.**, date stamped by the Town, April 15, 2024.

The application is proposing the following scope of work at the property:

- Construction of a new two-story accessory structure.
- Slight modification at primary residence (demolition of 28 SF, addition of 30 SF) and window and door replacement on primary structure.
- Associated site work with construction of a freestanding arbor and accessory structure.

The following Variance is required for completion of the project as presented:

- **VARIANCE 1: Section 134-893(b)(1)(e):** A variance for a lot coverage of 27% in lieu of the 25% existing and the 25% maximum permitted in the R-B zoning district on a lot 20,000 SF or more in area.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	26,552 SF	Lot Coverage	Existing: 5,681 SF 21.39% Proposed: 7,047 SF 26.6 % Permitted: 6,638 SF 25% <i>Variance Requested</i>
Surrounding Properties / Zoning			
North	970 N Ocean Blvd Residence / R-B		
South	200 Tradewind Dr Residence / R-B		
East	965 N Ocean Blvd (Vacant) & 947 N Ocean Blvd (Residence) / R-A- Estate Residential		
West	208 Sandpiper Dr & 209 Tradewind Dr Residence / R-B		

STAFF ANALYSIS

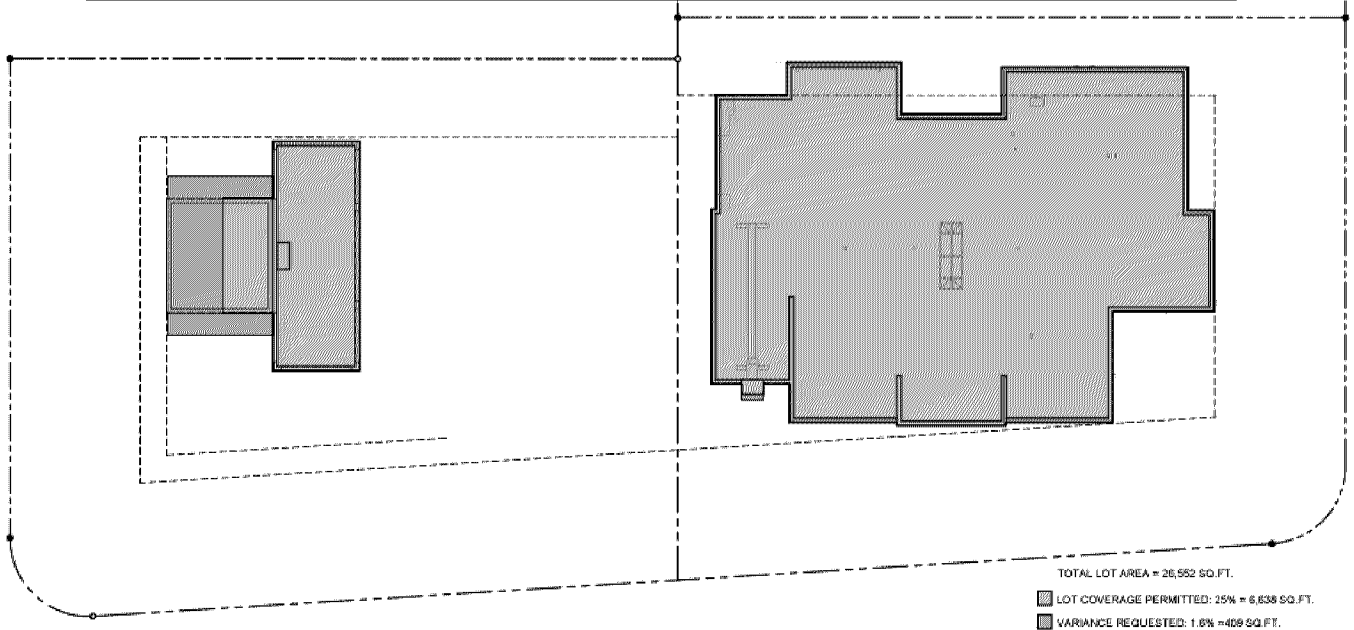
This is a double lot that stretches along North Ocean Blvd between TradeWind Drive to the South and Sandpiper Drive to the north. The existing one-story Regency style home built circa 1970 is situated on the north side of the lot. The applicant is requesting approval of a two-story accessory structure which will house a cabana, guest house, garage and storage.



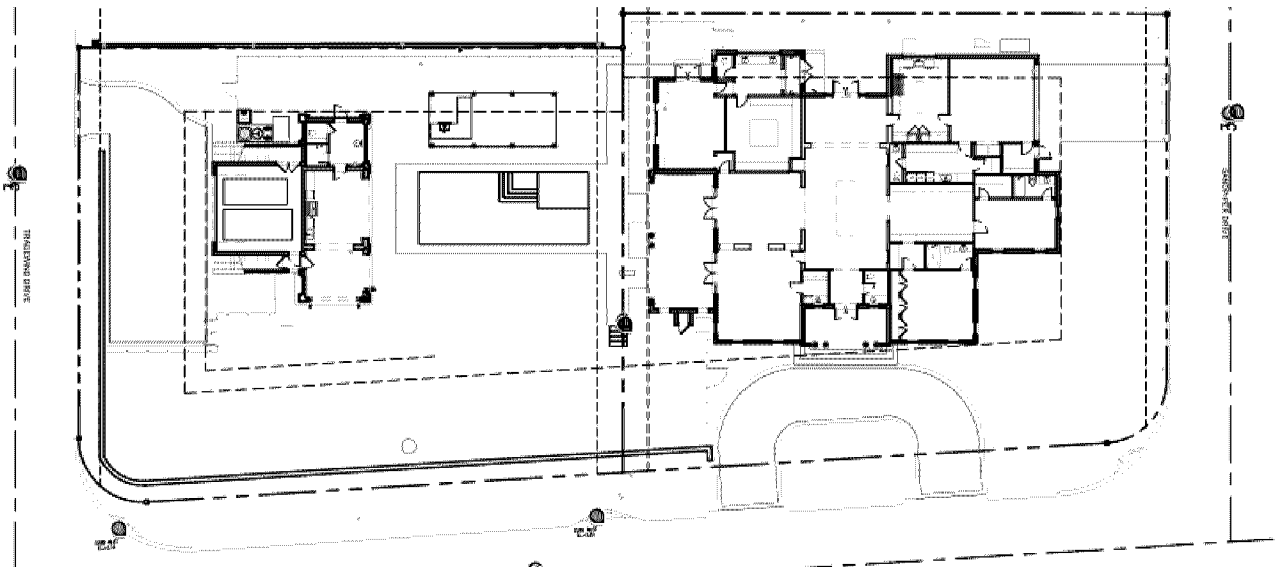
By constructing this second structure on site they will exceed their lot coverage by 1.6% or

approximately 410 SF necessitating a variance.

Code Section	Permitted Lot coverage	Proposed Lot coverage	Variance
VARIANCE 1 <u>Section 134-893(b)(1)(c)</u>	25% (6,638 SF)	26.6 % (7,047 SF)	1.6% (409 SF)



The site certainly can accommodate another structure given the open area to the south of the lot without substantial impact. However, staff has some concerns about a two-story accessory structure relative to a primary structure that is one-story and them appearing side by side very one in the front and another in the rear of the lot. Both of these structures will be visible as a unit along North Ocean Boulevard.





Area of new accessory structure

There is currently a one-story primarily open-air cabana in the general area of the proposed new two-story structure that will be demolished to accommodate the new build. Architecturally the architect has attempted to employ Regency elements such as the flat roof. However, the introduction of louvered elements and Corinthian columns is not an inspiration drawn from the main house.



The window replacements on the primary structure are proposed to be metal and the same lite pattern as existing yet no window frame colored was called out.

CONCLUSION:

Approval of the project will require two (2) separate motions 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 to be made by the Town Council:

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

WRB: JGM: FHM

PORTUONDO PEROTTI
U R B S
A R C H I T E C T S

February 26, 2024
Town of Palm Beach
Planning, Zoning & Building Dept.
360 South County Road
Palm Beach, FL 33480

RE: **ARC-24-047 Letter of Intent**
960 N OCEAN BLVD

To whom it may concern,

Please find enclosed drawings illustrating the proposed new 2-story residence landscape/hardscape and pool at the above-referenced property. The property currently has a one-story Regency style residence and a cabana structure. We are requesting a variance for a 2% increase in lot coverage (over by 409 sq.ft.).

The proposed residence cabana is designed to be in keeping with the criteria outlined in section 18-205 of the Town of Palm Beach Code of Ordinances, and criteria listed 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.
- (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 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.

Respectfully,

Rafael Portuondo
Principal

A handwritten signature in black ink, appearing to read 'Rafael Portuondo', written over the printed name and title.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Development Review - New Business

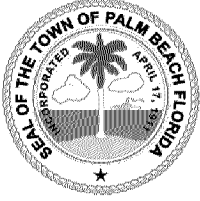
Agenda Title

**ZON-24-058 (ARC-24-073) 400 ROYAL PALM WAY (COMBO)—
VARIANCE(S)** The applicant, Citizens Bank (James Meany), has filed an application requesting Town Council review and approval for eight (8) variances as they relate to the installation of commercial signage, including (1) a variance to install signage on an exterior electronic banking machine, (2-4) variances to exceed maximum sign area permitted, exceed maximum logo size permitted, and exceed maximum sign and logo height above grade permitted on the north elevation, (5) a variance to exceed height of logo above grade on east elevation, and (6 – 8) variances to exceed maximum height and logo size and to permit signage facing a parking area in lieu of a right of way. The Architectural Commission shall perform design review of the application.

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 Combination Memorandum: Town Council and Architectural Commission

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

SUBJECT: ZON-24-058 (ARC-24-073) 400 ROYAL PALM WAY (COMBO)

MEETING: MAY 15, 2024 TC
MAY 29, 2024 ARCOM

ZON-24-058 (ARC-24-073) 400 ROYAL PALM WAY (COMBO)– VARIANCE(S). The applicant, Citizens Bank (James Meany), has filed an application requesting Town Council review and approval for eight (8) variances as they relate to the installation of commercial signage, including (1) a variance to install signage on an exterior electronic banking machine, (2-4) variances to exceed maximum sign area permitted, exceed maximum logo size permitted, and exceed maximum sign and logo height above grade permitted on the north elevation, (5) a variance to exceed height of logo above grade on east elevation, and (6 – 8) variances to exceed maximum height and logo size and to permit signage facing a parking area in lieu of a right of way. The Architectural Commission shall perform design review of the application.

ARC-24-073 (ZON-24-058) 400 ROYAL PALM WAY (COMBO). The applicant, Citizens Bank (James Meany), has filed an application requesting Architectural Commission review and approval for new commercial signage, with variances required for the height, size and location of signs. This is a combo application that shall be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Citizens Bank (James Meany)
Professional: AGI
Representative: Spina O'Rourke (Nelo Freijomel)

HISTORY:

Application ZON-23-122 was approved for (1) a special exception for a new bank (Citizens Bank) and (2) a special exception for a drive-through facility with site plan review for space over 2000 sq ft in the C-OPI zoning district at the December 13, 2023 Town Council development review meeting. Application ZON-24-030 for (1) special exception for bank and site plan review for use of greater than 2000 sq ft in the C-OPI zoning district with a parking variance required due to change of use from office to bank, was approved at the February 14, 2024 Town Council development review hearing, to allow further expansion of the previously approved Citizens Bank.

THE PROJECT:

The applicant has submitted plans, entitled "Proposed Modifications to 325 Via Linda", as prepared by AGI, date stamped by the Town, April 15, 2024.

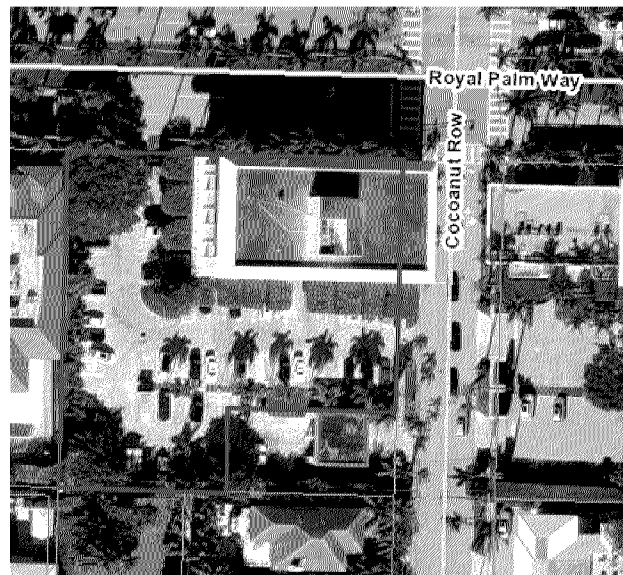
The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **VARIANCE 1: Sec. 134-1997:** A variance to permit exterior signage on an exterior electronic banking machine, where signage is prohibited.
- **VARIANCE 2: Sec. 134-2437(2):** A variance to permit a logo at 28' above grade in lieu of the 15' above grade maximum permitted on the north elevation.
- **VARIANCE 3: Sec. 134-2438:** A variance to permit an overall sign area of 32 square feet, in lieu of the 20 square feet maximum permitted on the north elevation.
- **VARIANCE 4: Sec. 134-2439:** A variance to permit a logo area of 2.25 square feet in lieu of the 1 square foot maximum permitted on the north elevation.
- **VARIANCE 5: Sec. 134-2437(2):** A variance to permit a sign at 28' in height above grade in lieu of the 15 ft in height above grade maximum permitted, on the east elevation.
- **VARIANCE 6: Sec. 134-2437(1):** A variance to permit a sign on the (west) side of the building (fronting parking lot), where signs are only permitted to be mounted on street frontage.
- **VARIANCE 7: Sec. 134-2439:** A variance to permit a logo area of 3.59 square feet, in lieu of the one square foot logo permitted, on the west elevation.
- **VARIANCE 8: Sec. 2437(2):** A variance to permit a sign logo at 28' above grade, in lieu of the 15' maximum height above grade permitted, on the west elevation.

Site Data			
Zoning District	C-OPI	Future Land Use	COMMERCIAL
Surrounding Properties / Zoning			
North	444 Seaview Ave (Society of the Four Arts) / R-B Zoning		
South	411 Brazilian Ave & 308 Coconut Row (Residences) / R-C Zoning		
East	396 Royal Palm Way (Chilton Trust Building) / C-OPI Zoning		
West	420 Royal Palm Way (Offices) / C-OPI Zoning		

STAFF ANALYSIS

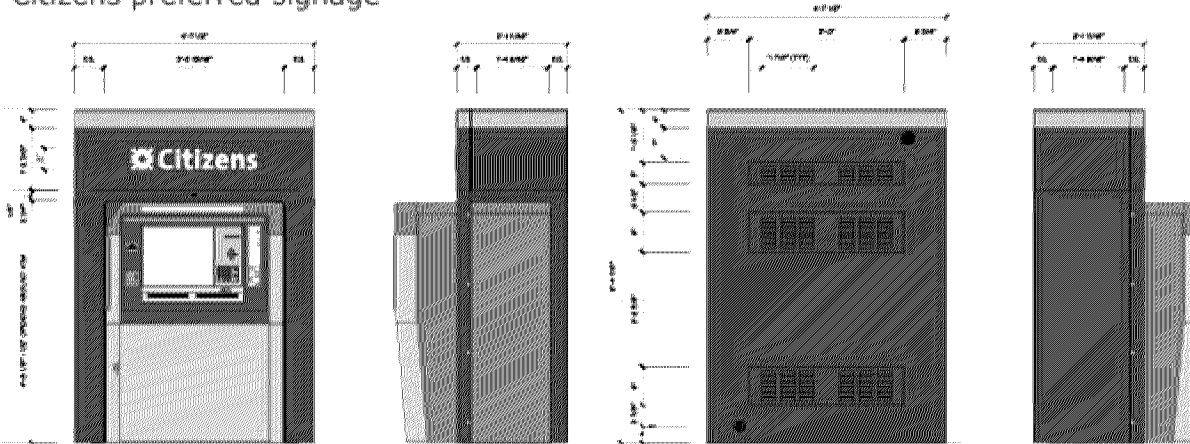
The application is proposing the installation of several signs as they pertain to Citizens Bank, a new tenant approved to occupy several portions (third floor, and portion of first floor) of the existing four-story office building located at the southwest corner of Royal Palm Way and Coconut Row. The size, locations and features of several of the signs are not complaint to the sign regulations within the zoning code. Staff must preface this analysis by stating a signage plan can be achieved which would eliminate the need for all of the variance requests and still provide for some branding or recognition of Citizens Bank. These alternatives were provided to the applicant during the submittal process.



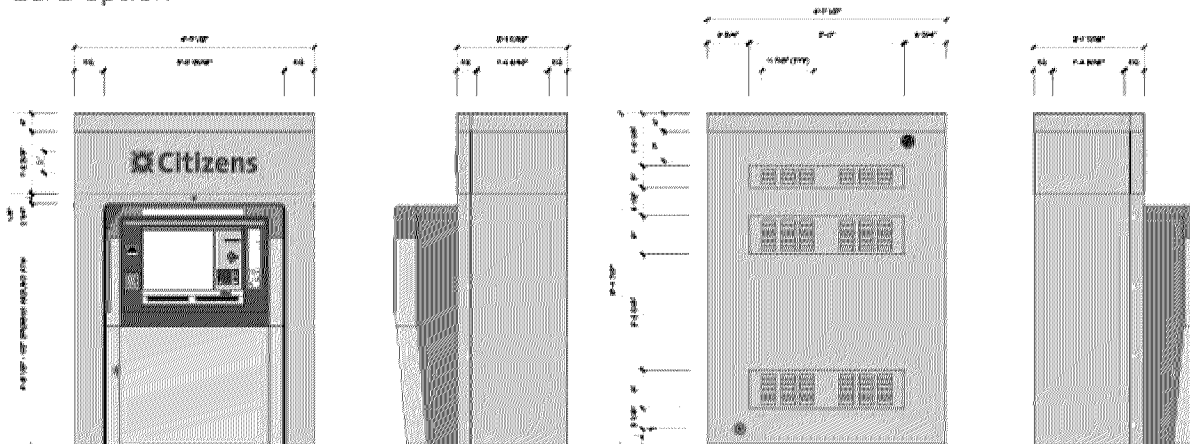
As it pertains to variance Number 1, a variance is being requested to permit signage on an ATM surround shroud where signs are not permitted. Staff has recommended that the applicant remove the branding and use an ATM surround that reflects the colors of the existing structures on site. As shown

below, the applicant is proposing two options for review. Other similar drive-through ATM facilities exist at Wells Fargo on Royal Palm Way and at Chase bank on Worth Avenue

Citizens preferred signage



Ecru option



Viewed From Street

EXISTING





PROPOSED



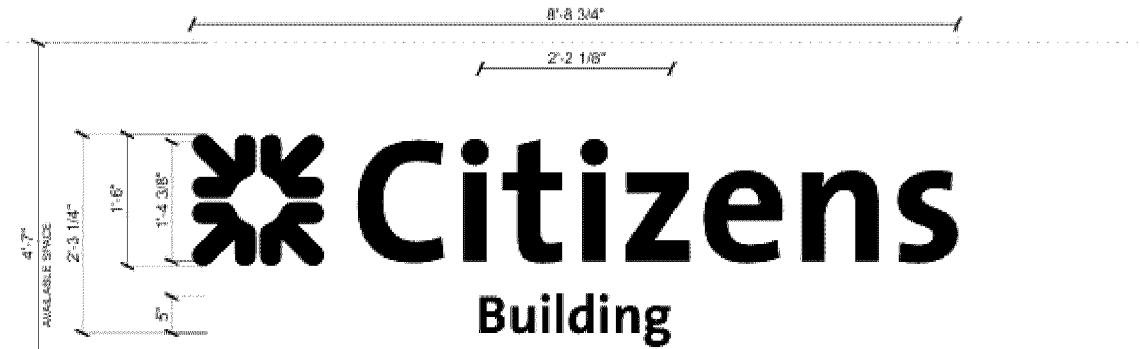
Variances #2 – 4 pertain to signage proposed on the north building elevation along Royal Palm Way. Signage for Corcoran already exists on the building and comprises an area of approximately 12 SF, in the area of a commercial/office building typically referred to as the signage band where signs would be installed. The size of the Corcoran sign leaves approximately 8 SF of signage area available for Citizens to utilize on this elevation. However, the Corcoran sign occupies the only available zoning compliant location as it relates to height. Therefore, the applicant is seeking variances to exceed the maximum permitted sign height (28' above grade in lieu of 15' max permitted), as well as to exceed maximum overall sign area (32 SF total in lieu of 20 SF maximum) and maximum logo size (2.25 SF in lieu of 1 SF permitted). All three variances could be eliminated completely by removing the proposed logo from this elevation. The incorporation of the logo with the Citizens language is being interpreted by staff as a business identification sign, rather than a building identification sign.

EXISTING

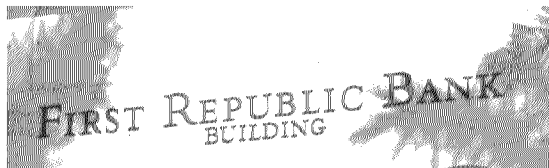


PROPOSED





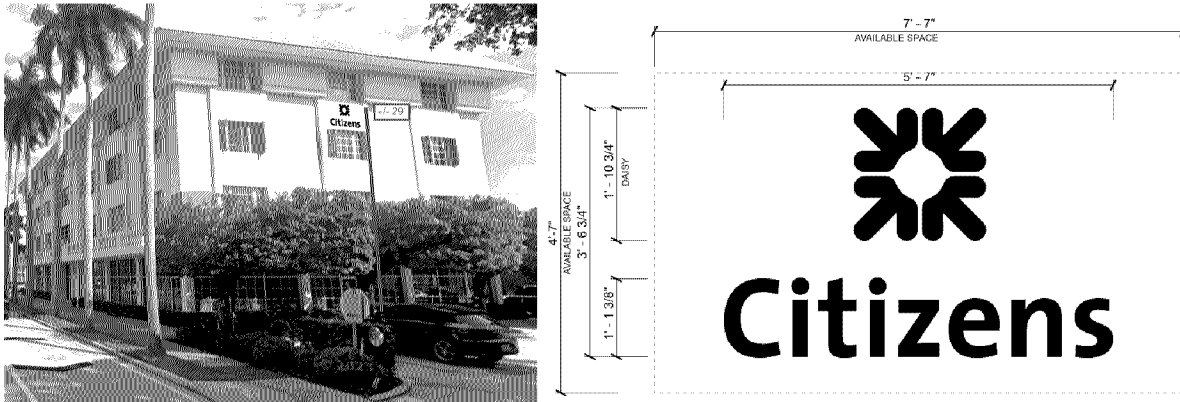
The code permits building identification signs up to 20 SF in area, and such signs do not have a maximum permitted height above grade. However, these signs must have the word **'BUILDING'** within the copy. Below are some examples of zoning compliant "Building Identification" signs on Royal Palm Way for reference. Of the existing building id signs throughout the Town, none have incorporated logos, even when company names are used.



As it pertains to variance 5, the variance is required due to sign height for the signage proposed on the east side of building elevation along Coconut Row. The size of the proposed logo is compliant, however, the maximum height when measure above grade permitted is 15' and 28' above grade is proposed. Again, this variance can be eliminated with the removal of the logo and incorporation of the word "building" as is proposed.



Variances 6 pertains to the location of proposed signs on the west façade of the building. Signs are only permitted to be mounted on street fronting elevations, therefore a variance is required to allow mounting on the west façade which fronts onto the subject properties parking lot.



Additionally, variances # 7 – 8 are required to exceed maximum logo size (3.59 square feet in lieu of the 1 sq ft permitted) and exceed the maximum permitted height of the sign (28' above grade in lieu of the 15' height maximum permitted) on this elevation. As no signage is permitted on the (west) elevation, the only path for zoning compliance would be to eliminate all signage proposed along this non-street fronting elevation.

Staff is not in support of the variance requests, as the sheer number of them are indicative of the excessive nature of the requests. As described above, there are zoning compliant avenues which would identify Citizens' relationship to the building without the need for variance requests. The applicant only provides variance justification for the variances requested for the west façade and the size of the logos. These variances appear design driven and only exacerbate signage on the building.

From chapter 134-2371, "The town council has found that Palm Beach is internationally known and has become a worldwide synonym for beauty, quality and value and that a proliferation of signs without regulations as to size, location and material detracts from such beauty, can become a visual blight. Signs, particularly if placed in rights-of-way, can create distractions for drivers impacting the safety and welfare of pedestrians and drivers and further create an aesthetically unpleasant atmosphere." Finally, it must be noted that of the many variances applied for and granted throughout the last five years dating back to 2019, zero have been granted pertaining to the approval of a variance from the signage regulations.

WRB:JGM:BMF



KEITH SPINA
TAMMY O'ROURKE
WILLIAM CALDWELL
JESSICA GOMES

April 1, 2024

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

Project: 400 Royal Palm Way
Zoning Case Number: ZON-24-073

We are pleased to submit the accompanying drawings for a pre-application review of our project at 400 Royal Palm Way, Palm Beach, FL. The proposed work includes adding signage with logos to the building on the East, West and North sides of the building and also to allow a logo and signage on the ATM. Please note the following as it relates to this application:

- A. Landmarks Preservation in accordance with Section 54-122 and/or Section 54-161. - Not Applicable.
- B. Architectural Review in accordance with Section 18-205 and/or Section 18-206.
 - We consider the proposed project to be consistent with the provisions set forth in Section 18-205 of the Town of Palm Beach Zoning Code.
- C. Special Exception - Not Applicable
- D. Variance(s)
 - Variance #1: Section 134-2437(2): A variance to allow a business identification sign on the west elevation that is above 15 feet and the First Floor.
 - Variance #2: Section 134-2439: A variance to allow the Citizen's logo to be 19 square inches in lieu of the 12 square inch maximum allowed on all building and business signage (not the ATM).
The criteria for granting the above variances is listed below:
 - 1) The special conditions that exist relative to the subject property is that the building is designed and configured in a way that the only feasible place to identify the main entrance to the bank space is on the West façade which will be above the first floor and will be above 15 feet height allowed.
 - 2) The Applicant was not the cause of the special conditions of the design of the building with having the balustrades and limited space for signage as the bank has only recently become a tenant of the building. .
 - 3) The granting of the variances will not confer on the Applicant a special privilege since the variances requested are for similar signage that the on the other buildings on Royal Palm Way.
 - 4) The hardship, which runs with the land, is that the building is designed to not have many options for signage and the size of the logo needs to be larger as it can't be seen if only 12 inches squared. It is very important to have a logo next to Citizens and the word "Citizens" is used in many other businesses such as watches and insurance so it is important to distinguish those from the bank.
 - 5) The variances requested are the minimum necessary to make reasonable use of the land as having signage to direct customers to the entrance to the bank is a logical request and the proposed signs and logos will not be overly intrusive.
 - 6) Allowing the proposed signage on the west of the building and having a slightly larger logo will have no adverse impact on the neighborhood.
- E. Other - None

Very truly yours,

KEITH M. SPINA
CEO

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Development Review - New Business

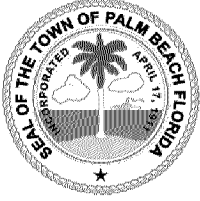
Agenda Title

ZON-24-061 757 ISLAND DR—VARIANCE(S) The applicant, 757 Island Drive LLC (Maura Ziska, Manager), has filed an application requesting Town Council review and approval for installation of a marine structure(s) requiring five (5) variances to (1) exceed maximum marginal marine dock width permitted, (2) to exceed maximum projection west of the U.S. Pierhead Line for a marginal dock, (3) to exceed maximum projection west of the US Pierhead Line for a boatlift, (4) to exceed maximum projection west of the US Pierhead Line for installation of fender piles, and (5) to exceed maximum projection west of the US Pierhead Line for installation of mooring piles.

Presenter

ATTACHMENTS:

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



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

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

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

SUBJECT: ZON-24-061 757 ISLAND DR

MEETING: MAY 15, 2024

ZON-24-061 757 ISLAND DR – VARIANCE(S). The applicant, 757 Island Drive LLC (Maura Ziska, Manager), has filed an application requesting Town Council review and approval for installation of a marine structure(s) requiring five (5) variances to (1) exceed maximum marginal marine dock width permitted, (2) to exceed maximum projection west of the U.S. Pierhead Line for a marginal dock, (3) to exceed maximum projection west of the US Pierhead Line for a boatlift, (4) to exceed maximum projection west of the US Pierhead Line for installation of fender piles, and (5) to exceed maximum projection west of the US Pierhead Line for installation of mooring piles.

Applicant: 757 Island Dr LLC (Maura Ziska, Manager)
Professional: Isiminger & Stubbs Engineering, Inc. (Matthew Butler, P.E.)
Representative: Maura Ziska

HISTORY:

A new two-story residence was approved (5-2) at the May 25, 2022 ARCOM hearing. The building permit was issued in October of 2023.

THE PROJECT:

The applicant has submitted plans, entitled "Single-Family Dock and Boat Lift", as prepared by **Isiminger & Stubbs Engineering, Inc.**, dated April 08, 2024.

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

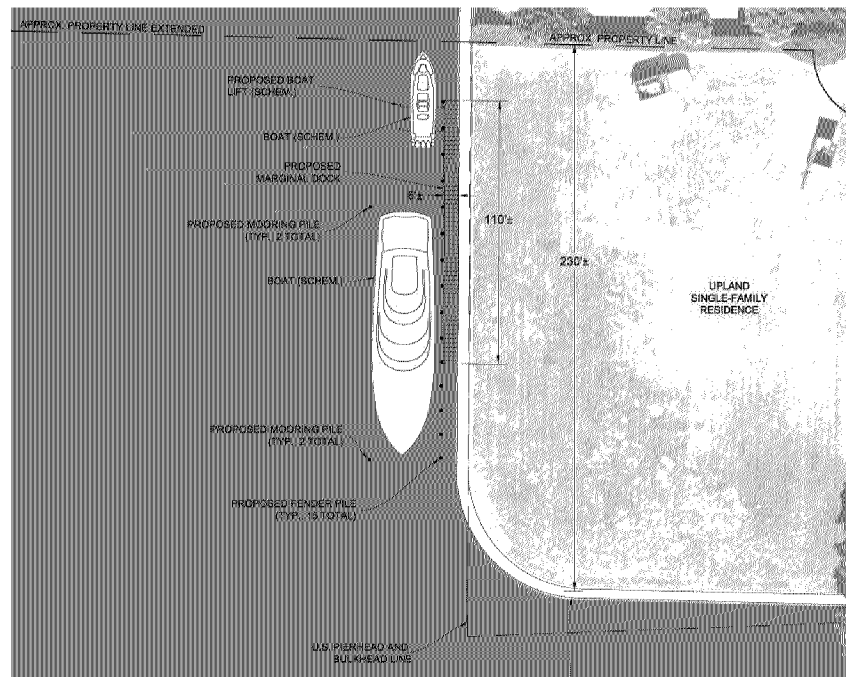
- **VARIANCE 1: Sec. 62-74(2)a. & Sec. 62-74(h)1.:** A variance for a marginal dock width of 48% (110') of the property (231') in lieu of the 30% (69') maximum permitted.
- **VARIANCE 2: Sec. 62-74(2)b. & Sec. 62-74(h)2.:** A variance for a marine structure (marginal dock) to project 11' west of the US Pierhead Line, in lieu of the 6' maximum projection permitted.
- **VARIANCE 3: Sec. 62-74(2)i. & Sec. 62-74(h)9.:** A variance for a marine structure (boatlift) to project 30' west of the US Pierhead Line, in lieu of the 25' maximum projection permitted on Everglades Island.
- **~~VARIANCE 4: Sec. 62-74(2) & Sec. 62-74(h):~~** ~~A variance for a marine structure (fifteen fender piles) to project 12' west of the US Pierhead Line, in lieu of the 6' maximum projection permitted.~~

- *Variance no longer required with passage of Ordinance 009-2024.*
- **VARIANCE 5: Sec. 62-74(2) & Sec. 62-74(h):** A variance for a marine structure (two mooring piles) to project 41' west of the US Pierhead Line, in lieu of the 6' maximum projection permitted.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Surrounding Properties / Zoning			
North	751 Island Dr Residence / R-B Zoning		
South	Lake Worth Lagoon		
East	760 Island Dr Residence / R-B Zoning		
West	Lake Worth Lagoon		

STAFF ANALYSIS

The applicant is proposing to install a new dock and marine structures on a parcel of land on the west side of Everglade Island. The application, as proposed, is inconsistent with the aforementioned sections of Town Code. Originally, 5 variances were requested by the applicant, however, with the recent passage of ordinance 009-2024, the need for a variance was eliminated and the amount of relief required for other variances were reduced.



Variance 1 pertains to the width of the proposed marginal dock. The code allows a marginal dock to span a maximum width of 30% of the subject parcel. The applicant is proposing a marginal dock which spans 49%, or 110 ft, of the 230 ft wide parcel, an exceedance of 41 ft.

As it pertains to Variance number 2, the applicant is proposing for the marginal dock to project 11 feet beyond the U.S. Pierhead line, where a 6' projection is the maximum permitted.

Variance 3 relates to the proposed boat lift. Ord. 009-2024 was written to permit more ability for residents of Everglades Island to install marine vessel storage devices, up to 25 ft off of the Bulkhead/Mean High Water Line. The code previously only allowed up to 6 feet. While the ordinance did not eliminate the need for the variance, the request is substantially less than it would have been, at **30** feet in lieu of the 25 ft permitted.

Variance number 4 was **ELIMINATED** with the passage of Ordinance 009-2024, due to the allowance of mooring piles within 25 ft of the Bulkhead / MHWL on Everglades Island.

Variance number 5 also relates to mooring piles, however, two are proposed at 41 ft west of the U.S Pierhead / Bulkhead line, in lieu of the 25' maximum projection permitted on Everglade Island. Again, the ordinance was written to permit devices for boat storage within 25' of the Bulkhead Line/MHWL, in lieu of the 6' maximum previously permitted. This doesn't eliminate the need for a variance in this instance, however, it does reduce the amount of relief that would have otherwise been required.

WRB:BMF

LETTER OF INTENT
RELATED TO THE BOAT DOCK AT 757 ISLAND DRIVE

April 1, 2024

We are pleased to submit the accompanying drawings to install a dock, boat lift and mooring piles to the west at 757 Island Drive. Please note the following:

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

Not applicable - This property is not landmarked

B) ARCOM 18-205

Not applicable

B) ARCOM 18-206

Not applicable

C) SPECIAL EXCEPTION 134-229

Not applicable

D) SITE PLAN REVIEW 134-329

Not applicable

E) VARIANCES 134-201

The applicant has filed an application requesting Town Council to review and approve a dock and boat lift on the west side of their property. The variances being requested are per **Sec. 62-74(2) & Sec. 62-74(h)**: A variance for a marginal dock width of 49% (110') of the property (230') in lieu of the 30% (69') maximum permitted. **Sec. 62-74(2) & Sec. 62-74(h)**: A variance for a marine structure (marginal dock) to project 11' West of the US Pierhead line, in lieu of the 6' maximum projection permitted. **Sec. 62-74(2) & Sec. 62-74(h)**: A variance for a marine structure (boatlift) to project 30' West of the US Pierhead Line, in lieu of the 6' maximum projection permitted. **Sec. 62-74(2) & Sec. 62-74(h)**: A variance for a marine structure (four fender piles) to project 12' West of the US Pierhead Line, in lieu of the 6' maximum projection permitted. **Sec. 62-74(2) & Sec. 62-74(h)**: A variance for a marine structure (one mooring pile) to project 41' West of the US Pierhead Line, in lieu of the 6' maximum projection permitted.

The following criteria is in support of the variance request:

1. The special conditions and circumstances peculiar to this land which are not applicable to other lands in the same zoning district is that the Town's Bulkhead line and U.S. Pierhead Line run simultaneously with the bulkhead/seawall on Everglades Island, which only allows marginal docks to be six (6) feet wide.
2. The special conditions and circumstances related to the variances do not result from the actions of the Applicant because they had no control over the location of the pierhead/bulkhead line.
3. The granting of the variances will not confer on the applicant a special privilege because other property owners on Everglades Island have similar boat lifts and have been granted similar variances.
4. The hardship, which runs with the land, is that it would be impossible to safely moor a vessel within the allowable six (6) feet from the seawall so a variance would be justified for this property on Everglades Island.
5. The variance requested is the minimum necessary to make reasonable use of the land considering the need to go farther out into the water for a boat lift.
6. The granting of the variance will be in harmony with the general intent of the ordinance and not be injurious to the neighborhood. Many of the other neighbors on Everglades Island have similar boat lifts.

Sincerely,



Maura Ziska

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Development Review - New Business

Agenda Title

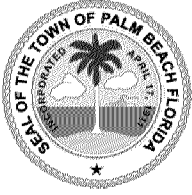
ZON-24-066 340 ROYAL POINCIANA WAY—SPECIAL EXCEPTION

The applicant, Richemont North America, dba Cartier, has filed an application requesting Town Council review and approval of a Special Exception for a permitted use greater than 3,000 SF for an individual retail use in the C-PC zoning district within the Playhouse building within The Royal Poinciana Plaza.

Presenter

ATTACHMENTS:

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



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

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

FROM: Wayne Bergman, Director, MCP, LEED-~~AP/B~~

SUBJECT: ZON-24-048 450 S COUNTY RD

MEETING: MAY 15, 2024

ZON-24-066 340 ROYAL POINCIANA WAY—SPECIAL EXCEPTION. The applicant, Richemont North America, dba Cartier, has filed an application requesting Town Council review and approval of a Special Exception for a permitted use greater than 3,000 SF for an individual retail use in the C-PC zoning district within the Playhouse building within The Royal Poinciana Plaza.

Applicant: Richemont North America, dba Cartier,
Professional: Spina Orouke + Partners
Representative: Jamie Crowley

THE PROJECT:

The applicant has submitted plans, entitled "CARTIER THE ROYAL POINCIANA PLAZA", as prepared by **Spina Orouke + Partners**, date stamped by the Town, April 12, 2024.

The following is the scope of work for the project:

- Retail buildout in reconstructed playhouse building resulting in larger retail area (SF).

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

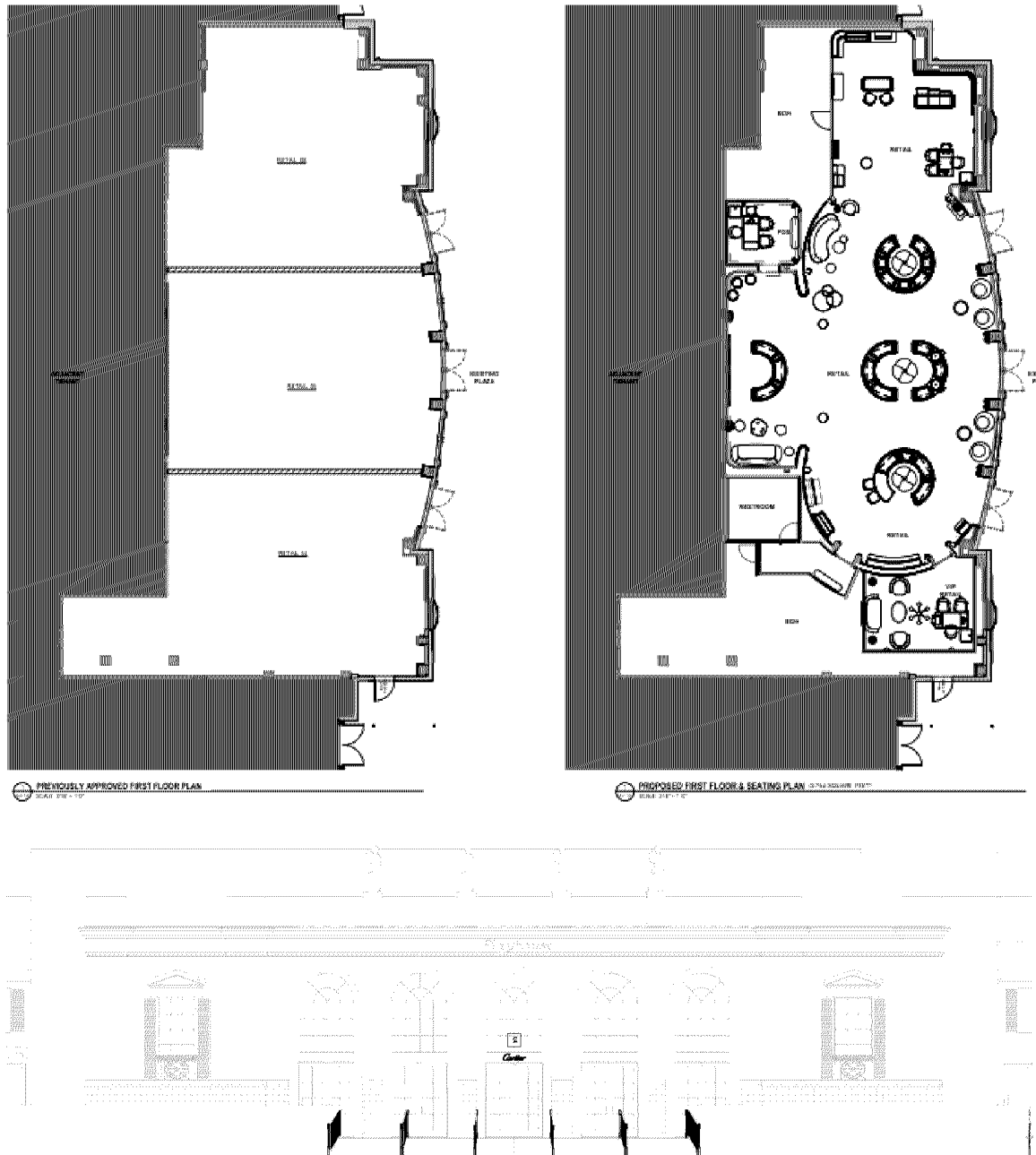
- Sec. 134-1259(A)(11), Special Exception for All retail and personal service activities exceeding 3,000 square feet gross leasable area not specifically cited under the permitted uses in subsection 134-1257(a)(2).

Site Data			
Zoning District	C-PC	Future Land Use	COMMERCIAL
Use	RETAIL	Square Footage (SF)	TOTAL: 3,744 SF

STAFF ANALYSIS

The application is for the interior buildout of a portion of new square footage space for the reconstructed playhouse retail component. The approval will allow the luxury jeweler, Cartier, to move from its current location within the Plaza to the new, larger space attached to and in the Playhouse building within The Royal Poinciana Plaza property. The retailer currently occupies a 1,881 SF space in the main plaza area since 2021.

The approved plans (ZON-22-018 approved at March 09, 2022 Town Council meeting) for the Royal Poinciana Playhouse project originally presented three equal space retail bays to front along the Playhouse.



There are no discernible modifications to the main façade of the playhouse, and the total square footage is only slightly above the maximum retail size permissible without a special exception. Staff is fully supportive of the application.

CONCLUSION:

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

- (1) Special Exception request for retail space that is greater than 3,000 SF gross leasable area in the C-PC zoning district.

WRB:JGM

April 1, 2024

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

Re: LOI for 340 Royal Poinciana Way – Cartier
Zoning Case Number: ZON-24-066

We are pleased to submit the accompanying documents and drawings in connection with our application for Special Exception Approval to allow the existing Cartier boutique to move from the main Plaza building to a larger space in the Playhouse building within The Royal Poinciana Plaza property at 340 Royal Poinciana Way, Palm Beach, FL (the "Property"). Cartier is a luxury jeweler that was previously located on Worth Avenue for many years, and subsequently moved to the Property in 2021. The existing Cartier space in the main Plaza building will be vacated once the proposed new space is opened in the Playhouse building.

The project requires Special Exception Approval for the proposed 3,744 square-feet of retail space for Cartier within the previously approved Royal Poinciana Playhouse building, which exceeds the 3,000-maximum square-feet permitted for an individual retail use in the C-PC (Planned Center District) zoning district. A town-serving document has been crafted and included in this submittal. The project also includes a minor exterior change for the addition of a south-facing service door and proposed business identification signage, which will be reviewed through the staff administrative approval process.

Criteria for Approval of Application

A. 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 will 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.

Per Section 134-1259(a)(11), Code of Ordinances, Special Exception approval is required for a retail business that exceeds 3,000 square feet of gross leasable area. Cartier is a permitted special exception use that is currently operating on the Property, but now wishes to increase its retail space area from 1,881 square feet to 3,744 square feet of GLA within an area of the existing Playhouse building. No change is proposed to the building footprint. A luxury boutique jeweler catering to the needs of the Town's residents and visitors poses no threat to the public's health, safety, welfare, and morals, will not adversely affect property values in the area, and is consistent with the Town's Comprehensive Plan in that it is a "town serving" retail business. Upon it's reopening, Cartier will compile data to demonstrate that the majority of its customers are Town residents or out-of-town visitors.

In conclusion, Cartier has demonstrated since its opening on Worth Avenue and subsequent move to the Property that it is compatible with the other high-end retail uses in the Town and at the Property. By its nature, a luxury boutique such as Cartier does not produce visual, noise or odor pollution. All other criteria for approving a special exception use are not affected by the proposed application, because no changes are proposed to the ingress and egress onto the Property, and sufficient utilities and services are available to support the use, which already exists on the Property.

Attached as Exhibit "A" is the site history for the Property.

Sincerely,



James M. Crowley

EXHIBIT "A" – ROYAL POINCIANA PLAZA 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
8/14/73	Variance request to construct a building 46' high instead of 40' high	Variance #30-73	Denied by Town Council
12/11/73	Special exception to establish a new club—The Poinciana Club	Special Exception #11-73	Approved by Town Council Club parking 1 space per 4 members; 213 members; 53 spaces A 'continuation of prior use'
6/8/76	Application for variance to erect 5 story buildings instead of 3 story buildings in southeast and northwest portions of property	Variance # 35-76	Denied by Town Council
1/24/78	Variance request to construct a new building in the northwest corner of the Plaza and a new building on the location of the "old playhouse" in the southeast quarter of the Plaza	Variance # 61-77	"Mr. Ehringer has confirmed the parking"...Total parking required is 644 and the present number is 548, so present nonconformity is 96 spaces. Variance approved subject to a number of conditions. Club membership: 339 regular, 43 non-resident, 45 seasonal, 0 corporate, 13 junior.
2/13/79	Permission to revise building plans submitted with Variance #61-77. South side proposed building eliminated. Building B on lake on northwest part of site; office and restaurant only. Remove most of Slat House, leaving only 2400 SF	Var. #39-78	Approved with conditions (1979 Agreement). After 1983: parking required 858; parking nonconformity 213. Zoning C-A
3/6/79	Agreement with conditions entered into	Var. #39-78	Agreement includes a provision recognizing "the number and size of non-conforming parking spaces then existing in the Royal Poinciana Plaza . . ."
3/6/79			Unity of Title executed for Plaza
10/4/79		B3150 Pg 0673	Sidney Spiegel accepts assignment of 1979 Agreement. Theater, Royal Poinciana Club,

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			and Hibel Museum already existed.
2/12/80	Zoning Variance to exchange right to build lakefront Building B for right to reconstruct Slat House	Var. #4-80	Original Agreement amended to reflect provisions of Var. #4-80
3/31/80	Adoption of new Zoning Code	Ord. #4-80	Changed Poinciana Plaza from C-A to C-PC
5/14/80	First Amendment to 1979 Agreement		Buildings A and B eliminated; renovation of Slat House allowed
7/8/80	Special exception approved to increase floor area of Security Trust Company to 4,000 S.F.	S.E. #18-80	
11/11/80	Request for approval for a restaurant, Café Camille	Variance No. 4-80	During Town Council discussion, the Building Official indicated the following "allocations": 172 for the Playhouse, 75 to the Club, and 67 to the existing restaurant. Application continued.
11/11/80	Permit issued to demolish east and west wings of Slat House		
12/9/80	Request for approval for a restaurant, Café Camille	Variance #4-80	Withdrawn, and former understandings re restaurants (2) in Plaza reiterated
3/31/81	Amend C-PC	Ord. #6-81	From 3 stories to 2 stories
10/13/81	Variance requested to add 50 seats to theater without adding parking	Var. #48-81	Approval allowed 47 new seats in exchange for reduction of 24 seats and 360 s.f. in Slat House Restaurant. Building Official stated that "there are 172 spaces which are allocated to the theater..." Per Town approval letter, "It is acknowledged the Theater is grandfathered for 172 parking spaces . . ." Total seating capacity in theater is 899 per approval letter. Note in Building Department records says: "existing seating 852; requires 171 parking spaces. Proposed seating 901; requires 181 parking spaces"

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
9/14/82	Special Exception to add 1,936 S.F. of office space to Security Trust Company	S.E. #12-82	Approved by Town Council
2/8/83	Zoning Variance approved to add new entrance canopy to Royal Poinciana Playhouse	Var. #6-83	
6/12/84	Approval for expansion of Northern Trust Bank to 9,500 S.F. without providing additional parking	S.E. #13-84 with Variance	Shopping center owner agrees to reduce parking spaces allocated for Slat House Restaurant from 58 to 54
12/10/85	Approval to modify parking lot to add 35 spaces in tandem configuration on southwest side of Plaza; variance for tandem parking w/16' aisles	S.E. #22-85 with Variance	Parking attendant required by approval
1/3/86	Town administratively approved modification to latest parking plans – 26' aisles	S.E. #22-85 with Variance	
1/13/87	Request to expand office by 3,500 square feet on 1 st floor of Slat House for Prudential-Bache	S.E. #1-87	Denied by Town Council
7/14/87	Request to add 2,500 square feet to Prudential-Bache; total 10,328 square feet	S.E. #13-87	Approved by Town Council
12/8/87	Approval to convert Nicholas restaurant to private dining club (164 seats)	S.E. #19-87	f/k/a Cappricio's, now Harold's Club, later Houston's Once approved, use cannot automatically revert to restaurant
3/14/89	Request to add 2,500 square feet on second floor for Prudential-Bache Securities; total 10,300 square feet	S.E. #1-89	Approved by Town Council
2/12/91	Approval to convert Palm Beach Club to public restaurant known as Au Bar	S.E. #1-91	Approved by Town Council. Formerly Cappricio's, Harold's Club
2/11/92	Approval for new owner to continue operations of public restaurant and lounge; still called Au Bar	S.E. #3-92	No outdoor service to patrons
9/8/92	Approval for 5,000 square foot use for Sun Bank	S.E. #24-92	

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
5/10/94	Approval for The Poinciana Club to relocate social and dining space to west side of building; variance to put awning in set-back	S.E. #13-94 with Variance	'no change in seating'; 330
4/11/95	Approval for restaurant and lounge which exceeds 2000 s.f.	S.E. #4-95	Continuation of Au Bar
8/8/95	Request to allow continuation of a special exception for The Poinciana Club as a Town-serving business	S.E. # 17-95	330 seats; application deferred by Town Council after debate
9/12/95	Approval to redesign the Poinciana Plaza parking lot (presently 685 spaces) to add 64 spaces, for a total of 749 spaces. The variances allowed attendant parking with 3 tandem rows	S.E. #21-95 with Site Plan and two Zoning Variances	Several conditions of approval
2/13/96	Approval for sculpture garden	Site Plan Review #1- 96	
7/9/96	Approval for 10,500 s.f. for office and personal service	S.E. #21-96	Headquarters for Babor Cosmetics
9/8/98	Approval sought to replace a 330-seat private club with a 330-seat public restaurant/night club (The Poinciana Club)	S.E. #9-98	2,622 members on record at that time Seating capacity 330, 'having been expanded in 1995' per DKS traffic memo Application withdrawn
1/12/99	Approval for an occupational license for a 164-seat restaurant – The Palm Beach Grille (Houston's)	S.E. #34-98	A number of conditions of approval. See also Site Plan Review #5-99 regarding parking. 745 spaces in Plaza
3/9/99	Approval for redesign of the parking on the northwest side of the Plaza; 745 total, including 116 valet in northwest portion of site	Site Plan Review #5-99, with Variances	Several conditions of approval. This approval was tied to the Palm Beach Grille approval.
7/31/01	Request for zoning ordinance modification to allow residential component in C-PC		Denied by Town Council
12/19/01	Landmark Preservation Commission (LPC) elected to place Theater on list of properties being considered for "landmark" designation		On 4/17/02 LPC decided to withdraw the Theater from consideration for designation

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
6/11/02	Application for a private social club in 4,875 s.f. in the northeast building; total membership 100	S.E. #7-2002	Withdrawn by applicant
6/13/04	Application to operate another 1,300 s.f. for a total of 3,000 s.f. for a health and fitness studio	S.E. # 21-2004	Approved by Town Council
10/12/04	Application to allow outdoor seating (40) at existing McCarty's Restaurant	S.E. # 28-2004 with Site Plan Review	Approved by Town Council Total seating remains at 151
2/28/05	Application for comprehensive plan amendments, rezoning, and zoning code amendments to create a mixed use PUD		Withdrawn by applicant
2/13/07	Request to replace 878 seat Royal Poinciana Theater, private supper club, and Hibel Building with 74 unit, two and three story hotel complex and 299 seat theater for Florida Stage	Site Plan review #5-2007 with Special Exceptions and Variances	Subject case in abeyance until the lawsuit concerning subject property is resolved.
4/10/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the November 13, 2007 Town Council agenda
7/10/07	Report on decision in Royal Poinciana Plaza court case to Town Council		
10/4/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the April 2008 Town Council agenda
11/13/07	Town Council discussion of landmarking options		
3/11/08	Town Council discussion of eminent domain acquisition of Royal Poinciana Plaza		Town Council consensus not to pursue eminent domain
4/8/08	Resolution ratifying the Landmarking of the Royal Poinciana Plaza	Res. #23-08	Public hearing continued until November 2008
5/12/08	Town Council discussion of Memorandum of Ground Lease at Royal Poinciana Plaza		

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
7/16/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande"	Var. #12-2008	See below
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"	MODIFIED Var. #12-2008	Variances granted subject to several conditions including parking conditions. The Town Council discussion indicated that "no additional variances would be considered". However the approval letter does not reflect that stipulation. The letter does indicate a requirement that the property owner was to re-stripe the parking lot to comply with the site plan approved with SPR #5-99 by October 10, 2008.
9/17/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		LPC on record as wanting the entire 12 acre parcel to be landmarked
10/13/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"	MODIFIED Var. #12-2008	Town Council clarified two of the conditions of approval, including eliminating the re-striping requirement
10/13/08	Request by "Designers to You", Suite 328 for Special Exception to change from office to retail without providing 2 additional parking spaces	Special Exception #13-2008 with Variance	Approved by Town Council, with the condition that this would be the final request for a parking variance. However this condition does not appear in Town's approval letter.
11/12 and 11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Architect Ann Beha and Landscape Architect Morgan Wheelock; Town Council voted to Landmark entire site
11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Town Council voted to Landmark entire site

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/11/09	Town Council discussion of Study Item relating to possible zoning amendment re off-street parking at Plaza	Study Item 15A	Withdrawn by Sterling Group
3/11/09	Review of 1979 Agreement by Town Council		Led by John Randolph; focus of discussion was playhouse
4/15/09	Discussion of the Future Use of the Royal Poinciana Plaza by Town Council		Focus was redevelopment of Plaza
5/11/09	Consideration of the future of the Royal Poinciana Plaza by Town Council		Continued from previous agenda; focus was redevelopment of Poinciana Plaza. Motion made that the LPC be the first body to consider the Sterling Group's redevelopment application, and that LPC consider that application without regard to potential future changes to the 1979 agreement, the comprehensive plan or the zoning code.
6/10/09	Town Council discussion of proposed charter amendment regarding Plaza and playhouse; consideration of special counsel to advise the LPC on the Royal Poinciana Plaza application		Council moved to "seek declaratory judgment expeditiously"; decided not to hire any additional legal representation for the LPC
2/9/10	Debate by Town Council re having LPC members attend the 2/10/10 meeting of the Town Council to discuss their objectivity and hear instructions re upcoming application by Sterling		Motion passed
2/10/10	Request by LPC to obtain additional legal advice debated by Town Council		Town Council moved to deny request, as well as request to use private money to hire such advice; moved to require all boards and commissions to take the same oath of office as the Town Council.
3/9/10	Extensive debate about various aspects of Poinciana Plaza matter by Town Council		

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
4/13/11	Modify a condition of approval of Var. #12-2008 which required the applicant to remove all reserved and assigned parking spaces throughout the Plaza and associated signage by 10/10/08.	Var. #7-2011	Approved; Dr. Conroy retains 4 designated parking spaces until 10/31/12
8/15/12	Request to allow medical office totaling 3,757 SF	S.E. #16-2012	Approved subject to condition re 1979 Agreement
8/15/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred by Town Council
10/10/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred to the November 16, 2012 meeting
11/15/12	Enforcement of 1979 Agreement debated by Town Council		Council consensus was that Sterling come back before Town Council on January 9, 2013 to report on status of potential Playhouse lease
11/16/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/Variance	Modified plan reduced restaurant size to 7,732 SF and seating to 222. This reduces parking variance needed from 72 to 58. Special Exception approved by Town Council; variance denied
12/19/12	LPC review of proposed exterior changes to Plaza for Del Frisco's		Deferred by LPC
1/9/13	Parking lot "cure plan" reviewed by Town Council	Site Plan Review #1-2013	SPR deferred by Town Council
1/9/13	Update re status of lease of Playhouse provided by Sterling		
1/16/13	LPC review of proposed exterior changes to Plaza for Del Frisco's	C of A #023-2012	Approved by LPC
2/12/13	Procedural discussion re Poinciana Plaza-appeals of LPC decisions	C of A #004-2013 AND #023-2013	Town Council discussion

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/13/13	Appeal of LPC approval of renovation plan for Del Frisco's	C of A #023-2012	Appeal denied by Town Council
2/13/13	Appeal By Palm Beach Towers of LPC approval of renovation plan for Brown Harris Stevens	C of A #004-2013	Appeal withdrawn
2/13/13	Request for site plan review to restripe the northwest portion of the Plaza parking lot due to FDOT taking	Site Plan Review #1-2013	Five plan options presented to Council. After debate, Plan #3 was approved, but the number of approved parking spaces was reduced from <u>192</u> to <u>188</u> . Modifications by Town Council: • Remove four triple-stacked spaces on north end • Remaining northern spaces to be moved 2' north • Applicant to execute hold harmless agreement
4/10/13	Appeal of Town Council of Administrative Decision by staff re weekend and evening parking and related parking concerns at Poinciana Plaza for Del Frisco's	Special Exception #20-2012 and appeal of administrative decision	The Town Council approved the portion of the appeal which allows Del Frisco's to open at 5:00 PM for dinner or brunch. The Council deferred appeal of staff determination that there was a deficiency of parking during morning and afternoon hours and that restaurant could not open for Sunday brunch, until Del frisco's applies for a zoning request to modify the previous approval to be open for Sunday brunch.
6/12/13	Request for modification of previous Special Exception approval (#20-2012) to allow for Sunday operating hours from 10:00am to 11:00p.m.	Special Exception #9-2013	Deferred by Town Council Denied by Town Council on 2/12/14
11/13/13	Request to open a car rental business called Sixt Car Rental	Special Exception #19-2013	Approved with conditions
12/11/13	Site Plan modification to change eight areas of the existing parking lot striping to comply with current ADA requirements.	Site Plan Review #13-2013	Approved by Town Council with number of parking spaces limited to 718.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
9/10/14	Special exception to allow office use greater than 2000 SF of GLA	Special Exception # 16-2014	Approved by Town Council
5/13/15	Modifications throughout Plaza increasing green space, improving aesthetics, and improving traffic flow	Site Plan Review #2-2015	Approved by Town Council
3/9/16	Modification to the gross leasable area of portions of the Plaza	Site Plan Review # 2-2016	Approved by Town Council
3/9/16	Special Exception to operate 5,973 SF, 120 seat restaurant called Sant Ambroseus	Special Exception # 6-2016	Approved with conditions; Declaration of use Agreement to be executed; elimination of 135 seats from the theater. Maximum theater seats 725.
8/16/16	Special Exception to operate a 8,108 SF two-level retail store in Suite 301 called Hermes	Special Exception # 19-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,902 SF retail store called Kirna Zabete	Special Exception # 33-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,850 SF retail bike shop	Special Exception # 32-2016	Approved by Town Council
3/15/17	Special Exception request to operate a 3,260 SF, 80 seat restaurant (Coyo Taco), featuring Mexican cuisine (196 SF of open standing area, 2,103 SF of dining area and taqueria and 961 SF of support). The restaurant was approved in the southwest corner of the Royal Poinciana Plaza.	Special Exception #5-2017 with Site Plan Review	The subject tenant space can only support 21 seats based on the principle of equivalency. The approval allowed the transfer of 59 seats grandfathered from the former McCarty's Restaurant, leaving a maximum of 92 seats remaining with the former McCarty's space. Several conditions of approval were imposed, including a Declaration of Use Agreement and 'no DJ'.
6/30/17	Special Exception requested to allow 26 of the previously-approved 80 seats to be relocated from inside Coyo Taco to the newly created patio area around the west fountain.	Special Exception #5-2017 with Site Plan Review	Approved subject to 5 conditions

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
8/8/17	Declaration of Use Agreement between Town of Palm Beach and 305 Concepts Palm Beach LLC (Coyo Taco)	ORB 29276 Pg 1582	recorded
12/17	Zoning text amendment to allow outdoor promotional events in commercial areas and to allow commercial property identification signs in the C-PC district		Approved by Town Council
2/14/18	Special Exception request to allow outdoor promotional events in central courtyard	Z-17-00061	Approved by Town Council subject to conditions including affidavit that approval does not provide for further development opportunities as identified in the 1979 Agreement. Also amended Declaration of Use Agreement to add a number of conditions
6/9/21	Special Exception request to allow 3,040 SF of retail GLA for "Marissa Collections"	Z-21-00352	Approved by Town Council
9/13/21	Special Exception request to allow 3,529 SF of GLA and 90 total seats, 12 of which are located outdoors, for relocation of TooJay's to Suite M335	Z-21-00384	Approved by Town Council
3/9/22	Special Exception with Site Plan and Variance approval to allow for a cultural arts center use greater than 3,000 square feet of GLA, and site renovations, additions, modifications, and variances	ZON-22-018 (COA-22-003)	Approved by Town Council
4/13/22	Approval of the Declaration of Use Agreement, and the Amended and Restated 1979 Agreement that controls development at the Royal Poinciana Plaza	ZON-22-018	Approved by Town Council
2/15/23	Special Exception and Site Plan Approval request to allow an additional 4,479 SF of GLA for a total of 7,519 SF of GLA for "Marissa Collections"	ZON-23-035	Approved by Town Council

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
12/13/23	Special Exception with Site Plan and Variance approval to allow for a new 200-seat restaurant (Tutto Mare), including up to 64 outdoor café seating, and a variance for roof-top exhaust ventilation equipment exceeding the code limit for height	ZON-24-003 (COA-23-047)	Approved by Town Council and the LPC. Declaration of Use was approved by Town Council on January 10, 2024. Town Council approved the first amendment to the Amended and Restated 1979 Agreement related to the Tutto Mare restaurant on February 14, 2024.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 42-199, For the Working Hours at **247 Worth Avenue**

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Waiver of Town Code Section 42-199, For the Working Hours at 247 Worth Avenue

Date: May 6, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for a modification of work hours for the proposed two-story addition and renovation for 247 Worth Avenue. If approved, staff recommends that it be conditioned upon the May 3, 2024, letter from Attorney Maura Ziska, which summarizes the request, along with the attached detailed schedule of construction work and estimated completion date.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting to modify the work hours throughout the day. The code requires all Worth Avenue construction work to start on May 1 and to stop on October 31 of each year, with construction allowed from 8:00 am to 8:00 pm, Monday through Saturday. The applicant is requesting to modify the work hours from 6:00 am to 6:00 pm, Monday through Saturday, during the period from May 1 through October 31. The applicant has provided a proposed construction schedule and estimated completion date with their application.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) *Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence*

at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) *Exceptions.*

- (5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant was asked to notify surrounding property owners of the request and of the date of this meeting, as required.

Attachments – May 3, 2024 Letter from Maura Ziska, with Proposed Construction Schedule
Letter to Neighbors
List of Neighbors Contacted

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

May 3, 2024

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Re: Extension for construction time frame/247 Worth Avenue, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 247 Worth Avenue, Palm Beach, FL. Also enclosed is a construction schedule. We are requesting to allow work from 6:00 a.m. to 6:00 p.m., Monday through Saturday, from May 1, 2024 through October 31, 2024. Please note that there are currently no residents on the North side of the street. The goal is to mitigate the impact of construction noise and activity during the critical dinner service period of adjacent restaurants. This change in morning start time will provide a more pleasant and quiet environment for their patrons, without the backdrop of construction work during prime operating hours.

Please place this request on the May 15, 2024 Town Council agenda.

Respectfully,



Maura Ziska

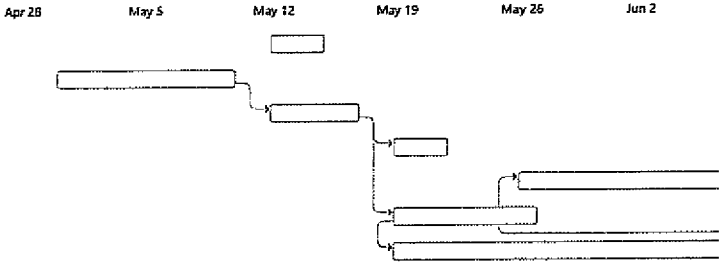
/maz

Enclosures

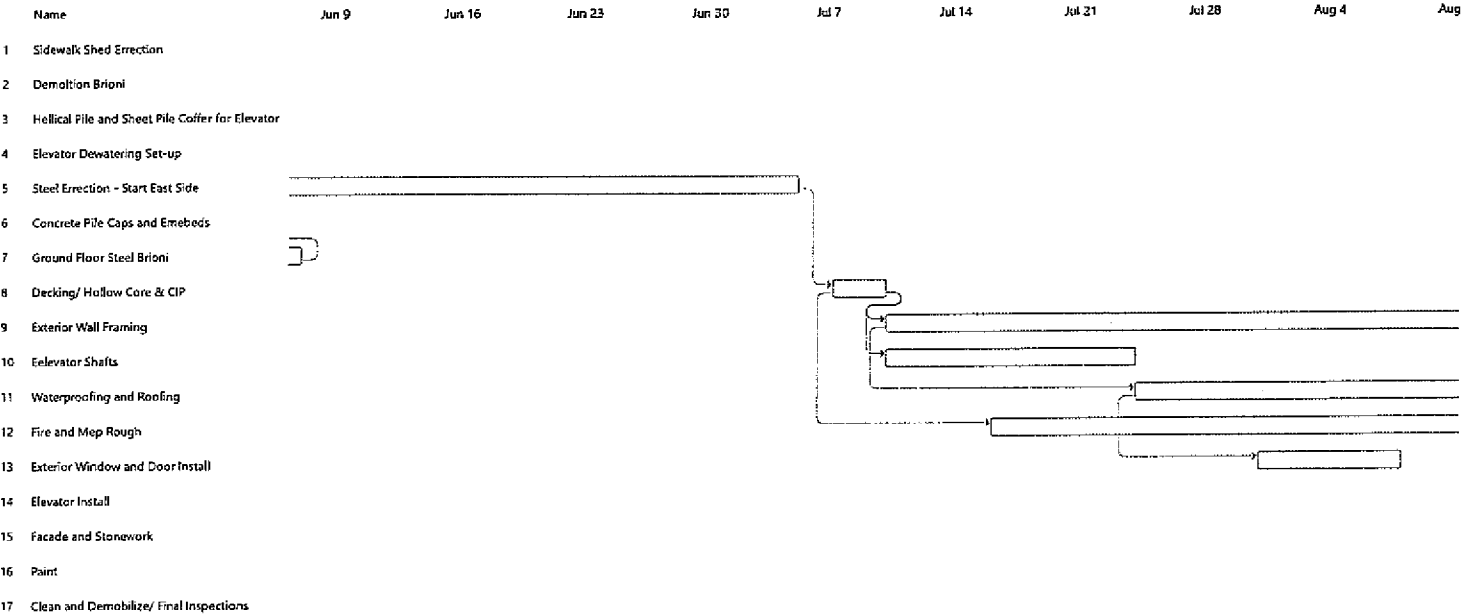
cc: Client

ART DECO SUPERSTRUCTURE - LANDLORD SHELL BASE BUILDING

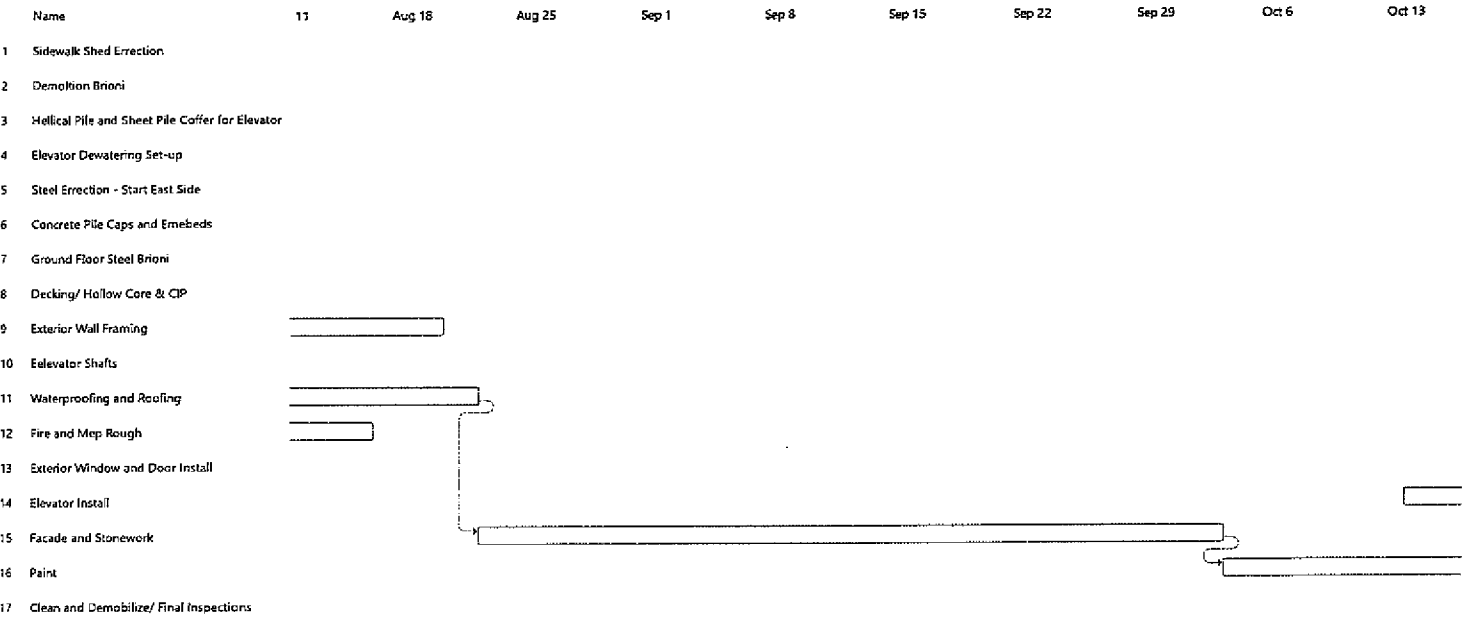
Name	Assigned to	Start	Finish	% Complete	Apr 21
1 Sidewalk Shed Erection		5/13/2024	5/15/2024	0	
2 Demolition Brioni		5/1/2024	5/10/2024	0	
3 Helical Pile and Sheet Pile Coffler for Elevator		5/13/2024	5/17/2024	0	
4 Elevator Dewatering Set-up		5/28/2024	5/22/2024	0	
5 Steel Erection - Start East Side		5/27/2024	7/5/2024	0	
6 Concrete Pile Caps and Embeds		5/20/2024	5/27/2024	0	
7 Ground Floor Steel Brioni		5/20/2024	6/7/2024	0	
8 Decking/ Hollow Core & CIP		7/8/2024	7/10/2024	0	
9 Exterior Wall Framing		7/11/2024	8/20/2024	0	
10 Elevator Shafts		7/11/2024	7/24/2024	0	
11 Waterproofing and Roofing		7/25/2024	8/22/2024	0	
12 Fire and Mep Rough		7/17/2024	8/16/2024	0	
13 Exterior Window and Door Install		8/1/2024	8/8/2024	0	
14 Elevator Install		10/14/2024	10/25/2024	0	
15 Facade and Stonework		8/23/2024	10/3/2024	0	
16 Paint		10/4/2024	10/24/2024	0	
17 Clean and Demobilize/ Final Inspections		10/24/2024	10/31/2024	0	



ART DECO SUPERSTRUCTURE - LANDLORD SHELL BASE BUILDING



ART DECO SUPERSTRUCTURE - LANDLORD SHELL BASE BUILDING



ART DECO SUPERSTRUCTURE - LANDLORD SHELL BASE BUILDING

Name	Oct 20	Oct 27	Nov 3	Nov 10	Nov 17	Nov 24	Dec 1	Dec 8
1 Sidewalk Shed Erection								
2 Demolition Brioni								
3 Hellical Pile and Sheet Pile Coffler for Elevator								
4 Elevator Dewatering Set-up								
5 Steel Erection - Start East Side								
6 Concrete Pile Caps and Emebeds								
7 Ground Floor Steel Brioni								
8 Decking/ Hollow Core & CIP								
9 Exterior Wall Framing								
10 Elevator Shafts								
11 Waterproofing and Roofing								
12 Fire and Mep Rough								
13 Exterior Window and Door Install								
14 Elevator Install								
15 Facade and Stonework								
16 Paint								
17 Clean and Demobilize/ Final Inspections								

May 3, 2024

RE: 247 Worth Avenue, Palm Beach

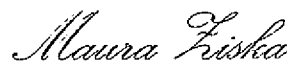
To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of construction, is being requested by 247 Worth Avenue, to allow work from 6:00 a.m. to 6:00 p.m., Monday through Saturday, from May 1, 2024 through October 31, 2024. Please note that there are currently no residents on the North side of the street. The goal is to mitigate the impact of construction noise and activity during the critical dinner service period of adjacent restaurants. This change in morning start time will provide a more pleasant and quiet environment for their patrons, without the backdrop of construction work during prime operating hours.

This matter will be presented to the Town Council at the regularly-scheduled meeting on May 15, 2024. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,

A handwritten signature in cursive script that reads "Maura Ziska".

Maura Ziska

Surrounding Property Owners Noticed

50-43-43-23-05-015-0010

PERUVIAN AVENUE CORP
380 COLUMBIA DR. STE 111
WEST PALM BEACH, FL 33409 1977

50-43-43-23-05-015-0440

237-243 WORTH AVENUE LTD PART.
C/O GREENSTONE REALTY ADV.
21981 WAINWAY LN.
MIDDLEBURG, VA 20117 3147

50-43-43-23-05-018-0050

PALM V ASSOC LTD
C/O LOVE REALTY
P.O. BOX 28
WHITE PLAINS, NY 10605 0028

50-43-43-27-69-000-0010

LOVE III LLC
P.O. BOX 28
WHITE PLAINS, NY 10605 0028

50-43-43-27-69-000-0020

E&R III LLC
250 WORTH AVE.
PALM BEACH, FL 33480 4663

50-43-43-27-69-000-0030

SMS COMPANY
P.O. BOX 28
WHITE PLAINS, NY 10605 0028

50-43-43-27-69-000-0040

LUCILLE HANDELSMAN TRUST
7 LOVE LN.
HARRISON, NY 10528 1218

50-43-43-27-88-000-0010

259 WORTH AVENUE LLC
MILLBANK TOWER
21 – 24 MILLBANK LONDON
SW1P4QP GREAT BRITAIN & NRTHRN
IRELAND

TOWN OF PALM BEACH

P.O. BOX 2029
PALM BEACH, FL 33480 2029

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **936 N Lake Way**

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 936 N. Lake Way

Date: April 15, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Greg Giuliano, of Greg Giuliano Construction, Inc., regarding a time extension in which to complete construction of a new home, pool and site work at 936 N. Lake Way and to extend the permit by 7 additional months – until May 15, 2025.

GENERAL INFORMATION

The current owners are Pamela & Michael Cline, who purchased the property in December of 2020. The building permit was issued on October 3, 2022, has a duration of 24 months, and will expire on October 2, 2024. The contractor does not explain why the additional time is needed, but he mentions the nuisance mitigation measures in place at the site. The attached construction schedule shows the new timeline has all work completed by March 20, 2025, along with a few extra months of buffer.

The contractor appears to have complied with all new requirements for neighbor notice. Staff has no issue with the request.

Attachments: Letter from Greg Giuliano, with Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

GREG GIULIANO CONSTRUCTION INC

235 S COUNTY RD SUITE 205

PALM BEACH FL 33480

3/18/24

CLINE RESIDENCE

936 N LAKE WAY

PALM BEACH FL

PERMIT EXTENSION REQUEST

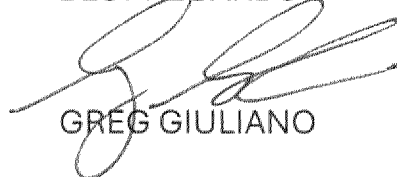
MR WAYNE BERGMAN

DUE TO DESIGN CHANGES, CONCRETE & MATERIAL SHORTAGES IN 22/23 & EXTENSIVE SHELL REBUILD, WE ARE REQUESTING A PERMIT EXTENSION OF 365 DAYS STARTING 6/3/24 TO FINISH JOB. THE TARGET DATE OF COMPLETION IS MARCH 2025 WITH 3 MONTHS TO PUNCH OUT & SECURE CERTIFICATE OF OCCUPANCY.

WE WILL PROVIDE FIRST CLASS MAILED NOTICE TO NEIGHBORS WITHIN 300 FT AT LEAST 25 DAYS PRIOR TO MAY 15 MEETING.

NUISANCE MITIGATION MEASURES INCLUDE SITE SCREENING, TRAFFIC ATTENDANT, NEIGHBOR OUTREACH & COMMUNICATION WITH NEIGHBORS TO SOLVE ANY ISSUES QUICKLY & NOISE REDUCTION EFFORTS.

BEST REGARDS

A handwritten signature in black ink, appearing to read 'G. Giuliano', is written over the printed name 'GREG GIULIANO'.

GREG GIULIANO

936 NLW Schedule

LOCATION	SCOPE	START	DUR	FINISH	Predecessor	RISK	ACTUAL START	START DELAY	COMP	Comments
	PROJECT TOTAL	01/03/24	317d	03/20/25						
	FORMWORK			02/23/24						
	INTERIOR FRAMING	01/03/24	56d	03/20/24						
	PLUMBING ROUGHING	01/18/24	60d	04/10/24	3FS -45d					
	ELECTRICAL ROUGHING	01/18/24	120d	07/03/24	3FS -45d					
	ROOFING	02/15/24	60d	05/08/24						
	WINDOW AND DOOR BUICKS	02/28/24	10d	03/08/24	2					
	WINDOW & DOOR INSTALL	03/11/24	30d	04/10/24	7					
	HVAC ROUGHING	03/19/24	60d	06/07/24	8FS -25d					
	INTERIOR WOOD STAIR ROUGH	03/28/24	10d	04/10/24	8FS -30d					
	INTERIOR SPIRAL STAIR ROUGH	04/08/24	30d	05/17/24	2FS +30d					
	2ND FLOOR DRYWALL INSTALL	05/08/24	20d	06/04/24	8FS +12d					
	1ST FLOOR DRYWALL INSTALL	06/10/24	15d	06/28/24	9					
	TILE & STONE WALLS	06/10/24	45d	08/03/24	9					
	STUCCO	06/06/24	60d	08/28/24	6FS +20d					
	INTERIOR PRIME	06/05/24	30d	07/18/24	12					
	TILE & STONE FLOORS/STAIRS	06/24/24	45d	08/23/24	11FS +25d					
	PLASTER COVES	07/01/24	20d	07/28/24	13					
	WOOD FLOORING	06/28/24	20d	07/23/24	18FS -15d					
	INTERIOR DOORS	07/10/24	35d	08/27/24	19FS -10d					
	INTERIOR TRIMS	07/17/24	35d	08/03/24	19FS -5d					
	INTERIOR WOOD STAIRS	07/24/24	15d	08/13/24	18					
	INTERIOR PAINT	08/14/24	120d	01/28/25	18FS +20d					
	CABINETRY INSTALL	08/28/24	60d	11/15/24	17					
	INSTALL HANDSCAPE	08/28/24	90d	01/01/25	15					
	DRYWALL PUNCHOUT	08/11/24	15d	10/01/24	23FS -100d					
	COUNTERTOPS INSTALL	08/18/24	25d	10/18/24	24FS -45d					
	FINISH STAIR WOOD FLOORING	10/07/24	20d	11/01/24	24FS -30d					
	INSTALL APPLIANCES	10/14/24	10d	10/25/24	27FS -5d					
	INSTALL PLUMBING FIXTURES	10/14/24	20d	11/08/24	27FS -5d					
	INSTALL ELECTRICAL FINISHES	10/21/24	60d	01/10/25	29FS -5d					
	HVAC EQUIPMENT INSTALL	11/04/24	30d	12/13/24	28					
	INTERIOR STAIR RAILS	11/04/24	5d	11/08/24	28					
	SHOWER DOORS	11/20/24	10d	12/03/24	30FS +7d					
	INSTALL BATH ACCESSORIES	12/04/24	5d	12/10/24	34					
	FINISH GRADE EXTERIOR	12/12/24	10d	12/25/24	25FS -15d					
	POOL FINISH	12/12/24	20d	01/08/25	25FS -15d					
	DOOR HARDWARE	01/01/25	15d	01/21/25	23FS +20d					
	INSTALL LANDSCAPE	01/02/25	30d	02/12/25	35FS +5d					
	EXTERIOR HANDRAILS	01/02/25	15d	01/22/25	25					
	MIRRORS	01/03/25	10d	01/18/25	23FS +18d					
	FURNISH	01/08/25	10d	01/21/25	23FS +15d					
	LV INSTALL	01/08/25	25d	02/12/25	37					
	LANDSCAPE LIGHTING	01/23/25	25d	02/08/25	39FS -15d					
	INTERIOR PUNCHLIST	02/13/25	15d	03/05/25	42FS +18d					
	EXTERIOR PUNCHLIST	02/27/25	15d	03/19/25	44					
	FINAL INSPECTIONS	03/08/25	10d	03/19/25	45					
	CLIENT MOVE IN	03/20/25	1d	03/20/25	45FS +10d					



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 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 5. Include a copy of the above notification sent to neighbors. MUST INCLUDE MEETING DATE
- ⑥ 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: For meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): MAY 15
- Deadline for submittal of request/backup must be received by: MAY 1
(Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: APRIL 20 4/19/24
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-22-95852 Exp. Date: 6/3/24

Job Address: 936 N LAKE WAY

Length of time extension being requested: (in days) 365

Proposed completion date if requested time extension is granted: MARCH 2025
(Must attach completion schedule)

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Permit# B-22-45852 Job Value \$ 5,000,000

Permit# B-23-02070 Job Value \$ 500,000

Permit# B-23-48584 Job Value \$ 200,000

Permit# B-23-01215 Job Value \$ 1,063,480 6,763,480

Valuation of work remaining to complete the project: \$ 3,381,710
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: \$ 33,817
(attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

X [Signature]
OWNER SIGNATURE DATE

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

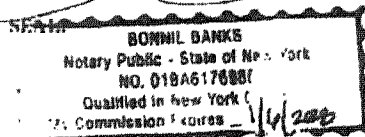
X this 21st day of March

X 2024, By J. Michael Dine

X Who are personally known X (OR produced identification (Type of identification) _____
OR Online Notarization _____

X Bonnie Banks
Printed Name of Notary

[Signature]
Signature of Notary



CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

[Signature]
CONTRACTOR SIGNATURE DATE

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 21st day of March

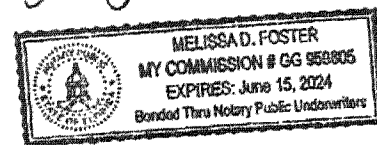
2024, By Greg Giuliano

Who are personally known ✓ OR produced identification (Type of identification) _____
OR Online Notarization _____

Melissa D. Foster
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:



Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561) 838-5431 • Facsimile: (561) 835-4621
E-Mail: pnh@townofpalmbeach.com • Website: www.townofpalmbeach.com

Rev. 20231213

Received From

Pg 2 of 2

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd
Palm Beach, FL 33480
(561) 838-5431
www.townofpalmbeach.com
Welcome

03/21/2024 01:57PM Christine
032723-0012

PERMITS & INSPECTIONS

GREG GIULIANO CONSTRUCTION INC

B-24-02917

FEE CHARGE

***** PRIVATE PROVIDER

***** BUILDING P

pending

2024 Item: B-24-02917

PROJECT/PERMIT TIME

EXT/WAIVER \$33,817.00

\$33,817.00

Subtotal \$33,817.00

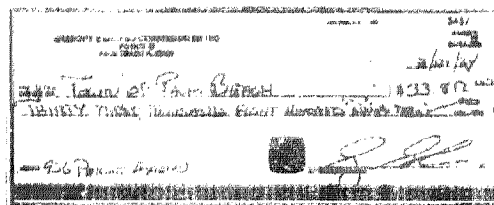
Total \$33,817.00

CHECK \$33,817.00

Check Number 003437

Change due \$0.00

Paid by: GREG GIULIANO CONSTRUCTION INC



Thank you for your payment

CUSTOMER COPY

Permit number	Master permit ID	Permit type name	Permit Description	Permit Suite	Permit Address	Customer #	Customer First Name	Customer Last Name	Application date	Issue date	Expiration date	Approval state
B-24-02317	b-03	4459731-FEE CHANGE	***** PRIVATE PROVIDER ***** BUILDING PERMIT TIME EXTENSION REQUEST			501018		GREG GIULIANO CONSTRUCTIO N INC	3/21/2024	3/21/2024	3/21/2024	final
A-24-03502	a-01	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL FRONT AND NORTH ELEVATION CHANGE FOR A NEW CIRCULAR MAIN STAIR AT FOYER RE-CENTER WINDOW AT SECOND FLOOR NORTH ADDITION AT THE FRONT ELEVATION.		936 N LAKE WAY	602935		MP DESIGN&ARCHITECTURE IN C	1/25/2024	1/26/2024	1/19/2025	final
B-23-01215	b-r04	4526051R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE BULKHEAD REPAIR PROJECT PERMIT B-23-98955 DOCK REMOVAL WAS ADDED TO PERMIT. THIS ADDS NEW DOCK CONSTRUCTION TO PERMIT. (SEE PERMIT CONDITIONS) FULL DOCK AND PILING REMOVAL. ORIG VALUE WAS \$234,680. ADDING \$85400.		936 N LAKE WAY	606523		MURRAY LOGAN CONSTRUCTIO ON LLC	9/27/2023	11/3/2023	5/1/2024	final
B-23-01002	b-r04	4526051R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	USE OF- TEMPORARY RAMP OVER CONCRETE PUMP HOSE ACROSS BIKE TRAIL DURING CONCRETE POUR.		936 N LAKE WAY	606523		MURRAY LOGAN CONSTRUCTIO ON LLC	9/8/2023	9/25/2023	3/23/2024	final
U-23-13686	u-p02	4526051U-USE OF/WORK IN ROW	TEMPORARY RAMP OVER CONCRETE PUMP HOSE TO ACCESS BIKE TRAIL DURING CONCRETE POUR. CONCRETE TRUCK(S), PUMP, AND WORKERS WILL BE ON DRIVEWAY. NO IMPACTS TO N LAKE WAY		936 N LAKE WAY	606523		MURRAY LOGAN CONSTRUCTIO ON LLC	8/8/2023	8/14/2023	11/12/2023	issued
U-23-13525	u-p02	4526051U-USE OF/WORK IN ROW	USE OF- REMOVE AUSTRALIAN PINE HEDGE ON BIKE TRAIL AND PLANT BUTTONGWOOD HEDGE WITH SMALL LOADER. WILL USE ACCESS PATH BY JAMAICA LAKE. NO ACCESS THROUGH PROPERTY.		936 N LAKE WAY	606523		MURRAY LOGAN CONSTRUCTIO ON LLC	7/24/2023	7/27/2023	10/25/2023	issued
U-23-13298	u-p02	U-USED/WORK IN ROW	BULKHEAD REPAIR		936 N LAKE WAY	600311		ARMSTRONG LANDSCAPE DESIGN GROUP INC	6/28/2023	7/5/2023	10/3/2023	final
B-23-98955	b-03	S-MARINE STRUCTURE	*****PRIVATE PROVIDER***** NEW POOL PER PLAN		936 N LAKE WAY	606523		MURRAY LOGAN CONSTRUCTIO ON LLC	4/25/2023	5/12/2023	9/30/2024	issued
B-23-98584	b-01	S-POOL/WATER FEATURE			936 N LAKE WAY	501018		GREG GIULIANO CONSTRUCTIO N INC	4/3/2023	4/13/2023	10/10/2023	issued
B-23-95852	b-01	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	***** PRIVATE PROVIDER ***** (SEE PERMIT CONDITIONS) INTERIOR RENOVATION AND SHELLWORK AND NEW ROOF, IMPACT WINDOWS AND SITE WORK, HANDSCAPE AND NO POOL		936 N LAKE WAY	501018		GREG GIULIANO CONSTRUCTIO N INC	8/4/2022	10/3/2022	10/7/2024	issued
B-22-96444	b-01	441581E-ELECTRICAL	***** PRIVATE PROVIDER ***** 400 AMP TEMP SERVICE		936 N LAKE WAY	534389		PANEL ELECTRIC INC	9/13/2022	9/14/2022	3/28/2023	issued
A-22-02572	a-01	4459731A-ARCOM STAFF APPROVAL	REMOVED THE PROPOSED NORTH CABANA AS THE VARIANCE FOR IT WAS DENIED BY TOWN COUNCIL. THAT HAS SUBSEQUENTLY BEEN STAFF APPROVED. THE PROPOSED POOL TERRACE NOW FILLS THE SPACE IT OCCUPIED. TRANSFORMER ADDED AFTER ARC ON APPROVAL. PROPOSED CALOPHYLLUM TREES REMOVED THAT CONFLICTED WITH LOCATION. THE PLAN HAS BEEN UPDATED WITH SIGN TRIANGLES. CALPHYLLUM TREE		936 N LAKE WAY	603092		NIEVERA WILLIAMS DESIGN IN C	9/9/2022	9/13/2022	9/4/2023	final
A-22-02525	a-01	4459731A-ARCOM STAFF APPROVAL	***** PRIVATE PROVIDER ***** ARCOM- PLEASE SEE ATTACHED DESCRIPTION SHEET DURING ARCOM PRESENTATION ON JUNE 23-2021 IT WAS DISCUSSED DURING THE MEETING THAT THE NORTH NEIGHBOR REQUESTED THE EXTENSION OF THE WALL AT THE NEW BEDROOM #6 TERRACE ON THE SECOND FLOOR AND ALSO TO CHANGE BEDROOM #7 NORTH WINDOWS TO HIGH WINDOWS TO PROVIDE PRIVACY FOR THE NEIGHBOR. BECAUSE OF THIS WINDOW CHANGE WE NEED TO ADD A NEW ON THE EAST WALL TO COMPLY WITH EGRE REQUIREMENTS. 9 PLEASE SEE SHEETS A201 AND A202 SHOWING THESE CHANGES). EXTENDING THE TERRACE WALL ALSO INCREASE OUT CCR CALCULATIONS BECAUSE NOW A PORTION OF THE NEW TERRACE IS UNDER ROOM F. (PLEASE SEE NEW CCR CALCULATIONS ON SHEET A201.1) BECAUSE OF STRUCTURAL REASONS WE ARE EXTENDING THE EXISTING 2ND FLOOR CORRIDOR AT THE SOUTH SIDE. INCREASING THE VOLUME AND AFFECTING CCR CALCULATIONS. (PLEASE SEE NEW CCR CALCULATIONS ON SHEET A201.1) ON JULY 14, 2021 TOWN COUNCIL MEETING THE REQUEST FOR A NORTH POOL CABANA VARIANCE WAS DENIED. WE ARE ELIMINATING THE NORTH POOL CABANA ON THESE DRAWINGS. THIS CHANGE WILL ALSO AFFECT THE CCR CALCULATIONS. (PLEASE SEE SITE PLAN AND CCR CALCULATIONS ON SHEET A201.1) WE ARE ALSO INCLUDING THE UPDATED ROOF PLAN TO SHOW THE REASON		936 N LAKE WAY	602935		MP DESIGN&ARCHITECTURE IN C	8/18/2022	9/7/2022	8/13/2023	final
B-22-93594	b-d01	4459731D-INTERIOR DEMOLITION	***** PRIVATE PROVIDER ***** (SEE PERMIT CONDITIONS) INTERIOR DEMO PER PLAN		936 N LAKE WAY	501018		GREG GIULIANO CONSTRUCTIO N INC	3/10/2022	4/7/2022	10/6/2022	issued
F-18-09320	f-01	407580F-FIRE RESCUE STANDARD	HOT WORKS		936 N LAKE WAY	535821		FLAMINGO PLUMBING/BACKFLOW SVS	11/14/2018	11/29/2018	11/24/2019	final
B-18-76513	b-p07	P-REPLACEMENT	FURNISH AND INSTALL NA NEW 60 GAL GAS WATER HEATER TO REPLACE EXISTING.		936 N LAKE WAY	535821		FLAMINGO PLUMBING/BACKFLOW SVS	11/14/2018	11/28/2018	7/2/2019	final
B-18-76514	b-g01	407580G-GAS	FURNISH AND INSTALL NEW 60 GAL GAS WATER HEATER TO REPLACE EXISTING.		936 N LAKE WAY	535821		FLAMINGO PLUMBING/BACKFLOW SVS	11/14/2018	11/28/2018	7/2/2019	final
B-13-30917	b-m04	M-REPLACEMENT	REPLACE EXISTING MINI SPLIT AC UNITS IN GARAGE W/SINGLE A/H SPLIT SYSTEM IN GARAGE FOR DEHUMIDIFICATION		936 N LAKE WAY	501074		ROBERT R MCGILL AIR CONDITIONING	3/20/2013	3/21/2013	9/17/2013	final
B-10-10044	b-m04	M-REPLACEMENT	REPLACE EXISTING 4-TON SYSTEM WITH 4 TON TRANE SYSTEM 10KW HEAT COND 4T TRS04RH- A/H 4TTEE3COA1		936 N LAKE WAY	501074		ROBERT R MCGILL AIR CONDITIONING	5/11/2010	5/14/2010	11/10/2010	final
X-04-07876	legacy	X-LEGACY PERMIT	TENT EVENT ON 3/20/04		936 N LAKE WAY	531324		LIGHTLOGIX INC	3/17/2004	3/17/2004	10/2/2008	final
X-04-07814	legacy	X-LEGACY PERMIT	30030.30X40.15X15.12) 9020.200 GUESTS, NO COOKED/ HEATED FOOD, NO DECORATIONS, ELECTRIFIED VALET PKG		936 N LAKE WAY	601610		TENTLOGIX INC	3/11/2004	3/11/2004	10/2/2008	final
B-23-02070	b-r04	4459731R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	***** PRIVATE PROVIDER ***** PERMIT UPDATE- STRUCTURAL AS BUILTS WOOD JOISTS TO CONCRETE FLOORS & ROOF		936 N LAKE WAY	501018		GREG GIULIANO CONSTRUCTIO N INC	12/21/2023		6/18/2024	pending
U-23-13363	u-p02	U-USE OF/WORK IN ROW	USE OF- PLANT GREEN BUTTONGWOOD HEDGE ON LAKE TRAIL WITH LOADER.		936 N LAKE WAY	600311		ARMSTRONG LANDSCAPE DESIGN GROUP INC	7/7/2023		10/5/2023	canceled
B-21-00360	b-01	Z-DEVELOPMENT REVIEW PERMIT	Section 134-893(7): The applicant is requesting a variance for a north side yard setback of 5.5 feet in lieu of 12.5 foot minimum required for a one-story structure in the B zoning District for a new pool cabana.		936 N LAKE WAY	602091		NOCHMAN AND ZISKA	5/6/2021		5/1/2022	pending
Count: 24												

Property Detail

Location Address : 936 N LAKE WAY
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-10-01-000-0270
Subdivision : JAMAICA LANE IN
Official Records Book/Page : 32065 / 268
Sale Date : DEC-2020
Legal Description : JAMAICA LANE LTS A & C

Owner Information

Owner(s)

CLINE J MICHAEL &
CLINE PAMELA B
CLINE J MICHAEL TR
CLINE PAMELA B TR
J MICHAEL CLINE TR TITL HLDR

Mailing Address

936 N LAKE WAY
PALM BEACH FL 33480 3323

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
DEC-2020	\$20,675,000	32065 / 00268	WARRANTY DEED	CLINE J MICHAEL TRUST
APR-1998	\$3,300,000	10379 / 01945	WARRANTY DEED	STERN BURTON &
SEP-1988	\$2,300,000	05815 / 00370	WARRANTY DEED	
MAY-1987	\$1,600,000	05273 / 00807	WARRANTY DEED	
JAN-1978	\$550,000	02957 / 00284		
JAN-1975	\$365,000	02409 / 00835	WARRANTY DEED	

Exemption Information

Applicant/Owner(s)	Year	Detail
CLINE J MICHAEL &	2024	HOMESTEAD
CLINE J MICHAEL &	2024	ADDITIONAL HOMESTEAD
CLINE PAMELA B	2024	HOMESTEAD
CLINE PAMELA B	2024	ADDITIONAL HOMESTEAD

Property Information

Number of Units : 1
***Total Square Feet :** 9015
Acres : 0.6962
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	\$5,064,006	\$4,780,007	\$4,524,680	\$4,121,937	\$4,525,333
Land Value	\$20,446,135	\$17,935,450	\$10,729,982	\$10,765,375	\$10,100,000
Total Market Value	\$25,510,141	\$22,715,457	\$15,254,662	\$14,887,312	\$14,625,333

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$23,396,921	\$22,715,457	\$15,254,662	\$7,164,273	\$7,003,199
Exemption Amount	\$50,000	\$50,000	\$0	\$50,000	\$50,000
Taxable Value	\$23,346,921	\$22,665,457	\$15,254,662	\$7,114,273	\$6,953,199

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$350,659	\$351,366	\$247,508	\$117,517	\$116,836

TC Development Review Meeting Backup 5-15-2024

NON AD VALOREM	\$188	\$184	\$178	\$173	\$175
TOTAL TAX	\$350,847	\$351,550	\$247,686	\$117,690	\$117,011

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcpao.gov

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **1340 S Ocean Blvd.**

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 1340 S. Ocean Blvd.

Date: March 25, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from attorney Alexander D. Kochman, representing the property owner, regarding a time extension in which to complete construction of a new carriage house and tennis pavilion, renovations to the existing boathouse, and sitework at 1340 S. Ocean Blvd. and to extend the permit by three additional months – until July 31, 2024.

GENERAL INFORMATION

The current owner is the Green Family Trust, who purchased the property in July of 2018. The building permit for the new carriage house and tennis pavilion, renovations to the existing boathouse, and sitework was issued on June of 2021, had a duration of 34 months, and expires on April 14, 2024. Mr. Kochman explains in his letter, dated March 20, 2024, that the time extension is based on the retention of additional design consultants, changes to finish material selections throughout the project, and delivery delays. The attached construction schedule shows the new timeline has all work completed by the middle of July, 2024.

The contractor appears to have complied with all new requirements for neighbor notice. Staff has no issue with the request.

Attachments: Letter from Alexander D. Kochman, with Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

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

March 20, 2024

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Re: Extension for construction timeframe /1340 South Ocean Boulevard, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 1340 South Ocean Boulevard, Palm Beach, Florida. The request is to allow the contractor to continue on work on a single-family residence. Also enclosed is a construction schedule from Sloane Construction Company of Palm Beach County, Inc. for completion of the project. The reason for the delay and request for an extension is due to retaining additional design consultants, changes to finish material selections throughout the construction process thus far, delivery delays for materials. After relocating the boat house, the civil engineer, structural engineer and architect deemed the seawall inadequate and required it to be replaced. The owner retained a new lighting designer at the end of September 2022 who made numerous changes to the boathouse thereby requiring us to remove the already completed, painted dry wall. The changes in materials and additions caused a delay in receiving new fixtures; the delivery of the hardscape materials alone took eight (8) months to obtain. The new completion date would be the middle of July 2024. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the May 15, 2024 Town Council agenda.

Respectfully,

Alexander D. Kochman

Alexander D. Kochman

ADK/jc
Enclosures
cc: Client

Page 1

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	23	Jan '24	Feb '24	Mar '24	Apr '24	May '24	Jun '24	Jul '24
40		Complete hardscape paving install	21 days	Mon 3/18/24	Mon 4/15/24	39FS-5 days								
41		Complete hardscape paving install	1 wk	Wed 5/15/24	Tue 5/21/24	40,53								
42		Remove all driveway protection	3 days	Wed 5/22/24	Fri 5/24/24	41								
43		Sandblast Tabby driveway	2 wks	Wed 5/22/24	Wed 6/5/24	41								
44		Acid wash/seal driveway stone boarders/inlays	1 wk	Thu 6/6/24	Wed 6/12/24	43								
45		Complete Landscape install	2 wks	Thu 6/13/24	Wed 6/26/24	44								
46		Trim out site drainage	2 days	Thu 6/27/24	Fri 6/28/24	45								
47		Landscape Lighting	95 days	Fri 2/9/24	Fri 6/21/24									
48		Order Landscape Lighting package	0 days	Fri 2/9/24	Fri 2/9/24									
49		Install Landscape Lighting	3 wks	Mon 6/3/24	Fri 6/21/24	40,48FS+16 wks,5								
50		Project	80 days	Fri 3/15/24	Mon 7/8/24									
51		30-day Permit extension from ToPB	22 days	Fri 3/15/24	Mon 4/15/24									
52		NO WORK ALLOWED	21 days	Tue 4/16/24	Tue 5/14/24	51								
53		Town Council Meeting for extension to complete	0 days	Wed 5/15/24	Wed 5/15/24	52								
54		FPL - Early Power Release	2 wks	Fri 6/7/24	Thu 6/20/24	7,18,31								
55		FPU - install new gas meter	4 wks	Wed 5/15/24	Wed 6/12/24	53								
56		Equipment start-up	2 days	Fri 6/21/24	Mon 6/24/24	54								
57		Remove temp a/c units	1 day	Tue 6/25/24	Tue 6/25/24	56								
58		Remove temp power pole	1 day	Tue 6/25/24	Tue 6/25/24	56								
59		Final inspections	1 wk	Mon 7/1/24	Mon 7/8/24	2,8,19,32,47,55								



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 sent 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: For meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): 05/15/2024
- Deadline for submittal of request/backup must be received by: 05/01/2024
(Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to Neighbors: 04/19/2024
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-89253 Exp. Date: 06/14/2023

Job Address: 1340 S Ocean Blvd

Length of time extension being requested: (in days) 59 days

Proposed completion date if requested time extension is granted: July 31, 2024
(Must attach completion schedule)

Contact: Jeremy Sloane Phone: 561-310-8167

Email: jsloane@sloaneconstruction.com

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5431 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com

Rev. 20240123



Recycled Paper

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Job Address: 1340 S Ocean Blvd

Permit# : B-21-89253 Job Value \$ 10,235,000

Permit# : B-21-91050 Job Value \$ 1,000,000

Permit# : B-24-02840 Job Value \$ 3,000,000

Permit# : _____ Job Value \$ _____

Valuation of work remaining to complete the project: \$ 853,146
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: \$ 8,531.46
(attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

[Signature]
OWNER SIGNATURE

3/20/24
DATE

NOTARY TO OWNER

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me

this 20th day of MARCH

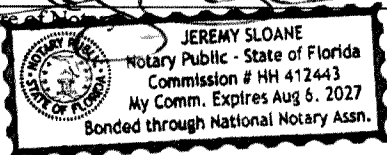
20 24, By STEFAN KAWENY

Who are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____

JEREMY SLOANE
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:



CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

[Signature]
CONTRACTOR SIGNATURE

03/20/2024
DATE

NOTARY TO CONTRACTOR

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me

this 20th day of March

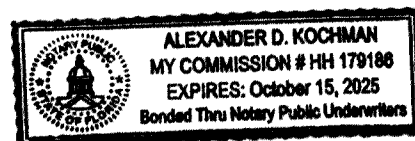
20 24, By Jeremy Sloane

Who are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____

Alexander D. Kochman
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:



Permit number	Master permit ID	Permit type name	Permit description	Permit Suite	Permit Address	Customer ID	Customer First Name	Customer Last Name	Application date	Issue date	Expiration date	Approval state
B-24-02840	b-r04	433470R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	*****PRIVATE PROVIDER ***** AS BUILT FOR MECHANICAL, ELECTRICAL, PLUMBING, LANDSCAPING, STRUCTURAL, AND CIVIL	CARRIAGE HS E	1340 S OCEAN BLV 520603	D	SLOANE CONSTRUCTION CO OF PBCT	SLOANE CONSTRUCTION CO OF PBCT	3/15/2024	9/11/2024	pending	
J-23-14651	u-p02	U-USE OF/WORK IN ROW	DAYTIME SINGLE LANE CLOSURE - PARK CONCRETE TRUCK IN ROW WHILE CONCRETE IS POURED FOR NEW DRIVEWAY - FOOT APPROVAL #2022-A-496-00065	D	1340 S OCEAN BLV 542582	D	ILC	ILC	11/1/2023	1/30/2024	canceled	
J-23-14466	u-p01	U-DEWATERING	DEWATERING IS REQUIRED FOR THE CONSTRUCTION OF THE NEW UTILITY GAS SERVICE LINE	D	1340 S OCEAN BLV 500056	D	FLORIDA PUBLIC UTILITIES CO	FLORIDA PUBLIC UTILITIES CO	10/13/2023	12/12/2023	pending	
U-23-14332	u-p03	U-EXCAVATION IN ROW	INSTALLING A 2" PLASTIC GAS SERVICE LINE	D	1340 S OCEAN BLV 540925	D	MFA	MFA	10/13/2023	3/31/2024	canceled	
A-23-03083	a-r01	433470A-ARCOM STAFF APPROVAL	*****PRIVATE PROVIDER ***** ARCOM- REVISION OF EXTERIOR BALCONY AT CARRIAGE HOUSE, REVISION OF RAILING DESIGN AT BOAT HOUSE.	CARRIAGE HS E	1340 S OCEAN BLV 605464	D	GAS SYSTEMS TECHNOLOGY INC	GAS SYSTEMS TECHNOLOGY INC	6/29/2023	6/23/2024	canceled	
B-23-97691	b-r01	433470R-REVISION	*****PRIVATE PROVIDER ***** REVISION - ARCOM APPROVED	CARRIAGE HS E	1340 S OCEAN BLV 520603	D	AFFINITI ARCHITECTS HOLDING LLC	AFFINITI ARCHITECTS HOLDING LLC	1/5/2023	2/28/2023	1/5/2023	final
B-22-96322	b-r01	433470R-REVISION	*****PRIVATE PROVIDER ***** REVISION- SITE PLAN- UPDATED CIVIL PLANS PER ENGINEERING	CARRIAGE HS E	1340 S OCEAN BLV 520603	D	SLOANE CONSTRUCTION CO OF PBCT	SLOANE CONSTRUCTION CO OF PBCT	9/1/2022	4/26/2023	9/1/2022	final
U-22-10613	u-p02	U-USE OF/WORK IN ROW	DAYTIME SINGLE LANE CLOSURE-NEW DOT CURB ACROSS ADJOINED LOTS 1340 & 135 O S OCEAN BLVD. HEADER CURB.	D	1340 S OCEAN BLV 542582	D	S MACDONALD CONTRACTING LLC	S MACDONALD CONTRACTING LLC	7/21/2022	8/11/2022	1/11/2023	final
U-22-10614	u-p03	U-EXCAVATION IN ROW	DAYTIME SINGLE LANE CLOSURE-NEW DOT CURB ACROSS ADJOINED LOTS 1340 & 135 O S OCEAN BLVD. HEADER CURB.	D	1340 S OCEAN BLV 542582	D	S MACDONALD CONTRACTING LLC	S MACDONALD CONTRACTING LLC	7/22/2022	8/11/2022	4/11/2023	issued
U-22-10615	u-p03	U-EXCAVATION IN ROW	DAYTIME SINGLE LANE CLOSURE-ABANDON EXISTING SEWER LATERAL AT 1350 S OCEAN (1340/1350 IN NOW A COMBINED LOT SO THEY WILL UTILIZE THE LATERAL AT 134 O S OCEAN & USE AN ON SITE LIFT STATION FOR GUEST HOUSE.	D	1340 S OCEAN BLV 542582	D	S MACDONALD CONTRACTING LLC	S MACDONALD CONTRACTING LLC	7/22/2022	8/12/2022	4/11/2023	issued
U-22-10616	u-p07	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	DAYTIME SINGLE LANE CLOSURE-ABANDON EXISTING SEWER LATERAL AT 1350 S OCEAN (1340/1350 IN NOW A COMBINED LOT SO THEY WILL UTILIZE THE LATERAL AT 134 O S OCEAN & USE AN ON SITE LIFT STATION FOR GUEST HOUSE.	D	1340 S OCEAN BLV 542582	D	S MACDONALD CONTRACTING LLC	S MACDONALD CONTRACTING LLC	7/22/2022	8/12/2022	1/11/2023	issued
A-22-02462	a-r01	A-ARCOM STAFF APPROVAL	STAFF APPROVAL FOR REVISION OF MECHANICAL EQUIPMENT WALL CARRIAGE HOUSE. REVISION OF KITCHEN LAYOUT IN TENNIS PAVILION & ADDITION OF RETRACTABLE AWNING.	BOATHOUSE F 1340 S OCEAN BLV 605464	D	KA 1350 SOB	AFFINITI ARCHITECTS HOLDING LLC	AFFINITI ARCHITECTS HOLDING LLC	7/12/2022	7/7/2023	7/7/2023	canceled
B-21-02088	a-r01	433470A-ARCOM STAFF APPROVAL	*****PRIVATE PROVIDER ***** REPOSITIONING OF PILE & GRADE BEAMS & ALL NEW CONCRETE PILES. ADDITION OF TRANSOM WINDOWS AT WEST ELEVATION, REVISION OF WINDOWS AT SOUTH ELEVATION.	CARRIAGE HS E	1340 S OCEAN BLV 605464	D	AFFINITI ARCHITECTS HOLDING LLC	AFFINITI ARCHITECTS HOLDING LLC	12/2/2021	1/5/2022	11/27/2022	final
B-21-91050	b-r04	433470R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	*****PRIVATE PROVIDER ***** PERMIT UPDATE REPLACING EXISTING MAIN DRIVEWAY, INSTALL NEW SEAWALL AS PER (SEE PERMIT CONDITIONS)	CARRIAGE HS E	1340 S OCEAN BLV 520603	D	SLOANE CONSTRUCTION CO OF PBCT	SLOANE CONSTRUCTION CO OF PBCT	9/3/2021	9/29/2021	3/28/2022	final
B-21-90383	b-r01	433470R-REVISION	*****PRIVATE PROVIDER *****REVISION SITE PLAN (2) COPIES S/S EROSION CONTROL PLAN AND FL DEP NOTICE OF INTENT (NOI)	CARRIAGE HS E	1340 S OCEAN BLV 520603	D	SLOANE CONSTRUCTION CO OF PBCT	SLOANE CONSTRUCTION CO OF PBCT	7/26/2021	10/4/2021	7/26/2021	final
A-21-01862	a-r01	A-ARCOM STAFF APPROVAL	ARCOM- REVISE DRIVEWAY LAYOUT AND PLANTINGS AS NECESSARY TO ACCOMMODATE ADDITIONAL GARAGE BAY (ARCHITECTURAL CHANGE STAFF APPROVED ON APRIL 26, 2021) AND CHANGE DRIVEWAY PAVING MATERIAL.	D	1340 S OCEAN BLV 604921	D	PARKER WANNETTE DESIGN GROUP	PARKER WANNETTE DESIGN GROUP	7/21/2021	8/4/2021	7/16/2022	final
B-21-90098	b-r01	433470E-ELECTRICAL	*****PRIVATE PROVIDER *****SUB- TEMPORARY POWER POLE	CARRIAGE HS E	1340 S OCEAN BLV 602401	D	FRESHWATER & SON'S ELECTRICAL LLC	FRESHWATER & SON'S ELECTRICAL LLC	7/9/2021	7/19/2021	1/30/2022	issued
B-21-89493	b-r01	433470F-FLOOD PLAIN DEVELOPMENT	*****PRIVATE PROVIDER ***** FLOOD PLAIN PERMIT	CARRIAGE HS E	1340 S OCEAN BLV 520603	D	SLOANE CONSTRUCTION CO OF PBCT	SLOANE CONSTRUCTION CO OF PBCT	6/7/2021	6/14/2021	12/11/2021	issued
B-21-89253	b-r01	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	*****PRIVATE PROVIDER *****NEW CONSTRUCTION OF CARRIAGE HOUSE AND TENNIS PAVILION, RENOVATION OF EXISTING BOATHOUSE AND ALL ASSOCIATED SITE WORK AS PER PLANS - (3/15/2024 ok per WB to grant 30-day extension prior to TC need)	CARRIAGE HS E	1340 S OCEAN BLV 520603	D	SLOANE CONSTRUCTION CO OF PBCT	SLOANE CONSTRUCTION CO OF PBCT	5/26/2021	6/14/2021	4/14/2024	issued
B-20-86790	b-r02	S-FENCE/WALL/GATE	INSTALL OF 2 NEW GATES PER PLANS ATTACHED	D	1340 S OCEAN BLV 535132	D	TIM GIVENS BLDG & REMODELING INC	TIM GIVENS BLDG & REMODELING INC	10/15/2020	10/23/2020	7/27/2021	final
B-20-83531	b-r03	FEES CHARGE	UNITY OF TITLE	D	1340 S OCEAN BLV 605534	D	PITTER ZARETSKY LIEBER & JAMES LLP	PITTER ZARETSKY LIEBER & JAMES LLP	3/11/2020	9/1/2020	9/1/2020	final
A-20-00847	a-r01	A-ARCOM STAFF APPROVAL	ARCOM- REPLACE EXISTING GATES @ DRIVEWAY WITH NEW GATES AS DRAWN	D	1340 S OCEAN BLV 605464	D	AFFINITI ARCHITECTS HOLDING LLC	AFFINITI ARCHITECTS HOLDING LLC	1/17/2020	1/11/2021	1/11/2021	final
B-16-58594	b-r01	367570R-REVISION	REVISION- SITE PLAN- FINAL DRAINAGE SURVEY	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	7/25/2016	8/10/2016	7/25/2016	final
B-16-58337	b-r01	367570R-REVISION	REVISION BUILDING - ROOF UPLIFT TEST - REVISION OTHER - AS BUILT LANDSCAPE PLANS.	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	7/14/2016	8/1/2016	7/14/2016	final
B-16-55974	b-r01	367570R-REVISION	REVISION OTHER - HOLLOW CORE DRAWINGS, TRUSS DRAWINGS 1ST & 2ND FLOOR-FORM BOARD SURVEY SLAB & TIE BEAM SURVEY	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	4/14/2016	4/25/2016	4/14/2016	final
B-16-55207	b-r04	367577R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE- ADDING LIFT STATION	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	3/7/2016	4/14/2016	10/11/2016	final
B-16-54053	b-r01	367570R-REVISION	REVISION- OTHER LANDSCAPE	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	1/4/2016	1/11/2016	1/4/2016	final
B-15-53947	b-r03	367570B-RESIDENTIAL OTHER (WITH PLANS)	SUB- INSTALL ELEVATOR	D	1340 S OCEAN BLV 520153	D	PALM BEACH LIFTS INC	PALM BEACH LIFTS INC	12/18/2015	12/30/2015	6/27/2016	final
B-15-53863	b-r01	369035R-REVISION	REVISION- POOL AS BUILTS	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	12/15/2015	12/22/2015	12/15/2015	final
B-15-52837	b-r01	367570R-REVISION	REVISION: BUILDING; 1ST & 2ND FLOOR PLAN LAYOUT AS BUILT. PLUMBING/GAS; AS BUILT. MECHANICAL; AS BUILT. ELECTRICAL; AS BUILT.	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	10/26/2015	11/13/2015	11/13/2015	final
B-15-52242	b-r03	374285G-GENERATOR	SUB- GAS- GENERATOR AS PER PLANS-VALUE ON B-15-46781	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	10/2/2015	3/24/2016	9/20/2016	final
B-15-52243	b-r04	367265E-GENERATOR	SUB- ELECTRIC WIRE AND INSTALL 60 KW NG GENERATOR.	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	10/7/2015	3/24/2016	1/7/2017	final
B-15-51564	b-r02	369035R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR FROM A & G CONCRETE POOLS TO ROBERTS POOL DESIGN	D	1340 S OCEAN BLV 602216	D	MARK TIMOTHY INC	MARK TIMOTHY INC	9/8/2015	9/21/2015	9/21/2015	final
Count: 79												

Property Detail

Location Address : 1340 S OCEAN BLVD
Municipality : PALM BEACH
Parcel Control Number : 50-43-44-02-11-000-0030
Subdivision : CASA APAVA
Official Records Book/Page : 31315 / 419
Sale Date : FEB-2020
Legal Description : CASA APAVA LTS 3 & 4

Owner Information**Owner(s)**

GREENE FAMILY TRUST
LIEBER OREN D ESQ TR

Mailing Address

1340 S OCEAN BLVD
PALM BEACH FL 33480 5021

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-2020	\$10	31315 / 00419	WARRANTY DEED	GREENE FAMILY TRUST
JUL-2018	\$32,495,925	29987 / 00202	WARRANTY DEED	GREENE FAMILY TRUST
SEP-2014	\$13,440,000	27040 / 00090	WARRANTY DEED	CASA APAVA LOT 3 LLC
DEC-2005	\$10,900,000	19677 / 01231	WARRANTY DEED	1300 SOUTH OCEAN BOULEVARD REV TRUST
APR-1994	\$1,700,000	08209 / 01881	WARRANTY DEED	
MAY-1993	\$100	07756 / 01746	CERT OF TITLE	
MAY-1993	\$1,000,000	07730 / 00581	CERT OF TITLE	
SEP-1901	\$2,730,000	08421 / 01311	WARRANTY DEED	1001 INVEST INC

Exemption Information

Applicant/Owner(s)	Year	Detail
KALUZNY STEFAN	2024	HOMESTEAD
KALUZNY STEFAN	2024	ADDITIONAL HOMESTEAD

Property Information

Number of Units : 1
***Total Square Feet :** 20194
Acres : 4.2965
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	\$22,622,956	\$20,969,455	\$16,502,289	\$11,273,991	\$13,880,919
Land Value	\$63,964,707	\$57,545,550	\$45,541,755	\$13,560,000	\$13,080,000
Total Market Value	\$86,587,663	\$78,515,005	\$62,044,044	\$24,833,991	\$26,960,919

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$53,553,967	\$51,994,143	\$50,479,750	\$24,833,991	\$26,960,919
Exemption Amount	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Taxable Value	\$53,503,967	\$51,944,143	\$50,429,750	\$24,783,991	\$26,910,919

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$803,395	\$805,043	\$818,400	\$408,960	\$451,674
NON AD VALOREM	\$2,870	\$2,862	\$3,118	\$2,899	\$2,897

TOTAL TAX	\$806,266	\$807,905	\$821,518	\$411,859	\$454,571
-----------	-----------	-----------	-----------	-----------	-----------

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcpa.gov

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **1095 N Ocean Blvd.**

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 1095 N. Ocean Blvd.

Date: April 24, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Jake Furlott, with Davis General Contraction Corporation, regarding a time extension in which to complete the renovation and addition to a single-family residence at 1095 N. Ocean Blvd. and to extend the permit by 10 additional months – until March 31, 2025.

GENERAL INFORMATION

The current owner is Carl & Mary Jane Panattoni, who purchased the property in April of 2021. The building permit was issued November of 2021, has a duration of 30 months, and will expire on May 17, 2024. Mr. Furlott explains in her letter of April 9, 2024, that the time extension is needed due to the unexpected results of the Covid pandemic – work stoppages, work slow-downs, material inflation costs, supply shortages, and manpower. The attached construction schedule shows all work being completed by the end of March 2025.

The contractor appears to have complied with all new requirements for neighbor notice. Staff has no issue with the request.

Attachments: Letter from Jeff Furlott, w/ Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property



**Davis
General
Contracting
Corporation**

9 April 2024

Madame Mayor & Town Council Members
Town of Palm Beach
360 South County Rd
Palm Beach, FL 33480

Re: Panattoni Residence
1095 N Ocean Blvd
Palm Beach, Florida 33480

Dear Madams & Sirs,

I would like to respectfully request a time extension to 31 March 2025 for the construction of Jane & Carl Panattoni's Residence at 1095 N Ocean Blvd.

Despite every and all of our best efforts, the project will exceed the allowed time for construction due to the Covid pandemic and the resultant events that followed, including: work stoppages and slow-downs, inflation pressures on materials and an unprecedented boom in construction across the nation & locally, causing sever supply shortages of materials and manpower.

We are continuing to work diligently every available and allowable hour to complete the project. In addition, we are focused on maintaining a safe worksite with as minimal traffic impact to the neighborhood as possible.

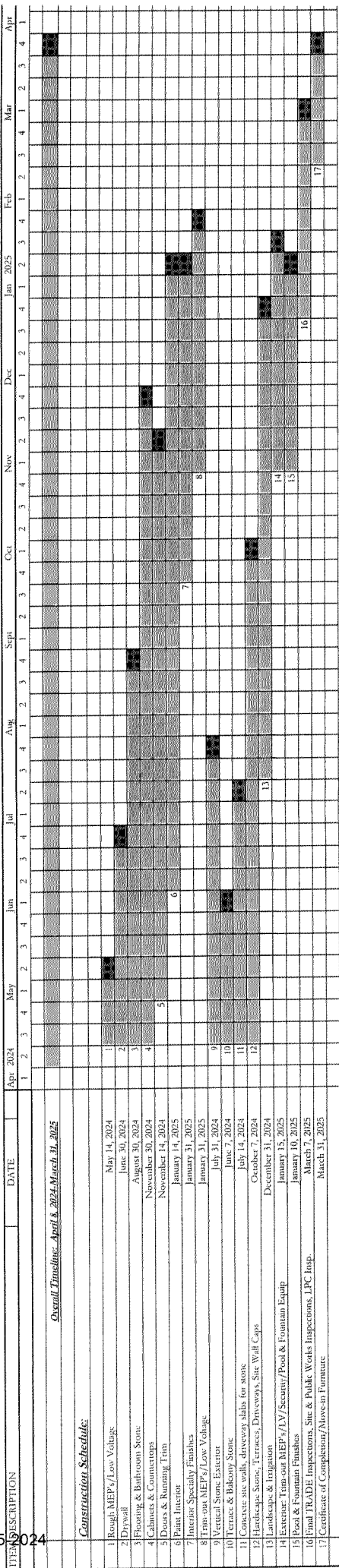
Thank you for considering this request and please contact me at any time for additional information.

Sincerely,

Jake Furlott
561-352-9523

1095 N Ocean Blvd Milestone Project Schedule

PROJECT: Panatoni Residence
ADDRESS: 1095 N Ocean Blvd
CLIENT: Mr. and Mrs. Panatoni
DATE: April 8, 2024



Davis General Contracting Corporation



**Davis
General
Contracting
Corporation**

4.23.24

Wayne Bergman, MCP, LEED-AP
Director/Building Official
Planning, Zoning, and Building
360 South County Rd
Palm Beach, FL 33480

Re: 1095 N Ocean Blvd (B-21-90772)
Permit Extension – Nuisance Mitigation Measures

As it pertains to the permit extension request for 1095 N Ocean Blvd, please see below nuisance mitigation measures we will continue to employ on the project:

1. Ensure hours of construction are obeyed at all times.
2. Properly maintain buffering to adjacent neighbors and streets for noise & dust mitigation.
3. Full-time on-site parking attendant/manager to ensure efficient & safe ingress/egress from the project site to the street.
4. Applications for Right-of-Way permits if and when the project requires street offloading.
5. No street parking permits are permitted for our project site and we will continue to manage all parking directly on our project footprint as well as transport employees to the project from off site parking in West Palm Beach.
6. Maintain open lines of communication with neighbors at all times.

We are pleased to report our project is currently 'strike-free' and we will continue our efforts to maintain no strikes for the remainder of the construction timeline.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jake Furlott', written over a horizontal line.

Jake Furlott



TOWN OF PALM BEACH

Planning, Zoning and Building

BUILDING PERMIT TIME EXTENSION REQUEST

EXT PERMIT-24-00004
RECEIVED

APR 23 2024

TOWN OF PALM BEACH
PZB DEPARTMENT

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 sent to neighbors. *WRONG date on letter.*
6. Provide a USPS Certificate of Mailing as proof of the mailed notice. *MUST send addendum*
7. Payment – provide a copy of the receipt showing payment of applicable fees (1% of remaining, unfinished construction). *OK per WB to keep on 5/15 agenda*

Deadlines: For meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): May 15, 2024
- Deadline for submittal of request/backup must be received by: May 1, 2024
(Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: April 20, 2024
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-90772 Exp. Date: May 17, 2024

Job Address: 1095 N Ocean Blvd, Palm Beach, Florida 33480

Length of time extension being requested: (in days) 318

Proposed completion date if requested time extension is granted: March 31, 2025
(Must attach completion schedule)

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Permit# : B-21-90772 Job Value \$ 4,500,000Permit# : B-21-87204 Job Value \$ 50,000Permit# : REV-2A-00044 Job Value \$ 4,000,000.00

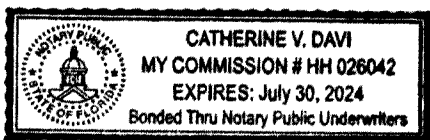
Permit# : _____ Job Value \$ _____

Valuation of work remaining to complete the project: \$ 1,000,000.00
(Include labor, materials and the value of any owner supplied items, etc.)Permit fee due based upon 1% of this amount: \$ 10,000.00
(attach a copy of the receipt for payment)**OWNERS CERTIFICATION:** I certify the information listed above to be true and correct.Carl Panattoni 4/11/24
OWNER SIGNATURE DATE**CONTRACTOR CERTIFICATION:** I certify the information listed above to be true and correct.[Signature] 4/23/24
CONTRACTOR SIGNATURE DATE**NOTARY TO OWNER****STATE OF**
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 11th day of April
2024, By CARL PANATTONIWho are personally known _____ OR produced
identification (Type of identification) _____
OR Online Notarization _____CATHERINE V DAVI
Printed Name of Notary[Signature]
Signature of Notary

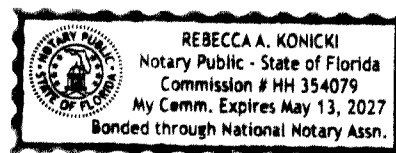
SEAL:

**NOTARY TO CONTRACTOR****STATE OF**
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 23 day of April
2024, By HUGH DAVISWho are personally known X OR produced
identification (Type of identification) _____
OR Online Notarization _____Rebecca A. Konicki
Printed Name of Notary[Signature]
Signature of Notary

SEAL:



Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480

Telephone: (561)838-5431 • Facsimile (561)835-4621

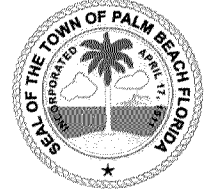
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com



**INVOICE (INV-24-00000522)
FOR TOWN OF PALM BEACH**

BILLING CONTACT

Davis General Contracting Corp.
Davis General Contracting Corp.
313 5th Street
West Palm Beach, FL 33401



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-24-00000522	04/23/2024	04/24/2024	Paid In Full	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
EXTPERMIT-24-00004	Construction Permit, Time Extension	\$10,000.00
	Technology Fee	\$200.00
1095 N Ocean Blvd Palm Beach, FL 33480		SUBTOTAL \$10,200.00

REMITTANCE INFORMATION
Town of Palm Beach 360 S County Rd PO Box 2029 Palm Beach, FL 33480 561-838-5431

TOTAL **\$10,200.00**

Permit number	Permit type	Master permit name	Permit description	Permit Suite	Permit Address	Customer #	Customer First Name	Customer Last Name	Application date	Issue date	Expiration date	Approval state
B-23-00499	b-r01	436330R-REVISION	REVISION - NO CHANGE IN VALUE - UPDATED A2-A16, S100-5401, MAIN HOUSE P1-P7 POOL CABANA 1-2, MAIN HOUSE M1-M5, POOL CABANA 1-3, MAIN HOUSE E1-E8, POOL CABANA 1-4, SITE PLAN UPDATED A-1	1095 N OCEAN BL VD	502993		DAVIS GENERAL CONTRACTING	CORP	8/7/2023	4/12/2024	8/7/2023	final
L-23-14632	u-p03	U-EXCAVATION IN ROW	SINGLE LANE CLOSURE - EXCAVATE ROADWAY WITH CITY OF WEST PALM BEACH TO TAP WATER MAIN FOR WATER SERVICE - OBTAIN DENSITIES - BACKFILL - ASPHALT PATCH REVISION OTHER: LIGHTING PROTECTION SYSTEM PLAN 2 OF 2 SHEETS/2 SETS SIGNATURED/SEALED	1095 N OCEAN BL VD	542582		S MACDONALD CONTRACTING LLC		11/1/2023	11/3/2023	5/7/2024	issued
B-23-01098	b-r01	436330R-REVISION	REVISION BUILDING: POOL CABANA UPDATED & APPROVAL TRUSS DRAWINGS 2 SET 5 SIGNED/SEALED	1095 N OCEAN BL VD	502993		DAVIS GENERAL CONTRACTING	CORP	9/18/2023	9/25/2023	9/18/2023	final
B-23-01097	b-r01	436330R-REVISION	REVISION BUILDING: POOL CABANA UPDATED & APPROVAL TRUSS DRAWINGS 2 SET 5 SIGNED/SEALED	1095 N OCEAN BL VD	502993		DAVIS GENERAL CONTRACTING	CORP	9/18/2023	9/19/2023	9/18/2023	final
L-23-00840	l-r01	L-IPC STAFF APPROVAL	LANDMARKS- WINDOW MODIFICATIONS ON SOUTH FACADE OF MAIN HOUSE.	1095 N OCEAN BL VD	602069		PATRICK SEGRAVES ARCHITECT	CORP	8/25/2023	9/18/2023	8/19/2024	final
B-23-00500	b-r01	436330R-REVISION	REVISION OTHER - POOL CABANA 2ND FLOOR SHORING DRAWINGS	1095 N OCEAN BL VD	502993		DAVIS GENERAL CONTRACTING	CORP	8/1/2023	8/4/2023	8/1/2023	final
B-23-00301	b-r01	436330R-REVISION	REVISION- TRUSS SHOP DRAWINGS ENGINEER FOR POOL CABANA BUILDING W/ CALCULATIONS.	1095 N OCEAN BL VD	502993		DAVIS GENERAL CONTRACTING	CORP	7/20/2023	7/24/2023	7/20/2023	final
L-23-00799	l-r01	436330L-IPC STAFF APPROVAL	LANDMARKS- SKYLIGHTS ON NORTH ELEVATION OF MAIN HOUSE AND CABANA.	1095 N OCEAN BL VD	502993		DAVIS GENERAL CONTRACTING	CORP	7/10/2023	7/13/2023	7/10/2024	final
B-23-99360	b-r01	436330R-REVISION	***** PRIVATE PROVIDER ***** REVISION- OTHER- FOUNTAIN DRAWINGS ENGINEER ED F-1 THROUGH F-22 SIGNED AND SEALED.	1095 N OCEAN BL VD	502993		DAVIS GENERAL CONTRACTING	CORP	5/17/2023	6/20/2023	5/17/2023	final
B-23-98797	b-r01	436330R-REVISION	REVISION - BUILDING- TRUSS DRAWINGS SIGNED AND SEALED W/ STRUCTURAL ENGINEERED STAMP ALSO	1095 N OCEAN BL VD	502993		DAVIS GENERAL CONTRACTING	CORP	4/14/2023	4/11/2023	4/14/2023	final
U-22-11789	u-p02	U-USE OF/WORK IN ROW	MOB IN 140 TRACHOE FRIDAY 11/4/22-SOUTH DRIVEWAY DUE TO NO ROOM ONSITE TO OFFLOAD TRACHOE.	1095 N OCEAN BL VD	542582		S MACDONALD CONTRACTING LLC		11/2/2022	1/26/2023	5/7/2023	final
B-23-97747	b-r01	436330R-REVISION	REVISION- OTHER- FIRE ALARM: ADDED EXISTING POOL CABANA	1095 N OCEAN BL VD	602883		J W FIRE & SECURITY LLC		1/12/2023	1/20/2023	1/12/2023	final
B-22-97659	b-r01	436330R-REVISION	REVISION OTHER- FIRE- REVISED DRAWINGS FOR EXISTING POOL HOUSE SPRINKLER SYSTEM	1095 N OCEAN BL VD	532305		J W FIRE SPRINKLER INC		12/29/2022	1/3/2023	12/29/2022	final
F-22-03599	f-r01	436330F-FIRE RESCUE STANDARD	FIRE HYDRANT FLOW TEST	1095 N OCEAN BL VD	532305		J W FIRE SPRINKLER INC		11/30/2022	12/1/2022	11/3/2024	issued
B-22-96687	b-r01	436330R-REVISION	REVISION- BUILDING- SKA DRAWINGS, POOL CABANA A-13, A-14, A-15, A-16, PLUMBING - PCP-1, PCP-2, MECHANICAL- PCM-1, PCM-2, PCM-3, ELECTRICAL- PCE-1, PCE-2, PCE-3, PCE-4, PCE-5, PCE-6, PCE-7, PCE-8, PCE-9, PCE-10, PCE-11, PCE-12, PCE-13, PCE-14, PCE-15, PCE-16, PCE-17, PCE-18, PCE-19, PCE-20, PCE-21, PCE-22, PCE-23, PCE-24, PCE-25, PCE-26, PCE-27, PCE-28, PCE-29, PCE-30, PCE-31, PCE-32, PCE-33, PCE-34, PCE-35, PCE-36, PCE-37, PCE-38, PCE-39, PCE-40, PCE-41, PCE-42, PCE-43, PCE-44, PCE-45, PCE-46, PCE-47, PCE-48, PCE-49, PCE-50, PCE-51, PCE-52, PCE-53, PCE-54, PCE-55, PCE-56, PCE-57, PCE-58, PCE-59, PCE-60, PCE-61, PCE-62, PCE-63, PCE-64, PCE-65, PCE-66, PCE-67, PCE-68, PCE-69, PCE-70, PCE-71, PCE-72, PCE-73, PCE-74, PCE-75, PCE-76, PCE-77, PCE-78, PCE-79, PCE-80, PCE-81, PCE-82, PCE-83, PCE-84, PCE-85, PCE-86, PCE-87, PCE-88, PCE-89, PCE-90, PCE-91, PCE-92, PCE-93, PCE-94, PCE-95, PCE-96, PCE-97, PCE-98, PCE-99, PCE-100, PCE-101, PCE-102, PCE-103, PCE-104, PCE-105, PCE-106, PCE-107, PCE-108, PCE-109, PCE-110, PCE-111, PCE-112, PCE-113, PCE-114, PCE-115, PCE-116, PCE-117, PCE-118, PCE-119, PCE-120, PCE-121, PCE-122, PCE-123, PCE-124, PCE-125, PCE-126, PCE-127, PCE-128, PCE-129, PCE-130, PCE-131, PCE-132, PCE-133, PCE-134, PCE-135, PCE-136, PCE-137, PCE-138, PCE-139, PCE-140, PCE-141, PCE-142, PCE-143, PCE-144, PCE-145, PCE-146, PCE-147, PCE-148, PCE-149, PCE-150, PCE-151, PCE-152, PCE-153, PCE-154, PCE-155, PCE-156, PCE-157, PCE-158, PCE-159, PCE-160, PCE-161, PCE-162, PCE-163, PCE-164, PCE-165, PCE-166, PCE-167, PCE-168, PCE-169, PCE-170, PCE-171, PCE-172, PCE-173, PCE-174, PCE-175, PCE-176, PCE-177, PCE-178, PCE-179, PCE-180, PCE-181, PCE-182, PCE-183, PCE-184, PCE-185, PCE-186, PCE-187, PCE-188, PCE-189, PCE-190, PCE-191, PCE-192, PCE-193, PCE-194, PCE-195, PCE-196, PCE-197, PCE-198, PCE-199, PCE-200, PCE-201, PCE-202, PCE-203, PCE-204, PCE-205, PCE-206, PCE-207, PCE-208, PCE-209, PCE-210, PCE-211, PCE-212, PCE-213, PCE-214, PCE-215, PCE-216, PCE-217, PCE-218, PCE-219, PCE-220, PCE-221, PCE-222, PCE-223, PCE-224, PCE-225, PCE-226, PCE-227, PCE-228, PCE-229, PCE-230, PCE-231, PCE-232, PCE-233, PCE-234, PCE-235, PCE-236, PCE-237, PCE-238, PCE-239, PCE-240, PCE-241, PCE-242, PCE-243, PCE-244, PCE-245, PCE-246, PCE-247, PCE-248, PCE-249, PCE-250, PCE-251, PCE-252, PCE-253, PCE-254, PCE-255, PCE-256, PCE-257, PCE-258, PCE-259, PCE-260, PCE-261, PCE-262, PCE-263, PCE-264, PCE-265, PCE-266, PCE-267, PCE-268, PCE-269, PCE-270, PCE-271, PCE-272, PCE-273, PCE-274, PCE-275, PCE-276, PCE-277, PCE-278, PCE-279, PCE-280, PCE-281, PCE-282, PCE-283, PCE-284, PCE-285, PCE-286, PCE-287, PCE-288, PCE-289, PCE-290, PCE-291, PCE-292, PCE-293, PCE-294, PCE-295, PCE-296, PCE-297, PCE-298, PCE-299, PCE-300, PCE-301, PCE-302, PCE-303, PCE-304, PCE-305, PCE-306, PCE-307, PCE-308, PCE-309, PCE-310, PCE-311, PCE-312, PCE-313, PCE-314, PCE-315, PCE-316, PCE-317, PCE-318, PCE-319, PCE-320, PCE-321, PCE-322, PCE-323, PCE-324, PCE-325, PCE-326, PCE-327, PCE-328, PCE-329, PCE-330, PCE-331, PCE-332, PCE-333, PCE-334, PCE-335, PCE-336, PCE-337, PCE-338, PCE-339, PCE-340, PCE-341, PCE-342, PCE-343, PCE-344, PCE-345, PCE-346, PCE-347, PCE-348, PCE-349, PCE-350, PCE-351, PCE-352, PCE-353, PCE-354, PCE-355, PCE-356, PCE-357, PCE-358, PCE-359, PCE-360, PCE-361, PCE-362, PCE-363, PCE-364, PCE-365, PCE-366, PCE-367, PCE-368, PCE-369, PCE-370, PCE-371, PCE-372, PCE-373, PCE-374, PCE-375, PCE-376, PCE-377, PCE-378, PCE-379, PCE-380, PCE-381, PCE-382, PCE-383, PCE-384, PCE-385, PCE-386, PCE-387, PCE-388, PCE-389, PCE-390, PCE-391, PCE-392, PCE-393, PCE-394, PCE-395, PCE-396, PCE-397, PCE-398, PCE-399, PCE-400, PCE-401, PCE-402, PCE-403, PCE-404, PCE-405, PCE-406, PCE-407, PCE-408, PCE-409, PCE-410, PCE-411, PCE-412, PCE-413, PCE-414, PCE-415, PCE-416, PCE-417, PCE-418, PCE-419, PCE-420, PCE-421, PCE-422, PCE-423, PCE-424, PCE-425, PCE-426, PCE-427, PCE-428, PCE-429, PCE-430, PCE-431, PCE-432, PCE-433, PCE-434, PCE-435, PCE-436, PCE-437, PCE-438, PCE-439, PCE-440, PCE-441, PCE-442, PCE-443, PCE-444, PCE-445, PCE-446, PCE-447, PCE-448, PCE-449, PCE-450, PCE-451, PCE-452, PCE-453, PCE-454, PCE-455, PCE-456, PCE-457, PCE-458, PCE-459, PCE-460, PCE-461, PCE-462, PCE-463, PCE-464, PCE-465, PCE-466, PCE-467, PCE-468, PCE-469, PCE-470, PCE-471, PCE-472, PCE-473, PCE-474, PCE-475, PCE-476, PCE-477, PCE-478, PCE-479, PCE-480, PCE-481, PCE-482, PCE-483, PCE-484, PCE-485, PCE-486, PCE-487, PCE-488, PCE-489, PCE-490, PCE-491, PCE-492, PCE-493, PCE-494, PCE-495, PCE-496, PCE-497, PCE-498, PCE-499, PCE-500, PCE-501, PCE-502, PCE-503, PCE-504, PCE-505, PCE-506, PCE-507, PCE-508, PCE-509, PCE-510, PCE-511, PCE-512, PCE-513, PCE-514, PCE-515, PCE-516, PCE-517, PCE-518, PCE-519, PCE-520, PCE-521, PCE-522, PCE-523, PCE-524, PCE-525, PCE-526, PCE-527, PCE-528, PCE-529, PCE-530, PCE-531, PCE-532, PCE-533, PCE-534, PCE-535, PCE-536, PCE-537, PCE-538, PCE-539, PCE-540, PCE-541, PCE-542, PCE-543, PCE-544, PCE-545, PCE-546, PCE-547, PCE-548, PCE-549, PCE-550, PCE-551, PCE-552, PCE-553, PCE-554, PCE-555, PCE-556, PCE-557, PCE-558, PCE-559, PCE-560, PCE-561, PCE-562, PCE-563, PCE-564, PCE-565, PCE-566, PCE-567, PCE-568, PCE-569, PCE-570, PCE-571, PCE-572, PCE-573, PCE-574, PCE-575, PCE-576, PCE-577, PCE-578, PCE-579, PCE-580, PCE-581, PCE-582, PCE-583, PCE-584, PCE-585, PCE-586, PCE-587, PCE-588, PCE-589, PCE-590, PCE-591, PCE-592, PCE-593, PCE-594, PCE-595, PCE-596, PCE-597, PCE-598, PCE-599, PCE-600, PCE-601, PCE-602, PCE-603, PCE-604, PCE-605, PCE-606, PCE-607, PCE-608, PCE-609, PCE-610, PCE-611, PCE-612, PCE-613, PCE-614, PCE-615, PCE-616, PCE-617, PCE-618, PCE-619, PCE-620, PCE-621, PCE-622, PCE-623, PCE-624, PCE-625, PCE-626, PCE-627, PCE-628, PCE-629, PCE-630, PCE-631, PCE-632, PCE-633, PCE-634, PCE-635, PCE-636, PCE-637, PCE-638, PCE-639, PCE-640, PCE-641, PCE-642, PCE-643, PCE-644, PCE-645, PCE-646, PCE-647, PCE-648, PCE-649, PCE-650, PCE-651, PCE-652, PCE-653, PCE-654, PCE-655, PCE-656, PCE-657, PCE-658, PCE-659, PCE-660, PCE-661, PCE-662, PCE-663, PCE-664, PCE-665, PCE-666, PCE-667, PCE-668, PCE-669, PCE-670, PCE-671, PCE-672, PCE-673, PCE-674, PCE-675, PCE-676, PCE-677, PCE-678, PCE-679, PCE-680, PCE-681, PCE-682, PCE-683, PCE-684, PCE-685, PCE-686, PCE-687, PCE-688, PCE-689, PCE-690, PCE-691, PCE-692, PCE-693, PCE-694, PCE-695, PCE-696, PCE-697, PCE-698, PCE-699, PCE-700, PCE-701, PCE-702, PCE-703, PCE-704, PCE-705, PCE-706, PCE-707, PCE-708, PCE-709, PCE-710, PCE-711, PCE-712, PCE-713, PCE-714, PCE-715, PCE-716, PCE-717, PCE-718, PCE-719, PCE-720, PCE-721, PCE-722, PCE-723, PCE-724, PCE-725, PCE-726, PCE-727, PCE-728, PCE-729, PCE-730, PCE-731, PCE-732, PCE-733, PCE-734, PCE-735, PCE-736, PCE-737, PCE-738, PCE-739, PCE-740, PCE-741, PCE-742, PCE-743, PCE-744, PCE-745, PCE-746, PCE-747, PCE-748, PCE-749, PCE-750, PCE-751, PCE-752, PCE-753, PCE-754, PCE-755, PCE-756, PCE-757, PCE-758, PCE-759, PCE-760, PCE-761, PCE-762, PCE-763, PCE-764, PCE-765, PCE-766, PCE-767, PCE-768, PCE-769, PCE-770, PCE-771, PCE-772, PCE-773, PCE-774, PCE-775, PCE-776, PCE-777, PCE-778, PCE-779, PCE-780, PCE-781, PCE-782, PCE-783, PCE-784, PCE-785, PCE-786, PCE-787, PCE-788, PCE-789, PCE-790, PCE-791, PCE-792, PCE-793, PCE-794, PCE-795, PCE-796, PCE-797, PCE-798, PCE-799, PCE-800, PCE-801, PCE-802, PCE-803, PCE-804, PCE-805, PCE-806, PCE-807, PCE-808, PCE-809, PCE-810, PCE-811, PCE-812, PCE-813, PCE-814, PCE-815, PCE-816, PCE-817, PCE-818, PCE-819, PCE-820, PCE-821, PCE-822, PCE-823, PCE-824, PCE-825, PCE-826, PCE-827, PCE-828, PCE-829, PCE-830, PCE-831, PCE-832, PCE-833, PCE-834, PCE-835, PCE-836, PCE-837, PCE-838, PCE-839, PCE-840, PCE-841, PCE-842, PCE-843, PCE-844, PCE-845, PCE-846, PCE-847, PCE-848, PCE-849, PCE-850, PCE-851, PCE-852, PCE-853, PCE-854, PCE-855, PCE-856, PCE-857, PCE-858, PCE-859, PCE-860, PCE-861, PCE-862, PCE-863, PCE-864, PCE-865, PCE-866, PCE-867, PCE-868, PCE-869, PCE-870, PCE-871, PCE-872, PCE-873, PCE-874, PCE-875, PCE-876, PCE-877, PCE-878, PCE-879, PCE-880, PCE-881, PCE-882, PCE-883, PCE-884, PCE-885, PCE-886, PCE-887, PCE-888, PCE-889, PCE-890, PCE-891, PCE-892, PCE-893, PCE-894, PCE-895, PCE-896, PCE-897, PCE-898, PCE-899, PCE-900, PCE-901, PCE-902, PCE-903, PCE-904, PCE-905, PCE-906, PCE-907, PCE-908, PCE-909, PCE-910, PCE-911, PCE-912, PCE-913, PCE-914, PCE-915, PCE-916, PCE-917, PCE-918, PCE-919, PCE-920, PCE-921, PCE-922, PCE-923, PCE-924, PCE-925, PCE-926, PCE-927, PCE-928, PCE-929, PCE-930, PCE-931, PCE-932, PCE-933, PCE-934, PCE-935, PCE-936, PCE-937, PCE-938, PCE-939, PCE-940, PCE-941, PCE-942, PCE-943, PCE-944, PCE-945, PCE-946, PCE-947, PCE-948, PCE-949, PCE-950, PCE-951, PCE-952, PCE-953, PCE-954, PCE-955, PCE-956, PCE-957, PCE-958, PCE-959, PCE-960, PCE-961, PCE-962, PCE-963, PCE-964, PCE-965, PCE-966, PCE-967, PCE-968, PCE-969, PCE-970, PCE-971, PCE-972, PCE-973, PCE-974, PCE-975, PCE-976, PCE-977, PCE-978, PCE-979, PCE-980, PCE-981, PCE-982, PCE-983, PCE-984, PCE-985, PCE-986, PCE-987, PCE-988, PCE-989, PCE-990, PCE-991, PCE-992, PCE-993, PCE-994, PCE-995, PCE-996, PCE-997, PCE-998, PCE-999, PCE-1000, PCE-1001, PCE-1002, PCE-1003, PCE-1004, PCE-1005, PCE-1006, PCE-1007, PCE-1008, PCE-1009, PCE-1010, PCE-1011, PCE-1012, PCE-1013, PCE-1014, PCE-1015, PCE-1016, PCE-1017, PCE-1018, PCE-1019, PCE-1020, PCE-1021, PCE-1022, PCE-1023, PCE-1024, PCE-1025, PCE-1026, PCE-1027, PCE-1028, PCE-1029, PCE-1030, PCE-1031, PCE-1032, PCE-1033, PCE-1034, PCE-1035, PCE-1036, PCE-1037, PCE-1038, PCE-1039, PCE-1040, PCE-1041, PCE-1042, PCE-1043, PCE-1044, PCE-1045, PCE-1046, PCE-1047, PCE-1048, PCE-1049, PCE-1050, PCE-1051, PCE-1052, PCE-1053, PCE-1054, PCE-1055, PCE-1056, PCE-1057, PCE-1058, PCE-1059, PCE-1060, PCE-1061, PCE-1062, PCE-1063, PCE-1064, PCE-1065, PCE-1066, PCE-1067, PCE-1068, PCE-1069, PCE-1070, PCE-1071, PCE-1072, PCE-1073, PCE-1074, PCE-1075, PCE-1076, PCE-1077, PCE-1078, PCE-1079, PCE-1080, PCE-1081, PCE-1082, PCE-1083, PCE-1084, PCE-1085, PCE-1086, PCE-1087, PCE-1088, PCE-1089, PCE-1090, PCE-1091, PCE-1092, PCE-1093, PCE-1094, PCE-1095, PCE-1096, PCE-1097, PCE-1098, PCE-1099, PCE-1100, PCE-1101, PCE-1102, PCE-1103, PCE-1104, PCE-1105, PCE-1106, PCE-1107, PCE-1108, PCE-1109, PCE-1110, PCE-1111, PCE-1112, PCE-1113, PCE-1114, PCE-1115, PCE-1116, PCE-1117, PCE-1118, PCE-1119, PCE-1120, PCE-1121, PCE-1122, PCE-1123, PCE-1124, PCE-1125, PCE-1126, PCE-1127, PCE-1128, PCE-1129, PCE-1130, PCE-1131, PCE-1132, PCE-1133, PCE-1134, PCE-1135, PCE-1136, PCE-1137, PCE-1138, PCE-1139, PCE-1140, PCE-1141, PCE-1142, PCE-1143, PCE-1144, PCE-1145, PCE-1146, PCE-1147, PCE-1148, PCE-1149, PCE-1150, PCE-1151, PCE-1152, PCE-1153, PCE-1154, PCE-1155, PCE-1156, PCE-1157, PCE-1158, PCE-1159, PCE-1160, PCE-1161, PCE-1162, PCE-1163, PCE-1164, PCE-1165, PCE-1166, PCE-1167, PCE-1168, PCE-1169, PCE-1170, PCE-1171, PCE-1172, PCE-1173, PCE-1174, PCE-1175, PCE-1176, PCE-1177, PCE-1178, PCE-1179, PCE-1180, PCE-1181, PCE-1182, PCE-1183, PCE-1184, PCE-1185, PCE-1186, PCE-1187, PCE-1188, PCE-1189, PCE-1190, PCE-1191, PCE-1192, PCE-1193, PCE-1194, PCE-1195, PCE-1196, PCE-1197, PCE-1198, PCE-1199, PCE-1200, PCE-1201, PCE-1202, PCE-1203, PCE-1204, PCE-1205, PCE-1206, PCE-1207, PCE-1208, PCE-1209, PCE-1210, PCE-1211, PCE-1212, PCE-1213, PCE-1214, PCE-1215, PCE-1216, PCE-1217, PCE-1218, PCE-1219, PCE-1220, PCE-1221, PCE-1222, PCE-1223, PCE-1224, PCE-1225, PCE-1226, PCE-1227, PCE-1228, PCE-1229, PCE-1230, PCE-1231, PCE-1232, PCE-1233, PCE-1234, PCE-1235, PCE-1236, PCE-1237, PCE-1238, PCE-1239, PCE-1240, PCE-1241, PCE-1242, PCE-1243, PCE-1244, PCE-1245, PCE-1246, PCE-1247, PCE-1248, PCE-1249, PCE-1250, PCE-1251, PCE-1252, PCE-1253, PCE-1254, PCE-1255, PCE-1256, PCE-1257, PCE-1258, PCE-1259, PCE-1260, PCE-1261, PCE-1262, PCE-1263, PCE-1264, PCE-1265, PCE-1266, PCE-1267, PCE-1268, PCE-1269, PCE-1270, PCE-1271, PCE-1272, PCE-1273, PCE-1274, PCE-1275, PCE-1276, PCE-1277, PCE-1278, PCE-1279, PCE-1280, PCE-1281, PCE-1282, PCE-1283, PCE-1284, PCE-1285, PCE-1286, PCE-1287, PCE-1288, PCE-1289, PCE-1290, PCE-1291, PCE-1292, PCE-1293, PCE-1294, PCE-1295, PCE-1296, PCE-1297, PCE-1298, PCE-1299, PCE-1300, PCE-1301, PCE-1302, PCE-1303, PCE-1304, PCE-1305, PCE-1306, PCE-1307, PCE-1308, PCE-1309, PCE-1310, PCE-1311, PCE-1312, PCE-1313, PCE-1314, PCE-1315, PCE-1316, PCE-1317, PCE-1318, PCE-1319, PCE-1320, PCE-1321, PCE-1322, PCE-1323, PCE-1324, PCE-1325, PCE-1326, PCE-1327, PCE-1328, PCE-1329, PCE-1330, PCE-1331, PCE-1332, PCE-1333, PCE-1334, PCE-1335, PCE-1336, PCE-1337, PCE-1338, PCE-1									

Permit Browse
Town of Palm Beach

Permit number	Master permit ID	Permit type	Permit name	Permit description	Permit Suite	Permit Address	Customer #	Customer First	Customer Last	Customer Name	Application date	Issue date	Expiration date	Approval state
B-16-56358	b-r01	373839R-REVISION		REVISION- SITE PLAN- UPDATE AND LANDSCAPE.	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	4/29/2016	12/7/2016	4/29/2016	final
B-16-60644	b-r01	373839R-REVISION		REVISION- SITE PLAN- LANDSCAPE AS BUILTS	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	10/25/2016	12/7/2016	10/25/2016	final
B-16-61089	b-r01	373839R-REVISION		REVISION SITE PLAN - LANDSCAPE AS BUILTS	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	11/16/2016	12/7/2016	11/16/2016	final
B-16-61306	b-r01	373839R-REVISION		REVISION BUILDING - ARCH LETTER - (PER CONTRACTOR ANOTHER REVISION WILL BE APPLIED FOR) REVISION PLUMBING P-G	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	11/30/2016	12/7/2016	11/30/2016	final
B-16-60561	b-r01	373839R-REVISION		REVISION PLUMBING / MECHANICAL - AS BUILTS	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	10/20/2016	12/6/2016	10/20/2016	final
B-16-61345	b-r01	373839R-REVISION		REVISION- SITE PLAN- CIVIL AS BUILTS, LETTER	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	12/1/2016	12/6/2016	12/1/2016	final
B-16-60977	b-r01	376515R-REVISION		REVISION OTHER- FIRE SPRINKLER AS BUILT.	VD	1095 N OCEAN BL	532305			J W FIRE SPRINKLER INC	11/8/2016	11/18/2016	11/8/2016	final
B-16-61134	b-r01	373839R-REVISION		REVISION MECHANICAL - M-1, M-4 ELECTRICAL E-7 - OTHER - LETTER	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	11/17/2016	11/18/2016	11/17/2016	final
B-16-60980	b-r01	373395R-REVISION		REVISION SITE PLAN - CIVIL AS BUILTS	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	11/9/2016	11/16/2016	11/9/2016	final
B-16-60905	b-r01	373839R-REVISION		REVISION BUILDING - ARCH AS BUILTS - OTHER- STAIR EXTERIOR RAILING ENGINEER NG.	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	11/14/2016	11/14/2016	11/14/2016	final
B-16-60458	b-r01	374874R-REVISION		REVISION- LOW VOLTAGE- REVISION TO LIGHTNING PROTECTION	VD	1095 N OCEAN BL	504045			BONDED LIGHTNING PROTECTI ON SY	10/14/2016	10/24/2016	10/14/2016	final
B-16-60459	b-r01	374875R-REVISION		REVISION- LOW VOLTAGE- REVISION TO LIGHTNING PROTECTION SYSTEM	GARAGE	1095 N OCEAN BL	504045			BONDED LIGHTNING PROTECTI ON SY	10/14/2016	10/24/2016	10/14/2016	final
B-16-60660	b-r01	374873R-REVISION		REVISION- LOW VOLTAGE- REVISION TO LIGHTNING PROTECTION SYSTEM	PAVILION	1095 N OCEAN BL	504045			BONDED LIGHTNING PROTECTI ON SY	10/14/2016	10/24/2016	10/14/2016	final
B-16-60434	b-r01	373839R-REVISION		REVISION ELECTRICAL - AS BUILTS	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	10/13/2016	10/18/2016	10/13/2016	final
B-16-64580	b-r01	373839R-REVISION		REVISION BUILDING - WINDOW DOOR NOA'S	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	2/1/2016	9/28/2016	2/1/2016	final
B-16-59872	b-r01	373839R-REVISION		REVISION BUILDING: GARAGE NOA	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	9/13/2016	9/28/2016	9/13/2016	final
B-16-59975	b-r01	380064R-REVISION		REVISION SITE PLAN: STRUCTURAL SK	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	9/16/2016	9/23/2016	9/16/2016	final
B-16-59976	b-r01	380028R-REVISION		REVISION- LOW VOLTAGE- LOCATION CHANGES	GARAGE	1095 N OCEAN BL	537955			AUDIO ADVISORS INC	9/16/2016	9/23/2016	9/16/2016	final
B-16-59977	b-r01	374931R-REVISION		REVISION- LOW VOLTAGE- RELOCATION	PAVILION	1095 N OCEAN BL	537955			AUDIO ADVISORS INC	9/16/2016	9/23/2016	9/16/2016	final
B-16-55123	b-e04	373395E-GENERATOR		SUB ELECTRIC GENERATOR - PROVIDE/INSTALL GENERATOR AS PER DRAWINGS - PLU MBET GAS PERMIT #B-15-53118.	VD	1095 N OCEAN BL	534530			ELECTRICAL SPECIALTY SERVICE S	3/17/2016	9/6/2016	5/14/2017	final
B-15-53625	b-m01	377834M-MECHANICAL		SUB MECHANICAL - MECHANICAL PER PLANS ON FILE - MUFFLER & EXHAUST FAN FO R EMERGENCY GENERATOR.	VD	1095 N OCEAN BL	502985			ATLANTIS AIR CONDITIONING C ORP	12/3/2015	8/29/2016	5/14/2017	final
B-16-59775	b-r01	373839R-REVISION		REVISION- BUILDING- STRUCTURAL REVISION: SITE PLAN- EASEMENT FORM	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	8/18/2016	8/25/2016	8/18/2016	final
B-16-57798	b-e09	373395E-SITE WORK		SUB- ELECTRIC- LANDSCAPE LIGHTING AS PER DRAWINGS	VD	1095 N OCEAN BL	534530			ELECTRICAL SPECIALTY SERVICE S	6/23/2016	8/4/2016	5/20/2017	final
B-16-58484	b-r01	373392R-REVISION		REVISION- SITE PLAN- STRUCTURAL REVISION	VD	1095 N OCEAN BL	502993			DAVIS GENERAL CONTRACTING CORP	7/20/2016	7/27/2016	7/20/2016	final
B-16-58359	b-p05	373839P-SITE WORK		SUB SITE WORK- INSTALLATION OF SPRINKLER SYSTEM.	VD	1095 N OCEAN BL	504338			TROPICAL IRRIGATION INC	7/14/2016	7/18/2016	5/21/2017	final
B-16-55035	b-s04	373395S-WATER FEATURE		SUB SITE WATER FEATURE - FOUNTAIN (F-4) WALL FOUNTAIN	VD	1095 N OCEAN BL	536303			ROYAL PALM POOLS LLC	2/25/2016	6/6/2016	5/22/2017	final
B-16-55036	b-p06	377723P-WATER FEATURE		SUB PLUMBING WATER FEATURE - PLUMBING FOR (F4) WALL FOUNTAIN	VD	1095 N OCEAN BL	536303			ROYAL PALM POOLS LLC	2/25/2016	6/6/2016	5/22/2017	final
B-16-55037	b-e06	377723E-WATER FEATURE		SUB ELECTRIC WATER FEATURE - PROVIDE ELECTRIC FOR FOUNTAIN (F4) WALL FOUNT AIN	VD	1095 N OCEAN BL	536303			ROYAL PALM POOLS LLC	2/25/2016	6/6/2016	5/14/2017	final
B-16-55038	b-s04	373395S-WATER FEATURE		SUB SITE WATER FEATURE - FOUNTAIN (F1) 2 RECTANGLE FOUNTAINS	VD	1095 N OCEAN BL	536303			ROYAL PALM POOLS LLC	2/25/2016	6/6/2016	5/22/2017	final
B-16-55039	b-p06	377726P-WATER FEATURE		SUB PLUMBING WATER FEATURE - PLUMBING FOR FOUNTAINS (F1) FOUNTAINS TO S HARE EQUIPMENT	VD	1095 N OCEAN BL	536303			ROYAL PALM POOLS LLC	2/25/2016	6/6/2016	5/22/2017	final
B-16-55040	b-e06	377726E-WATER FEATURE		SUB ELECTRIC WATER FEATURE - PROVIDE ELECTRIC FOUNTAINS (F1)	VD	1095 N OCEAN BL	536303			ROYAL PALM POOLS LLC	2/25/2016	6/6/2016	5/14/2017	final
B-16-55041	b-s04	373395S-WATER FEATURE		SUB SITE WATER FEATURE - FOUNTAIN F2 FIRE BOWL FOUNTAIN	VD	1095 N OCEAN BL	536303			ROYAL PALM POOLS LLC	2/25/2016	6/6/2016	5/22/2017	final
B-16-55042	b-p06	377729P-WATER FEATURE		SUB PLUMBING WATER FEATURE - PLUMBING FOR FOUNTAIN F2 FIRE BOWL FOUNTAI N	VD	1095 N OCEAN BL	536303			ROYAL PALM POOLS LLC	2/25/2016	6/6/2016	5/22/2017	final
B-16-55043	b-e06	377729E-WATER FEATURE		SUB ELECTRIC WATER FEATURE - PROVIDE ELECTRIC FOR FOUNTAIN F2	VD	1095 N OCEAN BL	536303			ROYAL PALM POOLS LLC	2/25/2016	6/6/2016	5/22/2017	final
B-16-56944	b-e09	373395E-SITE WORK		SUB ELECTRIC SITE - SITE WORK - AUDIO / CAMERAS / DOOR PHONES.	VD	1095 N OCEAN BL	537955			AUDIO ADVISORS INC	5/20/2016	5/31/2016	5/20/2017	final
B-16-56975	b-e05	373394E-LOW VOLTAGE RES		SUB- CABLE, PHONE, NETWORK, AUDIO WIRING, LOW VOLT LIGHTING CONTROL, MO GARAGE TORIZED LOW VOLT SHADE WIRING, SECURITY	VD	1095 N OCEAN BL	537955			AUDIO ADVISORS INC	5/23/2016	5/25/2016	5/16/2017	final

Property Detail

Location Address : 1095 N OCEAN BLVD
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-02-00-001-0020
Subdivision :
Official Records Book/Page : 32440 / 963
Sale Date : APR-2021
Legal Description : 2/3-43-43, S 200 FT OF N 440 FT OF GOV LT 1 SEC 2 & PAR W OF & ADJ THERETO
BEING S 176 FT OF GOV LT 3 & N 24 FT OF GOV LT 4 IN SEC 3 E OF OCEAN BLVD

Owner Information

Owner(s)

PANATTONI CARL &
PANATTONI MARY JANE

Mailing Address

1095 N OCEAN BLVD
PALM BEACH FL 33480 3230

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
APR-2021	\$10	32440 / 00963	DEED OF TRUST	PANATTONI CARL &
JUN-2020	\$70,000,000	31510 / 00837	WARRANTY DEED	1095 NORTH OCEAN TRUST
MAY-2015	\$31,000,000	27565 / 01302	WARRANTY DEED	TGS FLORIDA LLC
MAY-1998	\$100	10383 / 00743	QUIT CLAIM	CASTLE JOHN K &
MAY-1995	\$4,934,800	08760 / 00105	WARRANTY DEED	

Exemption Information

Applicant/Owner(s)	Year	Detail
PANATTONI CARL DAVID &	2024	HOMESTEAD
PANATTONI CARL DAVID &	2024	ADDITIONAL HOMESTEAD
PANATTONI MARY JANE	2024	HOMESTEAD
PANATTONI MARY JANE	2024	ADDITIONAL HOMESTEAD

Property Information

Number of Units : 3
***Total Square Feet :** 15347
Acres : 1.0527
Property Use Code : 0100—SINGLE FAMILY
Zoning : R-A—ESTATE RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	\$22,494,267	\$21,405,787	\$21,538,678	\$4,544,105	\$5,022,872
Land Value	\$42,788,600	\$38,898,750	\$28,750,000	\$25,750,000	\$25,000,000
Total Market Value	\$65,282,867	\$60,304,537	\$50,288,678	\$30,294,105	\$30,022,872

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$53,351,258	\$51,797,338	\$50,288,678	\$30,294,105	\$30,022,872
Exemption Amount	\$50,000	\$50,000	\$50,000	\$0	\$0
Taxable Value	\$53,301,258	\$51,747,338	\$50,238,678	\$30,294,105	\$30,022,872

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$800,352	\$801,993	\$815,299	\$499,668	\$503,706
NON AD VALOREM	\$1,925	\$1,913	\$2,041	\$2,006	\$2,010
TOTAL TAX	\$802,276	\$803,906	\$817,340	\$501,674	\$505,715

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **100 Casa Bendita**

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 100 Casa Bendita

Date: April 24, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Attorney Genny L. Contreras, regarding a time extension in which to remodel a single-family residence at 100 Casa Bendita and to extend the permit by two and a half years – until November 27, 2026.

GENERAL INFORMATION

The current owner is Villa Bendita LLC, which purchased the property in July of 2018. The building permit was issued in April of 2021, has a duration of 37 months, and will expire on May 5, 2024. Ms. Contreras explains in her letter of April 19, 2024, that the time extension is needed due to multiple issues and conflicts that arose between the prime architect, the interior architect, the interior designer, and the owner. Other delays resulted when the interior architect, the interior designer, and the owner's representative all left the project. Undefined neighbor concerns were recently provided to the applicant, which we are told that the owner is attempting to resolve. The revised construction schedule shows that the project should be completed by late November 2026.

The applicant appears to have complied with all new requirements for neighbor notice. Staff has no direct issue with this request but must point out the project will take at least five and a half years to complete, and we would like to know the exact nature of the neighbor concerns.

Attachments: Letter from Genny L. Contreras, w/ Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

LINKHORST & HOCKIN, P.A.

Attorneys at Law

www.FloridaHardhatLaw.com

Adam C. Linkhorst ^{1,2}

John A. Hockin ^{1,3}

Malinda R. Linkhorst

R. Scott Clayton ⁴

Genny L. Contreras ^{2,6,7}

G.M. Heitman ^{1,5,8,9}



¹ Board Certified by the Florida Bar in Construction Law

² Florida Supreme Court Certified Circuit Court Mediator

³ Also Admitted in the State of Georgia (inactive)

⁴ Also Admitted in the State of New Jersey

⁵ Also Admitted in the State of Texas and State of Georgia

⁶ State of Florida Certified General Contractor

⁷ State of Florida Certified Air Conditioning Contractor

⁸ State of Florida Certified General Contractor (inactive)

⁹ State of Florida Professional Engineer (retired)

April 19, 2024

Town of Palm Beach Building Department
360 S. County Rd.
Palm Beach, FL 33480

Re: 100 Casa Bendita, Palm Beach, FL 33480

At the attention of the Planning, Zoning and Building Department of the Town of Palm Beach,

Our firm represents Villa Bendita LLC in connection with an application to extend the permit for a remodeling project on the property located at 100 Casa Bendita, Palm Beach, FL 33480. The Project on the property has faced numerous amount of setbacks including the pandemic that ultimately delayed the start of the interior and exterior remodel. Below is a timeline to reference the obstacles faced and thereby provide an explanation for such delays, explaining the reasons why a time extension is being requested.

Below is a narrative from our client.

- By the end of 2019, we signed an agreement with an Architect who started preparing the drawings requested by ARCOM.
- An Interior Architect and an Interior Designer were also hired beginning 2020 to perform these specific services. Hence, we signed an amendment to the existing contract with the Architect to include these two new professionals.

- The building permit was obtained on April 05, 2021. However, the Interior Architect and Interior Designer had difficulties collaborating:
 - both professionals had very different ideas on the direction of the project;
 - delays taken by these professionals to update the project according to the Owner's wishes were too long (weeks, sometimes months);
 - the Interior Architect was only producing black and white hand drawings, and no computer renderings, which made the collaboration more complicated.
- Because the two new professionals were hired directly by the Architect, it was difficult to intervene and control the situation.
- All these disagreements culminated with the Interior Designer leaving the project, which obliged us to look for an interior designer replacement and go through several interviews. Most interior designers did not want to share their Scope of Work with the Interior Architect, which made the selection more difficult.
- At this point, the Interior Architect was missing deadlines and not considering the Owner's preferences and requests. This ultimately led to the Interior Architect leaving the project.
- This tangled situation has been suggested and supported by our Owner's Representative. Hence, he left the project in mid-2022. We then hurried to hire a new Interior Architect/Interior Designer, as well as a new Owner's Representative.
- We had to get everyone up to date on the status of the project: the Interior Architect/Designer especially had to start his work from the beginning, which lengthened the project. Once his work was approved, we started the bidding process to select a GC.
- After a thorough bidding process and meeting in person in London, the Owner selected Willoughby Construction for the renovation project, as they stood out for the level of details in their proposals, the accuracy of their budget and the effort made in preparing the documentation.
- On April 9, we were informed that the neighbors had some concerns about the project. During a Zoom call on April 12, Mr. Schlager, representing the neighbors, has clearly explained the main concerns. We are in action to solve them in the briefest delay.

Casa Bendita
April 19, 2024
Page 3

We look forward to participating to the hearing with Town Council on May 15, 2024 @ 9:00 a.m. We anticipate our contractor to be involved with the neighbors in order to achieve a successful project and be mindful of the surrounding properties. Our goal is to move forward and finalize the renovation project as soon as possible.

Respectfully,

/s/ Genny L. Contreras

Genny L. Contreras

GLC/vm
Encl.

ID	Task Mode	Task Name	Duration	Start	Finish
1		100 Casa Bendita Renovation (from window order date)	650 days	Fri 5/10/24	Thu 11/5/26
2		Permit Phase	20 days	Mon 6/3/24	Fri 6/28/24
3		Building Permit and Hearing	20 days	Mon 6/3/24	Fri 6/28/24
4		SITE PREP AND STAGING	34 days	Mon 6/3/24	Thu 7/18/24
5		Protect Driveway	10 days	Mon 6/3/24	Fri 6/14/24
6		Transplant trees from left side of house	15 days	Mon 6/17/24	Fri 7/5/24
7		Demo North side walk and strip back yard	7 days	Wed 7/3/24	Thu 7/11/24
8		Install 57 Rock drive and parking area	5 days	Fri 7/12/24	Thu 7/18/24
9		Deliver Dumpsters	1 day	Mon 6/17/24	Mon 6/17/24
10		Protect interior of house	30 days	Mon 6/3/24	Fri 7/12/24
11		DEMOLITION	100 days	Mon 6/3/24	Fri 10/18/24
12		Remove all interior doors to save	25 days	Mon 6/3/24	Fri 7/5/24
13		Demo per plan excluding windows	70 days	Mon 7/15/24	Fri 10/18/24
14		STRUCTURAL	330 days	Fri 5/10/24	Thu 8/14/25
15		Garage opening and Piles	20 days	Mon 10/21/24	Fri 11/15/24
16		Window openings	30 days	Fri 2/14/25	Fri 3/28/25
17		Cast in place stairs	15 days	Mon 7/1/24	Fri 7/19/24
18		Windows ordered	260 days	Fri 5/10/24	Thu 5/8/25
19		Window installation	70 days	Fri 5/9/25	Thu 8/14/25
20		INTERIOR ROUGH	240 days	Mon 10/21/24	Fri 9/19/25
21		HVAC	90 days	Mon 4/7/25	Fri 8/8/25
22		Plumbing	50 days	Mon 4/7/25	Fri 6/13/25
23		Electrical	100 days	Mon 4/7/25	Fri 8/22/25

Project: Boyle Schedule 12-13-2 Date: Fri 4/19/24	Task		Inactive Summary		External Tasks	
	Split		Manual Task		External Milestone	
	Milestone		Duration-only		Deadline	
	Summary		Manual Summary Rollup		Critical	
	Project Summary		Manual Summary		Critical Split	
	Inactive Task		Start-only		Progress	
	Inactive Milestone		Finish-only		Manual Progress	

ID	Task Mode	Task Name	Duration	Start	Finish
24		Low Voltage	100 days	Mon 4/7/25	Fri 8/22/25
25		Metal framing	100 days	Mon 10/21/24	Fri 3/7/25
26		Insulation	20 days	Mon 8/25/25	Fri 9/19/25
27		FINISHES	500 days	Mon 10/21/24	Fri 9/18/26
28		Hang drywall	30 days	Mon 9/22/25	Fri 10/31/25
29		Plaster finish	60 days	Mon 11/3/25	Fri 1/23/26
30		Interior cast stone order and fabrication	80 days	Mon 10/21/24	Fri 2/7/25
31		Install bath tile	80 days	Mon 11/3/25	Fri 2/20/26
32		Install wood flooring	30 days	Mon 1/26/26	Fri 3/6/26
33		Interior carpentry	80 days	Mon 11/17/25	Fri 3/6/26
34		Install interior cast stone	65 days	Mon 12/1/25	Fri 2/27/26
35		Install stone floors	20 days	Mon 11/3/25	Fri 11/28/25
36		Order cabinets	5 days	Mon 3/10/25	Fri 3/14/25
37		Deliver cabinets	5 days	Mon 6/23/25	Fri 6/27/25
38		Install cabinets	30 days	Mon 6/30/25	Fri 8/8/25
39		Template tops	15 days	Mon 4/20/26	Fri 5/8/26
40		Countertop shop drawing review	15 days	Mon 5/11/26	Fri 5/29/26
41		Fabricate tops	40 days	Mon 6/1/26	Fri 7/24/26
42		Top installation	20 days	Mon 6/15/26	Fri 7/10/26
43		Interior paint and stain	120 days	Mon 1/26/26	Fri 7/10/26
44		JPM finishes	140 days	Mon 1/26/26	Fri 8/7/26
45		JPM cabs	40 days	Mon 2/23/26	Fri 4/17/26
46		JPM Wall and ceiling coverings	20 days	Mon 7/13/26	Fri 8/7/26

Project: Boyle Schedule 12-13-24 Date: Fri 4/19/24	Task	Inactive Summary	External Tasks
	Split	Manual Task	External Milestone
	Milestone	Duration-only	Deadline
	Summary	Manual Summary Rollup	Critical
	Project Summary	Manual Summary	Critical Split
	Inactive Task	Start-only	Progress
	Inactive Milestone	Finish-only	Manual Progress

ID	Task Mode	Task Name	Duration	Start	Finish
47		Plumb trim	20 days	Mon 7/13/26	Fri 8/7/26
48		Electric trim	20 days	Mon 7/13/26	Fri 8/7/26
49		HVAC trim	20 days	Mon 7/13/26	Fri 8/7/26
50		Low voltage trim	20 days	Mon 7/13/26	Fri 8/7/26
51		Resurface floors	20 days	Mon 8/10/26	Fri 9/4/26
52		Clean house	20 days	Mon 8/24/26	Fri 9/18/26
53		Exterior	499 days	Mon 4/15/24	Thu 3/12/26
54		Inspect drainage	10 days	Mon 4/15/24	Fri 4/26/24
55		Demo driveway	25 days	Fri 5/10/24	Thu 6/13/24
56		Replace drainage	25 days	Fri 9/26/25	Thu 10/30/25
57		Roof demo and dry in	60 days	Fri 5/10/24	Thu 8/1/24
58		Remove and save cast stone at windows	45 days	Fri 8/2/24	Thu 10/3/24
59		Exterior wood ceilings	60 days	Fri 8/2/24	Thu 10/24/24
60		Stucco repairs	30 days	Fri 8/15/25	Thu 9/25/25
61		Reinstall exterior cast stone windows	60 days	Fri 9/26/25	Thu 12/18/25
62		Exterior paint	30 days	Fri 12/19/25	Thu 1/29/26
63		Install driveway	25 days	Fri 10/31/25	Thu 12/4/25
64		Gutters and Downspouts	10 days	Fri 10/31/25	Thu 11/13/25
65		Exterior site walls	15 days	Fri 8/15/25	Thu 9/4/25
66		Irrigation	15 days	Fri 9/26/25	Thu 10/16/25
67		Large landscape	15 days	Fri 12/19/25	Thu 1/8/26
68		Rough grade and removal of parking area	20 days	Fri 1/9/26	Thu 2/5/26
69		Install walkways	10 days	Fri 2/6/26	Thu 2/19/26

Project: Boyle Schedule 12-13-2 Date: Fri 4/19/24	Task		Inactive Summary		External Tasks	
	Split		Manual Task		External Milestone	
	Milestone		Duration-only		Deadline	
	Summary		Manual Summary Rollup		Critical	
	Project Summary		Manual Summary		Critical Split	
	Inactive Task		Start-only		Progress	
	Inactive Milestone		Finish-only		Manual Progress	

ID	Task Mode	Task Name	Duration	Start	Finish
70		Sod and small plantings	15 days	Fri 2/20/26	Thu 3/12/26
71		PUNCHOUT PHASE	70 days	Mon 8/24/26	Fri 11/27/26
72		Final plumbing inspection	2 days	Mon 8/24/26	Tue 8/25/26
73		Final HVAC inspection	2 days	Mon 8/24/26	Tue 8/25/26
74		Final electrical inspection	2 days	Mon 8/24/26	Tue 8/25/26
75		Final gas inspection	2 days	Mon 8/24/26	Tue 8/25/26
76		Final structured wire inspection	2 days	Mon 8/24/26	Tue 8/25/26
77		Final building inspection	10 days	Mon 8/24/26	Fri 9/4/26
78		CO	15 days	Fri 9/4/26	Thu 9/24/26
79		Punchout	50 days	Mon 9/21/26	Fri 11/27/26

Project: Boyle Schedule 12-13-2 Date: Fri 4/19/24	Task		Inactive Summary		External Tasks	
	Split		Manual Task		External Milestone	
	Milestone		Duration-only		Deadline	
	Summary		Manual Summary Rollup		Critical	
	Project Summary		Manual Summary		Critical Split	
	Inactive Task		Start-only		Progress	
	Inactive Milestone		Finish-only		Manual Progress	



WILLOUGHBY
CONSTRUCTION

Nuisance Mitigation Measures

100 Casa Bendita

Town Of Palm Beach

This letter is to address the nuisance mitigation measures letter required for the permit extension. We understand the long duration of this project has cause frustration for the neighbors and we are here to work with them to make this as easy as possible for all parties involved.

The measure being taken are listed below in bullet points.

- Install screening along the sides 16-18' in height and a screened security gate at the front of the property
- Remove overgrown sea grapes that are impacting the roof
- Clean up and trim overgrown sea grapes at the front of the driveway and in the motor court to improve curb appeal and accessibility
- Create a parking area in the back of the property
- In addition to on site parking Willoughby construction has secured two floors of a parking garage in West Palm Beach and owns a van to shuttle people to and from the job site
- Have a dedicated laborer for directing parking and traffic daily once construction commences
- Inspect and address any drainage issues
- Follow all Palm Beach directives on work hours and ROW permits and delivery
 - Summer hours of 8am-6pm with no noise before 9am Monday to Friday
 - Summer hours Saturdays 9 am to 5pm for quiet interior work
 - Winter hours Monday through Friday 8am to 5pm No noise before 9am and no weekend work
 - Follow all Palm Beach recognized holidays

FRED COON

Project Manager

O: 561.744.0367

C: 602.614.3770

TIME EXT

100 Casa Bendita

Ext Permit-24-00003

RECEIVED

APR 19 2024



TOWN OF PALM BEACH

TOWN OF PALM BEACH
PZB DEPARTMENT

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 sent 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: For meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): 5/15/24
- Deadline for submittal of request/backup must be received by: 5/1/24
(Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: 4/19/24
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-87971 / RALT-24-00007 Exp. Date: 4/5/25

Job Address: 100 CASA BENDITA, PALM BEACH, FL 33480

Length of time extension being requested: (in days) 750 Working Days (1095 Calendar Days)

Proposed completion date if requested time extension is granted: 11/27/26
(Must attach completion schedule)

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5431 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com



Pg 1 of 2

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd
Palm Beach, FL 33480
(561) 838-5431
www.townofpalmbeach.com
Welcome

04/19/2024 12:45PM Michelle
032889-0001

EPL INVOICE

Willoughby, Craig (WILLOUGHBY
CONSTRUCTION LLC)

2024 Item: INV-24-00000444
Construction Permit,
Time Extension.
Building

\$70,000.00

Technology fee \$0.00

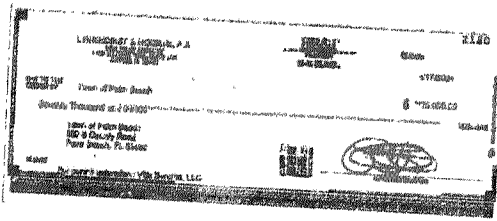
\$70,000.00

Subtotal \$70,000.00
Total \$70,000.00

CHECK \$70,000.00
Check Number00002180

Change due \$0.00

Paid by: Willoughby, Craig (WILLOUGHBY
CONSTRUCTION LLC)



Thank you for your payment

Town of Palm Beach COPY
DUPLICATE RECEIPT

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd
Palm Beach, FL 33480
(561) 838-5431
www.townofpalmbeach.com
Welcome

04/22/2024 01:59PM Christine
032893-0004

EPL INVOICE

Willoughby, Craig (WILLOUGHBY
CONSTRUCTION LLC)

2024 Item: INV-24-00000444
Construction Permit,
Time Extension.
Building

\$0.00

Technology fee \$1,400.00

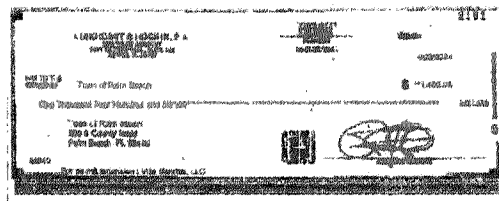
\$1,400.00

Subtotal \$1,400.00
Total \$1,400.00

CHECK \$1,400.00
Check Number00002181

Change due \$0.00

Paid by: Willoughby, Craig (WILLOUGHBY
CONSTRUCTION LLC)



Thank you for your payment

Town of Palm Beach COPY
DUPLICATE RECEIPT

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Permit# : B-21-07971 / RALT-24-00007 Job Value \$ 7,000,000

Permit# : _____ Job Value \$ _____

Permit# : _____ Job Value \$ _____

Permit# : _____ Job Value \$ _____

Valuation of work remaining to complete the project: \$ 7,000,000
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: \$ 70,000
(attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

[Signature] 4/19/2024
OWNER SIGNATURE DATE

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

[Signature] _____
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me

this 19 day of April
2024 By M. Konstantin Kosovan

Who are personally known _____ OR produced
identification (Type of identification) IC 21884374
OR Online Notarization (Link to [Signature])

Cécile Mascarelli
Printed Name of Notary

[Signature]
Signature of Notary

SEAL: 

NOTARY TO CONTRACTOR

STATE OF _____
COUNTY OF _____

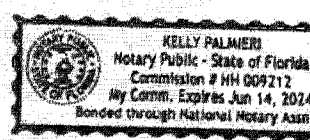
Sworn to (or affirmed) and subscribed before me

this 17th day of April
2024 By Craig Willoughby

Who are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____

Kelly Palmieri
Printed Name of Notary

[Signature]
Signature of Notary

SEAL: 

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5431 • Facsimile (561)835-4621
E-Mail: ptb@townofpalmbeach.com • Website: www.townofpalmbeach.com

Rev. 20221215

 Recycled Paper

Pg. 2 of 2

Permit Browse
Town of Palm Beach

Permit number	Permit type	Master permit ID	Permit type name	Permit description	Permit Suite	Permit Address	Customer N	Customer First	Customer Last Name	Application date	Issue date	Expiration date	Approval state
B-21-87971	B-002		B-RESIDENTIAL ALTERATION	INTERIOR AND EXTERIOR ALTERATIONS. **30 day extension approved by WB pending TC - exp 5/5/24**		100 CASA BENDIT	533579		WOOLEMS INC	3/18/2021	4/5/2021	5/5/2024	issued
B-12-28441	B-p07		P-REPLACEMENT	REPLACE WATER HEATER AND PAN IN GUEST AREA CLOSET OWNER LISTED AS LORD ANTHONY JACOBS ON PERMIT APP		100 CASA BENDIT	602226		GENERAL HOME SOLUTIONS INC	10/16/2012	10/19/2012	4/17/2013	final
B-12-24471	B-m04		M-REPLACEMENT	REPLACE ONE WATER SOURCE HEAT PUMP FOR MASTER BATH FHP EC-018 (OWNER LISTED AS LORD ANTHONY JACOBS ON APP)		100 CASA BENDIT	505209		SMYTH AIR CONDITIONING INC	5/18/2012	5/25/2012	4/13/2013	final
B-12-24472	B-p07		P-REPLACEMENT	REPLACE HARDWIRED WATER HEATER IN EXISTING LOCATION IN BASEMENT ***EMERGENCY REPAIR - LEAKING*** (OWNER LISTED AS LORD ANTHONY JACOBS ON APP)		100 CASA BENDIT	602226		GENERAL HOME SOLUTIONS INC	5/18/2012	5/22/2012	11/18/2012	final
B-08-01557	B-e13	315958	E-OTHER	RE-CONNECT EXISTING HARDWARE TO NEW WATER HEATER		100 CASA BENDIT	537669		LIFESTYLES ELECTRICAL SERVIC	12/16/2008	1/9/2009	7/15/2009	final
B-08-01555	B-p07		P-REPLACEMENT	REPLACE EXISTING ELECTRIC WATER HEATER		100 CASA BENDIT	602226		GENERAL HOME SOLUTIONS INC	12/16/2008	12/18/2008	7/15/2009	final
X-07-31560	legacy		X-LEGACY PERMIT	RELOCATE GAS LINE FROM METER TO HOUSE STUB OUT DUE TO NEW POOL CONSTRUCTION		100 CASA BENDIT	542473		BOUCHER GAS APPLIANCE SERVICE	9/7/2007	9/7/2007	10/2/2008	final
X-07-30775	legacy		X-LEGACY PERMIT	ELECTRICAL HOOK UP OF NEW SWIMMING POOL & FOUNTAIN		100 CASA BENDIT	541802		ENERGY EFFICIENT ELECTRIC INC	8/2/2007	8/2/2007	10/2/2008	final
X-07-30769	legacy		X-LEGACY PERMIT	PIPING PERMIT (2) MAIN DRAINS, (1) VACUUM LINE, (8) INLET LINES, (1) OVERFLOW DRAIN, (1) WASTEWATER EXISTING		100 CASA BENDIT	541844		HACKL POOL CONSTRUCTION C	8/2/2007	8/2/2007	10/2/2008	final
X-07-29569	legacy		X-LEGACY PERMIT	NEW SWIMMING POOL WITH FOUNTAIN AND DECK		100 CASA BENDIT	541844		OMPAN	8/2/2007	8/1/2007	10/2/2008	final
X-05-19119	legacy		X-LEGACY PERMIT	DEMOLISH & REMOVE SWIMMING POOL & SURROUNDING DECK RECONSTRUCTION TO FOLLOW UNDER SEPARATE PERMIT APP		100 CASA BENDIT	541844		HACKL POOL CONSTRUCTION C	6/12/2007	6/12/2007	10/2/2008	final
X-03-00767	legacy		X-LEGACY PERMIT	SEAWALL RECONSTRUCTION		100 CASA BENDIT	500294		MURRAY LOGAN CONSTRUCTION INC	9/30/2005	9/30/2005	10/2/2008	final
A-18-00016	A-a01		A-ARCOM STAFF APPROVAL	LITE TOUCH KEYPAD AND PRE-WIRE TO CONNECT TO A/V EQUIPMENT		100 CASA BENDIT	532954		ENVIRONMENTAL TECHNOLOGY CONTROLS	1/22/2003	1/22/2003	10/2/2008	final
A-20-00938	A-a01	430825	A-ARCOM STAFF APPROVAL	*****FEES DUE*****ARCOM STAFF APPROVAL OF WINDOW & DOOR REPLACEMENT W/SAME LOOK, COLOR, STYLE AND MATERIAL DATED 5/31/24 STAFF APPROVAL FOR EXTERIOR CHANGES OUR OUTLINED IN ATTACHED EMAIL		100 CASA BENDIT	604845		*****DO NOT PAY HERE*****	8/13/2018		8/8/2019	pending
						100 CASA BENDIT	601454		SMITH AND MOORE ARCHITECTS INC	3/25/2020		3/29/2021	final

Count: 15

Table 3.1 Page 1

Property Detail

Location Address : 100 CASA BENDITA
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-14-14-000-0072
Subdivision : CASA BENDITA IN
Official Records Book/Page : 30039 / 352
Sale Date : JUL-2018
Legal Description : CASA BENDITA LT 7 /LESS W 94.60 FT/

Owner Information

Owner(s)	Mailing Address
VILLA BENDITA LLC	100 CASA BENDITA PALM BEACH FL 33480 3602

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUL-2018	\$35,000,000	30039 / 00352	WARRANTY DEED	VILLA BENDITA LLC
APR-2017	\$34,000,000	29062 / 01575	WARRANTY DEED	VILLA DENIZ LLC
SEP-1995	\$4,150,000	08929 / 00803	WARRANTY DEED	EBERLEIN HOLDINGS INC
JAN-1971	\$215,000	01922 / 00112		
JAN-1969	\$160,000	01707 / 00000	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 13773
Acres : 0.9508
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	\$15,452,089	\$14,679,336	\$10,102,385	\$4,977,149	\$5,472,771
Land Value	\$33,546,100	\$32,336,700	\$23,000,000	\$20,600,000	\$20,000,000
Total Market Value	\$48,998,189	\$47,016,036	\$33,102,385	\$25,577,149	\$25,472,771

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$34,043,185	\$30,948,350	\$28,134,864	\$25,577,149	\$25,472,771
Exemption Amount	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$34,043,185	\$30,948,350	\$28,134,864	\$25,577,149	\$25,472,771

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$607,641	\$584,293	\$490,643	\$421,867	\$427,367
NON AD VALOREM	\$2,456	\$2,452	\$2,689	\$2,651	\$2,650
TOTAL TAX	\$610,097	\$586,745	\$493,332	\$424,518	\$430,016

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcapao.gov

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **346 Seabreeze Ave.**

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 346 Seabreeze Avenue

Date: April 16, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request owners Margot & Richard Stephenson regarding a time extension in which to complete exterior site work at 346 Seabreeze Avenue and to extend the permit by four additional months – until October 25, 2024.

GENERAL INFORMATION

The current owners purchased the property in May of 2021. The sitework / drainage permit for revisions to the hardscape and landscape was issued on February 28, 2022, had a duration of 16 months, and will expire on June 25, 2024. The owners explain in his letter, dated April 16, 2024, that the time extension is required to allow the completion of the driveway and the installation of the new landscape. The application and request for this extension does not include a revised construction schedule.

The contractor appears to have complied with all new requirements for neighbor notice. Staff has no issue with the request.

Attachments: Letter from Margot & Richard Stephenson
Permit Summary for the Property
Property Appraiser Details for the Property

April 16, 2024

Mr. Wayne Bergman
Head of Planning and Zoning
Town of Palm Beach
360 S Country Road
Palm Beach, FL 33480

Re: 346 Seabreeze Ave / Permit B-21-92436 Extension Request

Dear Wayne,

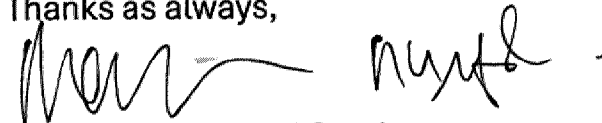
Further to Dustin Mizell's email to you dated April 2, 2024, I would like to officially request a 4 month extension to October 25, 2024 on the above permit which is scheduled to expire on June 25, 2024.

As you may be aware, Woolems and we parted company last year. Since then Margot and I have been working on completing the remaining work with very valuable support from Dustin and others. We are close to being finished and what remains to be completed is the front driveway area. I have been working the past few weeks with SMC and Vassalotti Stoneworks to finalize the work and timing. We expect their work to be close to completed by the second half of June. After they're done we will then need to complete the landscaping.

So even though at this point we would expect the driveway to be completed by end June, the landscaping and final touch ups will likely take us into early fall hence the extension request. We are trying to have our request approved at the May 15, 2024 Town Council Development Review Meeting.

Feel free to reach out with any questions.

Thanks as always,

The block contains two handwritten signatures in black ink. The signature on the left is 'Margot' and the signature on the right is 'Richard'. Both are written in a cursive, flowing style.

Margot and Richard Stephenson
346 Seabreeze Ave
Palm Beach, FL 33480



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 sent 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: For meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): MAY 15, 2024
- Deadline for submittal of request/backup must be received by: MAY 1, 2024
(Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: APRIL 20, 2024
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-92436 Exp. Date: JUNE 25, 2024

Job Address: 346 SEABREEZE AVE

Length of time extension being requested: (in days) 4 MONTHS (120 DAYS)

Proposed completion date if requested time extension is granted: OCTOBER 25, 2024
(Must attach completion schedule)

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5431 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Permit# : B-21-92436 Job Value \$ 681,000

Permit# : _____ Job Value \$ _____

Permit# : _____ Job Value \$ _____

Permit# : _____ Job Value \$ _____

Valuation of work remaining to complete the project: \$ 25,000
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: \$ 250
(attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

[Signature] April 8 2024
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

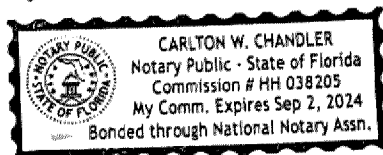
this 8 day of April
2024, By Richard Deane Stecher

Who are personally known _____ OR produced
identification (Type of identification) US Passport
OR Online Notarization _____

[Signature]
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:



NOTARY TO CONTRACTOR

STATE OF _____
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:

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5431 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com

Permit number	Permit ID	Master permit ID	Permit type name	Permit description	Permit Suite	Customer Address	Customer Name	Customer First Name	Customer Last Name	Application date	Issue date	Expiration date	Approval state
B-24-02311	b-01		443265 R-REVISION	REVISION PLUMBING/GAS: CONNECTION OF GAS TO POOL HEATER	E	346 SEABREEZE AV 606748	RICHARD STEPHENSON - OWN	RICHARD	STEPHENSON	1/25/2024	1/26/2024	1/25/2024	final
U-23-14853	u-p02		U-USE OF/WORK IN ROW	LIFTING A 12FT COCONUT PALM THAT FELL WITH RAIN STORM/WIND.	E	346 SEABREEZE AV 606816	GREEN GARDENS MAINTENANCE INC	GREEN	GARDENS MAINTENANCE	11/20/2023	11/22/2023	2/20/2024	final
B-23-01368	b-02		443265 R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR FROM OSLER POOLS TO OWNER/BUILDER	E	346 SEABREEZE AV 606748	RICHARD STEPHENSON - OWN	RICHARD	STEPHENSON	10/10/2023	10/10/2023	10/10/2023	final
U-23-14301	u-p02		U-USE OF/WORK IN ROW	INSTALLATION OF 4 12 FT COCONUT PALMS	E	346 SEABREEZE AV 606816	GREEN GARDENS MAINTENANCE INC	GREEN	GARDENS MAINTENANCE	9/29/2023	10/6/2023	1/4/2024	final
B-23-12996	u-p02		U-USE OF/WORK IN ROW	USE OF- 12FT PALM TREE DELIVERY WITH MACHINE- GOOSENECK TRAILER	E	346 SEABREEZE AV 606816	GREEN GARDENS MAINTENANCE INC	GREEN	GARDENS MAINTENANCE	5/17/2023	5/22/2023	8/20/2023	final
U-23-12781	u-p03		U-EXCAVATION IN ROW	EXCAVATE- INSTALL 0.75" PE GAS SERVICE BY DIRECTIONAL BORE AND CONNECT TO EXISTING 2" PE GAS MAIN.	E	346 SEABREEZE AV 500056	FLORIDA PUBLIC UTILITIES COMPANY	FLORIDA	PUBLIC UTILITIES COMPANY	4/21/2023	4/27/2023	10/24/2023	issued
B-23-97883	b-02		439617 R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR	E	346 SEABREEZE AV 606748	RICHARD STEPHENSON - OWN	RICHARD	STEPHENSON	1/27/2023	1/27/2023	1/27/2023	final
U-23-97884	b-02		B-RESIDENTIAL ALTERATION	INTERIOR RENOVATIONS - LEVEL 1 INTERIOR- NO PLANS REQUIRED PER WB	E	346 SEABREEZE AV 606748	RICHARD STEPHENSON - OWN	RICHARD	STEPHENSON	1/27/2023	1/27/2023	7/14/2024	final
B-22-96992	b-01		439617 R-REVISION	*****PRIVATE PROVIDER***** REVISION ELECTRICAL- RELOCATION OF OUTLETS/UPGRADE, OTHER: VALUE INCLUDED IN MASTER PERMIT	E	346 SEABREEZE AV 533579	WOOLEMS INC	WOOLEMS	INC	10/7/2022	11/7/2022	10/21/2022	final
U-22-11357	u-p02		443265 U-USE OF/WORK IN ROW	USE OF- GUNITE TRUCKS	E	346 SEABREEZE AV 603743	OSLER POOLS INC	OSLER	POOLS INC	9/26/2022	10/4/2022	1/2/2023	final
B-22-96255	b-01		443265 R-REVISION	REVISION BUILDING - ADDITION OF EURO BEAM & POOL PLUMBING LINES - NO ADDITIONAL VALUE	E	346 SEABREEZE AV 603743	OSLER POOLS INC	OSLER	POOLS INC	8/30/2022	9/21/2022	8/30/2022	final
U-22-10980	u-p02		439617 U-USE OF/WORK IN ROW	OPERATION AND VEHICLE LOADING AND UNLOADING	E	346 SEABREEZE AV 533579	WOOLEMS INC	WOOLEMS	INC	8/18/2022	9/11/2022	12/10/2022	final
U-22-10953	u-p05		439617 U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	E	346 SEABREEZE AV 533579	WOOLEMS INC	WOOLEMS	INC	8/18/2022	9/7/2022	9/7/2022	final
U-22-10954	u-p05		439617 U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	E	346 SEABREEZE AV 533579	WOOLEMS INC	WOOLEMS	INC	6/13/2022	7/6/2022	10/4/2022	final
U-22-10220	u-p02		U-USE OF/WORK IN ROW	DELIVERY SERVICES [PROP WORK FOR 6.14.22-6.15.22]	E	346 SEABREEZE AV 603743	OSLER POOLS INC	OSLER	POOLS INC	5/6/2022	5/18/2022	8/19/2024	issued
B-22-94504	b-01		S-POOL/WATER FEATURE	NEW POOL AND SPA	E	346 SEABREEZE AV 603743	WOOLEMS INC	WOOLEMS	INC	2/9/2022	3/4/2022	2/9/2022	final
B-22-93231	b-01		439617 R-REVISION	REVISION SITE PLAN: SITE WALL DETAIL AS REQUESTED BY REVIEWER.	E	346 SEABREEZE AV 533579	WOOLEMS INC	WOOLEMS	INC	12/13/2021	2/28/2022	6/25/2024	issued
B-21-92436	b-s11		S-SITE WORK/DRAINAGE	(SEE PERMIT CONDITIONS) EXTERIOR HARDSCAPE AND LANDSCAPE RENOVATIONS	E	346 SEABREEZE AV 533579	WOOLEMS INC	WOOLEMS	INC	5/18/2020	5/20/2020	9/11/2021	final
B-20-84149	b-m01		M-MECHANICAL	CHANGE OUT 3 TON AIR HANDLER IN CLOSET AND 3 TON CONDENSER ON ROOF	E	346 SEABREEZE AV 600810	KC SAUNDERS LTD CO	KC	SAUNDERS LTD CO	2/4/2020	2/5/2020	9/11/2021	final
B-20-83095	b-m01		M-MECHANICAL	CHANGE OUT AIRHANDLE IN ATTIC & CONDENSER ON STAND. 2.5 TON MATCH	E	346 SEABREEZE AV 600810	KC SAUNDERS LTD CO	KC	SAUNDERS LTD CO	1/25/2019	1/25/2019	9/16/2019	final
B-19-77494	b-p07		P-REPLACEMENT	50 GAL ELEC WATER HEATER REPLACEMENT	E	346 SEABREEZE AV 541063	FLORIDA DELTA MECHANICAL INC	FLORIDA	DELTA MECHANICAL INC	12/18/2003	12/18/2003	10/2/2008	final
X-03-06822	legacy		X-LEGACY PERMIT	(1) POOL HEATER	E	346 SEABREEZE AV 602226	GENERAL HOME SOLUTIONS INC	GENERAL	HOME SOLUTIONS INC	9/3/2003	9/3/2003	10/2/2008	final
X-03-04898	legacy		X-LEGACY PERMIT	FURNISH AND INSTALL 32 LF OF 4" BLACK VINYL C/L W/1 GATE	E	346 SEABREEZE AV 540428	BUDGET GATE SYSTEMS INC	BUDGET	GATE SYSTEMS INC	8/25/2003	8/25/2003	10/2/2008	final
X-03-04696	legacy		X-LEGACY PERMIT	FURNISH & INSTALL 56 LF OF 4 FT BLACK VINYL C/L FENCE	E	346 SEABREEZE AV 540428	BUDGET GATE SYSTEMS INC	BUDGET	GATE SYSTEMS INC	8/8/2003	8/8/2003	10/2/2008	final
X-03-00307	legacy		X-LEGACY PERMIT	UPDATE INCREASE IN VALUE	E	346 SEABREEZE AV 534917	TARA MANAGEMENT INC	TARA	MANAGEMENT INC	3/12/2003	3/12/2003	10/2/2008	final
X-03-01448	legacy		X-LEGACY PERMIT	INSTALLING STEREO SPEAKERS AND CENTRAL VACUUM SYSTEM	E	346 SEABREEZE AV 539923	MELLON SECURITY & SOUND SYSTEM	MELLON	SECURITY & SOUND SYSTEM	2/17/2003	2/17/2003	10/2/2008	final
X-03-01124	legacy		X-LEGACY PERMIT	INSTALL SECURITY ALARM SYSTEM (47 OPENINGS)	E	346 SEABREEZE AV 539923	MELLON SECURITY & SOUND SYSTEM	MELLON	SECURITY & SOUND SYSTEM	12/12/2022		6/10/2023	canceled
B-22-97506	b-m01		M-MECHANICAL	RAISE (2) EXISTING CONDENSING UNITS FROM GROUND AND MOUNT ON WALL WITH HURRICANE RATED ALUMINUM BRACKETS TO ACCOMMODATE NEW POOL EQUIPMENT AND HEATER.	E	346 SEABREEZE AV 520691	SUMMIT AIR CONDITIONING INC	SUMMIT	AIR CONDITIONING INC	8/18/2022	8/18/2022	8/18/2022	canceled
U-22-10955	u-p05		439617 U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	E	346 SEABREEZE AV 533579	WOOLEMS INC	WOOLEMS	INC	3/22/2023		6/20/2023	canceled
U-23-12585	u-p02		U-USE OF/WORK IN ROW	USE OF ROW FOR DELIVERY OF 2 COCONUTS	E	346 SEABREEZE AV 606816	GREEN GARDENS MAINTENANCE INC	GREEN	GARDENS MAINTENANCE				
Count: 30													
Error Count: 0													

Property Detail

Location Address : 346 SEABREEZE AVE
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-22-06-000-0670
Subdivision : POINCIANA PARK IN
Official Records Book/Page : 32468 / 1357
Sale Date : MAY-2021
Legal Description : POINCIANA PARK LTS 67 & 69

Owner Information

Owner(s)

STEPHENSON MARGOT S
STEPHENSON RICHARD S &

Mailing Address

346 SEABREEZE AVE
PALM BEACH FL 33480 6131

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-2021	\$4,450,000	32468 / 01357	WARRANTY DEED	STEPHENSON RICHARD S &
FEB-2001	\$820,000	12353 / 01674	WARRANTY DEED	YLVISAKER JANE
JUL-1991	\$290,000	06914 / 00494	WARRANTY DEED	
JAN-1990	\$431,500	06914 / 00493	WARRANTY DEED	
APR-1989	\$100	06029 / 00192	WARRANTY DEED	
APR-1989	\$260,000	06029 / 00191	WARRANTY DEED	
JAN-1977	\$50,000	02866 / 01063		

Exemption Information

Applicant/Owner(s)	Year	Detail
STEPHENSON RICHARD S &	2024	ADDITIONAL HOMESTEAD
STEPHENSON RICHARD S &	2024	HOMESTEAD

Property Information

Number of Units : 1
***Total Square Feet :** 2726
Acres : 0.1406
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	\$1,247,530	\$1,249,130	\$680,757	\$772,342	\$715,248
Land Value	\$2,684,725	\$2,324,438	\$1,610,875	\$1,479,188	\$1,710,000
Total Market Value	\$3,932,255	\$3,573,568	\$2,291,632	\$2,251,530	\$2,425,248

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$3,680,775	\$3,573,568	\$1,200,403	\$1,183,829	\$1,157,213
Exemption Amount	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Taxable Value	\$3,630,775	\$3,523,568	\$1,150,403	\$1,133,829	\$1,107,213

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$54,669	\$54,761	\$18,837	\$18,877	\$18,755
NON AD VALOREM	\$188	\$184	\$178	\$173	\$175
TOTAL TAX	\$54,857	\$54,945	\$19,015	\$19,050	\$18,930

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **756 Hi Mount Road**

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 756 Hi Mount Road

Date: April 17, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Attorney Maura Ziska, regarding a time extension in which to complete work on a single-family residence at 756 Hi Mount Road and to extend the permit by 18 additional months – until November 30, 2025.

GENERAL INFORMATION

The current owner is Hi Mount LLC, which purchased the property in February of 2021. The building permit was issued May of 2021, has a duration of 36 months, and will expire on May 27, 2024. Mrs. Ziska explains in her letter of April 17, 2024, that the time extension is needed due to a change in design professionals (architect and interior designer), changes in finish materials, revisions in design and material selections, and past delivery delays in products that included windows (one-year to accept delivery). The exterior will be finished in November of 2024 and the interior will be finished by November of 2025. No construction schedule was included with this request.

The contractor appears to have complied with all new requirements for neighbor notice. Staff has no direct issue with the request but must point out the project will take at least four and a half years to complete.

Attachments: Letter from Maura Ziska
Permit Summary for the Property
Property Appraiser Details for the Property

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

April 17, 2024

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Re: Extension for construction timeframe /756 Hi Mount Road, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 765 Hi Mount Road, Palm Beach, Florida. The request is to allow the contractor to continue on work on a single-family residence. Also enclosed is a construction schedule from Alonso & Associates for completion of the project. The reason for the delay and request for an extension is due to retaining additional design consultants, changes to finish material selections throughout the construction process thus far and delivery delays for materials. The owner retained two new design professionals, specifically a new architect and new interior designer, thereby requiring updates/revisions to the fixtures and materials. There have been various shortages in materials and delays in deliveries, it was a one year wait for the delivery of the windows alone. The new completion date would be the end of November 2024 for the exterior and November 2025 for the completion of the interior. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the May 15, 2024 Town Council agenda.

Respectfully,

Maura Ziska

Maura Ziska

MAZ/jc
Enclosures
cc: Client

April 17, 2024

To Whom It May 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 756 Hi Mount Road, Palm Beach, Florida, allowing extra time to complete construction. The new completion date would be the end of November 2024 for the exterior and November 2025 for the completion of the interior.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled meeting on May 15, 2024. Any concerns regarding this matter should be expressed at this meeting and/or submitted to the Town's Planning, Zoning & Building Department in advance of the Town Council meeting.

Respectfully,

Maura Ziska

Maura Ziska

MAZ/jc



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 sent 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: For meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): May 15th, 2024
- Deadline for submittal of request/backup must be received by: April 1st, 2024
(Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to Neighbors: April 19th, 2024
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-88268 Exp. Date: May 28th, 2024

Job Address: 756 Hi-Mount Rd, Palm Beach, FL 33480

Length of time extension being requested: (in days) Exterior: 171 work days
Interior: 432 work days

Proposed completion date if requested time extension is granted: Exterior: November, 2024
Interior: November, 2025
(Must attach completion schedule)

Contact: Angela Alonso Phone: 561-837-9820

Email: aalonso@alonsoandassociates.com

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5431 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com

Rev. 20240123



Recycled Paper

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Job Address: 756 Hi-Mount Rd, Palm Beach, FL 33480

Permit# : B-21-88268 Job Value \$ 13,502,400.00

Permit# : _____ Job Value \$ _____

Permit# : _____ Job Value \$ _____

Permit# : _____ Job Value \$ _____

Valuation of work remaining to complete the project: \$ 5,282,555.63

(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: \$ 52,825.56

(attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct

[Signature]
OWNER SIGNATURE

4/16/24
DATE

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

[Signature]
CONTRACTOR SIGNATURE

4/16/24
DATE

NOTARY TO OWNER

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

Sworn to (or affirmed) and subscribed before me

this 16th day of APRIL

20 24 By Amy S ZABETAKI'S

Who are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____

L. DIANNE COVELLO
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:



NOTARY TO CONTRACTOR

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me

this 16th day of April

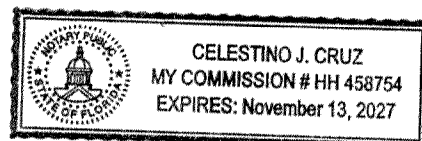
20 24 By Rene' Alonso

Who are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____

Celestino J. Cruz
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:



Permit number	Permit ID/Permit type name	Permit description	Permit Suite	Customer Address	Customer First/Last Name	Application date	Issue date	Expiration date/Approval date
U-23-15047	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: Evans Howard - (561) 335-8181	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	12/19/2023	12/21/2023	Issued
U-23-15048	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: Evans Howard - (561) 335-8181	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	12/19/2023	12/21/2023	Issued
U-23-14439	U-USE OF WORK IN ROW	WED 10/18-FRI 10/20 USE OF: TEMP LANE CLOSURE INTERMITTENTLY FOR PERIODS A PROX 1 HR AT CORNER OF N LAKE WAY & RIDGEVIEW TO UNLOAD LOADER & GENERATOR AND WALK THEM TO 756 HI MOUNT. FLAGGERS PRESENT.	756 HI-MOUNT	RD 542582	S MACDONALD CONTRACTING LLC	10/12/2023	10/19/2023	Issued
U-23-13911	U-EXCAVATION IN ROW	EXCAVATE- OPEN CUT AND TRENCH 5 FEET OF 1.25" PE GAS SERVICE IN ASPHALT TO SERVICE ADDRESS ABOVE. RESTORE PER TOPB STANDARDS.	756 HI-MOUNT	RD 500056	FLORIDA PUBLIC UTILITIES COMPANY	8/25/2023	8/31/2023	Issued
U-23-13953	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: Evans Howard - (561) 335-8181	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	8/29/2023	8/31/2023	final
U-23-13954	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: Evans Howard - (561) 335-8181	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	8/29/2023	8/31/2023	final
U-23-09158	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL PROPOSED ADJUSTMENTS TO PAVED DRIVEWAY AREAS, ADJACENT CURBING, REMOVAL OF A FOUNTAIN, INTERIOR RETAINING WALLS AND RAILING S, ADDITION OF A GATE AND THE REPLACEMENT OF A CONCRETE STAIRCASE WITH LAWN RAMP STEPS. PROPOSED RETURN TO PREVIOUSLY ARCOM APPROVED PLANT AND ASSOCIATED PLANTING CHANGES. THE PLANS WERE PREVIOUSLY APPROVED UNDER	756 HI-MOUNT	RD 604867	SMI LANDSCAPE ARCHITECTURE INC	8/4/2023	8/15/2023	final
U-23-13362	431408U-USE OF WORK IN ROW	*****PRIVATE PROVIDER*****USE OF- DELIVERY OF DOORS/WINDOWS UNLOADING OF TRACTOR TRAILER	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	7/7/2023	7/11/2023	final
U-23-99600	431408R-REVISION	*****PRIVATE PROVIDER***** REVISION BUILDING: NEW POOL (COST OF POOL CALCULATED IN ORIGINAL PERMIT COST), PLUMBING/GAS: PLUMBING FOR NEW POOL.	756 HI-MOUNT	RD 536303	ROYAL PALM POOLS LLC	6/6/2023	7/3/2023	final
U-23-13180	U-USE OF WORK IN ROW	USE OF- LESS THAN 30 MIN. TUES 06/20- 9AM UNLOAD E-10 FROM UZUZO ON NORTH END OF BIKE PATH AT COUNTRY CLUB ROAD- WALK E-10 DOWN GRASS EASEMENT NEXT TO BIKE PATH- FLAGGERS TO ASSIST.	756 HI-MOUNT	RD 542582	S MACDONALD CONTRACTING LLC	6/13/2023	6/16/2023	Issued
U-23-13181	U-EXCAVATION IN ROW	EXCAVATE- TUES-06/20 - FRI 06/23/2023 EXCAVATE HARD ROCK IN GRASS EASEMENT BETWEEN SEAWALL & BIKE PATH WITH E-10 TO INSTALL TEMPORARY POWER TO BOAT DOCK- BIKE PATH WILL NOT BE AFFECTED.	756 HI-MOUNT	RD 542582	S MACDONALD CONTRACTING LLC	6/13/2023	6/16/2023	Issued
U-23-13182	U-USE OF WORK IN ROW	USE OF- LESS THAN 30 MIN- FRIDAY 06/23 3PM LOAD E-10 ONTO UZUZO ON NORTH END OF BIKE PATH AT COUNTRY CLUB ROAD- WALK E-10 DOWN GRASS EASEMENT NEXT TO BIKE PATH- FLAGGERS TO ASSIST.	756 HI-MOUNT	RD 542582	S MACDONALD CONTRACTING LLC	6/13/2023	6/16/2023	final
A-23-02961	431408A-ARCOM STAFF APPROVAL	*****PRIVATE PROVIDER*****ARCOM- MINOR DETAIL CHANGES TO A-22-02652 (10/27/2022)	756 HI-MOUNT	RD 604867	SMI LANDSCAPE ARCHITECTURE INC	5/3/2023	5/12/2023	final
U-23-12638	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: Robert Kraus - (561) 239-6738	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	3/31/2023	4/5/2023	final
U-23-12639	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: Robert Kraus - (561) 239-6738	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	3/31/2023	4/5/2023	final
B-23-97869	431408R-REVISION	*****PRIVATE PROVIDER***** REVISION OTHER: FIRE SPRINKLERS	756 HI-MOUNT	RD 532305	J W FIRE SPRINKLER INC	1/26/2023	1/31/2023	final
U-23-12184	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: Robert Kraus - (561) 239-6738	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	1/4/2023	1/10/2023	final
U-23-12185	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING Parking Attendant: Robert Kraus - (561) 239-6738	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	1/4/2023	1/10/2023	final
F-22-03598	431408F-FIRE RESCUE STANDARD	*****PRIVATE PROVIDER***** FIRE HYDRANT FLOW TEST	756 HI-MOUNT	RD 532305	J W FIRE SPRINKLER INC	11/30/2022	12/1/2022	Issued
A-22-02652	A-ARCOM STAFF APPROVAL	PROPOSED RELOCATION OF POOL/SPA TO AREA COVERED BY LAWN TERRACE.	756 HI-MOUNT	RD 604867	SMI LANDSCAPE ARCHITECTURE INC	10/24/2022	10/27/2022	final
U-22-11413	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING Parking Attendant: ROBERT KRAUS - (561) 239-6738	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	10/9/2022	10/11/2022	final
U-22-11414	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING Parking Attendant: ROBERT KRAUS - (561) 239-6738	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	10/9/2022	10/11/2022	final
A-22-02527	A-ARCOM STAFF APPROVAL	STAFF APPROVAL FOR PROPOSED REMOVAL OF RAISED PLANTERS ADJACENT TO THE DRIVEWAY AND ASSOCIATED PLANTING CHANGES. THE PLANS WERE PREVIOUSLY APPROVED UNDER 2-20-00291 / B-056-2020	756 HI-MOUNT	RD 604867	SMI LANDSCAPE ARCHITECTURE INC	8/19/2022	8/24/2022	final
U-22-10969	439648U-USE OF WORK IN ROW	*****PRIVATE PROVIDER***** EXTEND DATE FOR USE OF- CONCRETE TRUCK IN ROW DURING POURS. USE OF LAKE TRAIL FOR SITE ACCESS (SEE ATTACHED OUTLINE & PIC TUBES).	756 HI-MOUNT	RD 606252	BROTHERS CONSTRUCTION INC	8/18/2022	8/23/2022	final
U-22-10977	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	6/29/2022	7/7/2022	final
U-22-10378	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	6/29/2022	7/7/2022	final
B-22-94968	S-MARINE STRUCTURE	*****PRIVATE PROVIDER***** DOCK AND BOAT LIFT CONSTRUCTION	756 HI-MOUNT	RD 500294	MURRAY LOGAN CONSTRUCTION INC	6/7/2022	6/24/2022	Issued
U-22-10102	439648U-USE OF WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- CONCRETE TRUCK IN ROW DURING POURS. USE OF LAKE TRAIL FOR SITE ACCESS (SEE ATTACHED OUTLINE & PICTURES.)	756 HI-MOUNT	RD 606252	BROTHERS CONSTRUCTION INC	5/27/2022	6/21/2022	final
B-21-92456	S-MARINE STRUCTURE	*****PRIVATE PROVIDER***** RAISE ELEVATION AND REINFORCE SEAWALL.	756 HI-MOUNT	RD 606252	BROTHERS CONSTRUCTION INC	12/14/2021	5/18/2022	Issued
U-22-09539	431408U-CONSTRUCTION PARKING	RENEWAL OF CONSTRUCTION PARKING 2 PASSES FOR 3 MONTHS. (START 3-28 THRU 6-27)	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	3/17/2022	4/13/2022	final
U-22-09540	431408U-CONSTRUCTION PARKING	RENEWAL OF CONSTRUCTION PARKING 2 PASSES FOR 3 MONTHS. (START 3-28 THRU 6-27)	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	3/17/2022	4/13/2022	final
B-22-93555	441368FEE CHARGE	*****PRIVATE PROVIDER***** REUND FOR ROW CONTRACTOR CANCELLED.	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	3/8/2022	3/8/2022	final
U-21-09103	431408U-USE OF WORK IN ROW	*****PRIVATE PROVIDER***** USE OF ROW FOR CONCRETE POUR	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	12/28/2021	3/29/2022	final
U-21-09070	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	12/14/2021	12/17/2021	final
U-21-09071	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING	756 HI-MOUNT	RD 539207	ALONSO & ASSOCIATES INC	12/14/2021	12/17/2021	final
Count: 63								

Permit number	Master permit ID	Permit type name	Permit description	Permit Suite	Permit Address	Customer ID	Customer First	Customer Last	Customer Name	Application date	Issue date	Expiration date	Approval date
U-21-08287	u-p05	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	9/15/2021	9/21/2021	9/21/2021	final
U-21-08288	u-p05	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	9/15/2021	9/21/2021	9/21/2021	final
U-21-07617	u-p05	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	6/21/2021	9/15/2021	6/28/2021	final
U-21-89849	b-p03	S-MARINE STRUCTURE	(SEE PERMIT CONDITIONS) BULKHEAD RENOVATION AND REPAIRS		756 HI-MOUNT RD 541081				CONSTRUCTION TECHNOLOGY INC	6/24/2021	9/14/2021	3/13/2022	issued
U-21-89324	b-p04	431758R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE CHANGE IN PLANS AND VALUE FOR ADDING TEMPORARY CONSTRUCTION SCREENING		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	5/28/2021	9/10/2021	3/9/2022	final
U-21-07633	u-p01	U-DEWATERING	DEWATER FOR FOOTING EXCAVATION AT BIKE PATH P/L ONE 4 INCH LAY FLAT DISCHA		756 HI-MOUNT RD 542582				S MACDONALD CONTRACTING LLC	6/24/2021	8/6/2021	10/9/2021	final
U-21-07698	u-p02	U-USE OF WORK IN ROW	LOADING & UNLOADING IN ROW FOR SEWER U-21-07521 & U-21-07522 THURSDAY 7		756 HI-MOUNT RD 542582				S MACDONALD CONTRACTING LLC	7/1/2021	7/9/2021	10/7/2021	final
U-21-07652	u-p02	U-USE OF WORK IN ROW	USE OF- MILL & PAVE FROM PROPERTY LINE TO PROPERTY LINE BIKE PATH LOCATED B		756 HI-MOUNT RD 542582				S MACDONALD CONTRACTING LLC	6/28/2021	7/7/2021	10/5/2021	final
U-21-07613	u-p05	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	6/22/2021	6/28/2021	6/28/2021	final
U-21-07616	u-p05	431408U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	6/22/2021	6/28/2021	6/28/2021	final
U-21-07629	u-p02	431408U-USE OF WORK IN ROW	*****PRIVATE PROVIDER*****USE OF- CONCRETE TRUCK DELIVERING CONCRETE IN		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	6/22/2021	6/28/2021	9/26/2021	final
U-21-07521	u-p03	U-EXCAVATION IN ROW	EXCAVATE TO REMOVE EXISTING SEWER LATERAL AND INSTALL NEW 6 INCH SEWER LA		756 HI-MOUNT RD 542582				S MACDONALD CONTRACTING LLC	6/9/2021	6/17/2021	12/28/2021	issued
U-21-07522	u-p07	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	TERAL MATCHING EXISTING LINE & GRADE. INSTALL CLEANOUT 1-FOOT ONTO PROPE		756 HI-MOUNT RD 542582				S MACDONALD CONTRACTING LLC	6/9/2021	6/17/2021	9/29/2021	issued
U-21-89572	b-p01	B-RESIDENTIAL ELECTRICAL	REPLACE A/C UNITS SSX16036/ AUPTC4260		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	6/9/2021	6/11/2021	12/8/2021	issued
U-21-88268	b-p01	B-RESIDENTIAL NEW CONSTRUCTION/ADDITIO	REVISION MECHANICAL - TIE DOWN SPECS		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	4/5/2021	5/28/2021	5/27/2024	issued
U-21-88426	b-p07	431408S-TEMP STRUCTURE-TEN/POD/CONSTR TRULY SUB- OTHER	*****PRIVATE PROVIDER*****CONSTRUCTION OF SINGLE FAMILY HOUSE.		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	4/14/2021	5/10/2021	11/8/2021	issued
U-20-85663	b-p02	D-DEMOLITION	DEMOLITION OF EXISTING MAIN HOUSE AND POOL		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	9/2/2020	9/21/2020	5/3/2021	final
U-20-06738	u-p07	424306U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	SEWER CAP		756 HI-MOUNT RD 540905				METRO PREVENTATIVE PLUMB MAINT	7/31/2020	8/12/2020	11/10/2020	final
U-20-85187	b-p05	P-SITE WORK	CAP WATER		756 HI-MOUNT RD 540905				METRO PREVENTATIVE PLUMB MAINT	7/31/2020	8/4/2020	2/9/2021	final
F-17-01909	f-p01	388955F-FIRE RESCUE STANDARD	EMERGENCY WITHOUT AIR - AC CHANGEOUT - HOT WORKS		756 HI-MOUNT RD 604262				ACS OF WEST PALM BEACH	4/27/2017	4/28/2017	4/23/2018	final
B-14-45267	b-p04	B-RESIDENTIAL OTHER (NO PLANS)	REPAIR ROTTEN RAFTER TAILS ROOF SHEATHING LESS THAN 25%		756 HI-MOUNT RD 603371				DEBBIE AVELLANA /OWNER BU ILDER	11/21/2014	11/21/2014	5/20/2015	final
B-12-25531	b-p01	342105E-ELECTRICAL	SUB ELECTRICAL - INSTALL (2) DISCONNECTS, (2) NEW WP J.BOXES AS PER DRAWINGS		756 HI-MOUNT RD 520413				CARPENTER ELECTRIC INC	7/2/2012	7/5/2012	1/1/2013	final
B-12-24915	b-m04	M-REPLACEMENT	REPLACE A/C UNITS SSX16036/ AUPTC4260		756 HI-MOUNT RD 533673				TECH AIR OF WESTGATE INC	6/8/2012	6/19/2012	12/16/2012	final
B-12-25743	b-p01	342105R-REVISION	REVISION MECHANICAL - TIE DOWN SPECS		756 HI-MOUNT RD 533673				TECH AIR OF WESTGATE INC	7/11/2012	7/11/2012	7/11/2012	canceled
B-17-63612	b-m04	M-REPLACEMENT	EMERGENCY WITHOUT AIR - AC CHANGEOUT		756 HI-MOUNT RD 604262				ACS OF WEST PALM BEACH	4/27/2017	10/24/2017	10/24/2017	canceled
B-24-02999	b-p03	431408E-FEE CHARGE	*****PRIVATE PROVIDER*****PERMIT TIME EXTENSION		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	4/17/2024	4/17/2024	4/17/2024	canceled
U-22-09469	u-p02	431408U-USE OF WORK IN ROW	*****PRIVATE PROVIDER*****USE OF- UNLOADING OF POST TENSION CABLES. SEMI		756 HI-MOUNT RD 539207				ALONSO & ASSOCIATES INC	2/28/2022	5/29/2022	5/29/2022	canceled
Z-20-00291	z-p01	Z-DEVELOPMENT REVIEW PERMIT	The applicant is proposing a new 10,371 square foot, two story residence, with a 5,37		756 HI-MOUNT RD 602091				KOCHMAN AND ZISKA	8/24/2020	8/19/2021	8/19/2021	pending

Count: 63

Permit Browse

Property Detail

Location Address : 756 HI MOUNT RD
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-10-04-000-1240
Subdivision : RAFALSKY MARK IN
Official Records Book/Page : 32214 / 139
Sale Date : FEB-2021
Legal Description : MARK RAFALSKY TR LOT 124

Owner Information

Owner(s)	Mailing Address
HI MOUNT LLC	RUCCI LAW GROUP C/O 10 OLD KINGS HWY S DARIEN CT 06820 4520

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-2021	\$10	32214 / 00139	WARRANTY DEED	HI MOUNT LLC
FEB-2021	\$14,259,375	32204 / 00409	WARRANTY DEED	HMS 756 TRUST
JAN-2021	\$10	32133 / 00497	WARRANTY DEED	BICKHAM FAMILY TRUST
DEC-2020	\$10	31996 / 01940	WARRANTY DEED	BICKHAM FAMILY TRUST
NOV-2020	\$10	31904 / 00003	WARRANTY DEED	HMS 756 TRUST
MAY-2020	\$15,200,000	31463 / 00433	WARRANTY DEED	HI MOUNT LLC
AUG-2016	\$10	28521 / 01777	WARRANTY DEED	BRANDT ANDREAS TR
JUL-2002	\$10	13877 / 01997	QUIT CLAIM	HUMPHREYS ODETTE L TRUST
NOV-1994	\$100	08494 / 00403	REP DEED	
JAN-1976	\$100	02623 / 01251		

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 0
***Total Square Feet :** 5951
Acres : 0.6643
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	\$0	\$2,094	\$6,419
Land Value	\$22,136,233	\$17,455,350	\$12,082,215	\$13,221,000	\$12,753,000
Total Market Value	\$22,136,233	\$17,455,350	\$12,082,215	\$13,223,094	\$12,759,419

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$19,200,885	\$17,455,350	\$12,082,215	\$3,119,867	\$3,049,723
Exemption Amount	\$0	\$0	\$0	\$50,500	\$50,500
Taxable Value	\$19,200,885	\$17,455,350	\$12,082,215	\$3,069,367	\$2,999,223

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$307,209	\$270,472	\$196,035	\$50,801	\$50,498
NON AD VALOREM	\$907	\$907	\$1,004	\$1,164	\$1,165
TOTAL TAX	\$308,116	\$271,379	\$197,040	\$51,965	\$51,663

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Ordinances - Second Reading

Agenda Title

Amending 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.

ORDINANCE NO. 005-2024: 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 Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending 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; Amending Policy 2.3.6 To Remove The Maximum Lot Coverage And To Allow, In Limited Circumstances, The Maximum Building Height To Be Three Stories With Town Council Approval; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **State Review Agency**
- ▣ **Ordinance No. 005-2024**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

WB

From: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning and Building

Re: Comprehensive Plan Text Amendment Related to Private Group Use and a Zoning Text Amendment for a Corresponding New Cultural Institution Zoning District (CI)

Date: April 15, 2024

STAFF RECOMMENDATION

Pursuant to §163.3184(3)(c) and Code Section 134-261, staff recommends that the Town Council adopt the privately initiated text amendments of Harvey E. Oyer, III, on behalf of the Society of the Four Arts, Inc. The text amendments are to the Town of Palm Beach Comprehensive Plan and Code of Ordinances related to the Private Group Use Future Land Use Element and the new Cultural Institution Zoning District, respectively.

GENERAL INFORMATION

Attached please find the privately initiated text amendments to the Private Group Use Future Land Use category and Zoning Code to create a new CI Zoning District designed to implement the Private Group Use Future Land Use category. At a public meeting held on March 5, 2024, the Town of Palm Beach Planning and Zoning Commission considered all evidence and testimony and recommended to the Town Council to transmit the proposed comprehensive plan amendment to the Department of Commerce, Florida's state planning agency. The Palm Beach Town Council, acting as the Local Planning Agency, held a public hearing on March 13, 2024, and voted unanimously to recommend adoption of the Comprehensive Plan Ordinance No. 005-2024. The Town Council, later the same day, voted unanimously to approve the ordinance and to transmit the text amendment. On April 12, 2024, the Town received a response letter from the Department of Commerce under the expedited state review process indicating the state did not have any comments on the proposed Future Land Use Element text amendment. Additional response letters were also received from regional agencies that concluded there are no regional impacts due to the text amendment to the Comprehensive Plan.

Currently, the Four Arts property is zoned R-B Low Density Residential which is designed to regulate single family massing, which is very different than a cultural arts campus. The purpose of the proposed zoning district is to provide consistency with the Comprehensive Plan by establishing a corresponding zoning district for the Private Group Use Future Land Use category, where currently one does not exist. The discrepancy between the Comprehensive Plan and the Zoning

Code was identified during the currently underway Evaluation and Appraisal Review (EAR) of the adopted 2017 Comprehensive Plan. Staff found that there are three Future Land Use categories that do not have corresponding compatible zoning districts. Staff is recommending that new zoning district(s) be created to implement those Future Land Use categories. Specific to the Private Group Use designation, the language proposed by the subject applicant to POLICY 2.3, of the Future Land Use Element mirrors that which staff has proposed for the 2024 EAR-Based Comprehensive Plan. Following adoption of the subject Ordinances, the applicant will be submitting a Zoning Map Amendment application for the Four Arts property.

Attachment: Adoption Ordinances
State Department of Commerce Transmittal Letter
State Department of Commerce Response Letter
Treasure Coast Regional Planning Council Response Letter
Florida Department of Transportation Response Letter
Florida Department of Environmental Protection Email

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
561-838-5431 | www.townofpalmbeach.com

March 14, 2024

Barbara Powell, Plan Processing Administrator
Florida Commerce, Bureau of Comprehensive Planning
State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399-4120
Barbara.Powell@Commerce.fl.gov

RE: Transmittal of An Amendment to the Future Land Use Element of the Town of Palm Beach Comprehensive Plan

Dear Ms. Powell:

In accordance with Section 163.3184(3), F.S., the Town of Palm Beach is submitting one electronic copy through the Department's electronic submittal portal for an Expedited State Review of a privately initiated Comprehensive Plan Amendment to amend Policy 2.3, related to the Private Group Use Future Land Use category. The proposed text amendment mirrors the language proposed by the Town's planning staff during the current Evaluation and Appraisal Review (EAR) of the Town of Palm Beach Comprehensive Plan. Due to extended public input, the adoption of the Town's EAR-based Comprehensive Plan has been delayed. As such, the subject applicant is seeking a privately initiated amendment to add the subject text to the Future Land Use Element in advance of the EAR-Based 2024 Comprehensive Plan.

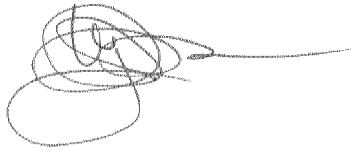
The purpose of the amendment is to remove land development regulations from the policy and allow three story structures for Town Council consideration within the Private Group Use Future Land Use category. The subject transmittal package includes the applicant's Letter of Intent for the proposed text amendment and a proposed corresponding zoning district and the Future Land Use amendment draft Ordinance No. 005-2024.

At a public meeting held on March 5, 2024, the Town of Palm Beach Planning and Zoning Commission considered all evidence and testimony and recommended to the Town Council to transmit the proposed comprehensive plan amendment. The Palm Beach Town Council, acting as the Local Planning Agency, held a public hearing on March 13, 2024, and voted unanimously to recommend adoption of the Comprehensive Plan Ordinance No. 005-2024. The Town Council, later the same day, voted unanimously to approve the ordinance and to transmit the text amendment to the Florida Department of Commerce.

One electronic copy of the Comprehensive Plan Amendment package was emailed to all required reviewing agencies on March 14, 2024. Each reviewing agency is identified after the signature line of the subject letter.

Should you require additional information or have any questions, please contact Jennifer Hofmeister-Drew at (561)227-6406 or jhofmeister@townofpalmbeach.com.

Respectfully,

A handwritten signature in black ink, appearing to be 'Wayne Bergman', with a long horizontal line extending to the right.

Wayne Bergman, MCP, LEED® AP
Director of Planning, Zoning & Building

WB:JHD

cc: Joanne O'Connor, Town Attorney, Jones Foster
Harvey E. Oyer, III, Partner, Shutts & Bowen LLP

Distribution List:

Plan Review, DEP
Alissa S. Lotane, Department of State
Terry Manning, SFWMD

Kevin Fischer, PBC Planning Division
Stephanie Heidt, AICP, TCRPC
Cesar Martinez, P.E., District 4, Planning and Environmental Administrator



LETTER OF INTENT

SECOND SUBMITTAL

DATE: January 10, 2024

TO: Town of Palm Beach, Planning, Zoning & Building Dept.

RE: ZON-24-00x 100 FOUR ARTS PLZ

Future Land Use (“FLU”):	Private Group Use (“ PGU ”)
Proposed Zoning District:	Cultural Institution District (“ CI District ”)
Municipality:	Town of Palm Beach (“ Town ”)

REQUEST

On behalf of the Society of the Four Arts, Inc. (“**Applicant**”), Shutts & Bowen LLP (“**Agent**”) submits this request for a Zoning Code of Ordinances (“**Code**”) Text Amendment, and a Comprehensive Plan (“**Comp Plan**”) Text Amendment. Specifically, the request is to amend the Code to allow for a new CI District designed to implement the PGU FLU, a copy of which is attached hereto as **Exhibit “A”**; and to update the text in the Policy 2.3 of the Comp Plan by deleting text inconsistent with the PGU FLU, a copy of which is attached hereto as **Exhibit “B”**. Currently, there are no zoning districts that are consistent with the PGU FLU.

The Town assigned the Applicant’s property and other properties a PGU FLU designation, but failed to create a zoning district consistent with the PGU FLU. As such, the Applicant proposes to create the CI District for that purpose and amend the text in the Comp Plan to ensure consistency with the CI District.

BACKGROUND

The Town has been forward thinking for almost 100 years. It adopted its first “Plan” in 1930, which had a goal to preserve and enhance “the charming character of Palm Beach”. However, in 1985, Florida adopted changes creating a new Local Government Comprehensive Planning and Land Development Regulation Act (“**Act**”) that required local governments to adopt a Comp Plan by 1989. The Act has very specific requirements which the Town’s 1930 “Plan” could not satisfy. As such, the Town conformed with the requirements of the Act and adopted its Comp Plan in 1989, by which it is now guided.

It is not the intent of the Comp Plan to require the inclusion of implementing regulations, but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the Comp Plan and the principles that describe how the programs, activities, and land development regulations will be carried out.

Chapter 134 of the Code was adopted to establish comprehensive controls for the development of land in the Town based on the Comp Plan for the Town, and this chapter is enacted in order to protect, promote and improve the public health, safety, morals and the general welfare of the people.

Chapter 134, Article VI, Division 1 establishes the zoning districts which are designed to implement the FLU designations per the Comp Plan. It is within this section of the Code that there is no zoning district designed to implement the PGU FLU. As a result, the Applicant proposes these text amendments to add the new CI District designed to implement the PGU FLU.

April 12, 2024

The Honorable Danielle H. Moore
Mayor, Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, Florida 33480

Dear Mayor Moore:

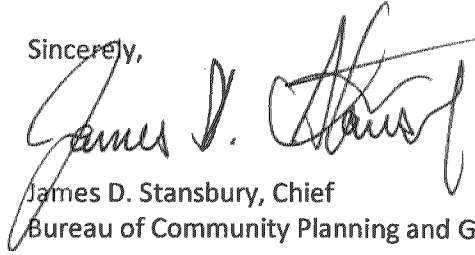
The Florida Department of Commerce (FloridaCommerce) has reviewed the proposed comprehensive plan amendment for the Town of Palm Beach (Amendment No. 24-01ESR) received on March 14, 2024. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the Town is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Town. **If the Town receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the second public hearing pursuant to 163.3184(3)(c)2., F.S.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after FloridaCommerce notifies the Town that the amendment package is complete or, if challenged, until it is found to be in compliance by FloridaCommerce or the Administration Commission.

If you have any questions concerning this review, please contact David Pullin, Planning Analyst, by telephone at (850)-717-8503 or by email at david.pullin@commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS /dp

Enclosure(s): Procedures for Adoption

cc: Wayne Bergman, MCP, LEED AP, Director of Planning, Zoning, and Building, Town of Palm Beach
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldco.my.salesforce-sites.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

TREASURE COAST REGIONAL PLANNING COUNCIL

M E M O R A N D U M

To: Council Members AGENDA ITEM 4B5

From: Staff

Date: April 12, 2024

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Town of Palm Beach Comprehensive Plan
Amendment No. 24-01ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council to review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the Town of Palm Beach was received on March 14, 2024 and contains one text amendment to the Future Land Use Element (FLUE) of the comprehensive plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

This privately-initiated text amendment revises FLUE Policy 2.3.6, which defines the Private Group Use land use designation and provides a list of low intensity uses that are allowed under this designation. The amendment, shown below in ~~strikeout~~ and underline format, will:

- remove language that indicates properties with this designation may also be appropriate for residential or commercial development;
- remove the maximum lot coverage requirement of 40%;
- remove a reference to the Commercial Worth Avenue zoning district; and
- indicate that the Town Council may, in limited circumstances, approve buildings at a maximum height of three stories.

Policy 2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; ~~and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single Family Residential, Multi-family Moderate Density, and Commercial future land use categories.~~

~~b. Maximum lot coverage shall be 40%.~~

~~b. e.~~ In limited circumstances ~~(Commercial Worth Avenue (CWA) zoning district)~~, the maximum building height ~~may~~ shall be three stories with Town Council approval.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on March 4, 2024. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Recommendation

Council should approve this report and authorize its transmittal to the Town of Palm Beach and FloridaCommerce.

Council Action – April 19, 2024

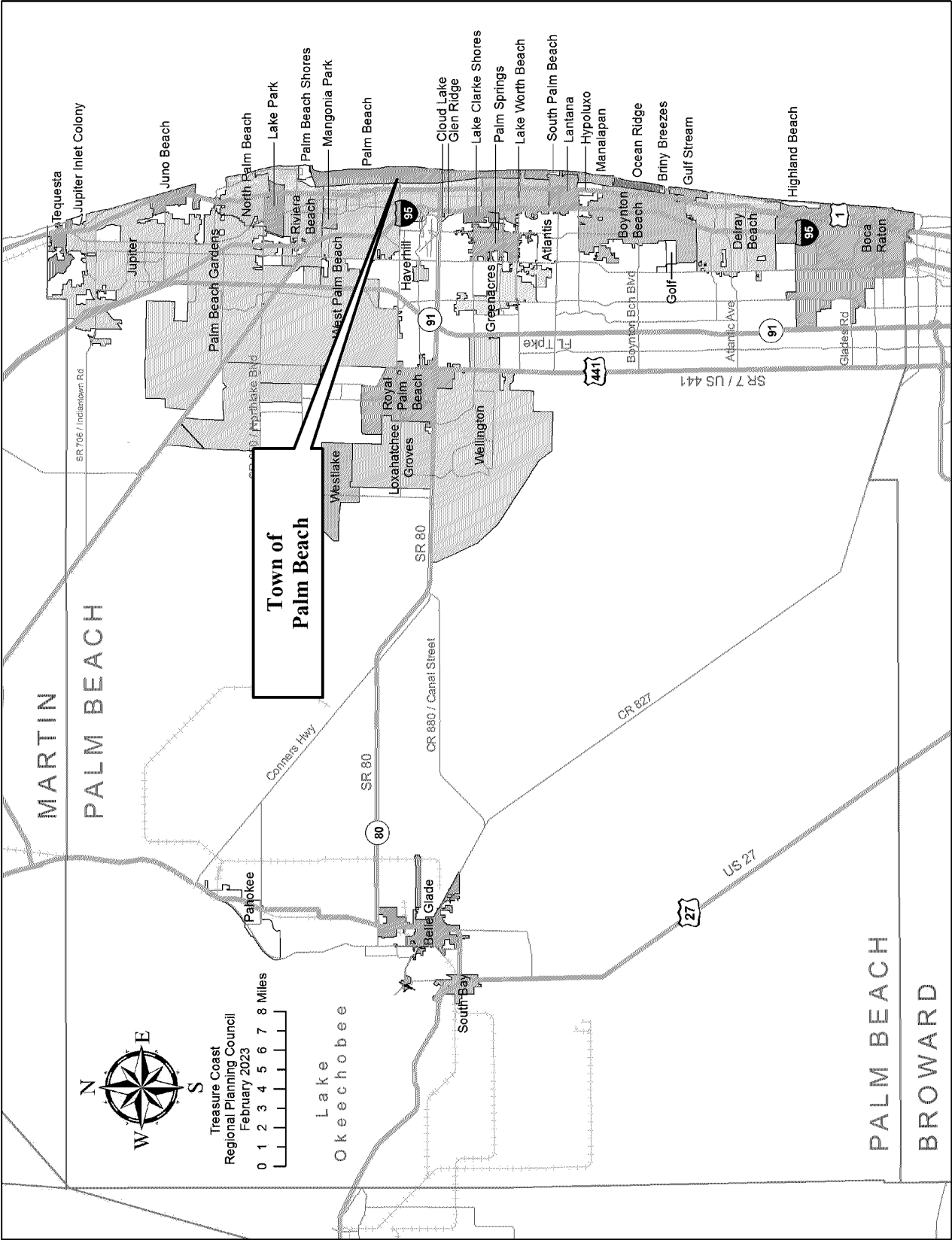
Attachments

List of Exhibits

Exhibit

1 General Location Map

Exhibit 1
General Location Map



From: [Jennifer Hofmeister-Drew](#)
To: [Wayne Bergman](#)
Subject: RE: Palm Beach Town 24-01ESR Proposed
Date: Friday, April 12, 2024 2:58:00 PM
Attachments: [image001.png](#)

Thank you.

The Town of Palm Beach PZB Department is excited to launch its new permitting and licensing software! EPL (Enterprise Permitting & Licensing) allows applicants to apply for permits, submit plans, request licenses, make payments, and track application progress on an online portal customized for the Town. This includes applications for any of the development review boards. [Click here for a link to register for access to this system via the online portal.](#)

Jennifer Hofmeister-Drew, AICP, LCAM
Planner III
Town of Palm Beach
Planning, Zoning, & Building
360 S. County Road
Palm Beach, FL 33480
Office Phone: 561-227-6406 Cell Phone: 561-573-7907
www.townofpalmbeach.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Friday, April 12, 2024 2:55 PM
To: Jennifer Hofmeister-Drew <jhofmeister@TownOfPalmBeach.com>
Subject: Fwd: Palm Beach Town 24-01ESR Proposed

Wayne Bergman
Sent from my iPhone

Begin forwarded message:

From: Plan_Review <Plan.Review@dep.state.fl.us>
Date: April 12, 2024 at 2:44:00 PM EDT
To: Wayne Bergman <wbergman@townofpalmbeach.com>, DCPexter@commerce.fl.gov
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Palm Beach Town 24-01ESR Proposed

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source.

Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

To: Wayne Bergman, MCP, LEED AP, Director of Planning, Zoning, & Building

Re: Palm Beach Town 24-01ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



Dep Customer Survey





Florida Department of Transportation

RON DESANTIS
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

JARED W. PERDUE, P.E.
SECRETARY

April 12, 2024

Wayne Bergman, MCP, LEED® AP
Director of Planning, Zoning & Building
360 South County Road
P.O. Box 2029
Palm Beach, Florida 33480

**Subject: Town of Palm Beach Proposed Comprehensive Plan Amendment
(Reference No. 24-01ESR)**

Dear Mr. Bergman:

FDOT has reviewed the transmitted Comprehensive Plan amendment for the **Town of Palm Beach**, pursuant to Section 163.3184(3), Florida Statutes. The proposed change to the Private Group Use future land use category is not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.

We appreciate the opportunity to review the proposed amendment and request that a copy of the adopted amendment, along with the supporting data and analysis be transmitted within ten working days after the second public hearing. If you have any questions, please do not hesitate to contact me by email at laurie.harari@dot.state.fl.us or (954) 777-4294.

Sincerely,

Laurie Harari, MURP, AICP Candidate
Planning Specialist II
District Four

cc: D4 Planning Reviews, FDOT District Four (d4-planningreviews@dot.state.fl.us) – FDOT
DCP External Agency Comments (dcpexter@commerce.fl.gov) – FloridaCommerce
Jennifer Hofmeister-Drew, AICP, LCAM, Planner III – Town of Palm Beach, Florida

ORDINANCE NO. 005-2024

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 GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT WITHIN THE COMPREHENSIVE PLAN; AMENDING 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; AMENDING POLICY 2.3.6 TO REMOVE THE MAXIMUM LOT COVERAGE AND TO ALLOW, IN LIMITED CIRCUMSTANCES, THE MAXIMUM BUILDING HEIGHT TO BE THREE STORIES WITH TOWN COUNCIL APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITHIN; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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 Code Section 86-51, in accordance with § 163.3174, Fla. Stat., 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 §163.3184, Fla. Stat., the process for amending a comprehensive plan, which is not a small-scale development amendment nor a plan amendment within an area of critical state concern, shall follow the expedited state review process for adoption of comprehensive plan amendments; and

WHEREAS, on January 10, 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 Element Goals, Objectives and Policies that relate to the Private Group Use Future Land Use designation.

WHEREAS, on March 5, 2024, the Town of Palm Beach Planning and Zoning Commission reviewed the proposed text amendments to the Future Land Use Element of the Comprehensive Plan and made a recommendation to the Town Council; and

WHEREAS, 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 amendment to the Future Land Use Element of the Town of Palm Beach 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. POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; ~~and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single Family Residential, Multi-family Moderate Density, and Commercial future land use categories.~~

b. ~~Maximum lot coverage shall be 40%.~~

c. ~~b.~~ In limited circumstances ~~(Commercial Worth Avenue (C-WA) zoning district),~~ the maximum building height ~~may shall~~ be three stories with Town Council approval.

Section 2. Incorporation of Recitals.

The above recitals are incorporated as fully set forth herein.

Section 3. Findings.

The proposed Comprehensive Plan Future Land Use Element 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 4. 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 5. 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 6. 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 7. Codification.

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

Section 8. 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 13 day of March 2024, and for second and final reading on this 15 day of May, 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

EXHIBIT A

OBJECTIVE 2

Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of Town residents.

POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

- 23.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies:
 - a. “Town-serving” shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those in the “Commercial – Office, Professional & Institutional” (C-OPI) zoning district, which are not required to meet town-serving requirements) of 3,000 square-feet or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-feet or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition.
 - b. “Town persons” shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.
- 23.2 Conservation – Intended to preserve and protect unique natural areas and submerged land from development and the negative impacts of public use. No development or redevelopment is permitted on or over land designated in this category, with the exception of docks, essential services or parks owned and operated by the Town.
- 23.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/ residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.
 - a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.
 - b. Except for uses located in the Worth Avenue zoning district (C-WA), one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum

EXHIBIT A

allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met.

- c. Maximum lot coverage for non-residential uses shall be 75%.
- d. In limited circumstances, the maximum building height shall be three stories.

234 Public – Intended to recognize existing locations of, and provide sites for, public uses, structures and facilities.

- a. Appropriate uses include public schools, low intensity public buildings and facilities such as fire and police stations, Town Hall, etc., of a scale and intensity necessary to primarily serve the needs of Town persons. Only public uses owned, operated, franchised, or supervised by a governmental agency are given this designation.
- b. The designation of a property for Public use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential and Commercial land use categories.

- c. Maximum lot coverage shall be 40%.
- d. In limited circumstances, the maximum building height shall be three stories.

235 Public Recreation – Intended to provide for low intensity public recreational uses or activities, natural resource and scenic resources of a scale and intensity necessary to primarily serve the needs of Town persons. Only public facilities owned, operated, franchised, or supervised by a public governmental entity are given this designation.

236 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; ~~and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single Family Residential, Multi-family Moderate Density, and Commercial future land use categories.~~

b. ~~Maximum lot coverage shall be 40%.~~

e.b. In limited circumstances ~~(Commercial Worth Avenue (C-WA) zoning district)~~, the maximum building height may ~~shall~~ be three stories with Town Council approval.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Ordinances - Second Reading

Agenda Title

Text Amendment amending Chapter 134, Zoning, to create a new Division 16. CI Cultural Institutional District.

ORDINANCE NO. 006-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, District Regulations; Amending Sections 134-1482-134-1500. – Reserved, To Create A New Division 16. CI Cultural Institution District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Ordinance No. 006-2024**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

WB

From: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning and Building

Re: Comprehensive Plan Text Amendment Related to Private Group Use and a Zoning Text Amendment for a Corresponding New Cultural Institution Zoning District (CI)

Date: April 15, 2024

STAFF RECOMMENDATION

Pursuant to §163.3184(3)(c) and Code Section 134-261, staff recommends that the Town Council adopt the privately initiated text amendments of Harvey E. Oyer, III, on behalf of the Society of the Four Arts, Inc. The text amendments are to the Town of Palm Beach Comprehensive Plan and Code of Ordinances related to the Private Group Use Future Land Use Element and the new Cultural Institution Zoning District, respectively.

GENERAL INFORMATION

Attached please find the privately initiated text amendments to the Private Group Use Future Land Use category and Zoning Code to create a new CI Zoning District designed to implement the Private Group Use Future Land Use category. At a public meeting held on March 5, 2024, the Town of Palm Beach Planning and Zoning Commission considered all evidence and testimony and recommended to the Town Council to transmit the proposed comprehensive plan amendment to the Department of Commerce, Florida's state planning agency. The Palm Beach Town Council, acting as the Local Planning Agency, held a public hearing on March 13, 2024, and voted unanimously to recommend adoption of the Comprehensive Plan Ordinance No. 005-2024. The Town Council, later the same day, voted unanimously to approve the ordinance and to transmit the text amendment. On April 12, 2024, the Town received a response letter from the Department of Commerce under the expedited state review process indicating the state did not have any comments on the proposed Future Land Use Element text amendment. Additional response letters were also received from regional agencies that concluded there are no regional impacts due to the text amendment to the Comprehensive Plan.

Currently, the Four Arts property is zoned R-B Low Density Residential which is designed to regulate single family massing, which is very different than a cultural arts campus. The purpose of the proposed zoning district is to provide consistency with the Comprehensive Plan by establishing a corresponding zoning district for the Private Group Use Future Land Use category, where currently one does not exist. The discrepancy between the Comprehensive Plan and the Zoning

Code was identified during the currently underway Evaluation and Appraisal Review (EAR) of the adopted 2017 Comprehensive Plan. Staff found that there are three Future Land Use categories that do not have corresponding compatible zoning districts. Staff is recommending that new zoning district(s) be created to implement those Future Land Use categories. Specific to the Private Group Use designation, the language proposed by the subject applicant to POLICY 2.3, of the Future Land Use Element mirrors that which staff has proposed for the 2024 EAR-Based Comprehensive Plan. Following adoption of the subject Ordinances, the applicant will be submitting a Zoning Map Amendment application for the Four Arts property.

Attachment: Adoption Ordinances
State Department of Commerce Transmittal Letter
State Department of Commerce Response Letter
Treasure Coast Regional Planning Council Response Letter
Florida Department of Transportation Response Letter
Florida Department of Environmental Protection Email

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

ORDINANCE NO. 006-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE VI, DISTRICT REGULATIONS; AMENDING SECTIONS 134-1482-134-1500. – RESERVED, TO CREATE A NEW DIVISION 16. CI CULTURAL INSTITUTION DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITHIN; 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, on January 10, 2024, the Town of Palm Beach received a privately initiated development review application to amend Chapter 134, the Town of Palm Beach Zoning Code, of the Town’s Code of Ordinances to create a new Division 16. CI Cultural Institution Zoning District (the “Amendment”); and

WHEREAS, on March 5, 2024, the Town of Palm Beach Planning and Zoning Commission reviewed the proposed Amendment to the Code of Ordinances and recommended to the Town Council that the Amendment be approved; and

WHEREAS, 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 amendment to the Code of Ordinances; and

WHEREAS, the Town Council determined that the proposed Amendment, as more particularly described in Exhibit A, promotes the public health, safety and welfare; and

WHEREAS, the Town Council has determined that the creation of a new Division 16. CI Cultural Institution Zoning District would be consistent with the adopted Town of Palm Beach Comprehensive Plan as amended on November 9, 2022.

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 Zoning Code of the Town of Palm Beach Code of Ordinances.

The Town Council directs that the Town of Palm Beach Code of Ordinances be amended at Chapter 134, to create a new Division 16. CI Cultural Institution Zoning District as set forth 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 6. 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 13 day of March 2024, and for second and final reading on this 15 day of May, 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

Sections 134-1482—134-1500

DIVISION 16. CI CULTURAL INSTITUTION DISTRICT

Sec. 134-1482. Purpose

The purpose of the CI Cultural Institution district is to provide for uses such as not-for-profit cultural and art institutions, in a campus setting at a scale and intensity intended to primarily serve the needs of Town persons. A campus shall be defined as the total of all of the property, or lots included in a unity of title approved by the town, that are utilized for such purpose, owned and operated by a single not-for-profit cultural and arts institution. A campus owned by a single not-for-profit cultural and arts institution, or subject to an approved unity of title, shall be considered one parcel of land for the purposes of administering the requirements of this Division and thus applied to the entire campus and not on an individual lot by lot basis.

Sec. 134-1483. Permitted uses.

Not-for-profit cultural and arts institutions are permitted in the CI Cultural Institutional district. For purposes of this Division, a “not-for-profit cultural and arts institution” means any corporation, organization, association, or institution that (a) provides programs or activities in areas directly concerned with the arts or cultural heritage, (b) is not-for-profit and owned and operated by a single cultural and arts institution that has a tax-exempt status with the Internal Revenue Service, and whose net earnings may not lawfully inure to the benefit of any private shareholder, member, or individual, (c) may include one or more museums, art galleries, performing art centers, libraries, and/or botanical and sculpture gardens, and (d) may include one or more accessory uses that are customarily incidental to and directly supportive of such uses, including cooking facilities, lecture halls, classrooms, storage facilities, offices, off-street parking and loading, and not more than a total of three residential units for purposes of no-charge housing to employees, short-term guests, and artists in residence, all of which shall be subject to the conditions and limitations set forth in this Division, and shall be limited to a maximum of three bedrooms and 2,300 square feet per unit.

Sec. 134-1484. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the CI Cultural Institution district are as follows:

- (1) Outdoor promotional events. See section 134-2115(1) through section 134-2115(8) for additional conditions and criteria.
- (2) Accessory café. Not more than one accessory cafe that shall not be open to or advertised as being open to the general public and shall offer limited menus that reflect the café’s purpose of supporting the patrons of the not-for-profit cultural and arts institution. At the discretion of the Town Council, the accessory café may be subject to a Declaration of Use Agreement that addresses the number of seats, hours of operation, and any other conditions of approval imposed by the Town Council.
- (3) Three-story building. Only one three-story building is permitted per campus. Additions to existing three-story buildings are permitted provided the addition complies with the requirements of this Division.

Sec. 134-1485. Reserved.

Sec. 134-1486. Reserved.

Sec. 134-1487. Reserved

Sec. 134-1488. Lot, yard and area requirements—Generally.

In the CI Cultural Institution district, the schedule of lot, yard and area requirements is as provided in this section, and for the purposes of this section, “adjoin” shall be defined as having a common property line or being separated only by a public right-of-way.

- (1) Campus area. The minimum area is seven acres.
- (2) Campus width. The minimum width is 300 feet.
- (3) Campus depth. The minimum depth is 300 feet.
- (4) Density. No residential density is permitted other than the residential dwelling unit(s) permitted under Section 134-1483 of this Division. Residential dwelling units shall be limited to a maximum of three units within the campus and shall be limited to a maximum of three bedrooms and 2,300 square feet per unit.
- (5) Front yard.
 - a. When the front yard of a lot in the campus adjoins property zoned a non-residential zoning district, there is no minimum front yard setback required.
 - b. When the front yard of a lot in the campus adjoins two or more intersecting street lines, there is no minimum front yard required.
 - c. When the front yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum front yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum front yard setback shall be 30 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the front yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height. In no case shall the front yard setback be less than 30 feet.
- (6) Side yard.
 - a. When the side yard of a lot in the campus adjoins property zoned a non-residential zoning district, there is no minimum side yard required.
 - b. When the side yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum side yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum side yard setback shall be 25 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the minimum side yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height.
 - c. When the side yard of a lot in the campus adjoins a public or private roadway interior to the campus, there is no minimum side yard required.
- (7) Rear yard.
 - a. When the rear yard of a lot in the campus adjoins property zoned a non-residential zoning district, the minimum rear yard setback shall be ten feet.
 - b. When the rear yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:

Exhibit A

- 1) For one-story buildings, the minimum rear yard setback shall be 25 feet.
- 2) For two-story buildings, the minimum rear yard setback shall be 30 feet.
- 3) For buildings that exceed two stories or 22 feet in height, the minimum rear yard setback shall be increased by one foot for each one foot of building height above 22 feet exceeding 22 feet in height.
- (8) Separation from single-family use. No three-story buildings, or portion thereof, shall be permitted within 150 feet of a single-family use or single-family residential zoning district. Such distance shall be measured from the property line on which the single-family use or single-family zoning district is located to the building in the CI Cultural Institution district.
- (9) Height and overall height.
 - a. For one-story buildings, the maximum building height is 15 feet.
 - b. For two-story buildings, the maximum building height is 30 feet.
 - c. In the CI Cultural Institution district, the maximum building height allowed by right is two stories, with provision for a special exception for three stories with a maximum building height of 45 feet. See special exception provisions in sections 134-226 through 134-233 (special exception use), and article III of this chapter (site plan review).
 - d. Maximum overall height of a building shall be measured as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (10) Lot coverage.

The maximum lot coverage for a campus shall be 30 percent.
- (11) Planar break.
 - a. Buildings that exceed 140 feet in length shall provide a planar break which consists of recesses or projections in the building. The intent is to provide façade articulation that breaks up the building. Planar breaks shall be a minimum of two feet of recessed or projecting building area, or as determined by the Landmarks Preservation Commission or the Architectural Commission (as applicable).
 - b. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.
- (12) Landscaped open space.

The minimum landscaped open space for a campus shall be 25 percent. Not less than 35 percent of the required front yard must be landscaped open space unless a zero front yard setback is provided, then there shall be no required front yard landscaped open space.
- (13) Floor area.
 - a. For one-story buildings, the maximum gross floor area of buildings is 20,000 square feet.
 - b. For two-story and three-story buildings, the maximum gross floor area of buildings is 50,000 square feet.
 - c. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from a single sub-basement shall

each be considered as a separate building for the purpose of calculating building floor area.

Sec. 134-1489. Statue and/or sculpture.

Notwithstanding the requirements contained in section 134-1727 of the Code of Ordinances, the following statues or sculptures shall be permitted by right if located in the CI Cultural Institution district and shall not require the review and approval by the Landmarks Preservation Commission or the Architectural Commission (as applicable):

- 1) Statues or sculptures nine feet or less in height, or
- 2) Statues or sculptures greater than nine feet, but not to exceed 12 feet, and not visible from a public right-of-way.

Sec. 134-1490. Nonconforming buildings and structures.

In the CI Cultural Institution district, any building or structure located at a cultural and arts institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued, except as otherwise provided in article IV..

Sec. 134-1491. Parking

Where there is a conflict between the requirements contained in sections 134-2175 and 134-2176 of the Code of Ordinances and this section, the specific requirements of this section shall govern.

In the CI Cultural Institution district, the following uses within any building or structure located on a cultural and arts institution campus are exempt from providing any required parking:

- 1) Accessory café
- 2) Storage facilities or spaces
- 3) Cooking facilities
- 4) Residential dwelling unit(s) as permitted under Section 134-1483 of this Division
- 5) Building areas utilized for any back of house operational spaces, such as, but not limited to, green rooms, changing rooms, prop storage areas, wet and dry art work spaces, and any areas associated with the operation of a theater or performing arts facility that do not contain seats or access for patrons.

Sec. 134-1492. Reserved

Sec. 134-1493. Signs.

- 1) In the CI Cultural Institution district, any sign located at a cultural and arts institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued except as otherwise provided in article IV.
- 2) The Town recognizes that different types of cultural and arts institutions require different types of signs, sizes, and styles of signage. The Landmarks Preservation Commission or the Architectural Commission (as applicable) shall approve a Master Sign Plan that specifies all signage by type, size, quantity, material, and placement throughout the cultural and arts institution campus. Any change to an approved Master

Exhibit A

Sign Plan or changes to individual signs visible from a public street shall be approved by the Landmarks Preservation Commission (as applicable).

The Master Sign Plan may include different types of signs, sizes, and styles. The design standards below may be considered, but shall not limit the design and placement of such signage:

- a. Campus Identification Monument Signage
 - 1) Any monument signage shall display the name of the cultural and arts institution with a maximum lettering height of six inches.
 - 2) Monument signs are permitted within the front yard setbacks provided that it does not conflict with the sight triangle requirements of section 134-1637.
 - 3) Maximum height of the monument sign shall be four feet above the grade.
- b. Campus Identification Portal/Gateway-Mounted Signage
 - 1) One portal/gateway-mounted sign is allowed at main entrances such as driveways, intersecting roads, or other arrival points, identifying the name of the cultural and arts institution with a maximum lettering height of three inches.
- c. Building-mounted Building or Venue Identification Signage
 - 1) One building or venue sign is allowed at each publicly accessible entrance to a building with a maximum lettering height of three and a half inches.
- d. Wayfinding and Educational Signage

Free-standing or wall mounted signs identifying campus circulation or containing educational information are permitted but shall be limited as follows:

 - 1) A maximum lettering height of three inches.
 - 2) A maximum sign height of four feet above the grade.
 - 3) A maximum sign width of two feet.
- e. Donor signs are permitted but shall be limited as follows:
 - 1) A maximum lettering height of three inches.
 - 2) A maximum sign height of two feet above the grade.
 - 3) A maximum dimension of 12 inches by 12 inches.
- 3) The requirements of this section shall supersede the requirements contained in Division 3 of article XI of this chapter.
- 4) The following signs shall be prohibited on a campus:
 - a. Neon, including neon tubing signs.
 - b. Backlit signs.
 - c. Strobing, blinking or flashing signs.

Sec. 134-1494 – 134-1500. Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Limit Time Extensions made to LPC

ORDINANCE NO. 011-2024: 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 2, Procedures and Effect, Section 54-94, Duration of Approval, Time Extension, Denial of Application, Determination, Clarification, and Deferral, Subsections (1) and (2), by Providing for a Thirty-Day Administrative Extension of the Duration of Approval and Limiting the Number of Time Extensions to One; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Ordinance No. 011-2024: Limiting Time Extensions made to LPC**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Design Review Commission Time Extensions – Ordinances 011-2024 and 012-2024 - Second Reading

Date: April 12, 2024

FOR YOUR INFORMATION

The Town Council briefly discussed Landmarks and ARCOM Time Extensions at their March 2024 meeting. They provided directions to staff to prepare a pair of ordinances that would limit the maximum number of applicant-requested time extensions for approved projects to one.

Staff drafted the two ordinances. The changes will occur within Chapter 18, Buildings and Building Regulations and within Chapter 54, Historical Preservation. In addition, language was added to allow an administrative 30-day extension to the duration of approval to allow applicants to either complete their projects or to properly appear before the design review commission to formally request the time extension. Time extensions, when granted, would be up to one year.

The Town Council approved both ordinances on First Reading at their April 10, 2024, meeting. The ordinances are before you today for adoption on Second Readings.

Attached: Ordinances No. 011-2024 (LPC) and 012-2024 (ARCOM)

ORDINANCE NO. 011-2024

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 2, PROCEDURES AND EFFECT, SECTION 54-94, DURATION OF APPROVAL, TIME EXTENSION, DENIAL OF APPLICATION, DETERMINATION, CLARIFICATION, AND DEFERRAL, SUBSECTIONS (1) AND (2), BY PROVIDING FOR A THIRTY-DAY ADMINISTRATIVE EXTENSION OF THE DURATION OF APPROVAL AND LIMITING THE NUMBER OF TIME EXTENSIONS TO ONE; 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 2, Procedures and Effect, Section 54-94, Subsections (1) and (2), by providing for a thirty-day administrative extension of the duration of approval and limiting the number of requested time extensions to one, as follows:

“Sec. 54-94. - Duration of approval; time extension; denial of application; determination; clarification; deferral.

- (1) The applicant's approval will expire 12 months from the date of the meeting at which the decision was rendered, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within 12 months from the date of approval, the commission approval becomes void. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project. The director of planning, zoning and building may, based upon demonstrated good cause, grant a thirty-day (30) administrative extension of the duration of approval.*
- (2) A maximum of one (1) time extension, for up to one year in duration from the original expiration date, from any of the requirements in subsection (1), may be granted or denied by the landmarks preservation commission for just cause. Said single time extension request shall be submitted in writing to the planning, zoning and building department at least two weeks prior to an landmarks preservation commission meeting, which must occur prior to the expiration date, or said approval shall expire.*

.....”

Section 2. 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 3. 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 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. 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 10th day of April 2024, and for second and final reading on this 14th day of May 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

Town Council Meeting Development Review on: May 15, 2024

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Limit Time Extensions made to ARCOM

ORDINANCE NO. 012- 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 3, Procedure and Requirements, Section 18-203, Duration of Approval, Time Extensions, Denial of Application, Determination, Deferral, Subsections (1) and (2), by Providing for a Thirty-Day Administrative Extension of the Duration of Approval and Limiting the Number of Time Extensions to One; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Ordinance No. 012-2024: Limiting Time Extensions made to ARCOM**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 15, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Design Review Commission Time Extensions – Ordinances 011-2024 and 012-2024 - Second Reading

Date: April 12, 2024

FOR YOUR INFORMATION

The Town Council briefly discussed Landmarks and ARCOM Time Extensions at their March 2024 meeting. They provided directions to staff to prepare a pair of ordinances that would limit the maximum number of applicant-requested time extensions for approved projects to one.

Staff drafted the two ordinances. The changes will occur within Chapter 18, Buildings and Building Regulations and within Chapter 54, Historical Preservation. In addition, language was added to allow an administrative 30-day extension to the duration of approval to allow applicants to either complete their projects or to properly appear before the design review commission to formally request the time extension. Time extensions, when granted, would be up to one year.

The Town Council approved both ordinances on First Reading at their April 10, 2024, meeting. The ordinances are before you today for adoption on Second Readings.

Attached: Ordinances No. 011-2024 (LPC) and 012-2024 (ARCOM)

ORDINANCE NO. 012-2024

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 3, PROCEDURE AND REQUIREMENTS, SECTION 18-203, DURATION OF APPROVAL, TIME EXTENSIONS, DENIAL OF APPLICATION, DETERMINATION, DEFERRAL, SUBSECTIONS (1) AND (2), BY PROVIDING FOR A THIRTY-DAY ADMINISTRATIVE EXTENSION OF THE DURATION OF APPROVAL AND LIMITING THE NUMBER OF TIME EXTENSIONS TO ONE; 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 3, Procedure and Requirements, Section 18-203, Subsections (1) and (2), by providing for a thirty-day administrative extension of the duration of approval and limiting the number of requested time extensions to one, as follows:

“Sec. 18-203. - Duration of approval; time extension; denial of application; determination; clarification; deferral.

- (1) The applicant's approval will expire 12 months from the date of the meeting at which the decision was rendered, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within 12 months from the date of approval, the commission approval becomes void. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project. The director of planning, zoning and building may, based upon demonstrated good cause, grant a thirty-day (30) administrative extension of the duration of approval.*
- (2) A maximum of one (1) time extension, for up to one year in duration from the original expiration date, from any of the requirements in subsection (1), may be granted or denied by the architectural commission for just cause. Said single time extension request shall be submitted in writing to the planning, zoning and building department at least two weeks prior to an architectural commission meeting, which must occur prior to the expiration date, or said approval shall expire.*

.....”

Section 2. 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 3. 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 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. 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 10th day of April 2024, and for second and final reading on this 14th day of May 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