TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

APRIL 10, 2024

9:30 AM

Welcome

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR DANIELLE H. MOORE

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. CONSENT AGENDA

A. **ZON-24-049 216-218 WORTH AVE - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Brunello Cucinelli Boutique, has filed an application requesting Town Council review and approval for a Special Exception with a Site Plan Review for a permitted use greater than 4,000 SF in the C-WA zoning district for the expansion of the existing Brunello Cucinelli Boutique to be located at 216 and 218 Worth Avenue. Pg. 10

VIII. RESOLUTIONS

A. RESOLUTION NO. 038-2023: A Resolution of the Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **163 Seminole Ave.** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. (PALM BEACH COUNTY LISTS THE PROPERTY AS 165 SEMINOLE AVENUE) Owner: Dale Coudert, 2012 Steven H. Rose Trust *The consultants believe that the owner supports the designation.*

The owner of this property has requested a deferral to the November 13, 2024, meeting.

B. RESOLUTION NO. 048-2024: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission That the Property Known as **246 Atlantic Avenue** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. Pg. 29

(PALM BEACH COUNTY LISTS THE PROPERTY AS 246 ATLANTIC AVENUE)
Owner: Teddy's Land Joint Venture, LLC
The owner opposes the designation.

IX. MATTERS PULLED FROM 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. 53

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old 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. building height plane requirement found in Section 134-843(7) which would allow relief from a building height plane requirement of two feet of front setback for each one foot of building height per the R-A Zoning District., 2. exemption of the building height of approximately 32.13' NAVD proposed vs. 25' NAVD permitted per Section 134-841(b)(1), and 3. exemption of the number of guest houses permitted per property Section 134-841 (5). The Landmarks Preservation Commission shall provide design review of the application. ***[This project has been deferred to the May 15, 2024, Town Council meeting, pending review by the Landmarks Preservation Commission.]***

b. **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 has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

c. **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. ***[This project has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

d. **ZON-23-020 (COA-23-003) 139 N COUNTY RD - THE PARAMOUNT THEATER (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND** Pg. 75

VARIANCES The applicant, WEG Paramount LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for square footage greater than 3,000 SF in the C-TS district, (3) for Outdoor café seating use associated with a private club in the C-TS district, (5) for two stories in the C-TS district, (6) for shared parking in the C-TS district, and (7) for a modification to a previously approved Special Exception for Churches, synagogues or other houses of worship to allow for a flexible event space. The applicant is also seeking Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involve more than 2000 square feet of building floor area in the C-TS zoning district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required front yard setback, (2) front side street yard setback, (3) and to reduce the required rear yard setback requirements for new construction, (4) to allow three stories in lieu of two stories in CTS district, (5) to exceed the maximum height, (6) to exceed the maximum overall building height, (7) to exceed the maximum allowable lot coverage limitation, (8) to exceed the maximum building length permitted, (9) to exceed the maximum building size (floor area) permitted, (10) to reduce the require overall landscape open space, (11) to reduce the required front yard landscape open space, (12) to reduce the required front yard setback for the subterranean parking level, (13) to reduce the front side street yard setback for the subterranean parking level, (14) to permit mechanical lift parking in the parking garage, (15) a variance to exceed the maximum height of a perimeter wall on a side or rear property line, (16) to permit residential uses on the first level in the C-TS zoning district in lieu of the above the first-floor requirement, (17) to allow generators on a roof(s), (18) to exceed the maximum height of a screening wall for mechanical equipment on a roof, (19) to exceed the maximum height of mechanical equipment on a roof, and (20) to exceed the maximum height of chimneys, in conjunction with the renovation and adaptive reuse of an existing Landmarked theater structure and the construction of four connected residences with ground floor retail components with two levels of subterranean parking. The Landmarks Preservation Commission will perform the design review. ***[This project was deferred at the March 13, 2024, Town Council meeting to a date certain of April 10, 2024]***

TIME CERTAIN 3:00 PM

2. New Business

a. **ZON-24-040 (HSB-24-002) 255 EL PUEBLO WAY (COMBO) - VARIANCE** The applicant, 225 El Pueblo LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval of a garage addition, requiring one (1) variance to reduce the required one-story west side-yard setback. The Landmarks Preservation Commission shall perform design review of the application. ***[The variance for this project is no longer needed. Therefore, this project will be withdrawn from the agenda.]***

b. **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 has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

c. **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. ***[This project has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

d. **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. ***[This project has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

e. **ZON-24-051 320 DUNBAR RD - VARIANCE(S)** The applicant, Peter May, has filed an application requesting Town Council review and approval of two (2) variances for (1) the installation of marine mooring piles greater than 150' from land and (2) for the installation of marine mooring piles within the north riparian setback.

Pg. 81

f. **ZON-24-052 264-270 S COUNTY RD AND 230/240 ROYAL PALM WAY - SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCE** The applicant, Carriage House Properties Partners LLC, has filed an application requesting Town Council review and approval for three (3) Special Exception requests including, (1) to modify a previously approved Special Exception with site plan review for a private club to allow for increased membership, (2) to modify a previously approved Special Exception for supplemental off-site shared parking, and (3) for a Special Exception for outdoor café seating to allow for seating in the outdoor courtyard area on private property. The applicant is also requesting a Variance to eliminate the required on-site parking space requirement created for increased private club membership. Additionally, the applicant is requesting to modify the existing Declaration of Use Agreement. Pg. 86

TIME CERTAIN - 2:00 PM

g. **ZON-24-054 (COA-24-013) 1 S COUNTY RD** The Breakers (COMBO) – SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW. The applicant, Breakers Palm Beach Inc., has filed an application requesting Town Council review and approval for a (1) Special Exception with Site Plan Review for a new bar within the proposed conservatory addition at the west end of the Breakers courtyard and adjacent to the hotel's lobby and occupying the location of the existing lobby's exterior terrace, and (2) Special Exception for outdoor café seating in the Breakers courtyard. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked structure and grounds. Pg. 174

h. **ZON-24-055 (COA-24-012) 335 EL VEDADO RD (COMBO) - VARIANCES** The applicant, Diana Wister, has filed an application requesting Town Council review and approval for a one-story addition requiring one (1) variance to reduce the required rear yard setback. The Landmarks Preservation Commission shall perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact on the subject landmark property. Motion Carried, 7-0.] [The Landmarks Preservation Commission approved the project. Motion Carried 7-0.]* Pg. 207

C. Time Extensions, Waivers & Stop Work Orders

1. Wavier of Town Code Section 18-237, For Building Permit Extension for **206 Phipps Plaza** Pg. 214
2. Wavier of Town Code Section 18-237, For Building Permit Extension for **86 Middle Road** Pg. 224

3. Wavier of Town Code Section 18-237, For Building Permit Extension for **1540 S Ocean Blvd.** Pg. 236

XI. ORDINANCES

A. Second Reading

1. Amending Town Code related to Docks and Marine Structures

ORDINANCE NO. 009-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 62, Marine Structures; Amending Article III, Bulkheads And Pierheads On Lake Worth, Section 62-74, Bulkheads, Landing Docks And Piers To Accord With Plat; Waivers And Variances, To Describe The Term Marginal Dock And Provide Specifications For A Marginal Dock, To Eliminate Reference To Town Of Palm Beach Bulkhead Line And Replace With Mean High Water Line, To Prescribe Maximum Gangway Width, To Prescribe Maximum Terminal Platform Width, To Include Specifications For Dock Lighting, And To Provide Specifications For Docks On Certain Areas Of Everglades Island And Ibis Isle; And Amending Section 62-75, Construction Specifications, To Describe The Term Marginal Dock And Provide Specifications For A Marginal Dock, To Eliminate Reference To Town Of Palm Beach Bulkhead Line And Replace With Mean High Water Line, To Prescribe Maximum Gangway Width, To Prescribe Maximum Terminal Platform Width, To Include Specifications For Dock Lighting, And To Provide Specifications For Docks On Certain Areas Of Everglades Island And Ibis Isle; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Pg. 245

A. First Reading

1. 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. Pg. 253

2. 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 Pg. 257

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. 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: April 10, 2024

Section of Agenda
Consent Agenda

Agenda Title
ZON-24-049 216-218 WORTH AVE - SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, Brunello Cucinelli Boutique, has filed an application requesting Town Council review and approval for a Special Exception with a Site Plan Review for a permitted use greater than 4,000 SF in the C-WA zoning district for the expansion of the existing Brunello Cucinelli Boutique to be located at 216 and 218 Worth Avenue.

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 WB

SUBJECT: ZON-24-049 216-218 WORTH AVE

MEETING: APRIL 10, 2024

ZON-24-049 216-218 WORTH AVE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, Brunello Cucinelli Boutique, has filed an application requesting Town Council review and approval for a Special Exception with a Site Plan Review for a permitted use greater than 4,000 SF in the C-WA zoning district for the expansion of the existing Brunello Cucinelli Boutique to be located at 216 and 218 Worth Avenue.

Applicant: Brunello Cucinelli Boutique
Professional: AND Studio
Representative: Shutts and Bowen

THE PROJECT:
The applicant has submitted plans, entitled "BRUNELLO CUCINELLI PALM BEACH", as prepared by **AND Studio**, date stamped by the Town, March 06, 2024.

The following is the scope of work for the project:

- Retail buildout in existing two-story commercial building resulting in larger retail area (SF).

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

- Section 134-1159(a)(9), Special Exception for a permitted use greater than 4,000 SF in the CWA zoning district in order to occupy a portion of an existing two-story commercial building. The sales of apparel and accessories is a SE use when the Gross Leasable Area ("GLA") is greater than 4,000 SF from 1,710 SF to 4,107 SF (+1,140 SF on the first floor and + 1,257 SF on the second floor for a total of 2,367 SF at 218 Worth Avenue)
- Section 134-1159(a) SE uses requires a Site Plan Review.

Site Data			
Zoning District	C-WA	**Future Land Use**	COMMERCIAL
Use	RETAIL	**Square Footage (SF)**	1,710 SF @ 216 2,397 SF @ 218 (1,140 1st floor + 1,257 2nd floor) TOTAL: 4,107 SF

STAFF ANALYSIS

The application is for the interior buildout of a portion of the second floor of an existing two-story commercial building to accommodate the expansion of an existing luxury retailer, Brunello Cucinelli. The retailer currently occupies 1,710 SF on the eastern portion of the ground floor (marked A below) and 1,140 SF of the western portion of the ground floor (marked B below). The applicant is proposing to expand into a portion of the second floor (above bay B) for back of house uses (1,257 SF). This total aggregation on the two floors yields a total area of 4,107 SF. To note, the retail sales of the apparel and accessories will occur on the first floor of the new space with the second floor being used for back of house uses. Due to the size of the retail space over 4,000 SF, the applicant is requesting approval of a Special Exception to allow a 4,107 SF retail space to be located in the C-WA district.

The two-story building was constructed as a commercial building, with a central covered via bisecting the ground floor. No new square footage is being added, nor is a change of use is occurring. The special exception uses in the C-WA Worth Avenue district are as follows (9) Permitted uses cited under permitted uses in section 134-1157 which contain greater than 4,000 square feet GLA gross leasable area. Most recently, the existing two-story building contained the women's fashion retailer Intermix. No exterior changes are proposed at this time. 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 4,000 SF gross leasable area in the C-WA zoning district.

WRB:JGM

RECEIVED
By yfigueroa at 8:14 am, Feb 23, 2024

Shutts

LETTER OF INTENT

SECOND SUBMITTAL

DATE: February 22, 2024

TO: Town of Palm Beach, Planning, Zoning & Building Dept.

RE: ZON-24-049 (ARC-24-053) 216-218 WORTH AVE (BRUNELLO CUCINELLI)

REQUEST

On behalf of Brunello Cucinelli c/o Marilu Lasagna (**"Applicant"**), Shutts & Bowen LLP (**"Agent"**) submits a request for a Special Exception (**"SE"**) with a Site Plan Review (**"SPR"**) for the expansion of the existing Brunello Cucinelli Boutique (**"Boutique"**) and a Minor Architectural Commission (**"ARCOM"**) request to change the storefront door/window from non-impact glass to impact glass for the building located at 218 Worth Avenue (**"Site"**).

FIGURE 1 – Location map

Location:	216 and 218 Worth Ave. *(Figure 1)*
Property Control Number(s)	50434323050180190
Zoning District:	Commercial Worth Avenue (C-WA)
Acreage:	0.25 acres

REQUEST

Request for an SE, SPR, and Minor ARCOM as follows:

- Pursuant to Section 134-1159(a)(9), the sales of apparel and accessories is a SE use when the Gross Leasable Area ("**GLA**") is greater than 4,000 square feet ("**sq. ft.**"). The Applicant is requesting an expansion of the Boutique from 1,710 sq. ft. to 4,107 sq. ft. (+1,140 sq. ft. on the first floor and + 1,257 sq. ft. on the second floor for a total of 2,397 sq. ft. at 218 Worth Avenue). As such, the Applicant is requesting approval of a SE to allow a 4,107 sq. ft. of retail sales of apparel and accessories use to be located on the Site. It's important to note that the actual sales of the apparel and accessories is limited to the first floor with a total of 2,880 sq. ft., with the second-floor space being used for back of house operations. The back of house uses will include a well-organized storage space, an office, a restroom, a pantry and a changing area for the store staff.
- Pursuant to Section 134-1159(a), SE uses requires a SPR.
- Minor ARCOM to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.

BACKGROUND

Brunello Cucinelli is an Italian luxury fashion brand which sells menswear, women's wear and accessories in Europe, North America and East Asia. The company was founded by Brunello Cucinelli in 1978. It is a brand that places a premium on quality and craftsmanship. Each piece in their collection is meticulously crafted by skilled artisans who have honed their skills over decades. From the selection of the finest materials to the attention to detail in the finishing touches, every aspect of the design process is carefully considered to ensure that each piece is of the highest possible standard.

The Applicant opened a Brunello Cucinelli Boutique in Palm Beach in 2015 for retail sales of menswear, women's wear and accessories. The Applicant currently occupies 1,710 sq. ft. and is proposing to expand into the adjacent 2,397 sq. ft. space for a total of 4,107 sq. ft. As noted above, the building is two stories and the retail sales of the apparel and accessories will occur on the first floor (1,140 sq. ft.) of the new space with the second floor being used for back of house uses (1,257 sq. ft.).

Since 2015 the Boutique has grown and added several new lines like the children collection, and additional accessories including shoes and bags. As such, the existing space is not efficiently functional anymore and there is a need for additional space to properly display the apparel and accessories. The intent is to dedicate the 216 Worth Avenue space for women's wear and the 218 Worth Avenue space for menswear.

The philosophy of Brunello Cucinelli is based on dignity of the workers, making profit with ethics, dignity and morals, while providing the patrons with the highest levels of excellent customer service. For these reasons, the Applicant proposes to expand the existing space so that the store staff have good spaces to work and feel comfortable and the customers get the highest level of service that can be provided.

SUPPLEMENTAL APPLICATION REQUIREMENTS

As required, attached are the responses to the review standards/guidelines for the SE and variance request:

- **Exhibit A**: Special Exception in accordance with Section 134-229.
- **Exhibit B**: Site Plan Review in accordance with Section 134-1159(a).
- **Exhibit C:** Criteria for building permit in accordance with Section 18-205.
- **Exhibit D:** Town-serving Affidavit certifying that 51% or more of the Boutique serves townpersons.
- **Exhibit E:** A detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 specific to the Site – Not Applicable
- **Exhibit F:** Property Info sheet.
- **Exhibit G:** Legal Description.

PARKING STATEMENT

There are no changes proposed to the parking.

EXHIBIT A

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

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

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

RESPONSE: *Retail sales of apparel and accessories that exceed 4,000 sq. ft. GLA is permitted as a SE in the C-WA zoning district.*

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

RESPONSE: *All improvements are internal to the building with the exception of building signage and the request to change the storefront door/window from a non-impact glass to an impact glass. The retail sales of apparel and accessories use is so designed, located and proposed to be operated so that the public health, safety, welfare and morals will be protected.*

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

RESPONSE: *The retail sales of apparel and accessories use will not cause substantial injury to the value of other properties in the neighborhood where it is to be located. In fact, the retail sales of apparel and accessories use will occupy commercial retail space which is consistent with the prior approvals granted.*

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

RESPONSE: *The retail sales of apparel and accessories use is and continues to be compatible with the adjoining development and the intended purpose of the district in which it is located.*

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

RESPONSE: *As noted above, all improvements are basically internal to the building and thus there are no proposed changes that affect the yard, open space or 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.

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

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

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

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

RESPONSE: *No changes are proposed to the ingress and egress to the Site. As such, there are no impacts on automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.*

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

RESPONSE: *The building signage is proposed to be compatible and in harmony with the adjacent properties in the district.*

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

RESPONSE: *The current request does not affect the location, availability or compatibility of utility services.*

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

RESPONSE: *The current request is to renovate the interior of the building and change the storefront door/window from a non-impact glass to impact glass, none of which affects the refuse and service areas.*

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

RESPONSE: *A Town-serving Affidavit certifying that 51% or more of the proposed use serves townpersons is included with the application submittal as Exhibit C.*

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

RESPONSE: *There are no changes proposed that affect the exterior landscaping on the Site. All improvements will be internal to the building.*

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

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

EXHIBIT B

Sec. 134-329. Review by town council for Special Review.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

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

RESPONSE: *Applicant is the leaseholder and in control and possession of the entire parcel which is subject of this application. The Applicant is responsible for the care and upkeep of the entire Site. No maintenance responsibility will become the obligation of the Town.*

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

RESPONSE: *There are no new land uses, programming or changes to the intensities of use proposed for the Site. As noted above, the retail sales of apparel and accessories use is only replacing another retail sales of apparel and accessories use, and located internal to the building.*

(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.

RESPONSE: *There are no changes proposed to the ingress and egress to the Site. Automobile and pedestrian safety will be maintained to comply with all applicable standards. Separation of automotive traffic, traffic control and flow, service for utilities and refuse collection and access in case of fire or emergency will not be affected.*

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

RESPONSE: *There are no changes proposed to the off-street parking.*

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

RESPONSE: *There are no changes proposed to any perimeter screening or buffers.*

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

RESPONSE: *There are no changes proposed that will affect the manner of drainage on the Site onto adjacent and nearby properties or on the Town's overall drainage capacities.*

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

RESPONSE: *There are no changes proposed that will impact hook-in locations, availability or capacity of utilities.*

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

RESPONSE: *There are no changes proposed that impact recreation facilities.*

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

RESPONSE: *There are no other standards that may be imposed by the Code for the use.*

(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.

RESPONSE: *There are no changes proposed to the exterior of the building. All improvements are internal to the building with the exception of building signage and the request to change the storefront door/window from a non-impact glass to an impact glass.*

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

RESPONSE: *There are no changes proposed to the visible size and bulk of the building. All improvements are internal to the building with the exception of building signage and the request to change the storefront door/window from a non-impact glass to an impact glass.*

EXHIBIT C

Sec. 18-205. Criteria for building permit.

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

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

RESPONSE: The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain. That said, the proposed renovation of the building is in conformity with good taste and design and 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.

RESPONSE: The proposed renovation of the building indicates the manner in which the building is 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.

RESPONSE: The proposed renovation of the building 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. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.

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

RESPONSE: The proposed renovation of the building 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.

RESPONSE: The proposed renovation of the building 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. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.

(6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:
   a. Height of building or height of roof.
   b. Other significant design features including, but not limited to, materials or quality of architectural design.
   c. Architectural compatibility.
   d. Arrangement of the components of the structure.
   e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
   f. Diversity of design that is complimentary with size and massing of adjacent properties.
   g. Design features that will avoid the appearance of mass through improper proportions.
   h. Design elements that protect the privacy of neighboring property.

RESPONSE: The proposed renovation of the building 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. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.

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

RESPONSE: The proposed renovation of the building includes no additions or accessory structures.

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

RESPONSE: The proposed renovation of the building 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. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.

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

RESPONSE: The proposed renovation is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the existing building.

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

RESPONSE: ***The proposed renovation project's location and design are unchanged and adequately protects existing unique site characteristics. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.***

EXHIBIT D

Town-Serving Affidavit

BRUNELLO CUCINELLI

TOWN-SERVING AFFIDAVIT

The undersigned, (the "Affiant"), IGNAZIO MASSIMO CARONNA President of Brunello Cucinelli Boutique located at 216 Worth Avenue, Palm Beach, FL 33480 ("Boutique"), does hereby certify that:

1. Affiant states that he/she is familiar with the nature of an oath and with the penalties as provided by the laws of the State of Florida for falsely swearing to statements made in an instrument of this nature.

2. Affiant has read the foregoing Affidavit and states that each and every statement contained herein is true and correct.

3. The Zoning Code of Ordinances (the "Code") of the Town of Palm Beach (the "Town") defines "Town-Serving" as establishments principally oriented to serving the needs of townpersons which would not substantially rely upon the patronage of persons not defined as townpersons. The Code defines "townpersons" as all full-time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the Town.

4. Affiant has reviewed the records of the customers served at the Boutique.

5. Affiant has concluded that a minimum of 51% of the customers served at the Boutique qualify as "townpersons" as defined in the Code.

6. The Boutique will be expanded to the adjacent space located at 218 Worth Avenue, Palm Beach, FL 33480 (the "Boutique Expansion") to dedicate the Boutique space for women's wear and the Boutique Expansion space for menswear.

7. As the Boutique is a "Town-Serving" establishment, the Boutique Expansion will be "Town-Serving" as defined by the Code.

[SIGNATURES ON NEXT PAGE]

BRUNELLO CUCINELLI

Wherefore Affiant has signed this Affidavit this 7TH day of February, 2024.

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☑ online notarization, this 7th day of February, 2024 by IGNAZIO MASSIMO CARONNA, who ☐ is personally known to me or ☑ has produced PASSPORT as identification.

(NOTARY SEAL)

WILAILUCK RODRIGUEZ
Notary Public
State of Florida
Comm# HH176888
Expires 9/20/2025

Notary Public, State of Florida

Name: WILAILUCK RODRIGUEZ

My commission expires: 09/20/2025

Serial No.: HH176888

EXHIBIT E

SITE HISTORY

N/A

EXHIBIT F

P R O P E R T Y I N F O R M A T I O N

FIGURE 1 – Location map

Location:	218 Worth Ave. *(Figure 1)*
Property Control Number(s)	50434323050180190
Zoning District:	Commercial Worth Avenue (C-WA)
Acreage:	0.25 acres

EXHIBIT G

LEGAL DESCRIPTION

Lots 19, 20 and 21, Block 18, ***REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH,*** *according to the map or plat thereof as recorded in Plat Book 4, Page(s) 1, Public Records of Palm Beach County, Florida.*

EXCEPTING *from said Lot 21, the following described parcel of land to-wit:*
COMMENCING *at the Northeast corner of Lot 21, Block 18,* ***ROYAL PARK, AN ADDITION TO THE TOWN OF PALM BEACH, FLORIDA,*** *according to the plat thereof on file in the office of the Clerk of the Circuit Court of Palm Beach County, Florida;*
thence in a Southerly direction along the East Boundary of said Lot 21, a distance of 90 feet to the ***POINT OF BEGINNING;***
thence at right angles measured from east to west from said East line of Lot 21, a distance of one foot to a point;
thence in a Southerly direction parallel to the East line of said Lot 21 to the South boundary of said Lot 21;
thence in an Easterly direction along the South boundary of said Lot 21, a distance of one foot to the Southeast corner of said Lot 21;
thence Northerly along the East boundary of said Lot 21, to the ***POINT OF BEGINNING.***

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 038-2023: A Resolution of the Town Council Of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **163 Seminole Ave.** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach. (PALM BEACH COUNTY LISTS THE PROPERTY AS 165 SEMINOLE AVENUE) Owner: Dale Coudert, 2012 Steven H. Rose Trust *The consultants believe that the owner supports the designation.*

The owner of this property has requested a deferral to the November 13, 2024, meeting.

Presenter

ATTACHMENTS:

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 048-2024: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission That the Property Known as **246 Atlantic Avenue** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of The Code of Ordinances of the Town of Palm Beach.

(PALM BEACH COUNTY LISTS THE PROPERTY AS 246 ATLANTIC AVENUE)

Owner: Teddy's Land Joint Venture, LLC

The owner opposes the designation.

Presenter

ATTACHMENTS:

- **Resolution No. 048-2024**
- **Designation Report**
- **Excerpt from the March 20, 2024 Landmarks Preservation Commission Meeting Minutes**
- **Landmark Designation Procedure**

RESOLUTION NO. 048-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 246 ATLANTIC AVENUE MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain landmarked property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark.

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

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

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved, and confirmed.

Section 3. The landmark herein amended, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as 246 Atlantic Avenue and the property to be landmarked is legally described as follows:

Lots 18, 19 and 20, ORANGE GROVE PARK, according to the Plat thereof as recorded in Plat Book 5, Page 97, of the Public Records of Palm Beach County, Florida.

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of adoption of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as described above and as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

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.

Danielle H. Moore, Mayor	Julie Araskog, Town Council Member
	Edward A. Cooney, Town Council Member
ATTEST:	Lewis S.W. Crampton, Town Council Member
	Bobbie D. Lindsay, Town Council Member
Kelly Churney, Acting Town Clerk	Bridget Moran, Town Council Member

246 Atlantic Avenue

DESIGNATION REPORT
February 16, 2022
Landmark Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

246 Atlantic Avenue

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Report produced by Murphy Stillings, LLC

I. General Information

Location:	246 Atlantic Avenue Palm Beach, Florida
Date of Construction:	1951
Architect:	Arthur LeBaron Weeks
Original Owner:	Leon and Pearl Gruner
Historic Name:	Leonardo
Builder/Contractor:	Clough-Foreman
Current Owner:	Teddys Land Joint Venture LLC
Present Use:	Multi-Family Residential
Present Zoning:	R-C
Legal Description:	Lots 18-20, Orange Grove Park, according to the Plat thereof as recorded in Plat Book 5, Page 97, of the Public Records of Palm Beach County, Florida.

II. Location Map

III. Architectural Information

The multi-family residential building located at 246 Atlantic Avenue, known as the Leonardo, was designed in the Moderne architectural style by prolific architect Arthur LeBaron Weeks in 1951. The two-story apartment building is located on the south side of Atlantic Avenue east of Bradley Place. 246 Atlantic Avenue is a very good example of a Moderne style apartment building built in Palm Beach during the post-World War II building boom.

From the 1940s through the 1970s, Modernism was an important architectural trend in Palm Beach. The Modernism movement consisted of several architectural styles including the Moderne style that began to flourish in the 1930s when it was highlighted at the 1933 World's Fair in Chicago. It was influenced by the technology that arose after WWI and followed the "less is more" standard of design. It was influenced by the advancements in the industrial designs of ships, planes, trains and automobiles. The Moderne style, with its simple geometric forms and simplicity in decorative details was becoming popular as the more decorative Art Deco style was falling out of favor. Moderne architecture features cubic forms with smooth surface finishes, curvilinear features, horizontal elements, wrap around windows, and glass block accents.

246 Atlantic Avenue was constructed of concrete block surfaced with smooth stucco with low pitched hipped roofs covered with flat concrete tiles and wide overhanging eaves. The massing of the two-story building is L-shaped with the main mass running east-west and a wing that extends to the south on the

eastern end of the building. The building was constructed as four apartments, two one-bedroom units and two two-bedroom units.

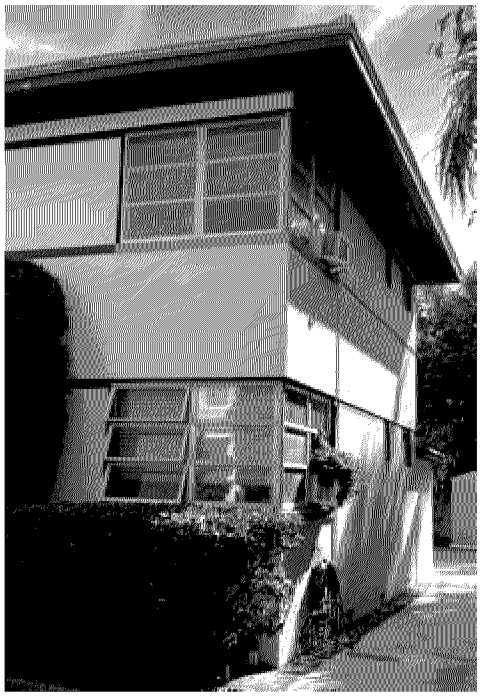
Main Facade

The main façade of the building is symmetrical and organized into five bays with the main entrance located in the center bay. The entrance is a focal point of the structure and consists of a two-story slump brick door surround that steps in at the second floor. A concrete header and eyebrow shelter the entrance which consists of a multi-light French door flanked by glass block sidelights and light fixtures. Above the eyebrow is a building marker with the name "Leonardo" and a six-over-six sash window.

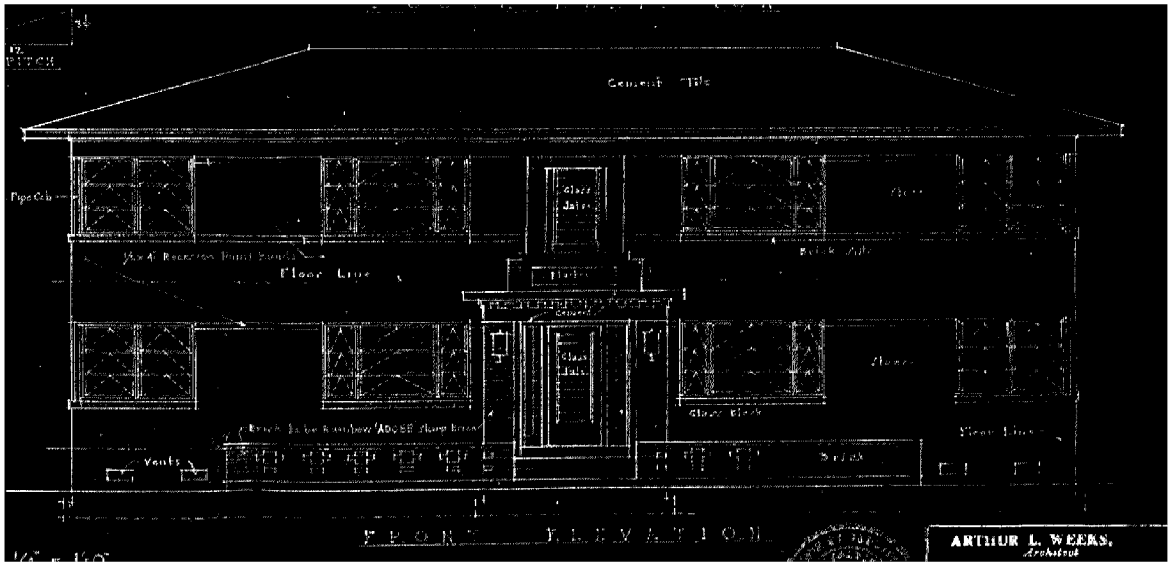
The windows on the main façade are organized and include pairs of awning windows that wrap around the corners of the building and sets of awning windows that consist of a wide window flanked by narrow windows. The horizontality of the building is further emphasized by the slump brick window sills and bands that run the length of the building between the windows at the sills and headers. The rear and side façades continue the use of paired awning windows at the corners as well as single awning windows. A small one-story storage room with a shed roof is located at the southwest corner of the building.

The building features many elements of the Moderne style including its cubic forms, horizontal design, and the use of corner windows, glass blocks and eyebrows.

Entrance



Example of Corner Windows



Main Façade by Arthur LeBaron Weeks, 1951

Over the last 70 years there have been minimal alterations to the exterior of the structure. Alterations to the exterior of the building include the replacement of a jalousie door and jalousie window in the entrance bay with the existing multi-light French door and sash window, re-roofing, and ordinary repair and maintenance of the structure. The building retains the architectural integrity of the original design.

IV. Historical Information

The Leonardo apartment building at 246 Atlantic Avenue in mid-town Palm Beach is located east of Bradley Place and a few blocks north of Royal Poinciana Way in the Orange Grove Park subdivision. The Orange Grove Park subdivision was one of the Town's early subdivisions. Platted by Amanda J. Ryman in January of 1915, it included the lots along Atlantic Avenue between County Road and the Lake Worth lagoon.

The 200 block of Atlantic Avenue consists of a mix of single-family and multi-family residential buildings that were constructed between circa 1917 and the 2000s. Leon and Pearl Gruner commissioned Arthur L. Weeks to design the four-unit apartment building at 246 Atlantic Avenue in 1951, during the post-World War II building boom in Palm Beach.

During the years that followed World War II, Palm Beach flourished and grew exponentially. During the war there was very little construction because nonessential construction had been halted. However, after the war ended Florida saw significant economic and demographic growth as the country began to recover and move to a peacetime economy. Thousands of soldiers who came to Florida during the war decided to return to live afterwards, and as in previous years, retirees were moving to Florida for the climate and northerners were spending the winter season in Palm Beach. The post-World War II era was the start of another building boom in Palm Beach.

As Palm Beach flourished after the war, the development occurring in Town was changing in both density and style. A controversial zoning law passed by the Town in 1947 led to dramatic growth in much of mid-town Palm Beach by allowing hotels, apartments and cooperatives in areas that had been zoned for single family residences. Due to this zoning change many cottages and villas were replaced with low-rise multi-family residential buildings. The architectural styles of structures being constructed was also changing. During this time, modern architectural styles were becoming popular for both residential and commercial architecture throughout the United States, and Palm Beach was no exception. Many of the architects practicing in Palm Beach during the post-World War II era were exploring the use of modern designs in their commissions.

Leon and Pearl Gruner commissioned Arthur LeBaron Weeks to design the four-unit apartment building at 246 Atlantic Avenue in 1951. Arthur Weeks

was born in Canada in 1881 and practiced architecture in Boston, Ottawa, and Detroit before moving to South Florida in 1946 at the age of 65. His firm of Weeks and Keefer in Ottawa was best-known for the Rosenthal Building which was a six-story office building built in 1910 that was one of the first to use a reinforced concrete structural frame and complete exterior cladding of architectural terra cotta.[1] When Weeks moved to Florida his architectural practice was based in Lake Worth and was successful designing commercial and residential commissions throughout Palm Beach County. While practicing, during what many would consider their retirement years, Arthur Weeks designed many commercial and residential structures throughout the County most of which were in the modern styles of architecture that were popular at the time. Weeks died in 1962 at the age of 81.

The Gruner's were longtime residents of West Palm Beach arriving from Key West in 1914. Leon Gruner had been a retail merchant and while he passed away at the end of 1952, the Leonardo apartment building remained in the Gruner family until 1985. The current owner of the property, Teddys Land Joint Venture LLC, purchased the apartment building in 2012 and has been a good steward of the property.

V. Architect Biography

Arthur LeBaron Weeks

Arthur LeBaron Weeks was born in New Brunswick, Canada in 1881 and lived there for his early years and primary education. He later moved to Boston, Massachusetts where he trained in several architectural offices including the firm of Shepley, Ruttan and Coolidge. Shepley, Ruttan and Coolidge were the successors to Henry Hobson Richardson's architectural firm. Richardson was the creator of the architectural style that became known as Richardson Romanesque. While working in that office Weeks met fellow architect Ernest M. Machado and in April 1907, they formed a partnership and started the architectural firm of Machado and Weeks in Ottawa, Canada. Unfortunately, the partnership was short lived due to Machado's unexpected death months later.

Following Machado's death, Weeks teamed up with Alan Keefer to form the firm of Weeks and Keefer from 1908 - 1910. They won major commissions

[1] Biographical Dictionary of Architects in Canada 1800-1950, Weeks, Arthur LeBaron.

for both commercial and governmental projects in Ottawa. One of the best-known works of the firm was the Rosenthal Building, built in 1910, which was a six-story office building that was one of the first to use a reinforced concrete structural frame and complete exterior cladding of architectural terra cotta.

Following his partnership with Keefer, Weeks continued to practice in Ottawa on his own, from 1911-1913, designing commercial and institutional buildings as well as residences. In 1914, he and Cecil Burgess started the firm of Weeks and Burgess. In 1916, Weeks moved to Detroit, Michigan and by 1921 he was a staff architect for the Detroit Board of Education. He continued to practice architecture in the Detroit area until he moved to Lake Worth in 1946 at the age of 65.[2]

Based on reciprocity with Michigan architectural license Weeks was granted a Florida architectural license, Florida certificate number AR0001505, in June 1946. Based in Lake Worth, Weeks' architectural practice was successful designing commercial and residential commissions throughout Palm Beach County. Weeks also published a catalog of homes designed for the Florida climate. In it he reminds potential homeowners that designs from up north do not take into account Florida's sunshine, breezes and occasional hurricanes.

While practicing in Palm Beach County, during what many would consider their retirement years, Arthur Weeks designed many commercial and residential structures throughout the County most of which were in the modern styles of architecture that were popular at the time. Weeks died in 1962 at the age of 81.

VI. Statement of Significance

The Leonardo apartment building at 246 Atlantic Avenue is distinctive for its Moderne style of architecture designed by prolific architect Arthur LeBaron Weeks. The building is also significant as a representation of the changing character in Palm Beach during the post-World War II building boom.

VII. Criteria for Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests

[2] Biographical Dictionary of Architects in Canada 1800-1950, Weeks, Arthur LeBaron.

that at least one criterion must be met to justify the designation. Listed below are criteria, which relate to this property and justification for designation:

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

The Leonardo apartment building at 246 Atlantic Avenue reflects the changing architectural character of the Town of Palm Beach during the post-World War II era. As the war ended and another building boom began the Town saw an increase in apartment and cooperative buildings in mid-town Palm Beach. In addition, the building is a good example of the modern architectural trend that became popular during the post-World War II period in Palm Beach.

(3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

The Leonardo apartment building at 246 Atlantic Avenue is a very good example of the Moderne style of architecture as interpreted by Arthur Weeks in 1951. The design embodies distinguishing characteristics of the architectural style including cubic forms, horizontal design elements, and the use of corner windows, glass blocks and eyebrows.

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

The Leonardo apartment building at 246 Atlantic Avenue is a good representation of design work of Arthur LeBaron Weeks. Weeks was a prolific architect in Ottawa, Canada, Detroit, Michigan and Palm Beach County, Florida from 1908 to the late 1950s. While practicing in Palm Beach County, during what many would consider their retirement years, Arthur Weeks designed many commercial and residential structures throughout the County most of which were in the modern styles of architecture that were popular at the time.

VIII. Selected Bibliography

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IX. Florida Master Site File Form

Florida Master Site File

HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB15240
Recorder # Jane S. Day
Field Date 12/1/2010
Form Date 3/1/2011
FormNo 201012
FormNo = Field Date (YYYYMM)

First Site Form Recorded for this Site? YES

GENERAL INFORMATION

Site Name (address if none) 246 Atalntic Avenue LLC, House — Multiple Listing (DHR only)
Other Names — >> The Leonardo
Survey or Project Name Palm Beach Historic Sites Survey, Phase V — Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
246		Atlantic	Avenue	

Cross Streets (nearest/ between) N. Lake Way & N. County Road.
City / Town (within 3 miles) Town Of Palm Beach — In Current City Limits? YES
County Palm Beach — Tax Parcel #(s) 50-43-43-15-03-000-0180
Subdivision Name Orange Grove Park IN — Block — Lot 18-20
Ownership Private-Corporate-for Profit
Name of Public Tract (e.g., park)
Route to (especially if no street address) On the south side of Atlantic Ave. between N. Lake Way and N. County Rd.

MAPPING

USGS 7.5' Map Name — Publication Date — >> PALM BEACH;1986
Township: — Range: — Section: — 1/4 section: — >> 43S ;43E ;15;UNSP
Irregular Section Name:
Landgrant
UTM: Zone — Easting — Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Modarne — Other Style
Exterior Plan Irregular — Other Exterior Plan
Number of Stories 2
Structural System(s) — >> Concrete block
Other Structural System(s)
Foundation Type(s) — >> Slab
Other Foundation Types
Foundation Material(s) — >> Concrete Block
Other Foundation Material(s)
Exterior Fabric(s) — >> Stucco
Other Exterior Fabric(s) brick
Roof Type(s) — >> Hip
Other Roof Type(s)
Roof Material(s) — >> Flat tile
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) — >>
Other Roof Secondary Structure(s)
Number of Chimneys
Chimney Material
Other Chimney Material(s)
Chimney Location(s)

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB15240

DESCRIPTION (continued)

Window Descriptions: aluminum awning, fixed, 6/6 DHH

Main Entrance Description (stylistic details): centered on the north facade with a brick surround and eyebrow above

Porches: #open: 1 #closed: 3 #incised: Location(s): entry - n

Porch Roof Types(s): flat eyebrow above entrance

Exterior Ornament: brick, belt course

Interior Plan: Unknown Other Interior Plan:

Condition: Good

Structure Surroundings

Commercial: NONE of this category Residential: ALL this category

Institutional: NONE of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features):

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional):

HISTORY

Construction year: 1951

Architect (last name first): Weeks, Arthur Builder (last name first): Clough

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use: Year Use Started: Year Use Ended: >> Apartment;1951;

Other Structure Uses:

Ownership History (especially original owner, dates, profession, etc.):

RESEARCH METHODS

Research Methods: >> Examine local tax records

Other research methods: tax records, windshield

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? INSUFF. INFO Name of Local Register if Eligible: Town of Palm Beach Landmark

Idividually Eligible for National Register? NO

Potential Contributor to NR District? NO

Area(s) of historical significance: >> Architecture

Other Historical Associations:

Explanation of Evaluation (required): This small apartment building is worthy of further study.

XIII. DESIGNATION HEARINGS

ITEM 1: 246 Atlantic Avenue

Call for disclosure of ex parte communication: Disclosure by several members.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history of this Moderne-style building, known as The Leonardo. Ms. Stillings pointed out the design features of this building. Ms. Stillings testified that the building met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or town; and,
Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction, or use of indigenous materials or craftsmanship,
Sect. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

Ms. Patterson asked for confirmation on proof of publication. Ms. Mittner provided confirmation.

A motion was made by Ms. Moran and was seconded by Ms. Damgard to make the designation report for 246 Atlantic Avenue part of the record. The motion was carried unanimously, 7-0.

Ms. Patterson called for any public comment on the designation.

Oliver Grace, 270 Algoma Rd., stated that his home was landmarked. He spoke about his home and other landmark properties that he owns in town. Mr. Grace said the evolution of the street had included multi-family buildings being demolished for the construction of single-family residences. He expressed concern about the subject property because it was surrounded by three buildings that were built on higher elevations. Those buildings' drainage pipes flowed into his lot, making it necessary to always run a sum pump underneath the buildings. He said the building had been modified adversely, placing window air conditioning units into the walls. He opposed the landmarking of property at 246 Atlantic Avenue.

Wes Blackman, a planner hired by Mr. Grace, shared his history and knowledge of the building. He opined that after reading the designation report for the property located at 246 Atlantic, he found that it was not a good example of Art Moderne. He referenced "A Field Guide to American Houses," where certain modernistic styles were identified. He demonstrated that the subject property did not meet the description of a Moderne style and

shared features that were not in line with the style. He indicated that the roof was a low-pitched hip roof, and the front, public-facing northern façade was not asymmetrical, which was an identifying feature of the Art Moderne style. He said there were no port-hole windows, which was another variant of the style. The conclusion was that this property was not a high-quality Art Moderne building; instead, it was a traditional-style four-unit apartment building that was built in 1951. He stated that in December 2020, the timespan identified on a Town of Palm Beach Historic Site survey prepared by Environment Services Inc. (ESI) for the Art Deco Moderne style was 1920-1940. This structure was identified as a Mid-Century Modern in appendix "A" of the same historic site survey. It was also identified as Mid-Century Modern on the latest master site file.

Jennifer Borg, 251 Atlantic Avenue, objected to the designation. She stated that several of the neighbors also objected to the designation. She stated the following people objected to the landmark designation:

Peter Kaupe, 266 Atlantic Avenue
Stephen & Suzanne Canton, 240 Atlantic Avenue
Gregory & Jessica Englesbe, 254 Atlantic Avenue
Virginia Dadey, 267 Atlantic Avenue
Julian & Christy Bharti, 245 Atlantic Avenue

Ms. Borg was a member of the Palm Beach Historic Preservation Foundation. She shared her history in the Town of Palm Beach. She noted again that she believed the subject building was transitional. She said the few Art Moderne homes in Palm Beach that had been landmarked were constructed after World War I. This building was constructed after World War II. She stated that the purpose of the Landmarks Manual and the Town Code was to protect the town's most significant architectural achievements and designate the worthiest landmarks. She submitted that the subject building was neither. She urged the commission to deny the request for designation.

Aimee Sunny, Preservation Foundation of Palm Beach, provided some clarity about a letter referred to in previous comments. She provided that the date of construction for the building was in 1951, as stated on the building permits. The later report prepared by ESI, Inc. contained data from the property appraiser's website rather than the building permit records. She spoke about the architectural style and concurred that it was an Art Moderne style building, not Mid-Century Modern. Ms. Sunny stated that Arthur LeBaron Weeks was an accomplished architect, and she was familiar with his local work. She said his buildings had a similar scale, design style, and characteristics. Ms. Sunny read a comment from Katie Jacob, author of The Moderne Exhibit at the Preservation Foundation. She shared an image that had been included in the exhibit, which was like the building being considered.

Clerk's note: At this time, Ms. Albarran declared a conflict of interest with the proposed designation and left the dais during the discussion.

Ms. Stillings shared some information in response to the public comments.

Mr. Wong found the building to be endearing. He thought adding some color would enhance the building.

Mr. Ives did not see the issue concerning the style of the building. He also thought the architect of the building was known. He supported the designation report and thought this building represented an area in the Town during that time. He thought the building was a nice style example and supported the proposed designation.

Ms. Moran agreed with Mr. Ives. She appreciated the comments from everyone who spoke about the designation. She still questioned the style but agreed that the style represented a time in the Town.

Ms. Fairfax thanked Mses. Sunny and Mittner for clarifying the issues. She spoke in favor of having mixed-use buildings on the street. She discussed the façade easement program, which was available to the owner.

Ms. Herzig-Desnick wondered if it would be possible to landmark the front of the building only, not the rear of the building. Ms. Stillings responded that when assigning a landmark designation, it was the property being designated.

A motion was made by Ms. Moran and was seconded by Ms. Herzig-Desnick to recommend 246 Atlantic Avenue to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3, and 4 in Section 54-161 and with the acknowledgment of owner's opposition of the designation. The motion was carried 6-1, with Ms. Metzger dissenting.

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.
Sec. 54-162. - Creation of historic districts.
Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.
Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.
Sec. 54-165. - Voluntary restrictive covenants.
Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

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

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

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

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

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

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c)

Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 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:

- **219-221 Worth Ave._220 Peruvian Ave_ Draft Declaration of Use Agreement (Taboo)**
- **Valet Statement Dated: February 2, 2024, From Kimley-Horn**
- **Traffic Analysis Resubmittal Review V1, Dated: March 8, 2024, From The Corradino Group**

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

PBTAK, LLC (d/b/a Taboo)

_____, 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 PBTAK, 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

PBTAK, 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 shall be allowed to have 213 seats. .

2) 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.

3) 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.

4) The Restaurant shall provide state of the art exhaust vent(s) and scrubber(s) and shall have them cleaned on a weekly basis.

5) The Restaurant shall be allowed to have background music and live music with a piano and piano player.

6) The Restaurant 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 5:00 p.m. until closing, nightly. 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.

7) Valet parking shall be operated in accordance with the valet circulation plan prepared by Kimley Horn and District Parking and attached hereto as Exhibit “B”.

8) The Restaurant shall instruct its delivery services to use the commercial loading

zones on Worth Avenue and/or in the 220 Peruvian parking lot adjacent to the Restaurant.

9) 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.

10) 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.

11) 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.

12) 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.

13) 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.

14) 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. 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.

15) 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.

16) 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: _____

_____
Print Name: _____

By: _____
Barbara Lindsay, President

_____
Print Name: _____

_____
Print Name: _____

By: _____
Kirk Blouin, Town Manager

_____
Print Name: _____

RESTAURANT:

PBTAK, LLC

_____ By: _____
Print Name: _____ Toney Lopez, CFO

_____
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: _____

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 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 PBTAK, 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

RECEIVED
By yfigueroa at 11:58 am, Feb 12, 2024

Kimley»Horn

January 29, 2024
Revised February 2, 2024

Eric Czerniejewski, P.E., ENV SP
Traffic Engineering Division Manager
The Corradino Group
5200 NW 33rd Ave, Suite 203
Ft. Lauderdale, FL

RE: 219 / 221 Worth Avenue – Valet Statement
Palm Beach, Florida
Kimley-Horn #241107001

Dear Eric:

Kimley-Horn and Associates, Inc. has been retained to prepare this summary of the existing operations within the valet parking lot (the Apollo Lot) that is used by many of the patrons of several businesses on Worth Avenue and the immediate vicinity, including the subject site (219/221 Worth Avenue). As noted in the parking statement for this site, the proposed modification in uses on site meets Code requirements based upon the principle of equivalency. However, the total parking needed from a practical standpoint does exceed the supply of 14 spaces provided on site. Therefore, many of the patrons of this site are anticipated to continue to park in the Apollo Lot. The following narrative has been prepared to identify the general existing operations and circulation of the existing Apollo Lot.

VALET PARKING FACILITY – APOLLO LOT

As noted, the 14 parking spaces on site would not meet the actual parking demand for the site. Parallel parking is available on both sides of Worth Avenue, but that supply is limited. Therefore, the closest option for patron parking that contains a significant supply of parking spaces is within the Apollo parking lot located north of this site, on the south side of Peruvian Avenue east of Hibiscus Street. This parking lot is managed and operated with valet parking, as described below:

Patron Arrival

Patrons arriving at the valet lot enter the driveway on Hibiscus Street, which includes multiple lanes to accommodate several cars at once. From there, the valet attendant will take the car and proceed east within the parking lot to park the vehicle. There is no impact to the adjacent street network, and valet activities do not add redundant trips onto the adjacent street network, because the valet circulation from the stand to the parking spaces is contained within the site.

After dropping off their vehicles, patrons are able to use the sidewalk along the east side of Hibiscus Street to walk to Worth Avenue, and then use the sidewalk network on Worth Avenue to arrive at the subject site. *Figure 1* illustrates the location of the valet stand and the circulation for vehicles from arrival at the valet stand to the point at which they are parked, and the route for pedestrians to arrive at the subject site.

Patron Departure

When leaving he subject site, patrons are able to use the sidewalk network on Worth Avenue to return to the valet stand. The valet then retrieves the vehicle within the parking lot and drives to the valet stand. Patrons are able to enter their vehicles and then drive out the exit lane of the driveway onto Hibiscus Street, heading northbound.

Figure 2 illustrates the location of the valet stand and the circulation for vehicles from the point at which the valet driver retrieves the vehicle, returns it to the valet stand, and the patron departs. The figure also identifies the route for pedestrians to return to the valet stand from the subject site.

Please contact me via telephone at (561) 840-0248 or via e-mail at chris.heggen@kimley-horn.com should you have any questions regarding this information.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Christopher W. Heggen, P.E.
Transportation Engineer

Attachments

k:\wpb_tpto\2411\241107001 - 221 worth avenue\parking\2024-02-02 221 worth valet.docx

TC Development Review Meeting Backup 4-10-2024

NORTH

LEGEND

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

FIGURE 1
VALET OPERATIONS - ARRIVAL
219 / 221 WORTH AVENUE

Kimley»Horn

TC Development Review Meeting Backup 4-10-2024

NORTH

LEGEND

- Project Site
- Valet Stand
- Patron Vehicle Route Outbound from Valet Stand
- Valet Drive Route from Parking to Stand
- Patron Pedestrian Route to Valet Stand

FIGURE 2
VALET OPERATIONS - DEPARTURE
219 / 221 WORTH AVENUE

Kimley»Horn

date:	March 8, 2024
to:	James Murphy, Assistant Director of Planning and Zoning, Town of Palm Beach
from:	Eric Czerniejewski, P.E., ENV SP
subject:	219-221 Worth Avenue Traffic Review

MEMORANDUM

The Corradino Group, Inc (Corradino) has been asked to provide a traffic review of the proposed Valet Parking Analysis for the redevelopment of the commercial retail development located at 219-221 Worth Avenue in the Town of Palm Beach, Florida. The following are our traffic review comments based on the 02/02/24 valet parking analysis resubmittal.

1. Please provide a copy of the related valet parking agreement that the Apollo Parking Lot owners have with the Town for their surface parking lot.

2. The valet parking analysis should include details of the over five hundred parking spaces provided in the Apollo parking lot and how many are reserved for valet parking spaces based on current valet parking lease agreements. This is to ensure the availability of the required number of additional valet parking spaces for the redevelopment of the 219-221 Worth Avenue site.

3. Please provide details as to what the existing fourteen parking spaces on-site will be used for (staff parking, valet parking attendees, etc.).

4055 NW 97TH AVENUE · SUITE 200 · MIAMI, FL 33178
TEL 800.887.5551 · 305.594.0735
FAX 305.594.0755
WWW.CORRADINO.COM

4. Please provide a field observation of the existing valet operations at the Apollo lot during peak times. The field observations should include documentation of the service rate during typical peak weekend time for drop off and pick up operations at the Apollo lot. The detailed valet operations for the service rate should be documented as follows:
    - Arrival/Drop-off
        - Confirmation of the number of attendants at valet stand that are working the shift.
        - Time for guest to arrive, get a ticket and valet attendant to get into the vehicle.
        - Average time for valet attendant to park the vehicle per the Valet Circulation Exhibit. This includes time to utilize tandem parking spaces.
    - Departure/Pick-up
        - Confirmation of the number of attendants at valet stand that are working the shift.
        - Time for attendant to get notified and retrieve vehicle.
        - Average time for the attendant to return the vehicle to the valet stand and the guests to get into the vehicle.

4055 NW 97TH AVENUE · SUITE 200 · MIAMI, FL 33178
TEL 800.887.5551 · 305.594.0735
FAX 305.594.0755
WWW.CORRADINO.COM

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

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. building height plane requirement found in Section 134-843(7) which would allow relief from a building height plane requirement of two feet of front setback for each one foot of building height per the R-A Zoning District., 2. exemption of the building height of approximately 32.13' NAVD proposed vs. 25' NAVD permitted per Section 134-841(b)(1), and 3. exemption of the number of guest houses permitted per property Section 134-841 (5). The Landmarks Preservation Commission shall provide design review of the application. ***[This project has been deferred to the May 15, 2024, Town Council meeting, pending review by the Landmarks Preservation Commission.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

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 has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 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. ***[This project has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-020 (COA-23-003) 139 N COUNTY RD - THE PARAMOUNT THEATER (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, WEG Paramount LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for square footage greater than 3,000 SF in the C-TS district, (3) for Outdoor café seating use associated with a private club in the C-TS district, (5) for two stories in the C-TS district, (6) for shared parking in the C-TS district, and (7) for a modification to a previously approved Special Exception for Churches, synagogues or other houses of worship to allow for a flexible event space. The applicant is also seeking Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involve more than 2000 square feet of building floor area in the C-TS zoning district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required front yard setback, (2) front side street yard setback, (3) and to reduce the required rear yard setback requirements for new construction, (4) to allow three stories in lieu of two stories in CTS district, (5) to exceed the maximum height, (6) to exceed the maximum overall building height, (7) to exceed the maximum allowable lot coverage limitation, (8) to exceed the maximum building length permitted, (9) to exceed the maximum building size (floor area) permitted, (10) to reduce the require overall landscape open space, (11) to reduce the required front yard landscape open space, (12) to reduce the required front yard setback for the subterranean parking level, (13) to reduce the front side street yard setback for the subterranean parking level, (14) to permit mechanical lift parking in the parking garage, (15) a variance to exceed the maximum height of a perimeter wall on a side or rear property line, (16) to permit residential uses on the first level in the C-TS zoning district in lieu of the above the first-floor requirement, (17) to allow generators on a roof(s), (18) to exceed the maximum height of a screening wall for mechanical equipment on a roof, (19) to exceed the maximum height of mechanical

equipment on a roof, and (20) to exceed the maximum height of chimneys, in conjunction with the renovation and adaptive reuse of an existing Landmarked theater structure and the construction of four connected residences with ground floor retail components with two levels of subterranean parking. The Landmarks Preservation Commission will perform the design review. ***[This project was deferred at the March 13, 2024, Town Council meeting to a date certain of April 10, 2024]***

TIME CERTAIN 3:00 PM

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-040 (HSB-24-002) 255 EL PUEBLO WAY (COMBO) - VARIANCE

The applicant, 225 El Pueblo LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval of a garage addition, requiring one (1) variance to reduce the required one-story west side-yard setback. The Landmarks Preservation Commission shall perform design review of the application. ***[The variance for this project is no longer needed. Therefore, this project will be withdrawn from the agenda.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - New Business

Agenda Title

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 has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - New 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. ***[This project has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 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. ***[This project has been deferred to the May 15, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-051 320 DUNBAR RD - VARIANCE(S) The applicant, Peter May, has filed an application requesting Town Council review and approval of two (2) variances for (1) the installation of marine mooring piles greater than 150' from land and (2) for the installation of marine mooring piles within the north riparian setback.

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, MCP, LEED-AP WRB
Director PZ&B

SUBJECT: ZON-24-051 320 DUNBAR RD

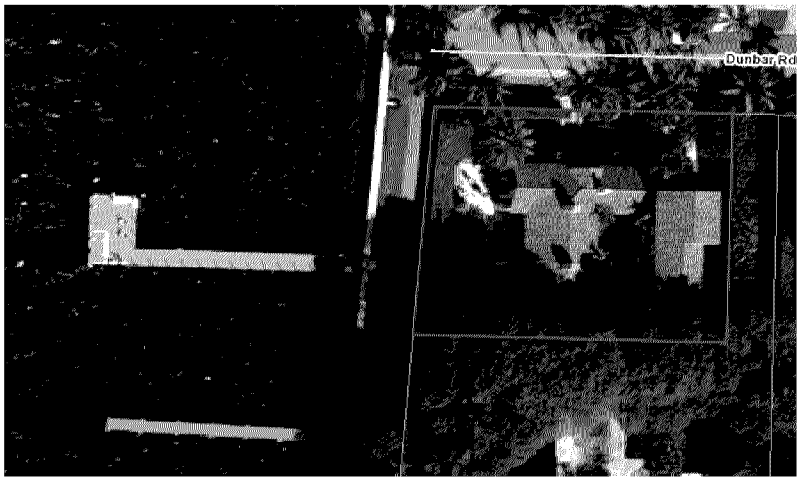
MEETING: APRIL 10, 2024

ZON-24-051 320 DUNBAR RD – VARIANCE(S). The applicant, Peter May, has filed an application requesting Town Council review and approval of two (2) variances for (1) the installation of marine mooring piles greater than 150' from land and (2) for the installation of marine mooring piles within the north riparian setback.

Applicant: Peter May
Professional: Isiminger & Stubbs Engineering, Inc. (Matt Butler)
Representative: Maura Ziska

HISTORY:

Construction of a new single-family residence was approved in 2015 and completed in January 2017 on the vacant parcel located at 320 Dunbar Rd.



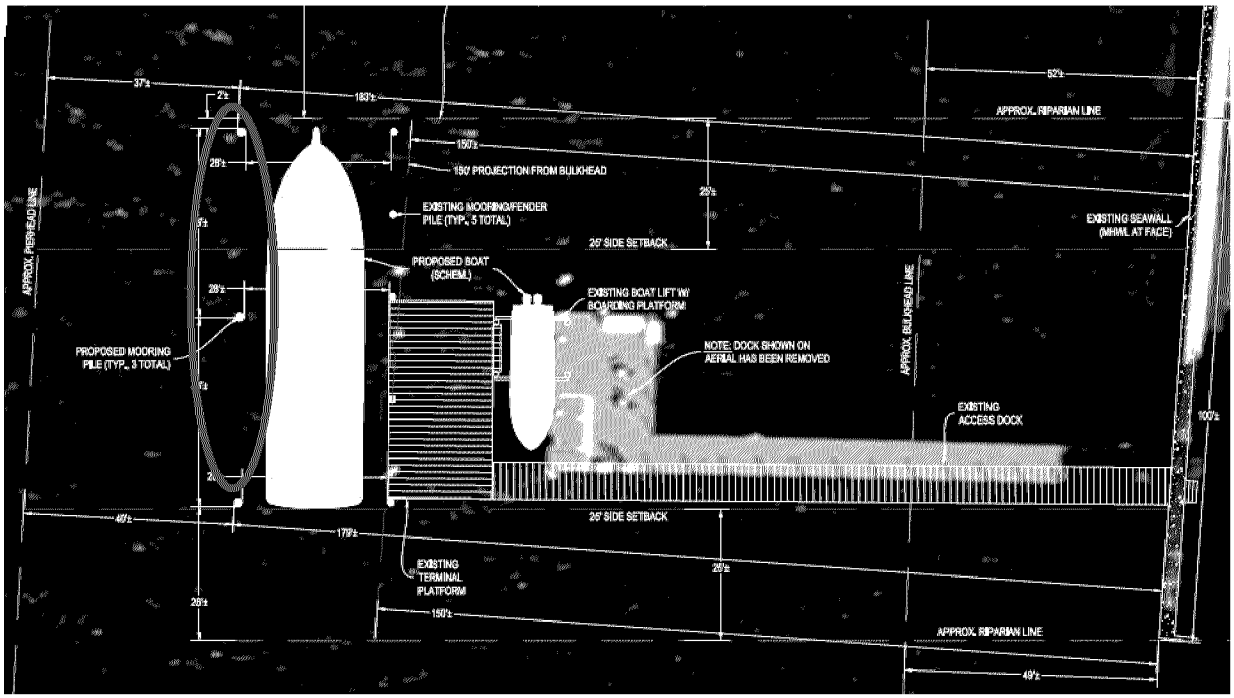
Variance Z-21-00337 was approved by the Town Council at the August 11, 2021 development review hearing for the installation of mooring piles associated with an existing dock to be located 154 ft from the seawall in lieu of the 150 maximum permitted, and a variance to allow mooring piles to be installed with a 2 ft north riparian side-setback in lieu of the 25 ft required.

THE PROJECT:

The applicant has submitted plans, totaling 4 sheets entitled "MOORING PILES", as prepared by **Isiminger & Stubbs Engineering, Inc.** date stamped by the Town, March 08, 2024.

The following is the scope of work for the Project:

- Installation of mooring piles greater than 150 ft from shore.
- Installation of three (3) mooring piles within 25' side setback.



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

- VARIANCE 1: Sec. 62-74(2) & Sec. 62-75(h): A variance for the installation of three (3) mooring piles with a projection ranging from 179 ft – 183 ft from land, in lieu of the 150' maximum projection permitted.

- VARIANCE 2: Sec. 62-74(2) & Sec. 62-75(h): A variance for the installation of a mooring pile with a 2' north riparian side-yard setback in lieu of the 25' minimum riparian side-yard setback permitted.

Site Data			
Zoning District	R-B	**Future Land Use**	SINGLE FAMILY
Surrounding Properties / Zoning			
North	50' Dunbar Rd ROW 313 Dunbar Rd (Residence w/Dock / R-B		
South	314 Dunbar Rd (Residence w/ Dock) / R-B		
East	310 Dunbar Rd / R-B		
West	Lake Worth Lagoon		

STAFF ANALYSIS:

The subject property is the last (western most) property on the south side of Dunbar Rd in the R-B Zoning District.

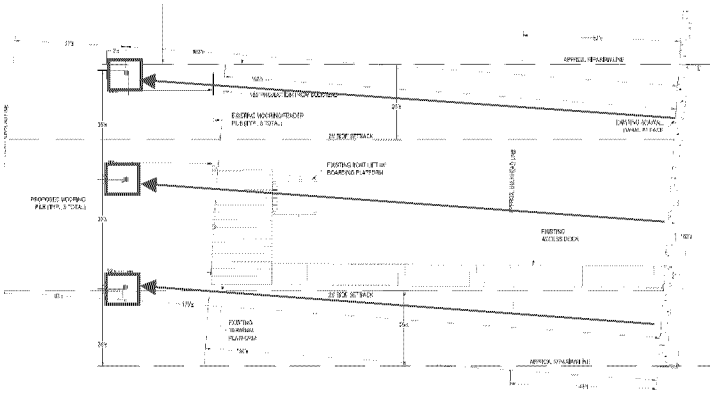


Figure 1: Three mooring piles greater than 150 ft from land.

Nearly all of the waterfront properties north and south in the immediate area have extending docks in an 'L' or 'T' formations. The applicant is seeking to install three new mooring piles at a previously approved dock. A variance was granted previously for a similar scope of work, with mooring piles located greater than 150' from land and setback 2' from the north property line. The north property line is the Dunbar Road Right-of-Way, and the next residence is located opposite the 50 ft right of way. Therefore, the property to the north is located 52' from the newly proposed mooring pile. A 25' riparian setback is required.

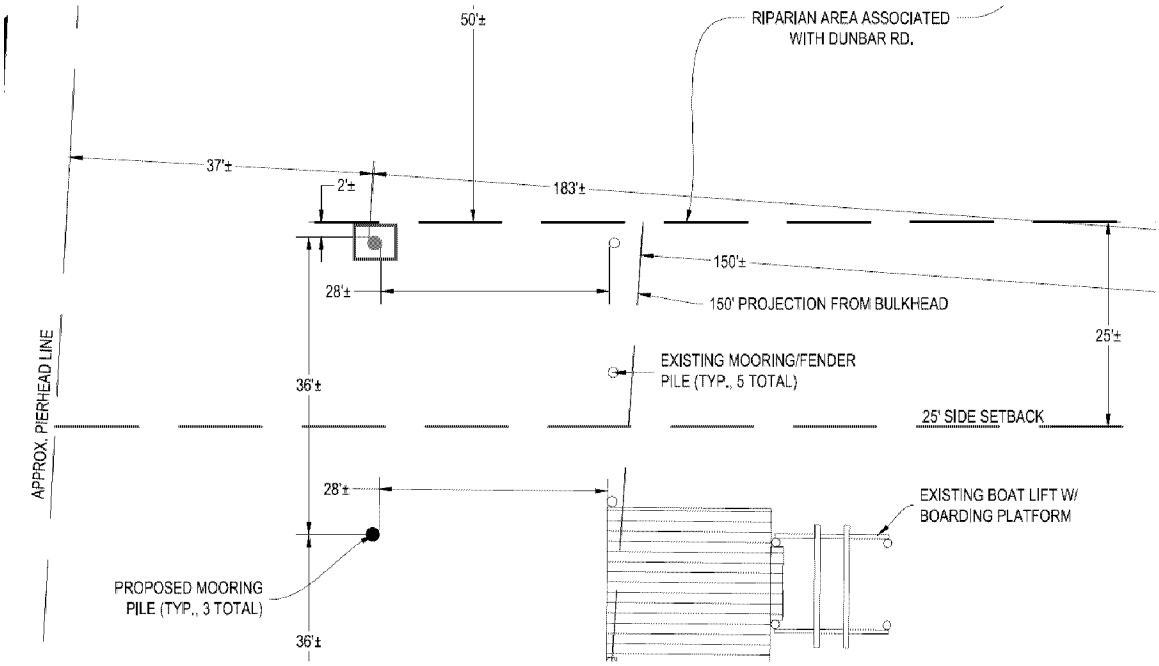


Figure 2: One mooring pile with a 2 ft setback.

CONCLUSION:

Approval of the project will require one separate motions to be made by the Town Council:

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

WRB:JGM:BMF

RECEIVED
By yfigueroa at 10:49 am, Feb 26, 2024

ZON-24-051

LETTER OF INTENT
RELATED TO THE BOATLIFT AT 320 DUNBAR ROAD

February 26, 2024

We are pleased to submit the accompanying drawings to add new mooring piles at 320 Dunbar Road. Please note the following:

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161
Not applicable - This property is not landmarked
B) ARCOM 18-205
Not applicable
B) ARCOM 18-206
Not applicable
C) SPECIAL EXCEPTION 134-229
Not applicable
D) SITE PLAN REVIEW 134-329
Not applicable
E) VARIANCES 134-201
The applicant has filed an application requesting Town Council to review and approve three new mooring piles that would require the following variances:

VARIANCE 1: Sec. 62-74(2) & Sec. 62-75(h): A variance for the installation of three (3) mooring piles with a projection ranging from 179 ft. – 183 ft. from land, in lieu of the 150' maximum projection permitted.

VARIANCE 2: Sec. 62-74(2) & Sec. 62-75(h): A variance for the installation of a mooring pile with a 2' north riparian side-yard setback in lieu of the 25' minimum riparian side-yard setback 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 existing mooring/fender piles do not securely anchor a boat causing safety issues and unless a variances are granted for an increased projection and setback, it would be not be possible to safely and securely moor a boat.**
2. **The special conditions and circumstances related to the variance do not result from the actions of the applicant since the 150 foot minimum requirement doesn't account for the different mooring needs for different properties especially in the area of Lake Worth that allows "wake".**
3. **The granting of the variances will not confer on the applicant a special privilege because other property owners have piles that project over the 150 foot minimum along Lake Worth.**
4. **The hardship, which runs with the land, is that it would be impossible to safely moor a boat within the allowable 150 foot minimum projection requirement from land.**
5. **The variances requested is the minimum necessary to make reasonable use of the land considering the need to safely moor the boat.**
6. **The granting of the variances will be in harmony with the general intent of the ordinance and not be injurious to the neighborhood as there are many other mooring piles along this area of Lake Worth with a projection greater than 150 feet.**

Sincerely,

Maura Ziska

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-052 264-270 S COUNTY RD AND 230/240 ROYAL PALM WAY - SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCE The applicant, Carriage House Properties Partners LLC, has filed an application requesting Town Council review and approval for three (3) Special Exception requests including, (1) to modify a previously approved Special Exception with site plan review for a private club to allow for increased membership, (2) to modify a previously approved Special Exception for supplemental off-site shared parking, and (3) for a Special Exception for outdoor café seating to allow for seating in the outdoor courtyard area on private property. The applicant is also requesting a Variance to eliminate the required on-site parking space requirement created for increased private club membership. Additionally, the applicant is requesting to modify the existing Declaration of Use Agreement.

TIME CERTAIN - 2:00 PM

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**
- **Current Declaration of Use Agreement**
- **Proposed Amendment Declaration of Use Agreement**
- **Transportation and Parking Analysis From ARUP**
- **Traffic and Parking Analysis From Kimley-Horn**
- **Acoustics Analysis From ARUP**
- **Memorandum Dated March 12, 2024 from The Corradino Group, Regarding Traffic Review**

Memorandum Dated March 28, 2024 from Kimley-Horn, Regarding Traffic Review Response Comments

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

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

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

SUBJECT: ZON-24-052 264-270 S COUNTY RD—THE CARRIAGE HOUSE

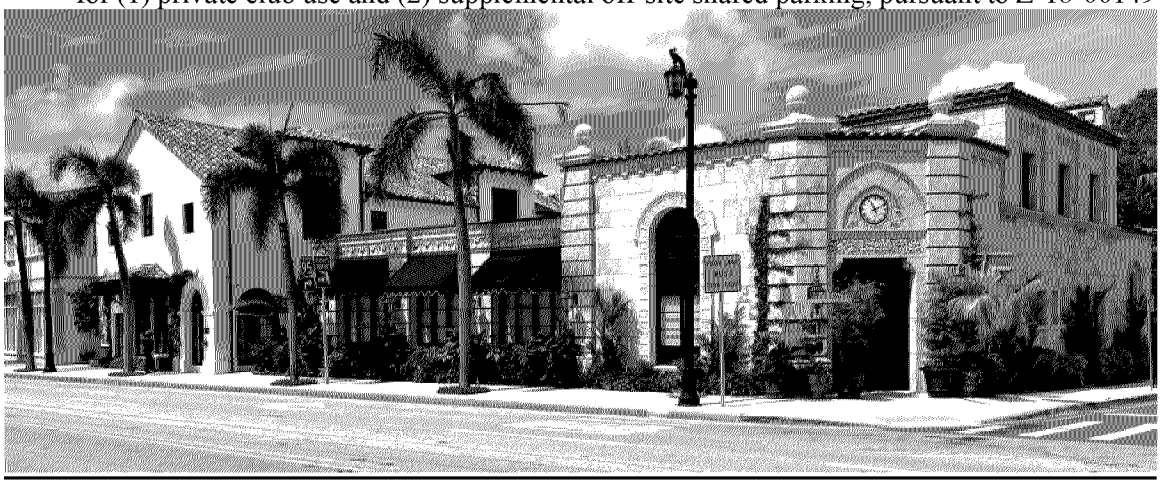
MEETING: APRIL 10, 2024

ZON-24-052 264-270 S COUNTY RD AND 230/240 ROYAL PALM WAY—SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCE. The applicant, Carriage House Properties Partners LLC, has filed an application requesting Town Council review and approval for three (3) Special Exception requests including, (1) to modify a previously approved Special Exception with site plan review for a private club to allow for increased membership, (2) to modify a previously approved Special Exception for supplemental off-site shared parking, and (3) for a Special Exception for outdoor café seating to allow for seating in the outdoor courtyard area on private property. The applicant is also requesting a Variance to eliminate the required on-site parking space requirement created for increased private club membership. Additionally, the applicant is requesting to modify the existing Declaration of Use Agreement.

Applicant: Carriage House Properties Partners LLC
Professional: Spina Orourke + Partners
Representative: Maura Ziska

HISTORY:

- February 13, 2019 Town Council meeting approved an application for Special Exceptions for (1) private club use and (2) supplemental off-site shared parking, pursuant to Z-18-00149



THE PROJECT:
The applicant has submitted plans, entitled "Outdoor Seating for the Carriage House", as prepared by **Spina Orourke + Partners** dated and stamped by the Town February 23, 2024.

The following is the scope of work for the Project:

- Expansion of private club membership and addition of dining service seats in the outdoor courtyard.

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

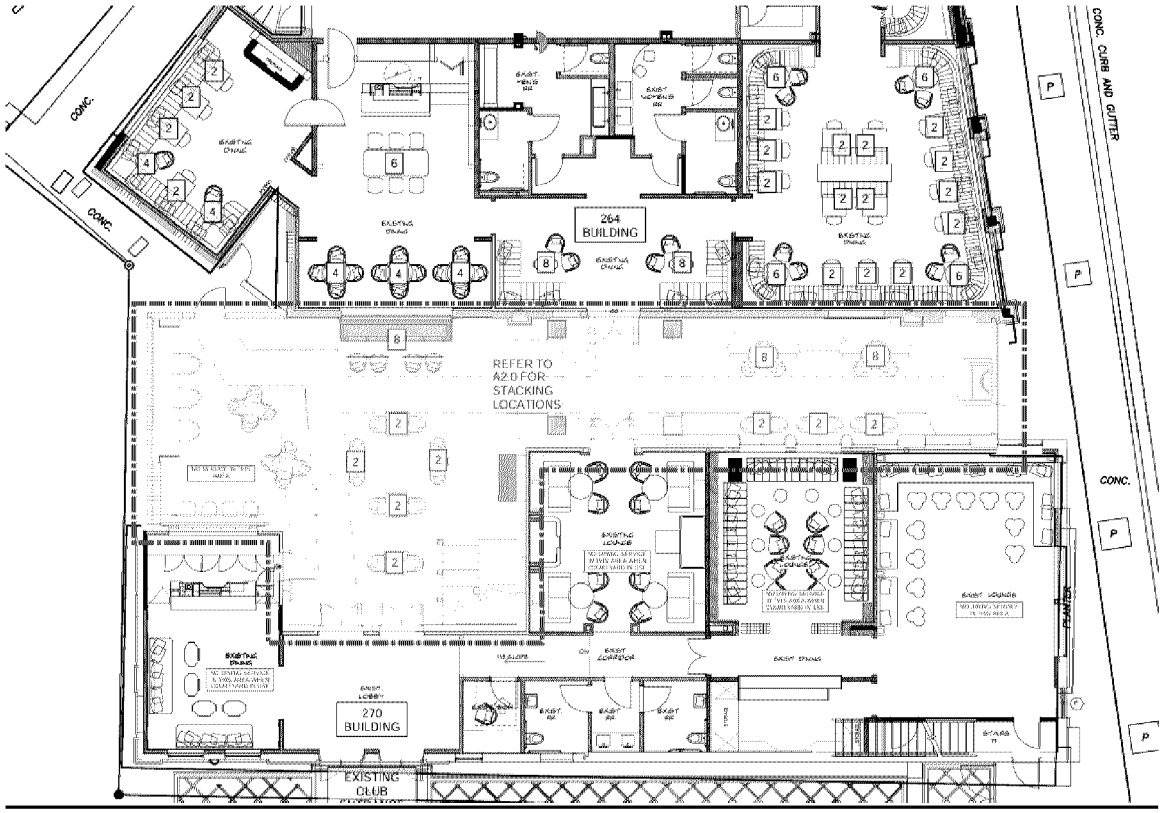
- **Special Exception #1**, modify previously approved private club.
- **Special Exception #2**, modify previously approved supplemental off-site shared parking.
- **Special Exception #3** for outdoor dining on private property.
- **Variance #1** to eliminate the required on-site parking requirement for 225 additional members, ie 53 spaces.

Site Data			
Zoning District	C-TS	**Future Land Use**	COMMERCIAL
Membership	Existing: 232 Proposed: 457	**Seats**	Existing: 153 Proposed: No change
Surrounding Properties / ZONING			
North	Three-story office and commercial / C-TS		
South	Two-story office / C-TS		
East	Two- and three- story office and commercial / C-TS		
West	Two-story residence / R-C		

CONSISTENCY WITH THE COMPREHENSIVE PLAN:
A preliminary review of the project indicates that the proposed **private club use** is **consistent** with the **Commercial** designation of the Future Land Use Map of the Comprehensive Plan.

SPECIAL EXCEPTION REQUESTS
There are three Special Exception requests submitted as part of this application. The applicant is seeking to expand the membership of the currently active private club from 232 members to a total of 457 members, translated to 75 new members a year for three years. This requires a modification to the previously approved Special Exception (Special Exception 1) #Z-18-00149, from February 13, 2019. Additionally, the applicant will need to modify the same approval number for supplemental off-site shared parking (Special Exception #2) at 230 Royal Palm Way and valet service to that lot from 205 Royal Palm Way.

And finally, Special Exception #3 with Site Plan Review is to allow Outdoor dining on private property within the enclosed courtyard. The existing club has two buildings separated by an existing outdoor courtyard. The application seeks to transfer forty (40) of the approved indoor dining seats to outdoor seating during fair weather. There is no increased seating counts above the prior approved seat count total of 153 (67 at lunch). This number is immortalized in the DoU as condition no 20.



DECLARATION OF USE

A Declaration of Use agreement dated March 19, 2019 was approved and recorded. There is thirty-one (31) conditions of approval. There are certain conditions that need to be revised into a revised Declaration of Use Agreement in order to fulfill the proposed changes herein. The following conditions need to be amended:

- Condition #4 Deleted and restated
- Condition #6 Deleted and restated
- Condition #10 Deleted and restated

See attached proposed language.

VARIANCE REQUEST

The increase of membership of 75 additional members/per year for three years translates to 225 additional members. The private club was approved for 232 members. The Principle of Equivalency (PoE) for the former restaurant space credited the use for 248 members. The off-street parking requirement is required for the requested 209 additional members (225 requested minus 16 = 209), therefore a variance is needed as this increase in membership exceeds the intensity over what is allowed based on the parking PoE. That required off-street parking variance calculation is as follows:

- *3 years x 75 members = 225 proposed members*
- *225 proposed members -16 members (credit based on PoE that allows 248 = members)= 209 member increase over and above the PoE credit allowed for parking.*
- *209 divided by 4 (parking required per membership)= 53 off-street parking space deficit for proposed increase.*

Variance #1 to eliminate the required on-site parking requirement for 53 spaces. The number of available off-site supplemental parking remains at 68, which is above the required variance request.

The applicant has submitted materials justifying the granting of the parking variance based on a parking study by Kimley Horn which was vetted through the Town's Traffic consultant, demonstrating that there is adequate parking supply to meet the demands of the increased membership.

CONCLUSION:

Approval of the project will require multiple motions to be made by the Town Council. There are:

- three (3) separate Special Exceptions,
- one (1) Site Plan Review, and
- one (1) Variance request.

All of the requests can be approved or denied in whole, partially or individually.

WRB:JGM

RECEIVED
By yfigueroa at 7:45 am, Feb 23, 2024

GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 00064549-00001
Writer's Direct Dial: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

February 19, 2024

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

RE: Project: 264 & 270 South County Road, Palm Beach, FL
Zoning Case Number: ZON-24-052

We are pleased to submit our application and accompanying drawings for proposed modifications to approved special exception uses at the Carriage House, located at 264 & 270 S County Rd, Palm Beach, FL (the "Property"). The Carriage House originally received special exception and site plan approval on February 13, 2019, pursuant to zoning application number Z-018-00149, which approved a special exception for the private club use and for offsite supplemental parking (the "Existing Approvals"). A declaration of use agreement dated March 19, 2019 was subsequently recorded in order to document the conditions of approval for the Existing Approvals.

The scope of our current application includes a request for a special exception to permit outdoor café seating in the interior private courtyard. The forty proposed outdoor café seats would not be visible from any public way and would not cause any negative impacts to the surrounding neighborhood. We are not proposing to increase the approved seating count or to make exterior modifications to the Property. We have provided alternative seating plans showing a removal of 40 indoor seats during times when the outdoor café seating is in use.

In addition, we are proposing to modify the original special exception to permit an increase in the number of club members over a three-year period. We are requesting to increase the club membership by 75 members for the next three years. The Carriage House is currently operating well below the maximum seating and occupancy numbers allowed by the Existing Approvals, and we are not proposing to increase permitted seating count or occupancy as a part of this application. Carriage House has a long-term lease which provides sufficient parking to accommodate the proposed increase in membership, and the location and number of parking spaces under this lease were previously evaluated and approved in connection with the Existing Approvals.

The number of parking spaces available for offsite supplemental parking through an existing lease agreement remains at 68, which exceeds the number of parking spaces that are required for the cumulative 3-year increase in membership currently being proposed. The offsite supplemental parking will remain at 230 and 240 Royal Palm Way, as presented to the Town Council during the time the Existing Approvals were originally issued. We have included both the traffic study that was presented to the Town Council during the original consideration of the project, as well as a new traffic study evaluating the parking and traffic conditions in light of the membership

increase being requested. Carriage House has an agreement in place to utilize this offsite supplemental parking per the Existing Approvals, and through an agreement with the property owners (JHD Associates, LLC). The parking and traffic studies included with this submittal are based upon data collected during peak season, clearly establishing there is adequate parking supply to meet the demands of increased club membership. Finally, our submittal includes a Traffic Impact Analysis from Kimley Horn demonstrating that the increase in membership will have a de minimus impact upon the Town's roadway network.

The following criteria apply to this application:

A. Landmarks Preservation in accordance with Section 54-122 and/or Section 54-161.
    a. Not Applicable.

B. Architectural Review in accordance with Section 18-205 and/or Section 18/206.
    a. Not Applicable.

C. SPECIAL EXCEPTION 134-229

    a. Per Section 134-1109(14), Code of Ordinances, a special exception is required for outdoor café seating in connection with our request to provide 40 outdoor dining seats in the interior courtyard.

    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. Pedestrian walkway will not be impeded.
    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. The use will meet requirements of Sec.134-2016.
    6. The use will comply with all elements of the comprehensive plan.
    7. The use not result in substantial economic; noise, glare, or odor impacts on adjoining properties and properties generally in the district.
    8. Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
    9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district. No additional signage or lighting is proposed.

10. Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety. Utility services are existing.
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. Carriage House is town serving (see Exhibit "A" attached to this letter of intent).
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. N/A
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.

Outdoor café seating is a permitted special exception use in the C-TS zoning district. The current application proposes 40 outdoor café seats to be located in the interior courtyard of the Property in order to eliminate any negative impacts on the surrounding neighborhood. We have provided seating plans to demonstrate that interior seating will be reduced during times that the outdoor café seating is in use in order to satisfy existing limitations on seating and occupancy, which will not change as a result of this application. Outdoor café seating will not be conducted after 10 PM.

The standards and criteria that must be met to approve outdoor café seating on private property not within a street sidewalk are found in Section 134-2106(b), and include the following:

1. Outdoor cafe seating is not allowed to increase the capacity of a restaurant, dining room, retail specialty food including the sale of prepared food for takeout only, or private, social, swimming, tennis or yacht club. The exception is that a specialty foods use, including sale of prepared foods for takeout only that is under 2,000 square feet in gross leasable area may request up to eight [additional] outdoor cafe seats over the inside capacity provided that the seating meets the conditions herein.
2. Bars/lounges and nightclubs are not permitted to have outdoor cafe seating.
3. Outdoor cafe seating is restricted to boundary lines of the property on which the business owned by the applicant is located.
4. All tables, chairs, umbrellas, mist sprayer, space heaters or other customarily usual outdoor cafe seating furniture shall be located in such a manner that a minimum four foot-wide unobstructed pedestrian path is maintained at all times.

5. No objects shall be permitted around the perimeter of an outdoor cafe seating area occupied by tables and chairs that would have the effect of forming a physical or visual barrier discouraging the use of the pedestrian path.
6. An outdoor cafe seating area on private property shall only be allowed to have low-level, background music that does not exceed the maximum noise decibel requirements in sections 42-226 through 42-228 if approved by the town council as part of the special exception application approval.
7. No wait stations shall be allowed outside on a street sidewalk. All wait stations on private property shall not be visible from a sidewalk or street.
8. All kitchen equipment used to service the outdoor cafe seating shall be located within a building.
9. All outdoor cafe seating furniture, including all accessary appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor seating area shall be stored inside a building after close of business.
10. All outdoor cafe seating furniture, including the tables, chairs, awnings and space heater equipment shall be aesthetically and architecturally pleasing and approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable.
11. The area covered by an outdoor cafe seating permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times and clear of any trash or refuse by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation and again at the close of each business day, or as may otherwise be determined by the director.
12. Areas associated with the outdoor cafe seating shall not count toward any maximum square footage limitations.

As stated above, the proposed outdoor café seats will not increase the existing seating and occupancy limitations that were imposed in connection with the Existing Approvals. The private club use is not a bar, lounge or nightclub, and the proposed outdoor café seating area is within a fully enclosed interior courtyard, with most of the proposed seating oriented towards S. County Road and away from Phipps Park. All outdoor furniture and support equipment will be positioned so that unobstructed movement within a 4-foot path will be maintained in the outdoor café seating area, and no physical barriers to the area will be used that might discourage pedestrian movement. All outdoor furniture and support equipment will either be stored within a building after the Club closes, or kept securely in the outdoor café seating area, which is not visible from beyond the exterior walls of the courtyard. Landmarks Preservation Commission approval of the outdoor furniture will be secured if necessary, prior to the use of any outdoor furniture. No outdoor music is currently proposed for the outdoor café seating area, and waiting stations will be located so as to not be visible from a street or sidewalk. The kitchen inside the Club will be used to prepare the food served in the outdoor café seating area The outdoor café seating area

will be maintained in a neat, clean, and aesthetically pleasing appearance at all times, and free from any and all trash and refuse.

b. Per Section 124-1109(3), special exception is required to modify the existing special exception use to allow a private club in the C-TS zoning district to allow for an expansion of the club membership of 75 per year for the next three (3) years, which will increase the current membership from 232 members to 457 members in three (3) years time.

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. Pedestrian walkway will not be impeded.
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. The use will meet requirements of Sec.134-2016.
6. The use will comply with all elements of the comprehensive plan.
7. The use not result in substantial economic; noise, glare, or odor impacts on adjoining properties and properties generally in the district.
8. Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district. No additional signage or lighting is proposed.
10. Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety. Utility services are existing.
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. Carriage House is town serving (see Exhibit "A" attached to this letter of intent).
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. N/A
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.

The private club use is a permitted special exception use in the C-TS zoning district, and that use was approved pursuant to the Existing Approvals in 2019. Since the opening of Carriage House, there have been no operational issues with the club use as it pertains to the surrounding neighborhood, and Carriage House has complied with every requirement of the existing declaration of use agreement at all times. There have been no issues with noise, smells, odor, traffic, parking, or traffic, and there has been no negative impact to the adjacent neighborhood. There will be no increase in total occupancy or seating above what was originally approved in connection with the Existing Approvals.

None of the concerns about traffic that were expressed during the evaluation of the original application have come to fruition, and the supplemental offsite parking is sufficient both practically and legally to support the increase in membership currently being proposed. Other than the increase in membership and outdoor café seating, no other modifications to the existing declaration of use are being proposed. We are requesting that the existing surplus of offsite supplemental parking be applied to the proposed increase in membership as discussed in Kimley Horn's parking analysis and as discussed further below.

c. Per Section 124-1109(7), special exception is required to modify the existing special exception for shared parking.

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. Pedestrian walkway will not be impeded.
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. The use will meet requirements of Sec.134-2016.
6. The use will comply with all elements of the comprehensive plan.
7. The use not result in substantial economic; noise, glare, or odor impacts on adjoining properties and properties generally in the district.
8. Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district. No additional signage or lighting is proposed.

10. Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety. Utility services are existing.
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. Carriage House is town serving (see Exhibit "A" attached to this letter of intent).
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. N/A
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.

Shared parking is a permitted special exception use in the C-TS zoning district, and the existing configuration of the parking that was approved pursuant to the Existing Approvals will not change. What will change is that the surplus parking we have been providing since the opening of the club will be reduced to accommodate the increase in the number of club members The parking study prepared by Kimley Horn demonstrates that there is sufficient parking beyond what is legally required to accommodate the increase in membership we are requesting.

D. SITE PLAN REVIEW 134-329

1. The Owner of the property is Carriage House Properties Partners LLC (Josh Levy, Manager).
2. Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter. The intensity of use remains unchanged.
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 remain unchanged.
4. Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping. Off-street loading and internal traffic patterns will remain unchanged.

5. Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries. Outdoor courtyard dining is surrounded by buildings and walls and not visible to any public space.
6. Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities. Property drainage system is not affected by this proposal.
7. Utilities, with reference to hook-in locations and availability and capacity for the uses projected. Utilities are existing.
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.
9. Other standards imposed based on this chapter for the proposed use/activity are not applicable.
10. No changes to the architecture, including height of the buildings, is proposed, therefore this criterion is not applicable.
11. No changes to the architecture, including the size and bulk of the buildings is proposed, therefore this criterion is not applicable.

The scope of this project is simply to allow outdoor café seating. This request will not impact the physical configuration of buildings at the Property, nor does it affect ingress/egress, parking, loading, buffering, drainage, utilities, or recreation/open spaces, as all of those issues were addressed and approved in connection with the Existing Approvals. Furthermore, no architectural changes are proposed with this project.

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

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

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

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

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

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

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

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

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

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

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

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

Variance Requested:

A request for Variance from the Parking requirements in Section 134-2176, to allow for 68 existing off-site supplemental parking spaces in lieu of the 121 that are required by code.

Justification for Variances Requested:

Current Town Code requires that the private club have at least one (1) parking space per four (4) club members; therefore, the total required parking for the existing 232-member private club is 62, and 53 additional spaces would be needed with the ultimate increase of club membership to 457 in three (3) years. This variance request is justified because there is no on site parking due to the legal non-conforming and landmark status of the buildings at the Property. As set forth above, Carriage House has a lease to use 68 off-site parking spaces, which exceeds the number of spaces required to accommodate the total increase in membership being requested at a rate of one parking space per four members. A variance is required because the parking spaces are not located on the Property, which is impossible given the existing configuration of the landmarked structures. Additionally, the traffic and parking memoranda produced by Kimley Horn and ARUP demonstrate the significant underutilization of the parking provided for the approved occupancy limitations at Carriage House.

F. Other – CHANGES TO THE DECLARATION OF USE

The proposed modifications to the existing declaration are shown in strikethrough format in an attachment to this submittal.

Sincerely,

James M. Crowley

EXHIBIT “A”

TC Development Review Meeting Backup 4-10-2024

Ron DeSantis, Governor

Melanie S. Griffin, Secretary

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIVISION OF HOTELS AND RESTAURANTS

THE SEATING FOOD SERVICE (2010) HEREIN IS LICENSED UNDER THE
PROVISIONS OF CHAPTER 509, FLORIDA STATUTES
NBR. OF SEATS: 150

CARRIAGE HOUSE CLUB LLC

CARRIAGE HOUSE CLUB
264-270 S COUNTY RD
PALM BEACH FL 33480

LICENSE NUMBER: SEA6022580

EXPIRATION DATE: DECEMBER 1, 2023

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

TC Development Review Meeting Backup 4-10-2024

Ron DeSantis, Governor

Melanie S. Griffin, Secretary

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIV OF ALCOHOLIC BEVERAGES & TOBACCO

THE RETAILER OF ALCOHOLIC BEVERAGES HEREIN IS LICENSED UNDER THE PROVISIONS OF CHAPTER 565, FLORIDA STATUTES

SERIES: 4COP DUAL LICENSE

CARRIAGE HOUSE CLUB LLC

CARRIAGE HOUSE CLUB
264-270 S COUNTY ROAD
PALM BEACH FL 33480

LICENSE NUMBER: BEV6018074

EXPIRATION DATE: MARCH 31, 2024

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

Carriage House Club, LLC

REPORT ON THE APPLICATION OF AGREED-UPON PROCEDURES

September 29, 2023

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INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES 1

CRI CARR RIGGS & INGRAM
CPAs and Advisors

Carr, Riggs & Ingram, LLC
3300 PGA Boulevard
Suite 700
Palm Beach Gardens, Florida 33410

(561) 427-0300
(561) 427-0301 (fax)
CRIcpa.com

INDEPENDENT ACCOUNTANTS' REPORT
ON APPLYING AGREED-UPON PROCEDURES

Board of Directors and Management
Carriage House Club, LLC
Palm Beach, Florida

We have performed the procedures enumerated below to calculate the percentage of total members of Carriage House Club, LLC that are considered Town persons as defined by the Town of Palm Beach Code Section 134-2 as of September 29, 2023. Carriage House Club, LLC's management is responsible for the calculations associated with the percentage of total members of Carriage House Club, LLC that are considered Town persons as defined by the Town of Palm Beach Code Section 134-2 as of September 29, 2023.

Carriage House Club, LLC has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose to calculate the percentage of total members of Carriage House Club, LLC that are considered Town persons as defined by the Town of Palm Beach Code Section 134-2 as of September 29, 2023. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

1. Obtain from Carriage House Club, LLC a list of all members as of September 29, 2023 that contains the member's name, Town of Palm Beach residency status, home address, and secondary address (if applicable).

   Findings: Member list was received and no exceptions were found as a result of applying the procedure.

2. Determine the definition of "Town persons" according to the Town of Palm Beach Code Section 134-2.

   Findings: No exceptions were found as a result of applying the procedure. Town persons is defined as all full-time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the town.

3. Using the list provided from 1 above, sort the list by residency status into three categories: full-time resident, seasonal resident, and non-resident.

   Findings: No exceptions were found as a result of applying the procedure. Member list was sorted by residency status into three categories.

4. Compare each member's residency status with the home address and secondary address (if applicable) for full-time and seasonal members for an address within the Town of Palm Beach.

   Findings: One exception was found as result of applying the procedure. One member with a residency status of full-time contained a home address and secondary address located outside the Town of Palm Beach.

5. From the member list in step 1 above, calculate the number of:

   a. Total members of Carriage House Club, LLC.

      Findings: No exceptions were found as a result of applying the procedure. The total number of members was 227.

   b. Members of Carriage House Club, LLC that are full-time residents of the Town of Palm Beach as defined in step 2 above.

      Findings: One exception was found as result of applying the procedure. See step 4 above. The revised total number of full-time residents was 119.

   c. Members of Carriage House Club, LLC that are seasonal residents of the Town of Palm Beach as defined in step 2 above.

      Findings: No exceptions were found as a result of applying the procedure. The total number of seasonal residents was 77.

   d. Members of Carriage House Club, LLC that are non-residents of the Town of Palm Beach as defined in step 2 above.

      Findings: One exception was found as result of applying the procedure. See step 4 above. The revised total number of non-residents was 31.

6. Using the calculated number of full-time and seasonal members from 5b and 5c above, calculate the percentage of total members of Carriage House Club, LLC from 5a above considered Town persons as defined in step 2 above.

   Findings: No exceptions were found as a result of applying the procedure.

Number of full-time residents	119
Number of seasonal residents	77
Number of full-time and seasonal residents	196
Total members of Carriage House Club, LLC	227
Percentage of Carriage House Club, LLC members that are Town persons	86%

We were engaged by Carriage House Club, LLC to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the calculation of the percentage of total members of Carriage House Club, LLC that are considered Town persons as defined by the Town of Palm Beach Code Section 134-2 as of September 29, 2023. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of Carriage House Club, LLC and to meet our other ethical responsibilities, in accordance with relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of Carriage House Club, LLC and is not intended to be and should not be used by anyone other than this specified party.

Carr, Riggs & Ingram, L.L.C.

CARR, RIGGS & INGRAM, LLC

Palm Beach Gardens, Florida
October 5, 2023

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd
Palm Beach, FL 33480
(561) 838-5400
www.townofpalmbeach.com
Welcome

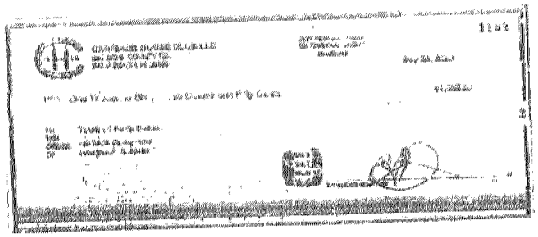
031780-0012 Melissa F 04/28/2023 11:45AM

LICENSING
CARRIAGE HOUSE CLUB LLC
# of Units: 150
Unit Type: seat
Approval Code 1: tsd
Business Code: din11
Inspection: No
Fee Exempt: No
Exempt Fire Inspect: No
0003/176
0P350542
Business Tax Renewal
pending
09/30/2023
2023 Term: 0003/176

Business Tax	1,063.50
Penalty	0.00
Annual Fire Inspection Fee	0.00
	1,063.50

Subtotal	1,063.50
Total	1,063.50
CHECK	1,063.50
Check Number 001152	
Change due	0.00

Paid by: CARRIAGE HOUSE CLUB LLC



Thank you for your payment

CUSTOMER COPY

RECEIVED
By yfigueroa at 9:14 am, Feb 20, 2024

CFN 20220478270
OR BK 33992 PG 1028
RECORDED 12/6/2022 3:12 PM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 1028 - 1040; (13pgs)

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

CARRIAGE HOUSE PROPERTIES PARTNERS LLC

MARCH 19, 2019

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

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DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT ("Agreement") is made and entered into this 19th day of March, 2019 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "Town") and CARRIAGE HOUSE PROPERTIES PARTNERS LLC., 264/270 South County Road, Palm Beach, Florida 33480 (hereinafter called "Club"), which terms "Town" and "Club" 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 "Club Location") is located within the municipal limits of the Town; and

WHEREAS, the Club Location falls within the Town's C-TS Zoning District; and

WHEREAS, The Club desires a Special Exception use at the Club Location; and

WHEREAS, the Town Council conditionally approved Zoning Application Number Z-18-00149 on February 13, 2019 which granted the Club special exception approval to open a private club at the Club Location and a second special exception approval to allow off-site supplemental shared parking for 68 night-time parking spaces (after 6:00 p.m.) at 230/240 Royal Palm Way, Palm Beach, Florida; 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 OWNERSHIP

The Club 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 Club or Land are subject.

ARTICLE III

PRIVATE CLUB USE

The private club use that is the subject of this Agreement shall be as set forth in the application submitted to the Town as Z-18-00149 and approved by the Town Council on February 13, 2019 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 Club shall be located in the 264 building and the first floor of the 270 building. The hours of operation will be 11:00 a.m. until 12:00 a.m. (closing time), Sunday through Wednesday and 11:00 a.m. until 12:30 a.m. (closing time). Thursday through Saturday. All members and guests will be required to exit the Club by closing time.

2) There shall be no use by the Club of the second floor of the 270 building except for storage, office, or residential use. There shall be no use by the Club of the buildings at 236 or 238 Phipps Plaza.

3) The main entrance to the Club shall be through the 270 building; either from the valet access or South County Road. The door located at the corner of South County Road and Phipps Plaza will only serve as a fire-exit door.

4) No single room or space in the Club, shall exceed 1,500 square feet in size.

5) There shall be no dance floor or amplified live music, with the number of musicians limited to three.

6) There shall be no outside dining or music. The balconies and roof of the Club's buildings shall not be used for any type of Club activity.

7) The Club will install hurricane/impact windows and doors as well as adequate soundproofing to block all interior noise from the Club being heard outside.

8) The main entrance exterior doors shall be revolving or double doors designed to prevent sound escaping from the Club when opened.

9) There will be no dinner reservations made earlier then 6:15 p.m.

10) The maximum membership shall be 232 people regardless of designation and whether or not dues paying. At least 50% of the Club members shall consist of individuals who are "townpersons" as defined Town's Code. Members are limited to natural persons and expressly exclude corporations or other entities. Use of a single membership is limited to an adult, that person's spouse or significant other, and that person's adult children under the age of 30. Guests must be accompanied by a member when present at the Club. The Club is required to provide proof of town-serving compliance on an annual basis and per the Town's code.

11) The maximum occupancy shall not exceed 100 people until 6:00 p.m. and 225 people after 6:00 p.m. except when there is an event as defined in Paragraph 14 below in which case the maximum occupancy shall not exceed 250 people after 6:00 p.m. The Club will return to Town Council after a period of six months of operation to review the aforementioned occupancy limits. Maximum occupancy shall include Club employees. All guests and members must register at the Club upon entry and the occupancy registry will be made available for inspection by the Town upon request.

12) Valet parking is required from 6:00 p.m. until closing. The valet stand and car service and taxi drop off and pick up shall be located in the parking lot at 205 Royal Palm Way. Should the Club lose the right to operate a drop off and pick up stand at 205 Royal Palm Way for any reason, the Club will be required to provide an alternative location that is approved by the Town Council, provided, however, that 230/240 Royal Palm Way shall be an acceptable alternative valet pick up and drop off for a maximum of 90 days, or as may be extended by the Town Council. There shall be no valet stand on South County Road, in Phipps Plaza, or on Seaview Ave.

13) The Club must provide off-street parking with a parking lot capacity of at least 68 vehicles accessible to Club valet services, members, guests, and employees from 6:00 p.m. to close. Club's valet services shall use the off-street parking lot to park member and guest vehicles. There shall be no parking of member or guest vehicles in the 205 Royal Palm Way parking lot.

14) No events shall be allowed prior to 6:00 p.m. After 6:00 p.m., no events of more than sixty (60) people shall be allowed. There shall be no more than 1 event per month. An event is defined as an organized member sponsored function for 40 or more people within the confines of the Club property itself. Said events shall include, but are not limited to, charitable events, rehearsal dinners, wedding receptions, bar mitzvahs, Hanukkah, Christmas or birthday parties. Only a Club member may host an event and 1 off duty police officer shall be required for all events unless an alternative arrangement is recommended by the Town police. The Club is required to maintain records of events and will make such available to the Town upon request. The Club shall be required to keep such records for a period of 12 months.

15) The Club shall be allowed to remain open until 2:00 a.m. on New Year's Eve. The Club will be required to hire 2 off duty police officers on New Year's Eve, unless an alternative arrangement is recommended by the Town police. A minimum of 6 valets shall be required for events and on New Year's Eve. Maximum occupancy for New Year's Eve shall be 250.

16) It is the intent of this Agreement to preserve the residential character of the neighborhood and to not allow members and guests of the Club to park on Phipps Plaza, Seaview Ave., Seaspray Ave., Seabreeze Ave., and Clarke Ave., which shall be enforced through the rulebook of the Club, which will not only state that prohibition, but also include penalties. All Club members will be instructed to a) use the Club provided valet when visiting the Club after 6:00 p.m. and b) instruct their guests to use the Club provided valet when visiting the Club after 6:00 p.m. The Club will issue periodic reminders to Club members of this policy.

17) The Club shall obtain and maintain a valet parking permit for one valet stand. A minimum of 4 valets shall be on duty from 6:00 p.m. to closing Thursday to Saturday and a minimum of 3 valets shall be on duty from 6:00 p.m. to closing Sunday to Wednesday. 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 Club parking. Valets will not be permitted to park vehicles in Phipps Plaza or on Seaview Ave., Seaspray Ave., Seabreeze Ave., and/or Clarke Ave.

18) After 6:00 p.m., all vehicular pick-up and drop-off of all Club members, guests and employees, (including car services, taxis and private vehicles) must occur at the same location as the valet pick up and drop off stands provided that car services and taxis may drop off and pick up on South County Road. Club Members, valets, and employees will be instructed that vehicular pick-up and drop-off of Club members, guests and employees is expressly prohibited from occurring at the 264 South County Road building entrance/exit. The only exception to the forgoing is that in the event the valet stand is not operating at 205 Royal Palm Way, Club members and guests who are transported to and from the Club by Club-operated golf carts may be dropped off and picked up at the 264 South County Road or 270 South County Road entrance. In this case, Club-operated golf carts shall be expressly prohibited from driving within the circle of Phipps Plaza, or driving on Seaview Ave., Seaspray Ave., Seabreeze Ave., and/or Clarke Ave. unless giving a member or guest a ride home who is a resident of one of these streets. The Club will issue periodic reminders to Club members, valets, and employees of this policy.

19) Club employees who drive to work after 6:00 p.m. shall be required to park in the off-street parking lot secured by the Club as detailed in paragraph 13 above or a parking lot or garage at an alternative off-street location. Club employees who drive to work prior to 6:00 p.m. shall be required to park in the Esplanade or Apollo parking lots or a parking lot or garage at an alternative off-street location. Employees will be prohibited from parking in Phipps Plaza or on Seaview Ave., Seaspray Ave., Seabreeze Ave., and/or Clarke Ave. Employees shall be required to present proof of day time parking to the Club administrative staff. The Club shall be required to keep such employee parking records for a period of 12 months and make such available to the Town for confidential review upon request.

20) The lunch seating shall be limited to 67 seats. The total seats after 6:00 p.m. shall not exceed 153.

21) The Club shall not add lighting to either the 205 Royal Palm Way or 230/240 Royal Palm Way parking lots.

22) All trash shall be stored inside the Club and will not be taken to the dumpster until after 8:00 a.m. the following day.

23) The Club shall instruct its delivery services to function without using Phipps Plaza, Seaview Ave., Seaspray Ave., Seabreeze Ave. and/or Clarke Ave. The Club shall instruct its delivery services to use the commercial loading zones at the corner of Seaview Ave. and South County Road. Delivery services will be instructed not to park

in Phipps Plaza or on Seaspray Ave., Seabreeze Ave., and/or Clarke Ave. There shall be no Club deliveries or vendor services before 8:00 a.m.

24) The Club shall provide state of the art exhaust vents and scrubbers and shall have them cleaned on a weekly basis.

25) The Club shall purchase two (2) "street legal" golf carts to aid in valet operations.

26) The Club shall commit to pay a minimum of $300,000 to beautify Phipps Park according to a plan approved by the Town.

27) The Club shall not use Phipps Plaza Park for any Club purposes.

28) Club shall enter into a Construction Management Agreement prior to the issuance of a building permit. Such Agreement shall include a Construction Staging/Logistics Plan which provides for any temporary laydown/storage area and construction dumpster to be located within the Courtyard between the 264 and 270 buildings. Upon commencement of construction, the Club and/or their general contractor will provide Construction Communications via e-mail to the residents of Phipps Plaza, no less than once a week, which include a schedule of the upcoming construction anticipated for the next week. The Club will provide the cellular phone number of the foreman of the project. Only one delivery truck shall drive through the circle at one time. Normal ingress and egress will not be impeded during construction.

29) Prior to the issuance of any building permit, copies of the signed lease agreements regarding the Club's right to use the parking lots at 205 Royal Palm Way and 230 Royal Palm Way (or any other off-site parking lot acquired by the Club for its use), including any amendments thereto, will be provided, confidentially, to the Town attorney to confirm the Club's right to use and the termination provisions thereof. The agreements may be redacted to exclude economic terms or other terms unrelated to the Club's right to use the parking lots.

30) There will be no smoking, drinking or loitering by Club employees within the outdoor courtyard between the 264 and 270 South County buildings or in the outdoor areas surrounding the Club, including Phipps Plaza Park. In addition, the Club will use its best efforts to control the use of the courtyard by Club members and guests so as not to disturb the surrounding residential neighborhood.

31) Club shall return to the Town Council after 6 months of operation during the period from November 1 through April 30 to review the list of conditions and compliance. The Club is prohibited from seeking revision(s) to this Agreement for a period of 2 years following the date of Club opening with the sole exception of a requested relocation of the valet stand and/or parking facility. The Club shall not under any circumstances, including the loss of its parking or valet stand facilities, apply for any revisions to this agreement to allow parking in Phipps Plaza, or on Seaview Ave, Seaspray Ave., Seabreeze Ave., and/or Clarke Ave. Any future requested revisions to this Agreement will require at least 45 day notice to all property owners within a 750 foot radius. Any Town Council hearing regarding a requested revision(s) to this Agreement will only be conducted between the months of January and May.

ARTICLE V
VOLUNTARY AGREEMENT AND HOLD HARMLESS

The Club 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 Club and the Club's representative of said violation(s) and the date upon which said violations(s) shall be corrected, Club or Club'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 Club 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 Club disputes any code violation, Club 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 CLUB

This Agreement shall NOT run with the Land and shall be binding upon the Club only and shall terminate upon the termination of the Club's business tax receipt for operation of a private club, or rescission of the Approval. This Agreement shall be recorded by the Club 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 Easter Time, i.e. whichever of Easter Standard Time or Easter 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:

Antonette M. Fabrizi
Print Name: Antonette M. Fabrizi

Print Name: NINA TOSCANO

Antonette M. Fabrizi
Print Name: Antonette M. Fabrizi

Print Name: Alexandra Serrano

Print Name: NINA TOSCANO

Print Name: Alexandra Serrano

THE TOWN OF PALM BEACH:

By: Gail L. Coniglio
Gail Coniglio, Mayor

By: Danielle H. Moore
Danielle Hickox Moore, President

By:
Kirk Blouin, Town Manager

CLUB:

CARRIAGE HOUSE PROPERTIES PARTNERS LLC

By:
Its: Director

Vincenzo Fauci
Print Name:

ALEJANDRA BLANCO
Print Name:

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 10th day of MAY 2019, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

ANTONETTE M. FABRIZI
Notary Public - State of Florida
Commission # GG 274108
My Comm. Expires Nov 5, 2022
Bonded through National Notary Assn.

Signature of Notary Public

Antonette M. Fabrizi
Printed Name of Notary Public

Commission Expires: NOV. 5, 2022

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 13th day of MAY 2019, by Danielle Hickox Moore, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

ANTONETTE M. FABRIZI
Notary Public - State of Florida
Commission # GG 274108
My Comm. Expires Nov 5, 2022
Bonded through National Notary Assn.

Signature of Notary Public

Antonette M. Fabrizi
Printed Name of Notary Public

Commission Expires: 11/5/22

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 9TH day of MAY 2019, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

NINA M TOSCANO
Notary Public - State of Florida
Commission # GG 076460
My Comm. Expires May 12, 2021
Bonded through National Notary Assn.

Signature of Notary Public

NINA M. TOSCANO
Printed Name of Notary Public

Commission Expires: MAY 12, 2021

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 30th day of April 2019, by Joshua Levy, on behalf of CARRIAGE HOUSE PROPERTIES PARTNERS LLC. He is personally known to me and he did not take an oath.

JANELLE JORGENSON
MY COMMISSION # FF 943395
EXPIRES: December 14, 2019
Bonded Thru Notary Public Underwriters

Janelle Jorgenson
Signature of Notary Public

Janelle Jorgenson
Printed Name of Notary Public
Commission Expires: 12/14/2019

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

By: John Randolph
John C. Randolph, Esquire

EXHIBIT "A"

LEGAL DESCRIPTION

Lots K and L, PHIPPS PLAZA, according to the Plat thereof as recorded in Plat Book 20, Page(s) 72, of the Public Records of Palm Beach County, Florida.

Prepared by and return to:
Maura Ziska
Kochman & Ziska, PLC
222 Lakeview Ave., Suite 1500
West Palm Beach, FL 33401

FIRST AMENDMENT TO DECLARATION OF USE AGREEMENT
by
THE TOWN OF PALM BEACH
and
CARRIAGE HOUSE PROPERTIES PARTNERS LLC

Dated _____2024

FIRST AMENDMENT OF DECLARATION OF USE AGREEMENT

This **AMENDMENT TO DECLARATION OF USE AGREEMENT** ("Amendment") 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 the "Town"); and **CARRIAGE HOUSE PROPERTIES PARTNERS LLC**, 264/270 South County Road, Palm Beach, Florida 33480 hereinafter the ("Club"), which terms "Town" and "Club" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the Town and Club heretofore entered into a Declaration of Use Agreement dated March 19, 2019;

WHEREAS, the Town Council has conditionally approved Zoning Application number Zon-24-052 on April __, 2024: a) granting the Club a Special Exception for outdoor café seating under Section 134-1109(14), provided that all requirements and condition in Section 134-2104 through 134-2018 are met; b) granting the Club a Special Exception to modify the existing Special Exception Use to allow for a Private Club in the C-TS zoning district and allow for an increase in 75 members for a total of 307 members, while reserving the right to review future Special Exception Applications to consider adding up to an additional 75 members in 2025 and 2026 for a total membership of 457 members; c) granting a Special Exception to modify the existing Special Exception for shared parking; and d) granting a Variance from the Parking Requirements in Section 134-2176 to allow for 68 existing off-site supplemental parking spaces in lieu of providing these spaces onsite;

WHEREAS, all of the representations made herein are true and correct and accurate and the approval of the Special Exceptions and Variance are made in reliance thereon and further conditioned upon any and all of the conditions which may herein imposed; and

WHEREAS, the recitals set forth above are true and correct and are incorporated herein and made a part hereof.

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

AMENDMENT TO DECLARATION OF USE

The Declaration of Use Agreement dated March 19, 2019, is hereby amended as follows:

ARTICLE IV - CONDITIONS OF APPROVAL:

4) No single interior room or interior space within the Club shall exceed 1,500 square feet in size.

6) There shall be no outside ~~dining or~~ music, including music from inside the Clubs' buildings which can be heard outside. The balconies and roof of the Club's buildings shall not be used for any type of Club activity. Outdoor dining of up to 40 seats shall

be allowed in the interior courtyard as shown on the plans prepared by Spina O'Rourke, in the locations shown and the number of seats shown at each location therein. When outside dining seats are used there will be a corresponding reduction in the maximum seats allowed inside (67 for lunch and 153 for dinner). The total capacity of the courtyard in whatever combination of outdoor diners or outdoor non-diners shall not exceed 60 persons between 6:30 p.m. and 10:00 p.m. Outdoor dining shall end at 10:00 p.m. After 10:00: p.m. outdoor capacity will be 20 persons until closing time. All outdoor gatherings and Events (Events are defined in the Declaration of Use as a function of 40 or more people) shall be held in the eastern portion of the courtyard and shall end by 6:30 p.m. Any Event shall be subject to the same conditions and restrictions as an indoor Event, including without limitation that there shall be no more than one Event per month anywhere on the Club property.

10) The maximum membership shall be increased from 232 to 307 people upon the approval of this Amendment, regardless of designation and whether or not dues paying. Thereafter, Membership may be permitted to increase (without need for further Amendment of this Declaration of Use) upon the filing of a future Application for Special Exception to consider adding up to an additional 75 members in each of 2025 and 2026, for a potential maximum total membership of 457 members. Each such future Application shall be considered by the Town Council during the season (February 1st to April 30th). Service of Notice of the same shall be provided to all property owners who received a mailed Notice of the April 10, 2024, Town Council meeting and prior such meetings related to the Declaration of Use, in order to afford the neighbors and community an opportunity to express their support or concerns to the Town Council. At least 50% of the Club members shall consist of individuals who are "townpersons", as defined Town's Code. Members are limited to natural persons and expressly exclude corporations or other entities. Use of a single membership is limited to an adult, that person's spouse or significant other, and that person's adult children under the age of 30. Guests must be accompanied by a member when present at the Club. The Club is required to provide proof of town-serving compliance on an annual basis and per the Town's code."

REMAINDER OF DECLARATION OF USE

Except as modified by this Amendment, all the terms and conditions of the aforesaid Declaration shall remain in full force and effect.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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:

TOWN OF PALM BEACH

_____ By: _____
Danielle Moore, Mayor

_____

_____ By: _____
_____, President
_____ Town Council

_____ By: _____
Kirk Blouin
_____ Town Manager

CARRIAGE HOUSE PROPERTIES PARTNERS LLC

_____

_____ By: _____
Its: _____

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

_____
Joanne O'Connor
Town Attorney

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ___ day of _____, 2024, by Danielle Moore, Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me or has produced _____ as identification.

(SEAL)

_____

_____

Notary Public-State of Florida
Commission Number:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ___ day of _____, 2024, by _____, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.

(SEAL)

_____

_____

Notary Public-State of Florida
Commission Number:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me 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. He is personally known to me or has produced _____ as identification.

(SEAL)

_____

_____

Notary Public-State of Florida
Commission Number:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ___ day of _____, 2024, by_____ _____, Carriage House Properties Partners LLC, on behalf of the company. He/She is personally known to me or has produced _____ as identification.

(SEAL)

_____

_____

Notary Public-State of Florida
Commission Number:_____

RECEIVED
By yfigueroa at 9:27 am, Feb 20, 2024

ARUP

Technical Memorandum

To	Joshua Fern (Carriage House) Mario Pederzolli (Carriage House), Laura Smith (Carriage House), Thys Heyneker (Mayfield Holding), Maura Ziska (Kochman & Ziska PLC), James Crowley (Gunster), John Lindgren (Gunster)
Date	February 19, 2024
Version	00
Reference	Carriage House Parking, Transportation, And Acoustics Assessment
From	**Arup:** Elise Purguette, Amelia Casey
Subject	Transportation Onsite Observations at the Carriage House Club

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1. Introduction

The Carriage House ("the club"), an exclusive private club offering invitation-only membership, is planning to expand their membership and outdoor dining opportunities. The club, located at 264-270 South County Road, Palm Beach, is situated along the major north-south thoroughfare South County Road (S. County Road) and east-west four-lane connector Royal Palm Way, which links Palm Beach with West Palm Beach.

As part of this initiative to understand traffic, curbside, and parking impacts due to a potential increase in club members, Arup's technical team collected onsite observations at the Carriage House to document key access, parking, and transportation activities. This effort involved observing valet operations, curbside usage, and parking availability at the club during a typical peak weekend. This memorandum presents the results of transportation onsite observations and identifies key findings.

2. Valet Observations at JP Morgan Lot Valet Kiosk

To assess the Carriage House valet service, Arup conducted observations during typical peak dinner hours at the club's valet kiosk, located in the JP Morgan Lot, both of which are represented, along with site access, in Figure 1. It is important to note that the JP Morgan Lot follows a counterclockwise direction. In addition, a pedestrian alley is located along the perimeter of the club, allowing members to walk directly from S. County Road to the club's main entrance. The valet observations were conducted during the following dates and times:

- Thursday, February 1, 2024, between 6 PM and 8 PM.
- Friday, February 2, 2024, between 7 PM and 10 PM.
- Saturday, February 3, 2024, between 7 PM and 9 PM.

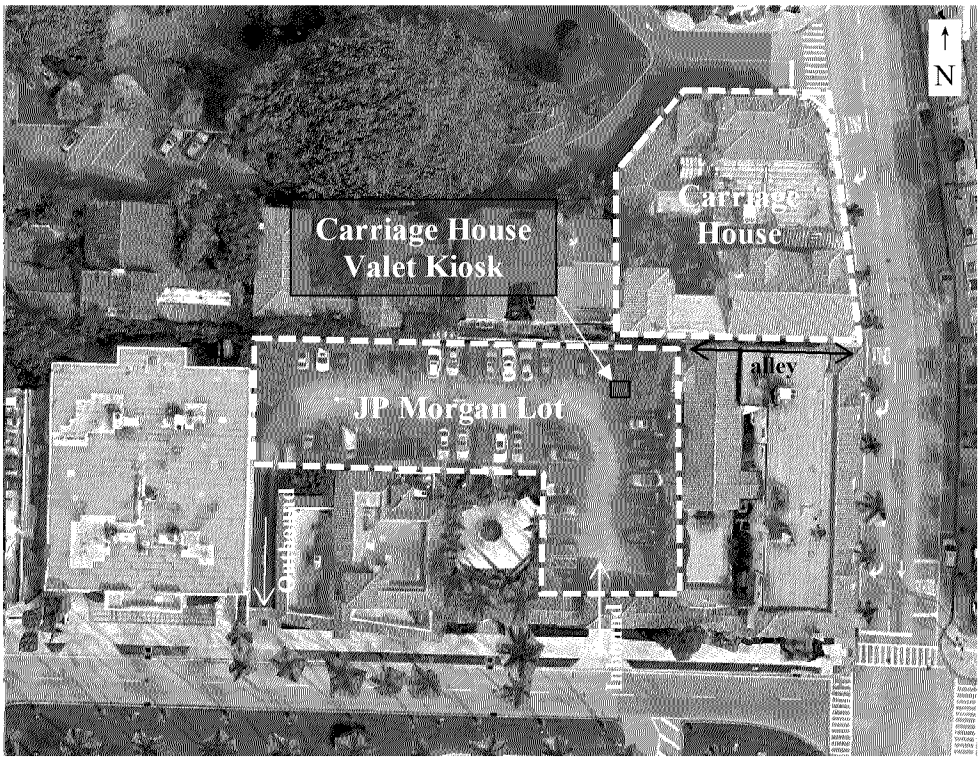


Figure 1 - Carriage House Valet Kiosk Location and Carriage House Access

2.1 Valet Operations

Based on discussions with valet staff, all staff utilize an iPad and/or a manual ticket system to record members' vehicle location, vehicle brand, and client names. For regular members, valet staff bypass the ticket system and directly address them by their last name. Due to time constraints, specific parking spots and check-in and check-out times are typically not reported. During dinner hours, valet staff are not allowed to park vehicles at the JP Morgan Lot. Therefore, all member vehicles are parked at 230 Royal Palm Lot, which is located across the street from the club. The vehicular travel path between the valet kiosk and the 230 Royal Palm Lot is illustrated in Figure 2.

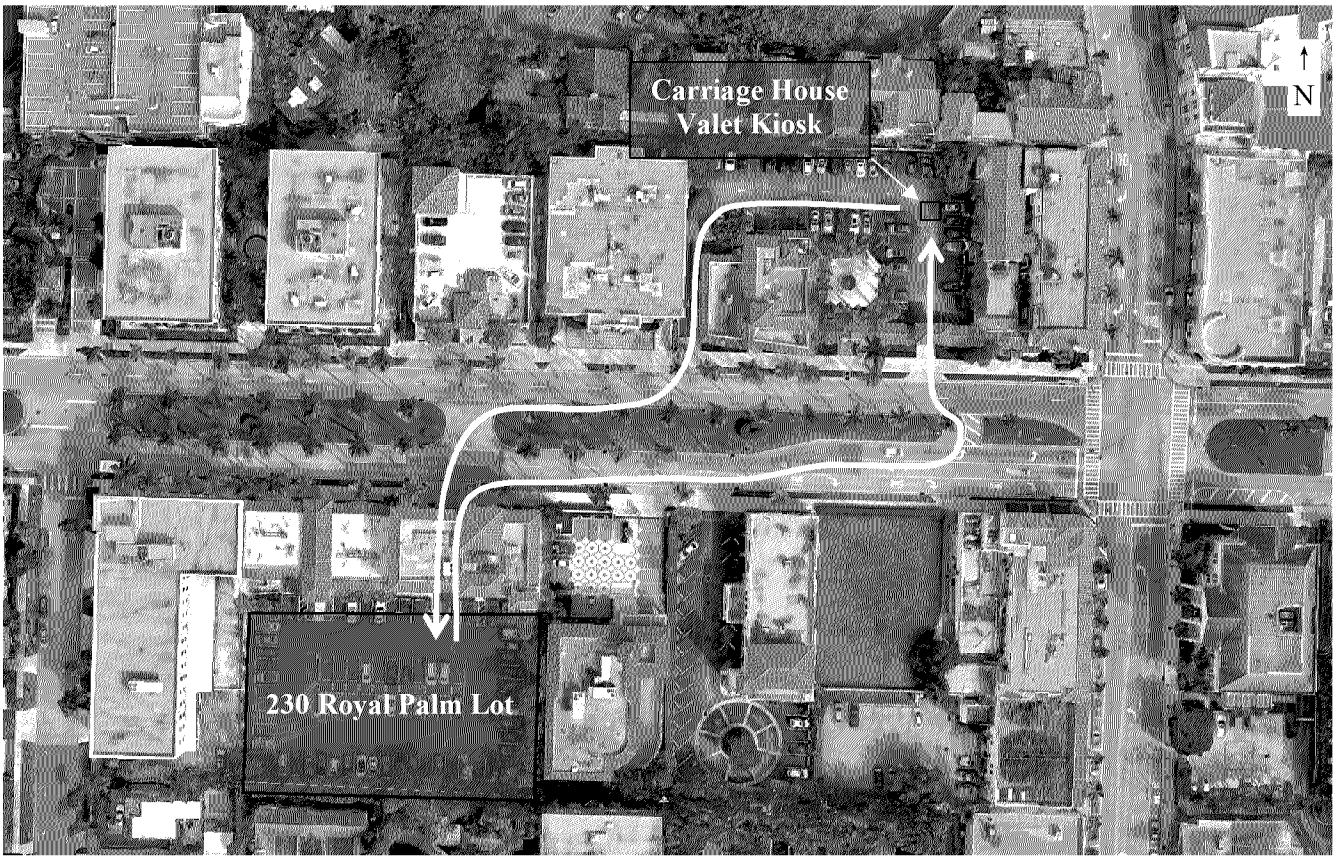


Figure 2 - Valet Parking Travel Path during Dinner Time

2.2 Valet Utilization

To ensure efficient valet service for club members, the valet team utilizes an incremental shift system, adjusting the number of valets based on anticipated demand from reservations. Per discussions with valets, the valet staff ranges from two to four staff members with an average of three valets. One valet staff is always stationed at the kiosk for immediate club member assistance. Figure 3 illustrates the valet utilization during dinner hours for each observation. The highest observed number of valet staff during Arup's data collection efforts was three, as shown in Figure 3 below.

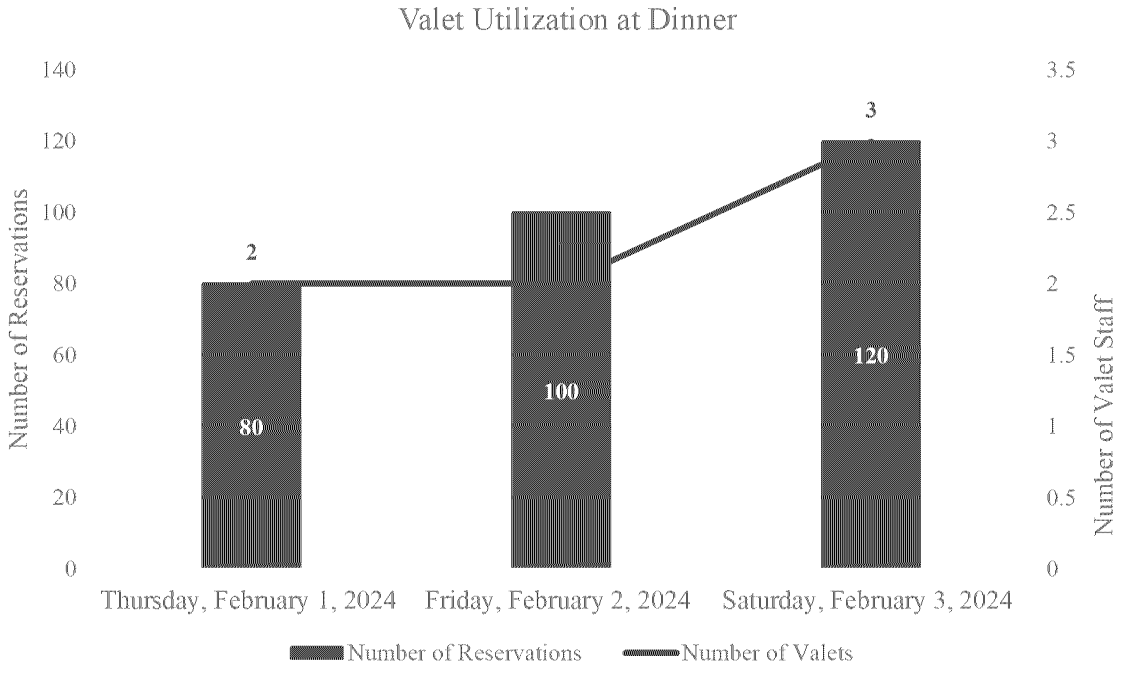


Figure 3 - Valet Utilization during Dinner Time

Key findings from this data collection effort include:

- The number of valet staff ranges between two to four with an average of three.
- The number of valet staff is adjusted based on anticipated demand from the number of reservations.

2.3 Member Counts

Per discussions with valet staff, club members spend an average of two hours at the club. The total number of members observed during each observation period is provided in the list below:

- 79 members on Thursday, February 1, 2024, between 6 PM and 8 PM over a two-hour period.
- 126 members on Friday, February 2, 2024, between 7 PM and 10 PM over a two-hour period.
- 82 members on Saturday, February 3, 2024, between 7 PM and 9 PM over a three-hour period.

Figures 4, 5, and 6 illustrate the distribution of members arriving (as shown in red) and departing (as shown in blue) from the club for each observation period.

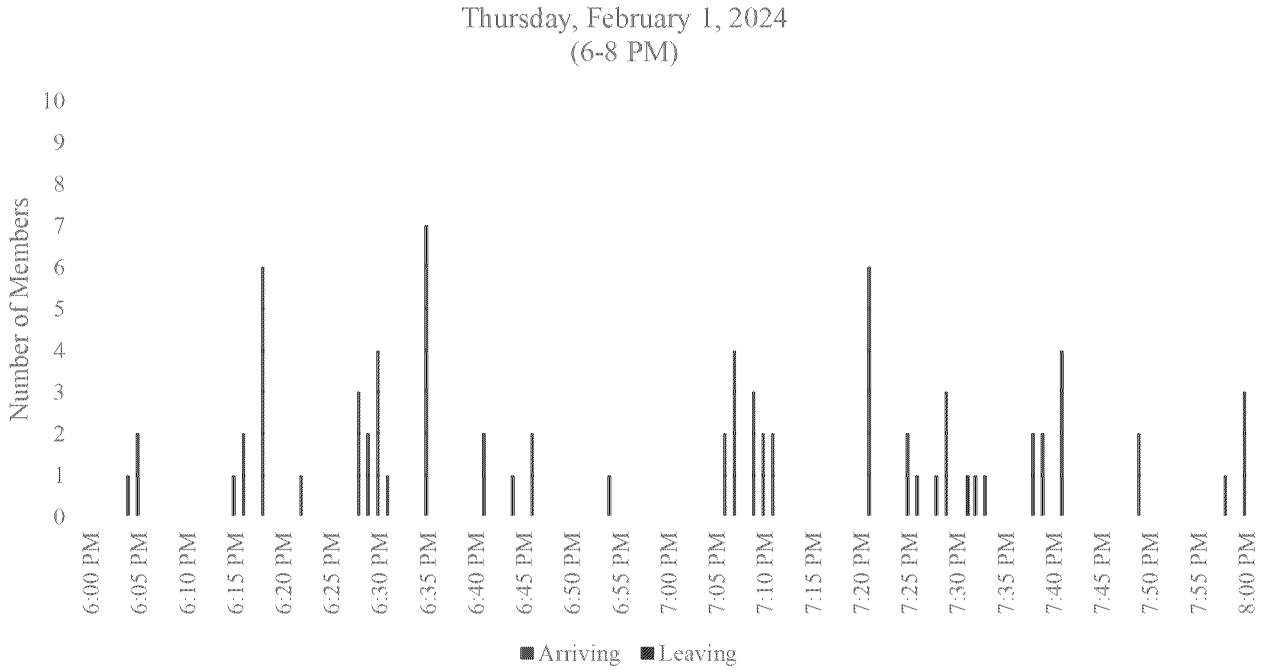


Figure 4 - Number of Members Arriving and Leaving on Thursday, February 1, 2024, between 6 PM to 8 PM

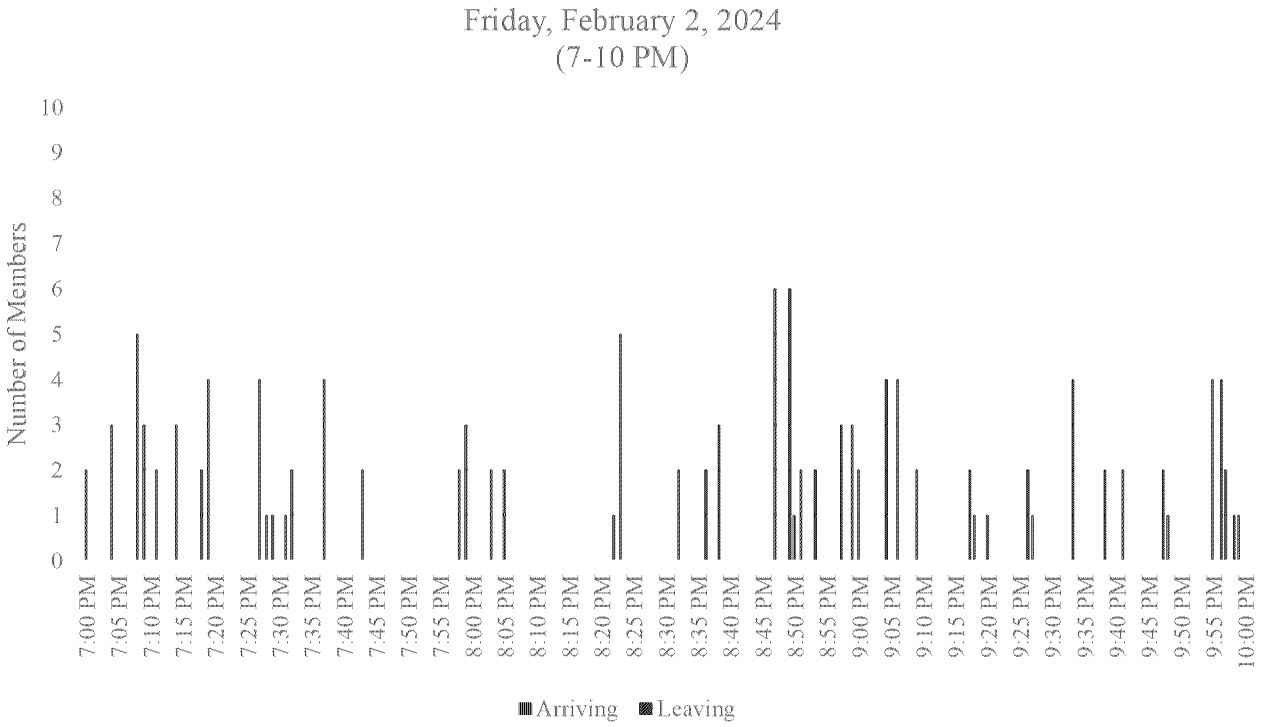


Figure 5 - Number of Members Arriving and Leaving on Friday, February 2, 2024, between 7 PM to 10 PM

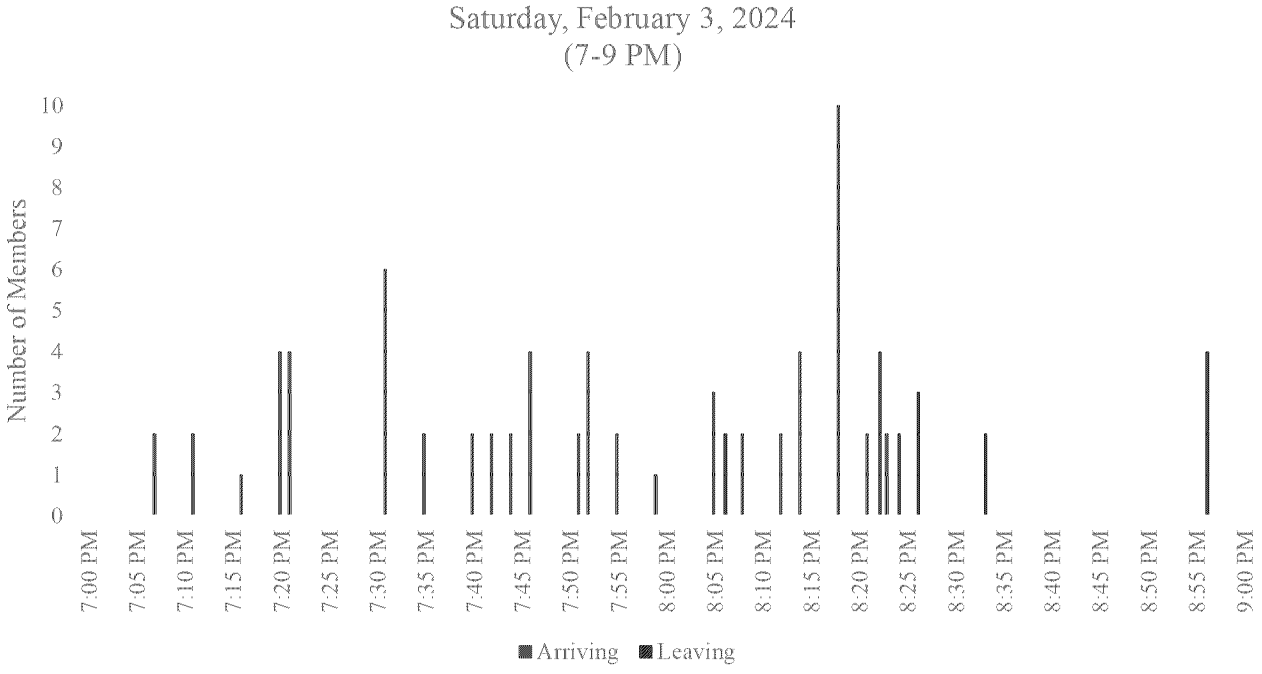


Figure 6 - Number of Members Arriving and Leaving on Saturday, February 3, 2024, between 7 PM to 9 PM

Key findings from this data collection effort include:

- Most members arriving to the Carriage House before 8 PM and depart after 8 PM.
- During dinner hours, there were no observations of club member vehicles queuing on Royal Palm Way at the entrance to the JP Morgan Lot.
- No queues generated by the club members were observed in the eastbound left-turn lane at Royal Palm Way and S. County Road during dinner hours.

2.4 Vehicle Occupancy

The vehicle occupancy (number of club members in each vehicle) for each observation period is shown in Figures 7, 8, and 9. The results of the conducted observations indicate that:

- On **Thursday, February 1, 2024**, between 6 PM and 8 PM, the vehicle occupancy had an average of two members per vehicle with a minimum of one member per vehicle and a maximum of four members per vehicle.
- On **Friday, February 2, 2024**, between 7 PM and 10 PM, the vehicle occupancy had an average of two members per vehicle with a minimum of one member per vehicle and a maximum of six members per vehicle.
- On **Saturday, February 3, 2024**, between 7 PM and 9 PM, the vehicle occupancy had an average of two members per vehicle with a minimum of one member per vehicle and a maximum of six members per vehicle.

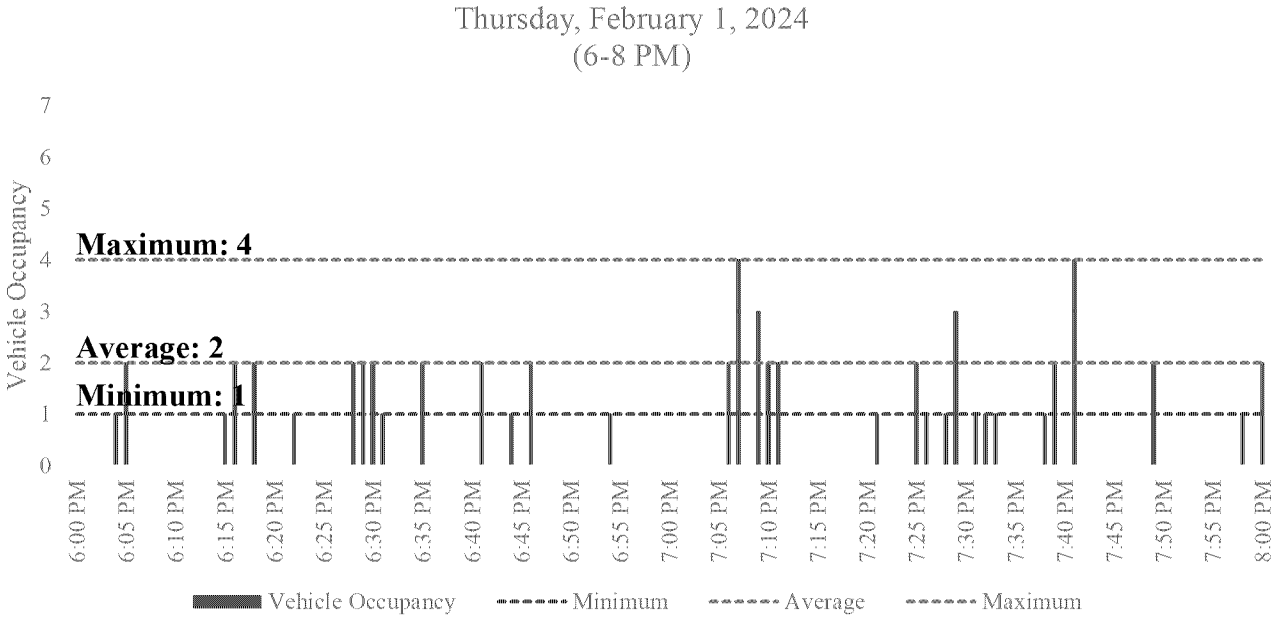


Figure 7 - Vehicle Occupancy on Thursday, February 1, 2024, between 6 PM to 8 PM

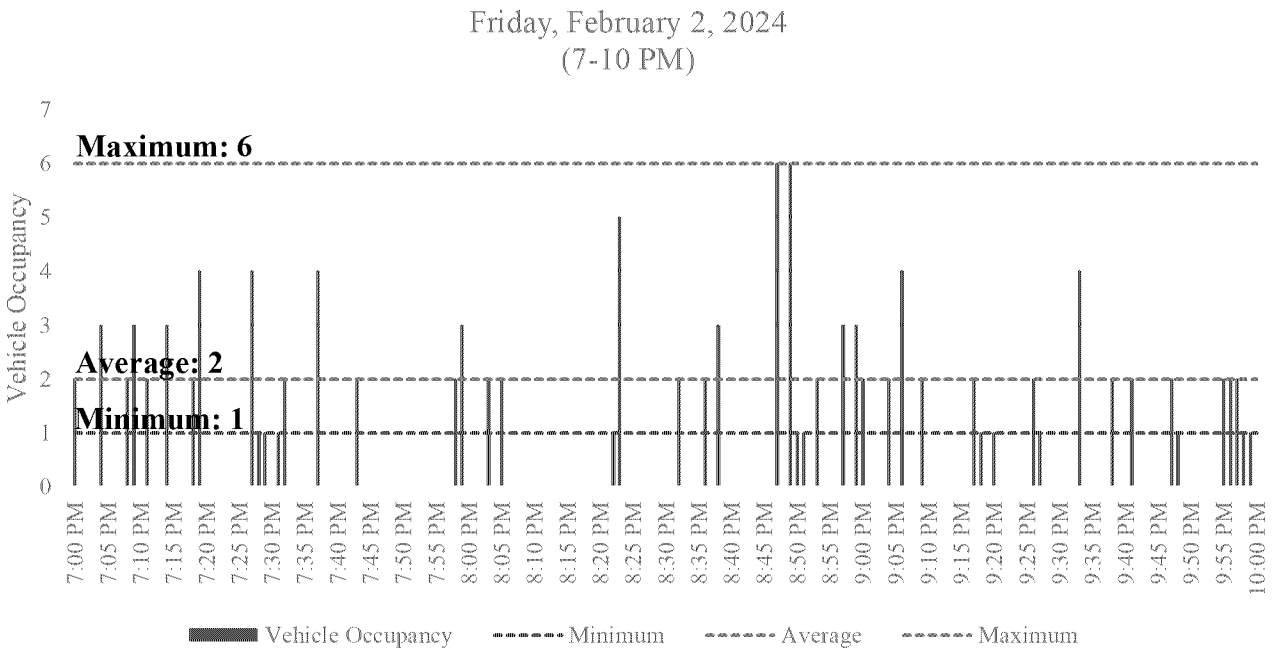


Figure 8 - Vehicle Occupancy on Friday, February 2, 2024, between 7 PM to 10 PM

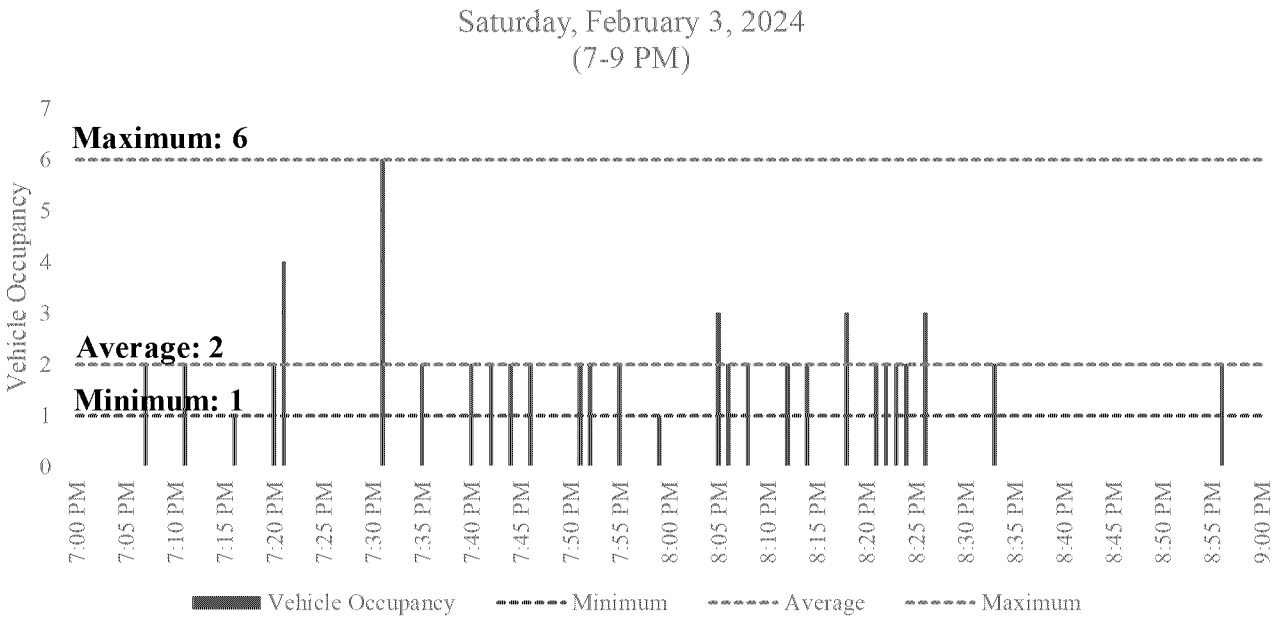


Figure 9 - Vehicle Occupancy on Saturday, February 3, 2024, between 7 PM to 9 PM

Key findings from this data collection effort include:

- The vehicle occupancy varies between one to six members per vehicle.
- The average vehicle occupancy is two members per vehicle.

2.5 Mode Split

Based on the conducted observations, club members utilize various modes of transportation when arriving at or departing from the club. These modes include:

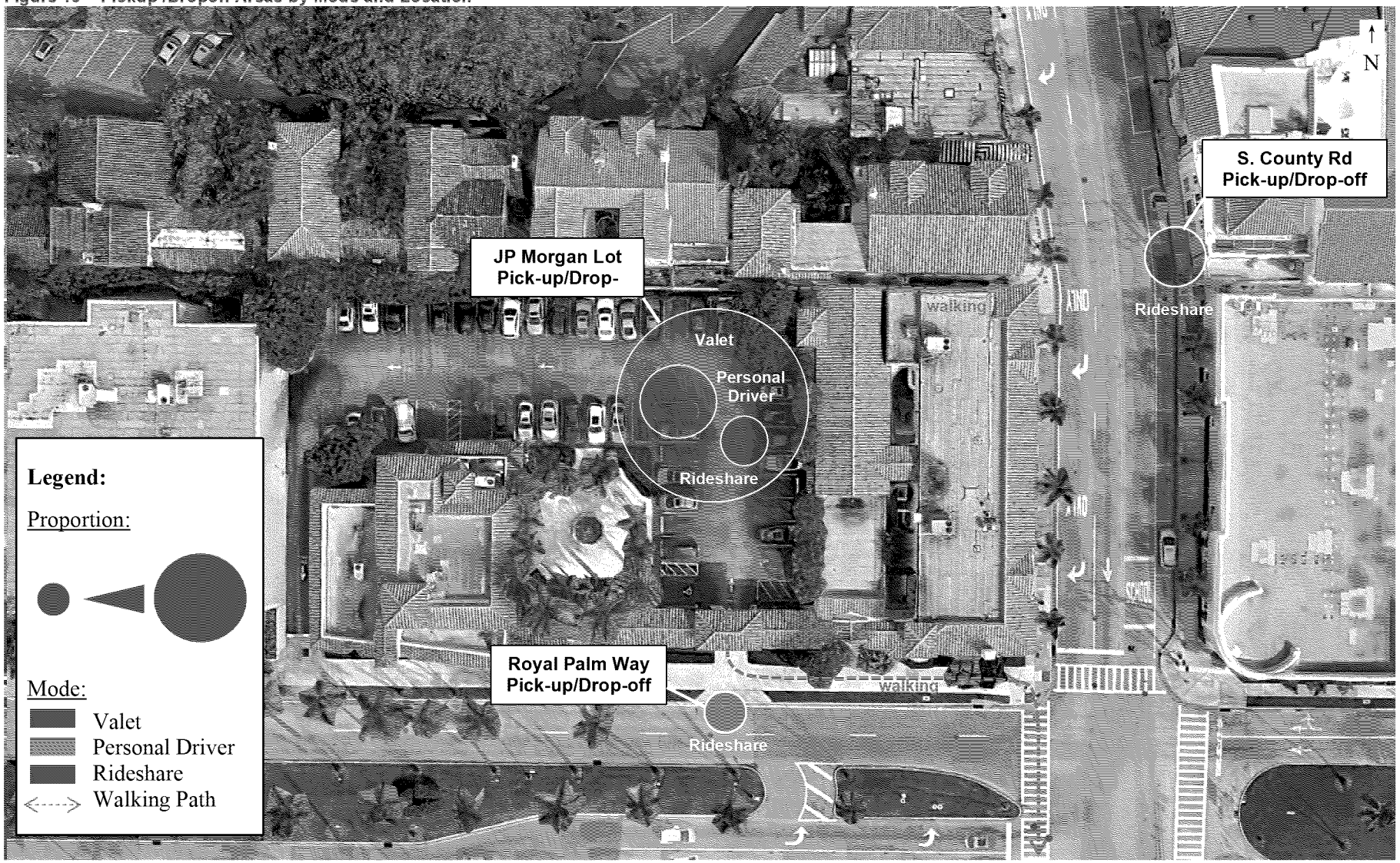
- Personal Vehicles (with or without a personal driver)
- Rideshare Services (such as Uber or Lyft)
- Walking

The technical team did not observe any club members arriving to or departing from the club via bicycles or public transportation.

The drop-off and pick-up areas and adjacent walking paths are depicted in Figure 10. Members using valet or personal driver services are typically dropped off and picked up at the JP Morgan Lot at the valet kiosk. Observations also revealed that rideshare services do not have a designated area for drop-off and pick-up activities. Rideshare activities were observed at three locations: S. County Road, the JP Morgan Lot valet kiosk, and Royal Palm Way.

As shown in Figures 11 and 12, most members access the club via valet service (between 66% and 95%). The highest usage of the other modes of transportation occurred on Friday, with 34% of members accessing the club without utilizing the valet service. This 34% is broken down to include: 7% percent using a personal driver, 14% using rideshare services and the remaining 13% accessing the club by walking.

Figure 10 – Pickup /Dropoff Areas by Mode and Location



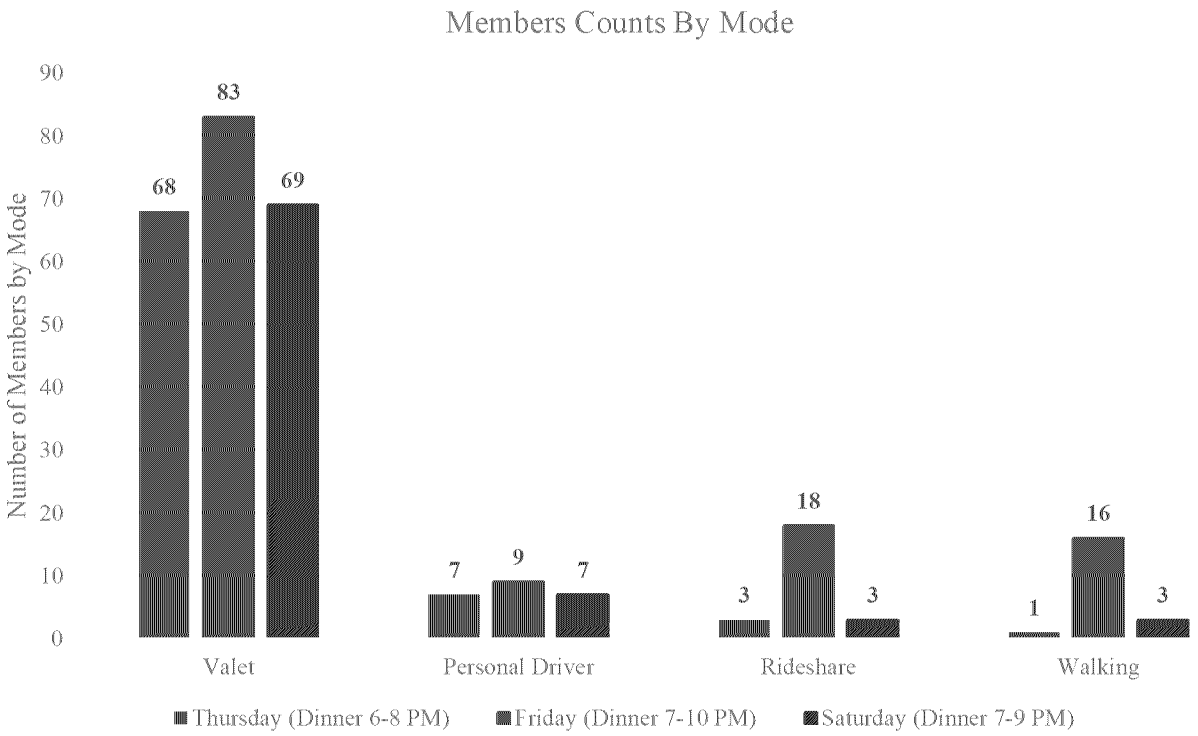


Figure 11 - Number of Members by Mode during Dinner Hours (Collected on Thursday, 2/1, Friday, 2/2, and Saturday, 2/3)

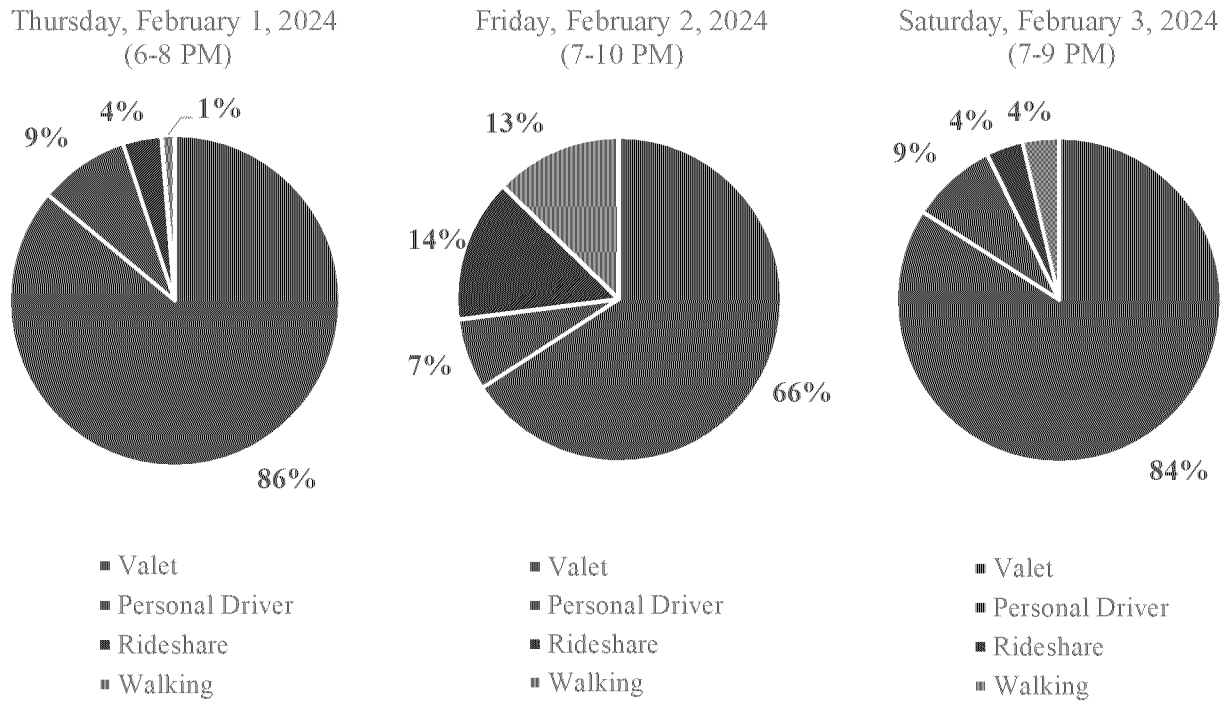


Figure 12 - Percentage of Members by Mode during Dinner Hours (Collected on Thursday, 2/1, Friday, 2/2, and Saturday, 2/3)

Key findings from this data collection effort include:

- Most members arrive to and depart from the club using the valet service (between 66% to 95%)
- Other modes of transportation include personal driver, rideshare, and walking (no biking or transit). The highest usage of these alternative modes occurred on Friday.

3. S. County Road Entrance / Alley Observations

3.1 S. County Road Curbside Usage

Arup conducted observations of curbside utilization and activity on S. County Road during the following dates and times:

- Friday, February 2, 2024, between 6 PM and 7 PM
- Saturday, February 3, 2024, between 7 PM and 9 PM.

Table 2 documents the number of personal vehicles and rideshare vehicles observed that dropped off or picked up club members during Friday, 2/2 and Saturday, 2/3.

Table 1 - S. County Rd Curbside Usage

	Personal Vehicle	Rideshare Vehicles	Total
Friday, February 2, 2024 (6-7 PM)	0	0	**0**
Saturday, February 3, 2024 (7-9 PM)	0	1	**1**

3.2 Rideshare Usage

As shown in Figure 12 (above), up to 13% of members use rideshare services (such as Uber or Lyft) to access the club. Rideshare activity was identified at three locations: S. County Road, within the JP Morgan Lot, and at the Royal Palm Way ingress/egress to the JP Morgan Lot. At dinner time, when rideshare services are scheduled in advance, valet staff direct rideshare drivers to wait at the 230 Royal Palm Lot. At the JP Morgan Lot, valet staff typically need to monitor rideshare drivers who frequently attempt to exit the lot in the incorrect direction. Table 3 documents the number of vehicles observed that dropped off or picked up club members during Thursday, 2/1, Friday, 2/2 and Saturday, 2/3.

Table 2 - Rideshare Usage by Location

	S. County Road	JP Morgan Lot	Royal Palm Way	Total
Thursday, February 1, 2024 (6-8 PM)		2	0	**2**
Friday, February 2, 2024 (6-7 PM)	0			**0**
Friday, February 2, 2024 (7-10 PM)		3	1	**4**
Saturday, February 3, 2024 (7-9 PM)	1	1	0	**2**

Key findings from this rideshare data collection observations include:

- Up to 13% of members use rideshare services to access the club.
- There is no designated space for rideshare services to drop-off and/or pick-up at the Carriage House.
- Rideshare activities were observed at three locations adjacent to the club: S. County Road, inside the JP Morgan Lot and at the entrance to the JP Morgan Lot on Royal Palm Way.
- At the JP Morgan Lot, valet staff monitor rideshare drivers who frequently attempt to exit the lot in the incorrect direction.

3.3 Walking

As depicted in Figure 12, club members have been observed walking from both S. County Road and Royal Palm Way through the JP Morgan lot. As previously indicated, walking constitutes a relatively small percentage of the preferred transportation modes, with only one and three members observed walking to or from the Carriage House on Thursday and Saturday, respectively. However, on Friday, a larger number of members (16) were observed walking to or from the club. The distribution between members walking from S. County Road and the JP Morgan Lot on Friday is illustrated in Figure 13.

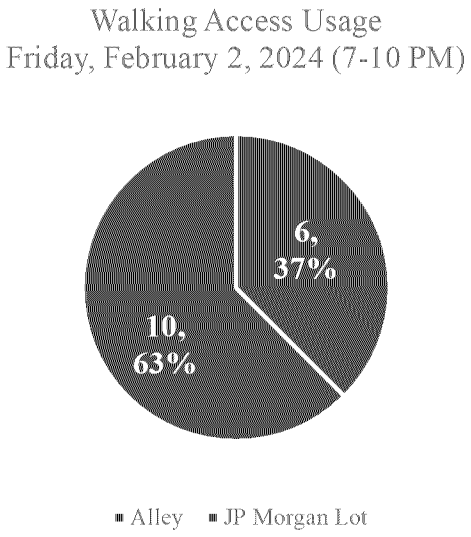


Figure 13 – Walking Access Usage – Friday, February 2, 2024 (7-10 PM)

It should be noted that members utilizing rideshare services on S. County Road were also observed walking through the alley. Specifically, eight members were observed using the alley to access rideshares on Friday, February 2, 2024, between 7 PM and 10 PM.

4. Valet Parking Observations

To understand existing parking demand at the Carriage House, a detailed parking utilization analysis was conducted at the 230 Royal Palm Lot at the following dates and times:

- Thursday, February 1, 2024, between 8 PM. and 9 PM
- Saturday, February 3, 2024, between 6 PM and 7 PM.

This data was collected by counting the number of parking vehicles at the 230 Royal Palm Way Lot.

4.1 Dinner Valet Parking Operations

As previously indicated, valet staff are not permitted to park vehicles in the JP Morgan Lot. Therefore, off-site valet parking is provided for members and guests at the 230 Royal Palm Way Lot. As indicated in the Kimley Horn study dated January 30, 2024, the Carriage House has a lease agreement in place with the owner of the parking lot for the use of 68 parking spaces. The parking layout is shown in Figure 14. It should be noted that one space is dedicated to the Carriage House to charge the Carriage House golf cart as shown in Figure 15.

Figure 14 - 230 Royal Palm Way Lot Parking Layout (Source: Google)

Figure 15 - Carriage House Designated Space Only (Golf Cart Charging Space)

4.2 Parking Utilization Analysis

The results of the 230 Royal Palm Way Lot parking utilization analysis (collected on Thursday, February 1, 2024, and Saturday, February 3, 2024), are shown in Figures 16 and 17, respectively. The figures incorporate a reference line representing the ideal parking utilization rate of 80%, which serves as a benchmark for optimal parking usage for a given parking asset.

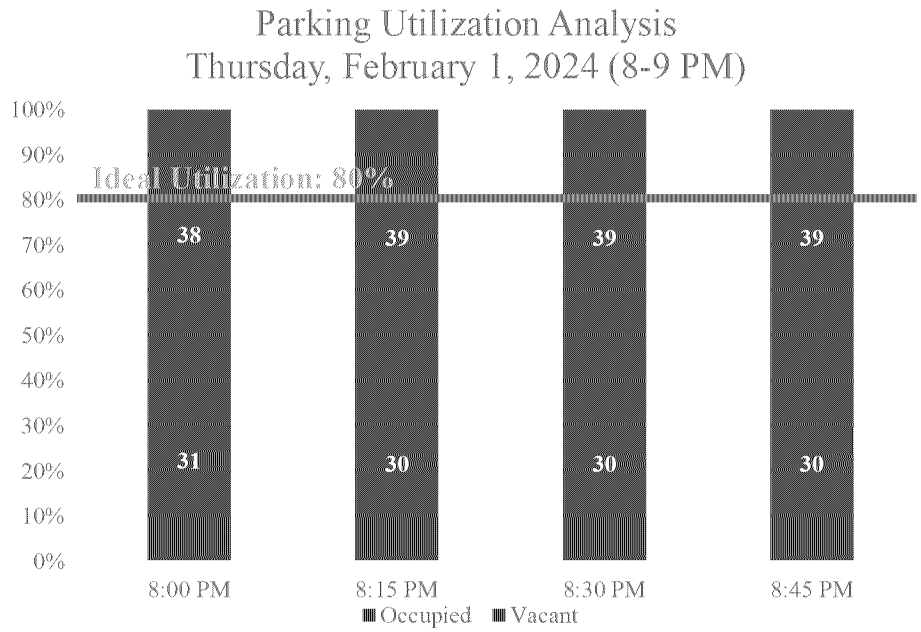


Figure 16 - Parking Occupancy Surveys (230 Royal Palm Way Lot) – Thursday. February 1, 2024

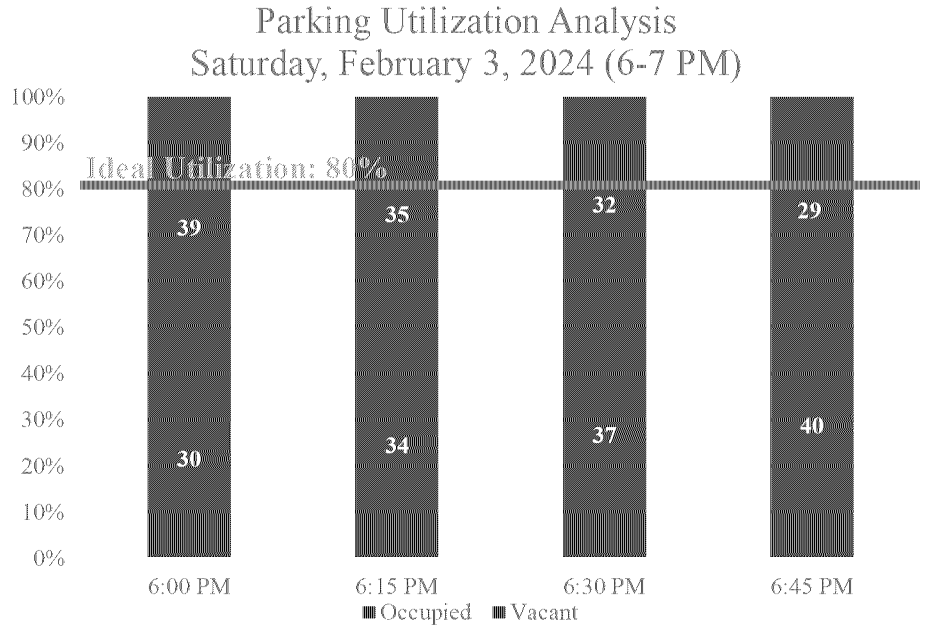


Figure 17 - Parking Occupancy Surveys (230 Royal Palm Way Lot) – Saturday February 3, 2024

Key findings from the parking utilization analysis include:

- The maximum parking occupancy observed at the Royal Palm Way Lot is 40 parking spaces, resulting in a parking occupancy of 59%.
    - Therefore, the 230 Royal Palm Way Lot can accommodate additional parking demand (between 41% - 57%) during a typical peak weekend.

4.3 Institute of Transportation Engineers Parking Rates

As indicated in the Kimley-Horn traffic impact analysis and parking evaluation study, the Carriage House Site was previously approved for a 153-seat private club/restaurant serving 232 club members. While the number of memberships is expected to increase by 75 members each year for three years, the number of seats will not be increased.

Based on a review of survey data published by the Institute of Transportation Engineers (ITE) in the Parking Generation Manual, 5th Edition for Land-Use Code 910 (Quality Restaurants), the following was determined:

- On Friday, the peak parking demand will be 46 parking spaces (68% utilization) resulting in a surplus of 22 parking spaces.
- On Saturday, the peak parking demand will be 54 parking spaces (79% utilization) resulting in a surplus of 14 parking spaces.

Considering the desire for the increase in members, the maximum parking occupancy that could occur at the 230 Royal Palm Lot is 79%. Given that the number of seats will not increase, the parking will continue to accommodate the peak parking demand of the Carriage House.

Key findings from the parking projection analysis include:

- The 230 Royal Palm Lot can adequately accommodate the existing demand from the Carriage House.
- Considering that the Carriage House's seating capacity will remain unchanged, the 230 Royal Palm Lot will continue to accommodate the future parking demand despite the increase in membership.

5. Conclusion

The following section provides a summary of all observations conducted by the Arup Technical Team at the Carriage House during the typical peak weekend of Thursday, February 1st, 2024, to Saturday, February 3rd, 2024.

Valet Operations

- Valet staff are not allowed to park vehicles at the JP Morgan Lot and park all member vehicles at the 230 Royal Palm Lot, which is located across the street from the Carriage House.
- The number of valet staff ranges between two to four per night with an average of three valet staff.
- The number of valet staff is adjusted based on anticipated demand from the number of reservations.

Mode of Transportation

- Most members use valet service (between 66% to 95%)
- Other modes of transportation include personal driver, rideshare (such as Uber or Lyft) and walking (no biking or transit). The highest usage of these alternative modes occurred on Friday.
- The vehicle occupancy varies between one to six members per vehicle with an average of two members per vehicle.

Rideshare Services

- Up to 13% of members use rideshare services to access the club.
- There is no designated space for rideshare services to drop-off and/or pick-up at the Carriage House.
- Rideshare activities were observed at three locations adjacent to the club: S. County Road, inside the JP Morgan Lot and at the entrance to the JP Morgan Lot on Royal Palm Way.
- At the JP Morgan Lot, valet staff monitor rideshare drivers who frequently attempt to exit the lot in the incorrect direction.

Parking Utilization

- The Carriage House has a lease agreement in place with the owner of the 230 Royal Palm Lot for the use of 68 parking spaces.
- Parking occupancy surveys illustrate that the 230 Royal Palm Lot has a maximum utilization of 59% during a typical peak weekend. Therefore, the lot can adequately accommodate the existing demand from the Carriage House.
- Based on data published in the ITE Parking Generation Manual, the maximum parking occupancy at the 230 Royal Palm Lot will be 79%, which illustrates that the lot can accommodate additional parking demand even with an increase in members.
- Considering that the Carriage House's seating capacity will remain unchanged, the 230 Royal Palm Lot will continue accommodating future parking demand even with an increase in membership.

RECEIVED
By yfigueroa at 9:21 am, Feb 20, 2024

Kimley»Horn

February 7, 2024

Mr. Joshua Fern
Carriage House Properties Partners, LLC.
230 Royal Palm Way, 4th Floor
Palm Beach, Florida 33480

Re: ***Traffic Impact Analysis and Parking Evaluation***
Carriage House
Palm Beach, Florida
KHA #140379000

Dear Mr. Fern:

Kimley-Horn has been retained to provide a traffic impact evaluation for the Carriage House property, located at 264/270 South County Road in the Town of Palm Beach, Florida. The PCN for the site is 50-43-43-22-10-000-0110. *Figure 1* shows the site location. The site was previously approved for a 153-seat private club/restaurant serving 232 club members. It is now proposed to increase the membership; however, the seating capacity will not be increased.

The Carriage House private club opened in 2022. It is now proposed to increase the membership by 75 members per year for three years, resulting in a membership of 457 members. However, the seating capacity, use, and intensity of the private club will not change. Therefore, although access will be provided to more people, the number of people utilizing the club at any time will not exceed the previous approval, and there will be no additional traffic-related impacts compared to the original approval, which was based on number of seats within the club. Furthermore, no changes to the access or parking locations are planned. The membership is anticipated to be added by 2028.

Trip Generation Analysis

The daily and peak hour trip generation potential for the proposed plan was calculated based on trip generation rates published by Palm Beach County. Since the AM peak hour was omitted from the analysis, consistent with the original approval. Due to the amount of food-service area in the proposed social club, the trip generation rate for quality restaurant was assumed to be most appropriate. It should be noted that the number of seats was used as the independent variable since the overall seating density is less than a typical public restaurant. Additionally, pass-by trips have not been applied because the proposed private club use will be member based and members are expected to use this club knowingly, not as pass-by trips. This methodology is consistent with the original approval for the club. As shown in *Table 1*, the proposed addition of members results in no net new trips. Therefore, no further analysis is required.

Table 1
Trip Generation

Land Use	Intensity	Daily Trips	PM Peak Hour		
			Total	In	Out
Approved / Existing					
Quality Restaurant (Evenings)	232 Seats	*603*	*65*	*44*	*21*
Driveway Volumes		*603*	*65*	*44*	*21*
Proposed					
Quality Restaurant (Evenings)	232 Seats	*603*	*65*	*44*	*21*
Driveway Volumes		*603*	*65*	*44*	*21*
Proposed Net New External Trips		***0***	***0***	***0***	***0***

Trip generation was calculated using the following data:

Daily Trip Generation
Quality Restaurant ITE 931 = T= 2.60* Seats

PM Peak Hour Trip Generation
Quality Restaurant ITE 931 = T= .28* Seats (67% in / 33% out)

Parking Analysis

The 232-member site has grandfathered parking and does not have to provide any on-site parking per the Town's Principle of Equivalency Calculation, which allows the property to be redeveloped with up to 62 parking spaces to use as a credit for the new use. The Principle of Equivalency Calculation is shown in *Table 1*. The table explains how the Principle of Equivalency determines the 62 parking spaces and how that translates to a 248-member cap for a private club.

Table 1: Existing Required Parking

Floor Level	Space	Area	Parking Ratio	Parking Count (spaces)
1st Floor	Dining Area	2,230 SF (104 seats)	1:3	34.7
1st Floor	Retail Area	2, 211 SF	1 : 200 Gross	11.1
1st & 2nd Floor	Back of House	2,993 SF	1 : 300 Gross	10.0
1st & 2nd Floor	Residential Units	4,204 SF	2 spaces/unit	6.0
	Each Unit			
	Total 3 Units			
			Total Spaces	**62**

K:\WPB_TPTO\1403\140379000 - 264 Grill\[2017-10-23 Trip Gen .xls]PARKING TABLE

Although the grandfathered parking satisfies the parking requirements of the existing club, off-site valet parking is provided for members and guests at 230 Royal Palm Way, which contains 68 off-street parking spaces. The club has a lease agreement in place with the owner of the parking lot for use of the 68 spaces.

The addition of members to the club will require an increase of parking per Town Code. Article 9.2, Section 134-2176 of the Town of Palm Beach Land Development Standards defines the parking requirements for 'social, swimming, golf, tennis and yacht clubs' in the Town of Palm Beach; this use most closely represents the proposed use for this site. Per this Standard, The Town of Palm Beach requires 1 parking space for every 4 members of a private social club. The proposed private social club with have a maximum of 457 members. Based upon the Town's requirements, a 457-member social club equates to 115 parking spaces and should be allowed without any on-site or other off-street parking arrangement per the Town's Principle of Equivalency. The calculation is summarized in *Table 2*.

Table 2: Palm Beach Required Parking

Land Use	Intensity	Palm Beach Parking Rate	Required Parking
Social Club	457 Members	1 Space per 4 Members	115

As described in this analysis, the per the Town's Principle of Equivalency Calculation, the club has 62 grandfathered parking spaces. With the proposed increase in membership, a total of 53 off-site parking spaces are required to be provided. The club has a parking agreement providing 68 off-street parking spaces in at 230 Royal Palm Way. Therefore, the off-street parking satisfies the Town Code requirement for the proposed increase in membership.

Recognizing that the parking demand may increase compared to the existing parking demand based on an increase of membership, data was collected at the 230 Royal Palm Property to assess the existing parking demand and quantify the potential future demand.

Parking data was collected during peak weekday and weekend days in January 2024. This represents the peak season of attendance at the club as well as the peak season of traffic in the Town.

Data was collected by the valet operator from Thursday, January 18, 2024 through Saturday, January 20, 2024. Vehicles entering the parking lot were recorded during each hour from 6:00 PM through midnight, and vehicles exiting the parking lot were recorded until 1:00 AM. Based on this information, a maximum of 17 spaces were utilized, on Thursday from 8:00 to 9:00 PM. A summary of the valet-observed data is in Table 3.

Table 3: Valet-Observed Parking

	Vehicles Observed		
	Thursday 1/18/2024	Friday 1/19/2024	Saturday 1/20/2024
Arriving 6-7 PM	2	4	9
Arriving 7-8 PM	12	12	16
Arriving 8-9 PM	8	6	20
Arriving 9-10 PM	4	15	21
Arriving 10-11 PM	3	10	6
Arriving 11-12 AM	1	5	3
Departing 6-7 PM	0	1	4
Departing 7-8 PM	3	11	11
Departing 8-9 PM	2	12	20
Departing 9-10 PM	5	13	15
Departing 10-11 PM	14	6	6
Departing 11-12 AM	4	2	15
Departing 12-1 AM	2	7	4
Parked 6-7 PM	2	3	5
Parked 7-8 PM	11	4	10
Parked 8-9 PM	17	0	10
Parked 9-10 PM	16	0	16
Parked 10-11 PM	5	4	16
Parked 11-12 AM	2	7	4
Parked 12-1 AM	0	0	0

Kimley-Horn observed occupied parking spaces at the 230 Royal Palm parking lot on Thursday January 25, 2024 through Saturday January 27, 2024 from 6:00 PM to 10:00 PM. Based on the observation of parked vehicles, a maximum of 23 spaces were utilized on Saturday night at 8:30 PM and at 9:00 PM.

To determine the potential increase of parking based on the existing observations, a parking rate was calculated based on the maximum parking demand observed. The existing 232-members result in a maximum demand of 23 spaces, or 0.1 space per member. Extrapolating this rate to the proposed 457 members results in a parking demand of 46 spaces. As previously indicated in this analysis, the 230 Royal Palm property can accommodate 68 parked vehicles. Furthermore, not all members arrive by private vehicle. Some members arrive via rideshare services or via a private driver. It is anticipated that the proportion of members who arrive by private car would remain the same as

membership expands. Therefore, the existing parking arrangement is anticipated to adequately accommodate an increase in parking associated with the expanded membership.

Table 4: Observed Parking Occupancy

Time	Parked Vehicles Observed		
	Thursday 1/25/2024	Friday 1/26/2024	Saturday 1/27/2024
6:00 PM	9	6	6
6:30 PM	9	5	11
7:00 PM	7	10	18
7:30 PM	8	10	21
8:00 PM	11	13	22
8:30 PM	10	13	23
9:00 PM	8	12	23
9:30 PM	7	14	18
10:00 PM	8	14	15

Conclusion

This analysis was prepared to address the traffic and parking requirements of the Town of Palm Beach related to the proposed membership expansion of the Carriage House club. The foregoing analysis demonstrates that the proposed increase in membership will not increase traffic compared to the existing approval. Furthermore, the parking demand is anticipated to be accommodated at the 230 Royal Palm parking lot, which currently serves the club.

Please contact me at 561-840-0874 if you have any questions.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

Digitally signed by
Adam B Kerr
Date: 2024.02.07
08:06:43 -05'00'

Adam B. Kerr, P.E.
Transportation Engineer

Florida Registration Number 64773

ABK

K:\WPB_TPTO\1403\140379000 - 264 Grill\2024 Update\2024-01-29 Carriage House Town TIA.docx

NORTH

LEGEND

SITE

FIGURE 1
Site Location
Carriage House
KHA # 14037900

Kimley»Horn

Land Use: 931
Fine Dining Restaurant

Description

A fine dining restaurant is a full-service eating establishment with a typical duration of stay of at least 1 hour. A fine dining restaurant generally does not serve breakfast; some do not serve lunch; all serve dinner. This type of restaurant often requests and sometimes requires a reservation and is generally not part of a chain. A patron commonly waits to be seated, is served by wait staff, orders from a menu and pays after the meal. Some of the study sites have lounge or bar facilities (serving alcoholic beverages), but meal service is the primary draw to the restaurant. Fast casual restaurant (Land Use 930) and high-turnover (sit-down) restaurant (Land Use 932) are related uses.

Additional Data

If the fine dining restaurant has outdoor seating, its area is not included in the overall gross floor area. For a restaurant that has significant outdoor seating, the number of seats may be more reliable than GFA as an independent variable on which to establish a trip generation rate.

The sites were surveyed in the 1980s, the 1990s, and the 2010s in Alberta (CAN), California, Colorado, Florida, Indiana, Kentucky, New Jersey, and Utah.

Source Numbers

126, 260, 291, 301, 338, 339, 368, 437, 440, 976, 1053

Fine Dining Restaurant
(931)

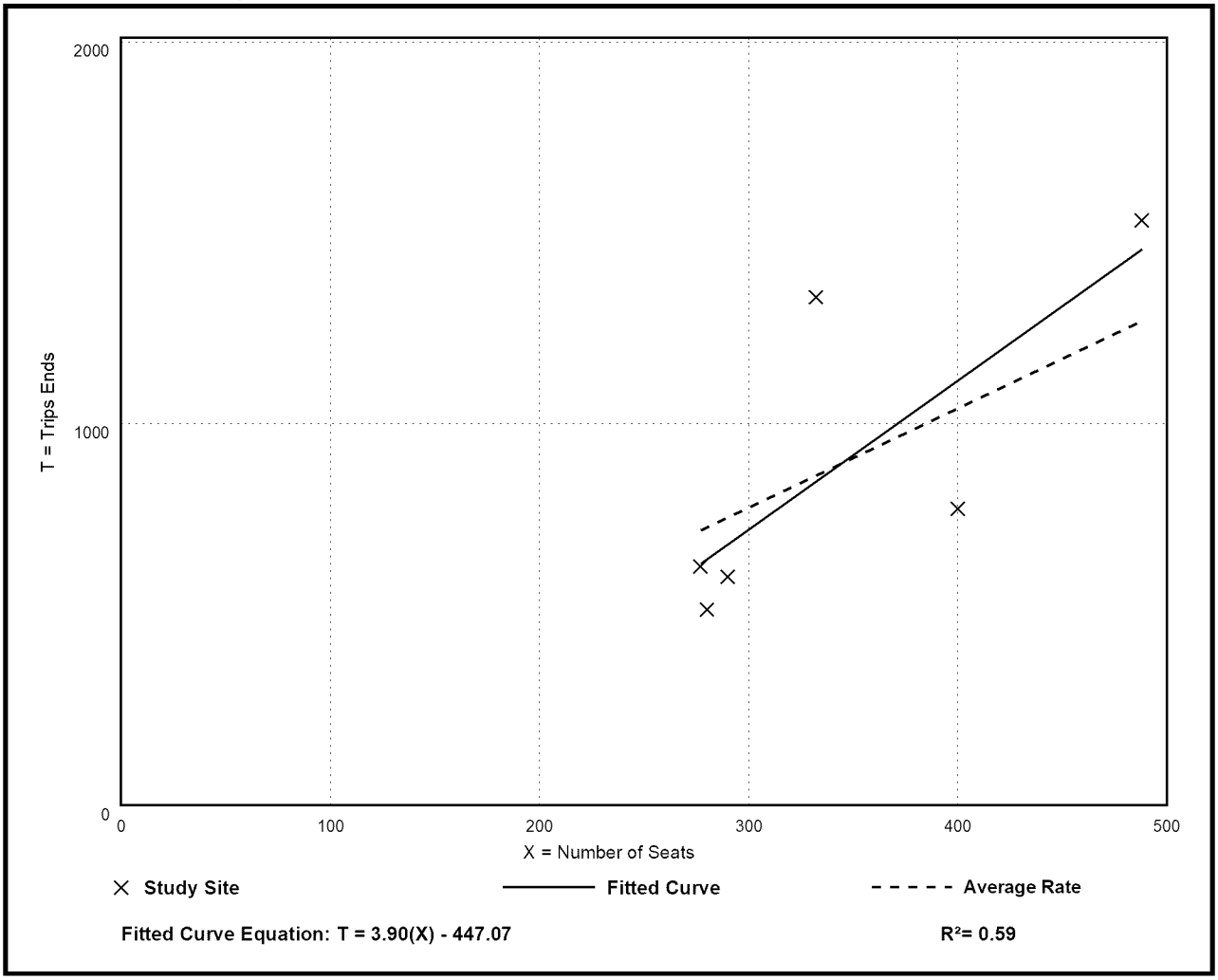
Vehicle Trip Ends vs: Seats
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. Num. of Seats: 345
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
2.60	1.83 - 4.01	0.85

Data Plot and Equation



Fitted Curve Equation: T = 3.90(X) - 447.07

R^2= 0.59

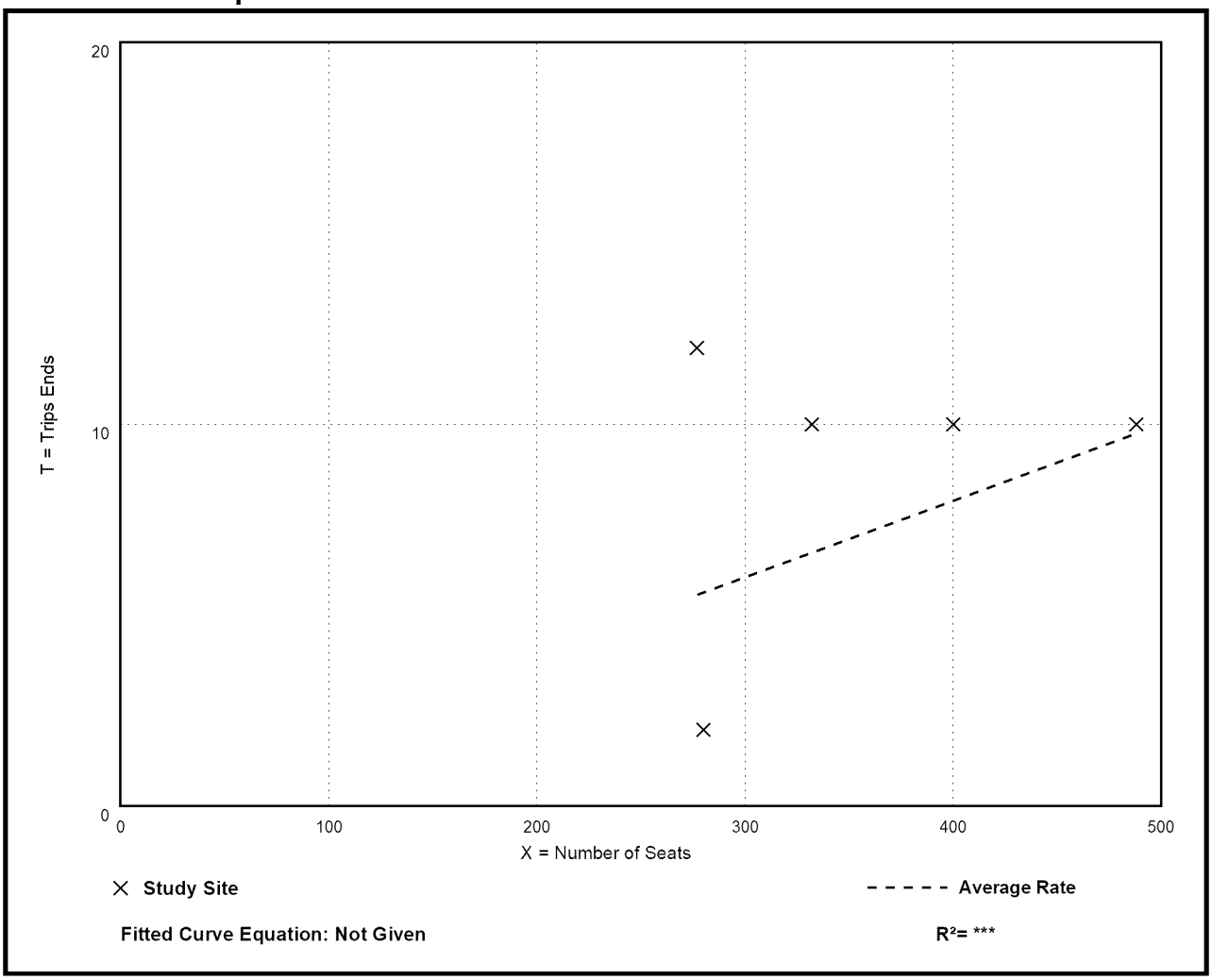
Fine Dining Restaurant
(931)

Vehicle Trip Ends vs: Seats
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. Num. of Seats: 355
Directional Distribution: Not Available

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.02	0.01 - 0.04	0.01

Data Plot and Equation



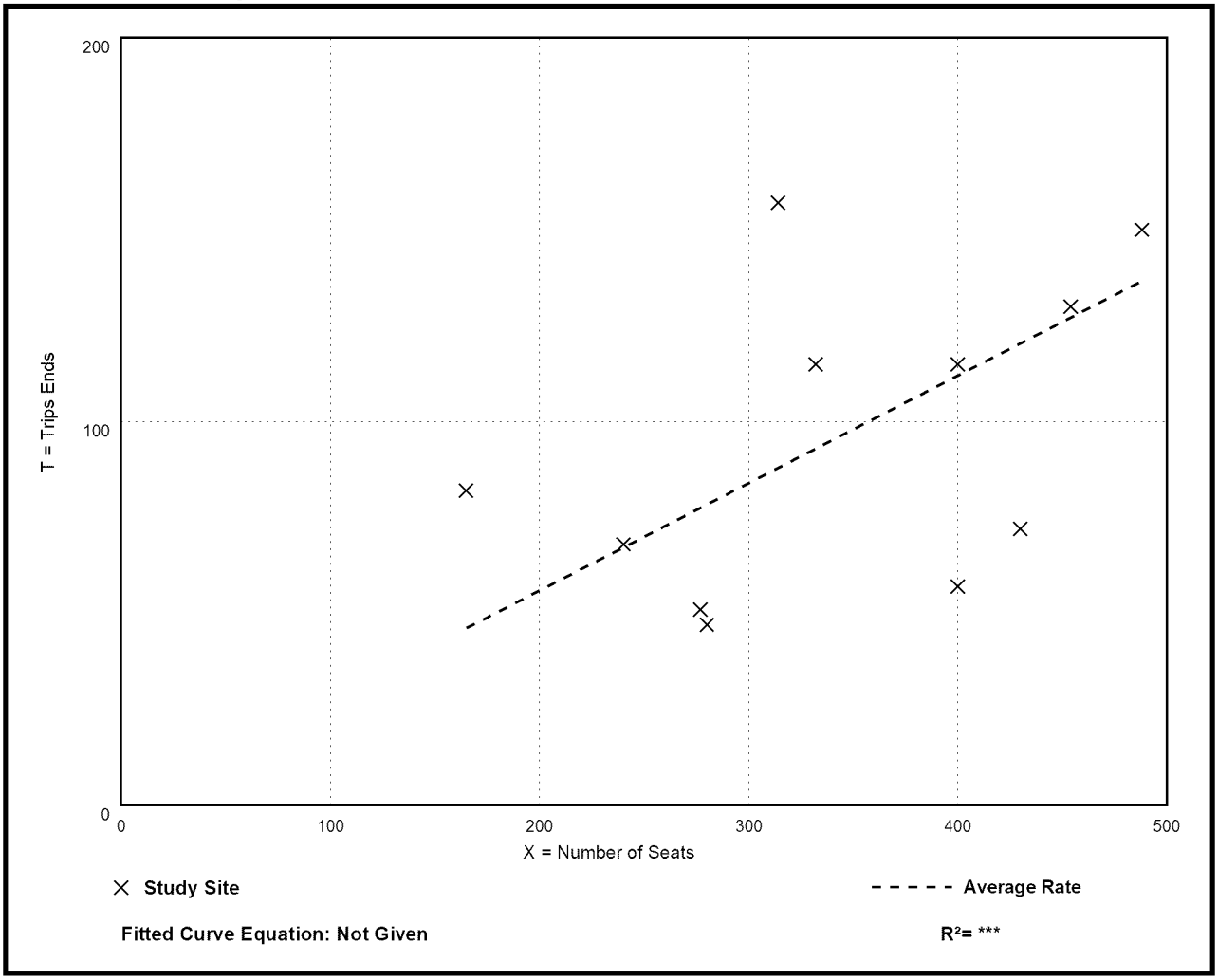
Fine Dining Restaurant
(931)

Vehicle Trip Ends vs: Seats
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 11
Avg. Num. of Seats: 344
Directional Distribution: 67% entering, 33% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.28	0.14 - 0.50	0.11

Data Plot and Equation



RECEIVED
By yfigueroa at 9:13 am, Feb 20, 2024

ARUP

Technical Memorandum

To	Joshua Fern (Carriage House) Mario Pederzolli (Carriage House), Laura Smith (Carriage House), Thys Heyneker (Mayfield Holding), Maura Ziska (Kochman & Ziska PLC), James Crowley (Gunster), John Lindgren (Gunster)
Date	February 19, 2024
Version	00
Reference	Carriage House Parking, Transportation, and Acoustics Assessment
From	**Arup:** Ryan Cox, Avi Bortnick
Subject	Acoustics Onsite Sound Level Measurements and Observations at the Carriage House Club

Contents

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2. Relevant Standards 2
3. Site Measurements 2
3.1 Logger Locations 2
3.2 Logger Results 4
3.3 Spot Measurement Results 6
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4.1 Noise Logger Results 7
4.2 Spot Measurement Results 7
5. Appendix 1: Sound Level Reference Point 8

1. Introduction

The Carriage House ("the club"), an exclusive private club offering invitation-only membership, is planning to expand their membership and outdoor dining opportunities. The club, located at 264-270 South County Road, Palm Beach, is situated along the major north-south thoroughfare South County Road (S. County Road) and east-west four-lane connector Royal Palm Way, which links Palm Beach with West Palm Beach.

As part of this initiative to understand noise impacts due to a potential increase in club members, Arup's technical team completed a series of sound level measurements as part of a site survey of Carriage House Palm Beach. This memorandum summarizes the results of the sound level measurements and contextualizes them in relation to applicable local noise limits.

2. Relevant Standards

Section 42-228 of the Town of Palm Beach Code of Ordinances contains the following thresholds for maximum permissible emissions of non-vehicular noise:

Table 1 - Town of Palm Beach Maximum Noise Levels

	Maximum Level, dBA	
Area (Geographic)	Day	Night
1	61	55
2	**64**	**58**
3	61	55
4	61	55

The club is within Area 2, extending from Wells Road southerly to Worth Avenue, with a noise limit (at the property line of the property originating the noise) of 64 dBA during the day, and 58 dBA at night. Night is defined as the hours between 7:00 PM and 9:00 AM.

3. Site Measurements

3.1 Logger Locations

In order to understand the noise impact of Carriage House activities in the adjacent neighborhood, Arup deployed two logging sound level meters[1] within Phipps Plaza Park on the northwest side of Carriage

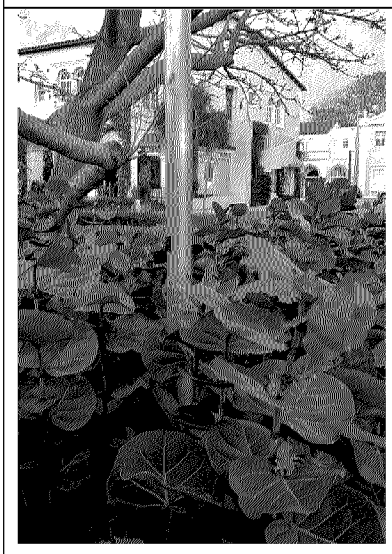
[1] Convergence Instruments NSRTW mk3 sound level meter data logger, capable of continuously measuring and storing sound levels over several days or a specified period of time.

House (NL-2 and NL-3). The locations of the logging sound level meters is shown below in Figure 1, with photos of the meters in Table 2.

The loggers measured sound levels continuously from 6:30 PM on Friday, February 2, 2024 until 6:30 AM the next morning, and again from 6:30 PM to midnight on the night of February 3rd. The intent was to measure sound levels within and surrounding Carriage House over a weekend evening, with typical club activities and outdoor dining, as well as measure ambient sound levels in the neighborhood.

Figure 1 – Sound Level Meter Logger Locations

Table 2 - Noise Logger Locations

NL-2	NL-3
	

3.2 Logger Results

The graphs in Figure 2 and Figure 3 below show the sound level[2] measured in 5 minute increments by the two sound level loggers in the neighborhood adjacent to Carriage House during the evening hours of operation on February 2nd and 3rd. The applicable sound level limits from the Town of Palm Beach Code of Ordinances are also shown in the graphs for reference to the measured levels. As can be seen, the measured levels indicate that nighttime sound levels in the neighborhood are below Ordinance limits.

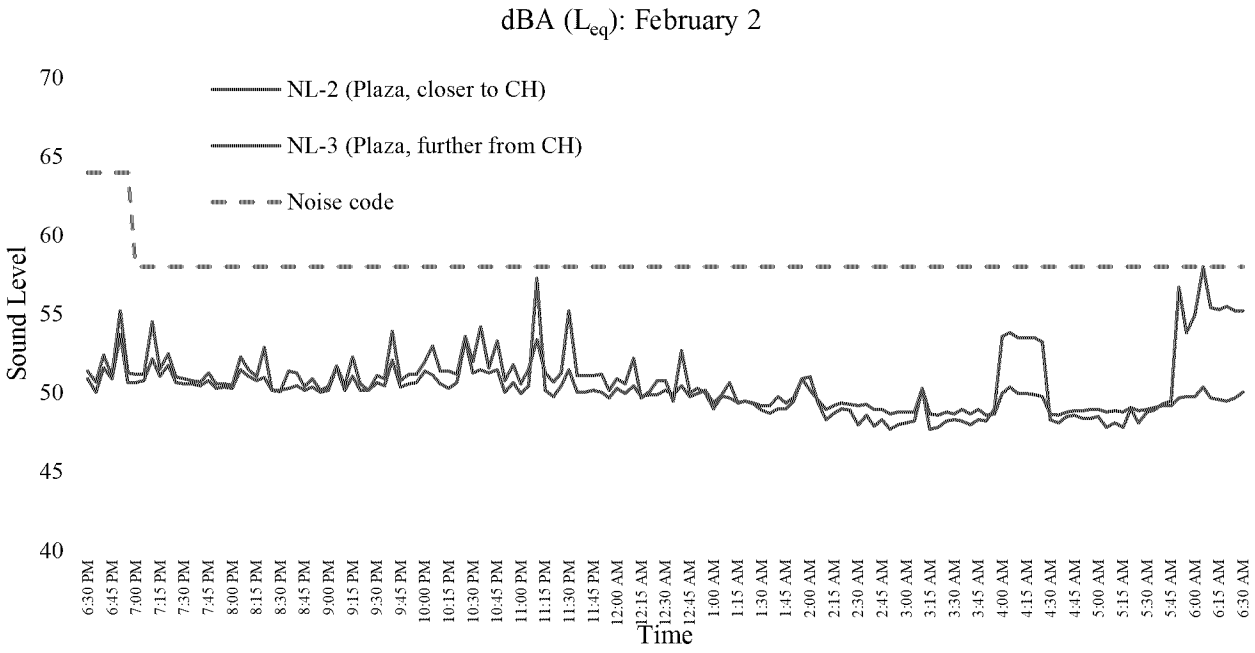


Figure 2 - Noise Logger Sound Levels Night 1, February 2, 2024

[2] The sound level shown in the graphs is the broadband A-weighted or dBA, using the L_{eq} metric, which represents the average sound level over the measurement interval.

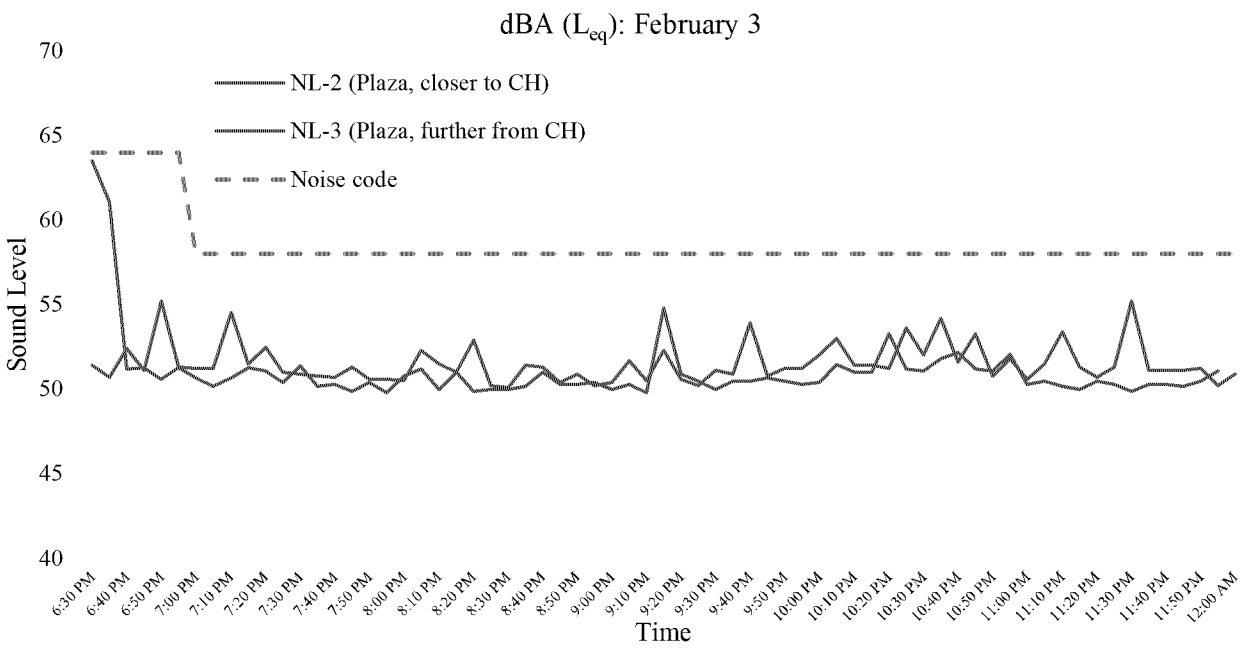


Figure 3 - Noise Logger Sound Levels Night 2, February 3, 2024

Table 3 below shows the average of the logged 5-minute A-weighted sound levels between the hours of 6:30 PM and midnight on the two nights Arup was present onsite.

Table 3 - Average sound level between 6:30 PM and Midnight

	NL-2	NL-3	Town of Palm Beach Noise Ordinance
Night of 2/2	52 dBA	51 dBA	58 dBA
Night of 2/3	53 dBA	54 dBA	58 dBA

The logged sound levels indicate that activity sound as measured at the Carriage House courtyard does not cause an increase in the ambient level at locations NL-2 and NL-3, which stay consistent with the 50-55 dBA range regardless of the increase in Carriage House activity. The neighborhood sound levels are controlled principally by residential air conditioners and vehicular traffic flow, with no discernable effect from Carriage House activity.

3.3 Spot Measurement Results

Arup took several short duration "spot" measurements with a handheld sound level meter at different locations and times throughout Carriage House on both February 2 and February 3. These measurements ranged between 1 to 3 minutes.

Carriage House staff participated in a mock dinner in the courtyard to simulate outdoor dining sound levels in on both the evening of February 2 and February 3, before the club opened to members. Arup measured sound levels during these events to document dining activity sound levels.

In addition, Arup took several sound level measurements inside Carriage House, starting at both 9:00 and 11:00 PM, while members were in the club. Measurements were taken in both the Courtyard and on the dance floor while a DJ played music, which started at approximately 10:30 PM. While the DJ played, sound levels were measured around the perimeter of the property, as well as in Phipps Plaza Park to compare to the Palm Beach nighttime noise limit of 58 dBA.

The measured levels at the times and various locations within Carriage House and at the property line are indicated in Table 4 below.

Table 4 – Short duration measurements in and around Carriage House

	Friday Night Mock Dinner at 5:00	Saturday Might Mock Dinner at 5:00	Courtyard at 11:00 PM on Saturday	Dance floor on Saturday at 11:15 PM	Property Line near plaza on Saturday at 11:30 PM	West end of Phipps Plaza Park on Saturday at 11:30 PM
Sound Level L_{eq}	67 dBA	65 dBA	72 dBA	104 dBA	56 dBA	48 dBA

4. Measured Sound Level Summary of Findings

4.1 Noise Logger Results

Both Figure 2 and Figure 3 show that ambient sound levels at locations NL-2 and NL-3 are within the 50-55 dBA range (below the Town of Palm Beach Code of Ordinances nighttime noise limit of 58 dBA). The two loggers within Phipps Plaza do not show an increase in sound level, despite increased Carriage House activity. In other words, Carriage House activity appears to have no effect on ambient sound levels. This baseline ambient level captured by the loggers is controlled principally by nearby mechanical equipment (air conditioners, condensing units, compressors, and fans) and vehicular traffic flow on the nearby South County Road.

4.2 Spot Measurement Results

The short-duration spot measurements taken at the perimeter of the property were found to be 2-7 dBA below the maximum 58 dBA sound level limit contained in the Town of Palm Beach Code of Ordinances. Sound levels measured from within the courtyard (which are not relevant to Code of Ordinance limits) were found to be typical of outdoor courtyard and cocktail lounge uses. Dance floor sound levels were loud at 104 dBA, but not atypical of DJ and club sound levels. The indoor DJ sound was not found to contribute to the neighborhood ambient level in the plaza, and was inaudible in the Phipps Plaza Park and barely audible when standing directly adjacent to the space along South County Road.

5. Appendix 1: Sound Level Reference Point

dBA denotes a single-number sound pressure sound level that includes a frequency weighting ("A-weighting") to better reflect the subjective loudness of the sound level.

The frequency of a sound affects its perceived loudness. Human hearing is less sensitive at low and very high frequencies, and so the A-weighting is used to account for this effect. An A-weighted decibel level is written as dBA.

Some typical dBA levels are shown in Table 5 below:

Table 5 - Typical Sound Level Reference Points

Sound Pressure Level dBA	Example
140	Propeller aircraft
120	Riveter
100	Heavy truck
80	Loud traffic
60	Conversational speech
50	Private office, residential ambient
40	Quiet residence
30	Recording studio
20	Leaves rustling

date:	March 12, 2024
to:	James Murphy, Assistant Director of Planning and Zoning, Town of Palm Beach
from:	Eric Czerniejewski, P.E., ENV SP
subject:	The Carriage House Traffic Review

MEMORANDUM

The Corradino Group, Inc (Corradino) has been requested to provide a traffic review of the Traffic Impact Analysis and Parking Evaluation for the Carriage House redevelopment located at 260-270 South County Road in the Town of Palm Beach, Florida. The following are our traffic review comments based on the 02/07/24 resubmittal.

1. Please provide a copy of the Palm Beach County Traffic Division Traffic Performance Standard approval letter dated 02/13/24 for this redevelopment as an attachment to the updated Traffic Impact Analysis and Parking Evaluation.

2. Please include a copy of the Architectural Site/Floor Plan prepared by Spina Orourke and Partners, Inc. for this development as an attachment to the updated Traffic Impact Analysis and Parking Evaluation.

3. The trip generation uses the number of seats for the private club for the calculation of the site generated trips to the Carriage House. The number of seats is not changing but the overall membership is increasing. Please provide details of the restricted number of members in the private club at any given period. Please provide the specific details of the maximum occupancy per prior approvals and what will govern this approval. The Traffic Impact Analysis and Parking Evaluation mentions that "although access will be provided to more people, the number of people utilizing the club at any time will not exceed the previous approval".

4055 NW 97TH AVENUE · SUITE 200 · MIAMI, FL 33178
TEL 800.887.5551 · 305.594.0735
FAX 305.594.0755
WWW.CORRADINO.COM

4. The Traffic Impact Analysis and Parking Evaluation and LOI mentions a lease agreement is in place between The Carriage House and the owner of the surface parking lot at 230 Royal Palm Way to provide 68 off street parking spaces. Please provide a copy of this lease agreement.

5. Please add narrative to the Traffic Impact Analysis and Parking Evaluation that provides details regarding any observed vehicle queuing and stacking concerns at the eastbound left turn lane on Royal Palm Way at the ingress driveway to the J.P. Morgan lot just west of S. County Road. The subject eastbound left turn lane also serves as the existing eastbound left turn lane on Royal Palm Way at S. County Road. Please provide additional information related to the westbound left turn into the 230 Royal Palm Parking lot.

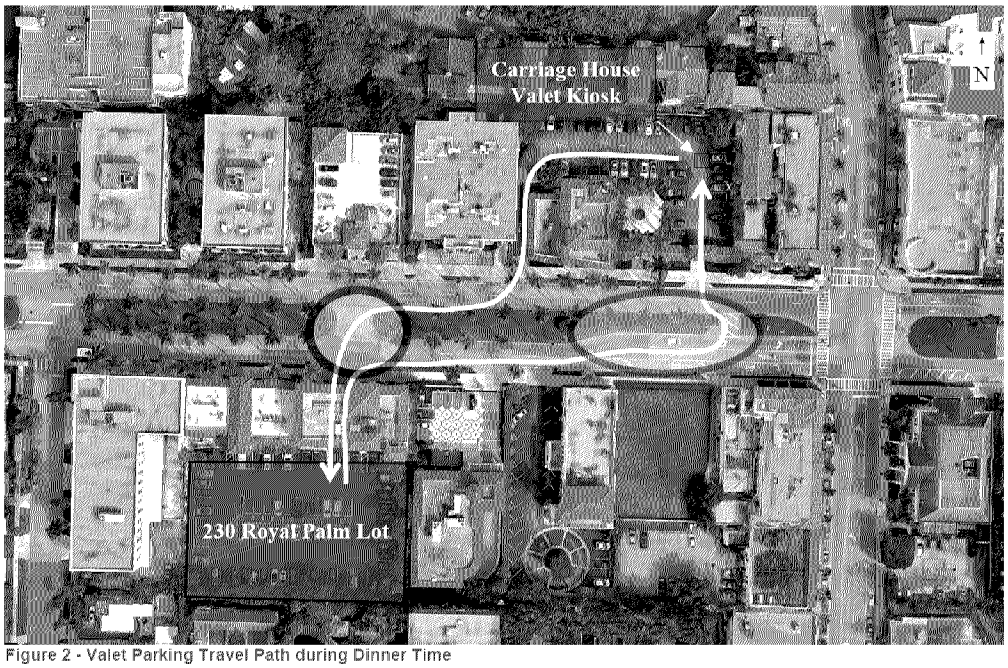
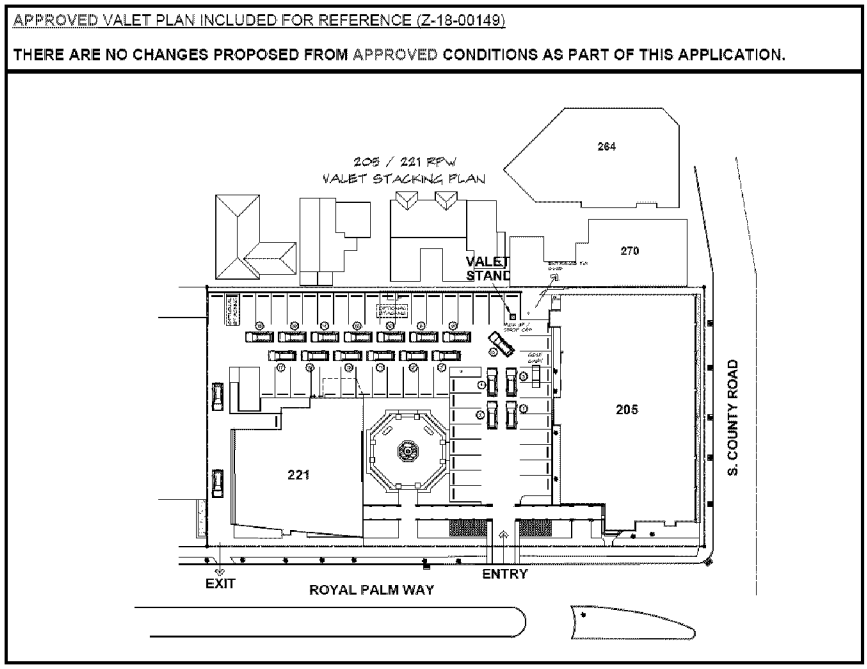


Figure 2 - Valet Parking Travel Path during Dinner Time

4055 NW 97TH AVENUE · SUITE 200 · MIAMI, FL 33178
TEL 800.887.5551 · 305.594.0735
FAX 305.594.0755
WWW.CORRADINO.COM

6. Please provide a more detailed valet operational analysis that describes the current valet operations being implemented at The Carriage House. This should include back-up information related to the calculation of the processing rate per vehicle for drop off and pickup. This should include defining all the elements and time taken for each of the drop-off operation and pick-up operation. This should include the following:
    - Exchange between valet attendant and driver/intersection delay
    - Valet attendant drives vehicle from valet drop-off/pick-up area to valet parking space
    - Valet attendant parks vehicle
    - Valet attendant retrieves vehicle
    - Valet attendant drives vehicle from parking space to valet drop-off/pick-up area
    - Exchange between valet attendant and driver/intersection delay



7. The Traffic Impact Analysis and Parking Evaluation included parking utilization data collection for the existing Carriage House club membership collected on Thursday 01/25/24 through 01/27/24 from 6:00 to 10:00 p.m. A condition of approval should include an updated parking utilization study annually for a similar peak period when the membership increases by 75 members each year to reconfirm the observed maximum parking demand (0.1 space per member).

4055 NW 97TH AVENUE · SUITE 200 · MIAMI, FL 33178
TEL 800.887.5551 · 305.594.0735
FAX 305.594.0755
WWW.CORRADINO.COM

Kimley»Horn

March 28, 2024

Eric Czerniejewski, P.E., ENV SP
The Corradino Group, Inc.
4055 NW 97th Avenue, Suite 200
Miami, FL 33178

RE: ***260-270 South County Road / Carriage House – Response to Comments***
Kimley-Horn #140379000

Mr. Czerniejewski:

Kimley-Horn and Associates, Inc. received the comments from March 12, 2024, regarding our Traffic Impact Analysis for the above-referenced project. The analysis has been revised to address these comments. Below are our responses to the traffic study-related comments that were issued.

1. Please provide a copy of the Palm Beach County Traffic Division Traffic Performance Standard approval letter dated 02/13/24 for this redevelopment as an attachment to the updated Traffic Impact Analysis and Parking Evaluation.

Response: The TPS approval letter is attached to the updated report.

2. Please include a copy of the Architectural Site/Floor Plan prepared by Spina O'Rourke and Partners, Inc. for this development as an attachment to the updated Traffic Impact Analysis and Parking Evaluation.

Response: The architectural drawings included in the original approval are attached to the updated report.

3. The trip generation uses the number of seats for the private club for the calculation of the site generated trips to the Carriage House. The number of seats is not changing but the overall membership is increasing. Please provide details of the restricted number of members in the private club at any given period. Please provide the specific details of the maximum occupancy per prior approvals and what will govern this approval. The Traffic Impact Analysis and Parking Evaluation mentions that "although access will be provided to more people, the number of people utilizing the club at any time will not exceed the previous approval".

Response: The Declaration of Use is attached the updated study. Item #20 on Page 6 of the Declaration restricts the number of seats at 153.

4. The Traffic Impact Analysis and Parking Evaluation and LOI mentions a lease agreement is in place between The Carriage House and the owner of the surface parking lot at 230 Royal Palm Way to provide 68 off street parking spaces. Please provide a copy of this lease agreement.

Response: The lease agreement and subsequent amendment are attached to the updated report.

5. Please add narrative to the Traffic Impact Analysis and Parking Evaluation that provides details regarding any observed vehicle queuing and stacking concerns at the eastbound left turn lane on Royal Palm Way at the ingress driveway to the J.P. Morgan lot just west of S. County Road. The subject eastbound left turn lane also serves as the existing eastbound left turn lane on Royal Palm Way at S. County Road. Please provide additional information related to the westbound left turn into the 230 Royal Palm Parking lot.

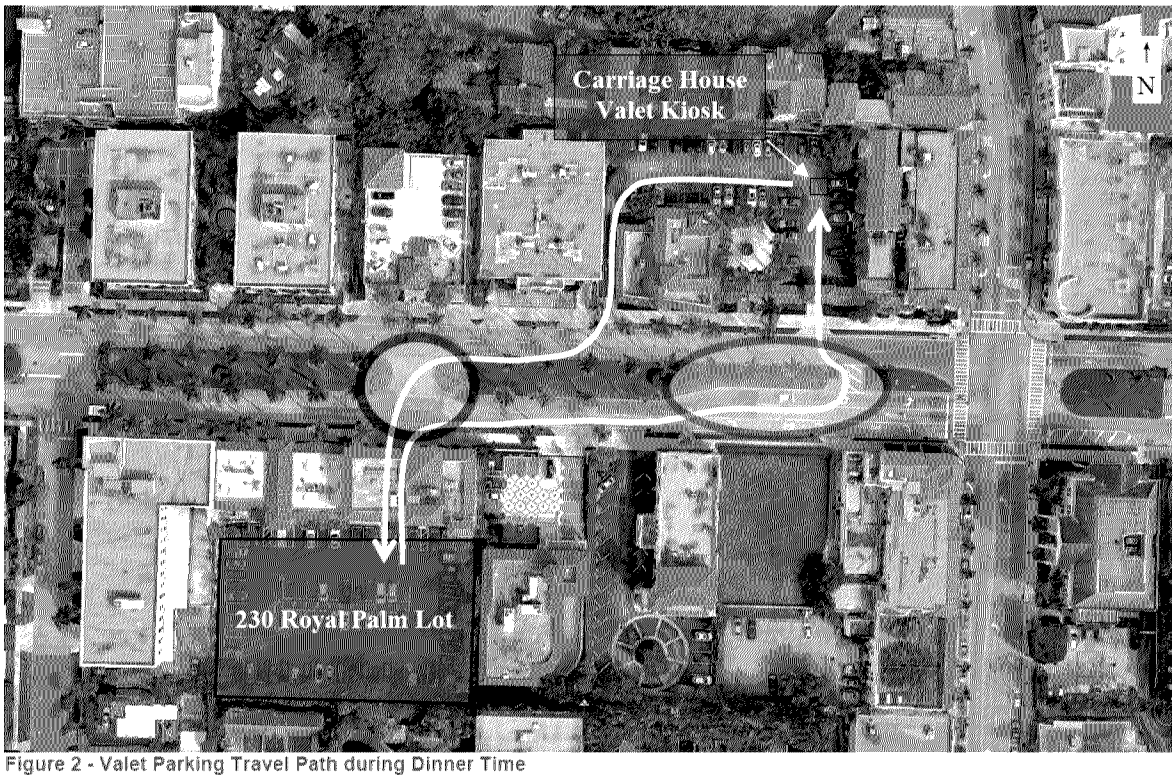


Figure 2 - Valet Parking Travel Path during Dinner Time

Response: A narrative has been added to the report to describe the operational conditions at the subject turn lane and median opening during the evening hours.

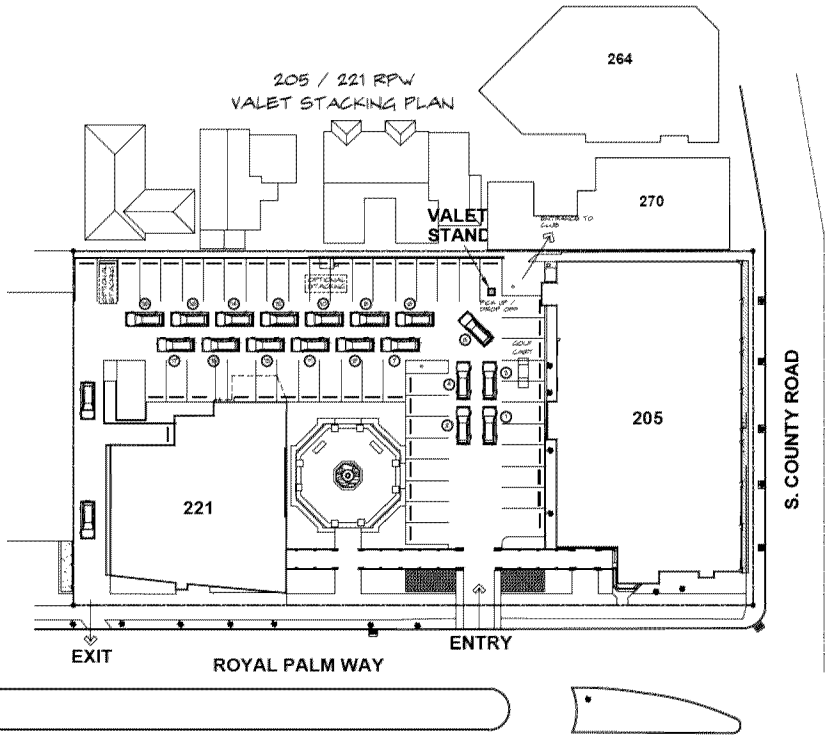
6. Please provide a more detailed valet operational analysis that describes the current valet operations being implemented at The Carriage House. This should include back-

up information related to the calculation of the processing rate per vehicle for drop off and pickup. This should include defining all the elements and time taken for each of the drop-off operation and pick-up operation. This should include the following:

- **Exchange between valet attendant and driver/intersection delay**
- **Valet attendant drives vehicle from valet drop-off/pick-up area to valet parking space**
- **Valet attendant parks vehicle**
- **Valet attendant retrieves vehicle**
- **Valet attendant drives vehicle from parking space to valet drop-off/pickup area**
- **Exchange between valet attendant and driver/intersection delay**

APPROVED VALET PLAN INCLUDED FOR REFERENCE (Z-18-00149)

THERE ARE NO CHANGES PROPOSED FROM APPROVED CONDITIONS AS PART OF THIS APPLICATION.



Response: A narrative has been added to the updated study to describe the valet circulation as it currently operates as well as the time it takes for the movements to occur. No changes to the circulating plan are proposed or anticipated as part of the membership increase.

7. The Traffic Impact Analysis and Parking Evaluation included parking utilization data collection for the existing Carriage House club membership collected on Thursday

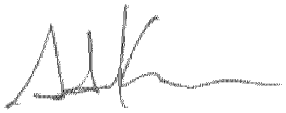
01/25/24 through 01/27/24 from 6:00 to 10:00 p.m. A condition of approval should include an updated parking utilization study annually for a similar peak period when the membership increases by 75 members each year to reconfirm the observed maximum parking demand (0.1 space per member).

Response: Noted.

We trust that these responses to the analysis address the comments provided. If there are any additional comments or questions, please contact me via e-mail at adam.kerr@kimley-horn.com or via telephone at (561) 840-0874.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Adam B. Kerr, P.E.

Transportation Engineer

k:\wpb_tpto\1403\140379000 \2024-03-28 response to comments.docx

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-054 (COA-24-013) 1 S COUNTY RD The Breakers (COMBO) – SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW. The applicant, Breakers Palm Beach Inc., has filed an application requesting Town Council review and approval for a (1) Special Exception with Site Plan Review for a new bar within the proposed conservatory addition at the west end of the Breakers courtyard and adjacent to the hotel's lobby and occupying the location of the existing lobby's exterior terrace, and (2) Special Exception for outdoor café seating in the Breakers courtyard. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked structure and grounds.

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 Landmarks Preservation Commission

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

SUBJECT: ZON-24-054 COA-24-013 1 S COUNTY RD—THE BREAKERS

MEETING: APRIL 10, 2024 TC
APRIL 17, 2024 LPC

ZON-24-054 (COA-24-013) 1 S COUNTY RD The Breakers (COMBO) – SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW. The applicant, Breakers Palm Beach Inc., has filed an application requesting Town Council review and approval for a (1) Special Exception with Site Plan Review for a new bar within the proposed conservatory addition at the west end of the Breakers courtyard and adjacent to the hotel's lobby and occupying the location of the existing lobby's exterior terrace, and (2) Special Exception for outdoor café seating in the Breakers courtyard. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds.

COA-24-013 (ZON-24-054) 1 S COUNTY RD The Breakers (COMBO). The applicant, Breakers Palm Beach Inc., has filed an application requesting a Certificate of Appropriateness review and approval for rehabilitation of the internal courtyard, a conservatory addition at the west end of the Breakers courtyard and adjacent to the hotel's lobby and occupying the location of the existing lobby's exterior terrace, two (2) covered pavilions, two (2) support structures, a service elevator, and partial window and door replacement, requiring Special Exception with Site Plan Review, as part of a Historic Preservation Ad Valorem Tax Exemption for the Landmarked property The Breakers. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Breakers Palm Beach Inc
Professional: HART HOWERTON
Representative: Jamie Crowley

THE PROJECT:
The applicant has submitted plans, entitled "The Breakers - Mediterranean Courtyard Historic Restoration & Revitalization Project Final Plans", as prepared by **HART HOWERTON**, dated on the cover sheet, MARCH 11th, 2024.

The applicants are proposing the following scope of work at the property:

- The construction of a new 1,763 SF glass addition.
- Renovation of open-air courtyard and new addition of covered structures.

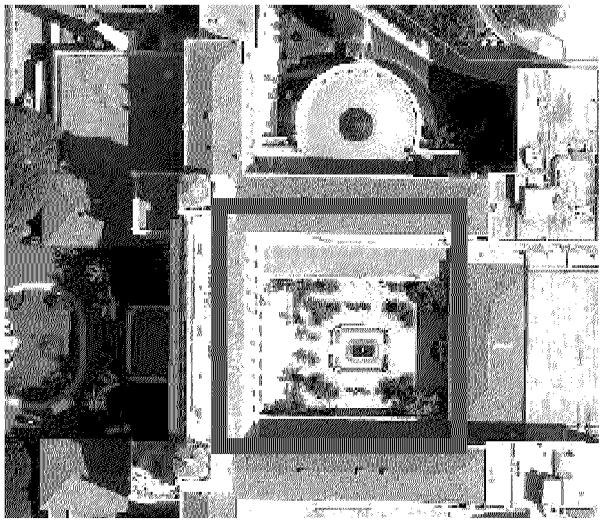
The following Special Exceptions with Site Plan Review is required for completion of the project as presented:

- **SPECIAL EXCEPTION #1** Sec. 134-226 through 229, Special Exception Sec. 134-326 through 330, Site Plan Review Special Exception with Site Plan Review approval to construct a new bar.
- **SPECIAL EXCEPTION #2** Outdoor café seating.

Site Data			
Zoning District	PUD-A	**Future Land Use:**	APPROVED PUD
Designated:	11/09/83 ***1973 National Register***	**Year of Construction:** **Architect:**	1926* Schultze and Weaver
Proposed Indoor seats	24	**Proposed Outdoor Seats**	104
Surrounding Properties			
North	Breakers Hotel Residences		
South	Breakers Hotel		
East	Atlantic Ocean		
West	Breakers Hotel Golf Course		

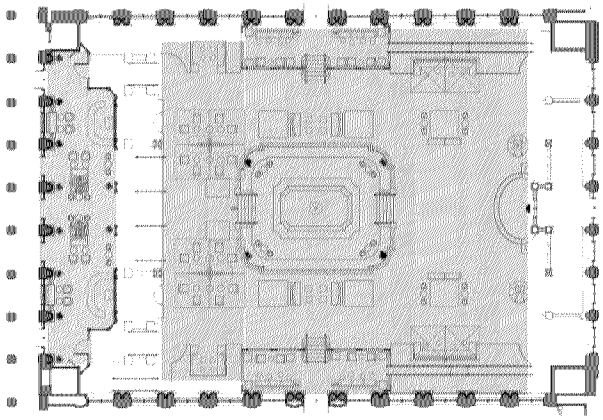
STAFF ANALYSIS

The Breakers is a 534 room landmarked hotel situated on 140 acres on the Atlantic Ocean. The resort contains many leisure amenities including an 18-hole golf course, tennis facilities, and eight food and beverage operations within its expansive recreational campus. The proposal is for the construction of a 1,763 SF conservatory addition at the west end of the Breakers interior courtyard and adjacent to the hotel's main lobby and occupying the location of the existing lobby's exterior terrace to accommodate the installation of a small indoor service bar counter (Special Exception #1) and seating area. Additionally, the application seeks to improve the existing open-air courtyard and provide outdoor seating areas (Special Exception #2).



Interior open-air courtyard area under scope of work

As previously mentioned, the hotel features a new seating area with bar service. The 'bar' per se, is not a sit down counter, but rather a service bar station for preparing drinks for those seated within the conservatory and the outdoor courtyard. No seats are proposed at the bar, and only hotel staff will obtain drinks at the service station bar in order to fulfill drink orders. The service bar area will improve the hospitality experience of the hotel guests as they await their room preparedness during the check-in process, or wait for other guests or visitors to arrive. The applicant shall provide eight (8) parking spaces to satisfy these new seats' parking requirement.



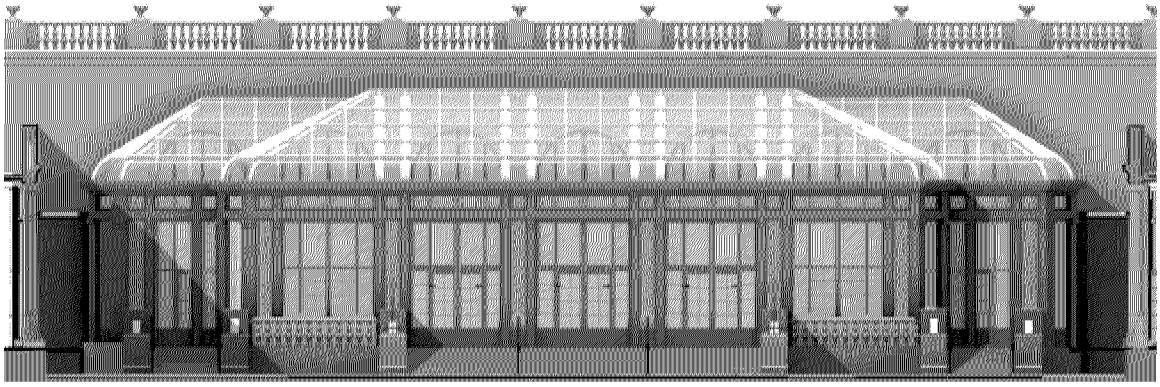
OUTDOOR CAFÉ SEATING:

The applicant is seeking a Special Exception to allow outdoor café seating (up to 104 seats) in the enclosed, open-air courtyard. The proposed outdoor seating use will have no impact on surrounding properties and the outdoor café seating area has been proffered by the applicant to be limited to hotel guests. These 104 outdoor seats are taken from the banquet facilities seating that are traditionally used in various seating arrangements within the hotel's various banquet and meeting hall rooms.

HISTORIC PRESERVATION:

The 1,763 SF conservatory addition at the west end of the Breakers courtyard and adjacent to the hotel's main lobby is proposed to expand the lobby area in order to provide seating opportunities off of the bustling central corridor spine of the Breakers which also serves as the lobby.The addition has been design fully glazed with three sets of sliding doors opening out on the terrace and unto the existing courtyard, proposed to be fully renovated. This new addition will contain a portion of the western raised terraced, configured to interior space and housing the two interior bar counters and seating areas. The new coated metal and glass conservatory will be distinguishable from the main building.

Existing east façade of courtyard



Proposed east façade of courtyard (with conservatory addition)

The fountain and eastern staircase are proposed to renovated, while the existing steps, landing & balustrades are identified to be removed and replaced, the existing balustrade and lanterns are also noted to be restored. Two new covered pergolas are also being introduced along both of the north and south secondary entrances to the courtyard. New mechanical areas, storage pavilions and an accessibility ramp are also proposed within the courtyard.

CONCLUSION:

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

(1) For the Special Exception for the restaurant use.
(2) For the Special Exception for the outdoor café seating.

The application is presented to the Landmarks Preservation Commission to consider whether all criteria have been met. Approval of the project will require (3) separate motions:

(1) for the overall design of the project in accordance with the Sec. 54-123 , subject to any imposed conditions, and
(2) for the partial demotion of the rear eastern wall of the lobby in accordance with Sec. 54-125, subject to any imposed conditions, and
(3) for the scope of improvements to be included in a Historic Preservation Tax Exemption in accordance with Sec. 54-198 and Sec. 54-199, subject to any imposed conditions.

WRB:JGM

RECEIVED
By yfigueroa at 1:42 pm, Feb 26, 2024

GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

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

February 26, 2024

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

Re: LOI for 1 S County Rd – Mediterranean Courtyard
Zoning Case #: ZON-24-054 / Certificate of Appropriateness #: COA-24-013

We are pleased to submit the accompanying documents and drawings in connection with our combination application for Certificate of Appropriateness, Development Review and Site Plan, and Special Exception Approval (the "Application") for the Mediterranean Courtyard within the Breakers Hotel property at 1 South County Road, Palm Beach, FL (the "Property").

Design Narrative

This application addresses the restoration and rehabilitation of the internal, landscaped courtyard of The Breakers Palm Beach located on County Road. Historically known as the "Mediterranean Court," the site is an open-air, fully-uncovered outdoor space bounded on all four sides by the exterior architectural facades of the buildings' surrounding wings. The proposal excludes changes to the historic interior spaces of the extant hotel spaces flanking the courtyard, save for necessary utility connections below grade and limited window restoration and replacement scopes (described below). Notably, the project area is in no way visible from the public way at County Road to the west, nor would it be visible from any vantage point surrounding the landmark structure from the resort grounds. Lastly, the proposed modifications do not affect the parameters within approved Breakers Planned Unit Development (PUD), and therefore, a PUD amendment is not required.

Project Objectives

The applicant seeks to undertake the work illustrated to achieve several critical goals, including:

1. To repair, restore, or replicate unsafe or failing materials and finishes and thereby meet overarching preservation objectives to protect the landmark property for future generations;

2. To address life safety building code deficiencies and other liabilities, including introducing - for the first time since its opening in 1926 - an accessible route so that all users can experience and enjoy the primary courtyard space;
3. To enhance the natural environment of the landscape elements through increased use of native plant material better suited to the local habitat, which will support more vigorous growth and a more robust tree canopy, thus creating a temperate and more comfortable public space supporting longer seasonal use; and
4. To better accommodate visitor activities already occurring within the court and within adjacent lobby spaces, through the use of small-scale incremental architectural interventions designed to enhance operational efficiencies in the delivery of these experiences.

Scope of Work

Notably, the proposal represents comparatively *de minimis* interventions discretely set within the context of the hotel's Italian Renaissance Revival architectural composition. For comparison, the hotel itself is a nine-story mixed use building, currently encompassing 661,592 SF of interior conditioned space, all formed in a double-H shaped footprint with vast wings spreading in all directions. Within this monumental framework several small (conditioned and unconditioned) additions are conceived - not as buildings *per se* but rather as garden-like structures with light imprints.

The scope of work includes a conservatory addition (1,763 SF) with glazed walls, large, glazed sliding doors and a glazed roof at the west end of the court and adjacent to the hotel's lobby and occupying the location of the existing lobby's exterior terrace. Conservatory glazing would meet or exceed all Florida standards for coastal applications. The resulting protective nature of the conservatory enclosure provides the rare opportunity to fully repair and restore the lobby's original arched wood windows and doors, to match the original architect's details and specifications - unencumbered by window rating requirements. Together, these two sets of openings - the lobby's original doors and sashes and the conservatory's outer sliding doors - will result in a direct visual and physical connection between inside and out - from garden to lobby - in a way consistent with Palm Beach's Mediterranean Revival style architecture and with the design intent of the building's original architects, Schultze & Weaver.

The Conservatory interior includes two (2) proposed bards for drink service and barista service along with seating and potted palms. The Courtyard area adjacent to the Conservatory includes additional seating amid planted areas.

Also included are two unconditioned, covered pavilions (625 SF each) composed of openwork trellises with glazed pergola roofs, one each centered - and held-off from - the colonnades lining the North and South Loggias. Replacement French doors and windows are proposed at the North and South Loggias. These doors and windows would meet or

exceed all Florida standards for coastal applications. The operation and layout of these doors and windows will match the historic 1926 design intent.

Lastly, two small support structures are planned at the northeast and southeast corners of the court (62 SF each) simply finished with lattice-covered stucco walls and hidden by native tropical plantings. These house a support and storage space (at the north), and a service elevator to the basement (at the south).

Preservation Objectives

The Application also proposes to repair, restore or replicate certain original architectural features to a state consistent with Schultze & Weaver's original vision to support the building's status as an iconic Palm Beach landmark. The monumental stair, balustrade, and fountain at the east end of the Court and the sunken area (including stairs, balustrades, and fountain) at the center of the Court are to be repaired and refurbished to address damaged and degraded materials and fountain-related systems with no change in the general configuration. The terrace and stairs at the west side of the Court will be reconfigured to match the original detailing while adding bronze handrails to meet code requirements. The stairs from the Court to the adjacent North and South Loggias will be similarly reconfigured. All proposed HVAC equipment in the conditioned elements described above will be tied into the Hotel's existing chilled water systems with no visible mechanical equipment to be installed within the Court.

Site History

The Breakers Hotel was designed by the noted luxury hotel architects Leanard B. Schultze and S. Fullerton Weaver of the New York City-based firm Schultze & Weaver. This iteration of The Breakers – the third hotel on the site after the two previous hotels burned down in 1903 and 1925 –was hailed as "…without doubt one of the most magnificent and successful examples of a palatial winter resort hotel". (The Architectural Forum, May 1927, page 456). Completion of The Breakers followed two other notable hotels in Florida by Schultze & Weaver: The Nautilus Hotel (Miami Beach, 1924), and The Miami Biltmore Hotel (Coral Gables, 1926) and preceded the firm's Sherry-Netherland Hotel (1927), Hotel Pierre (1929), and Waldorf-Astoria Hotel (1931) in New York City.

Based on a contemporary newspaper report, the new hotel opened "with a dinner followed by a dance in the Grande Loggia" on December 29, 1926, as a "nine-story structure surmounted with two large cupolas", it originally had "550 guest rooms, all with baths" along with "accommodations for 400 servants" with an exterior modeled after Villa Medici in Rome and a frescoed, barrel-vaulted main lobby furnished in the Genoese style. (New York Times, December 30, 1926).

Changes Over Time

In the decades since its opening, The Breakers has undergone multiple additions, renovations, and repairs to maintain its place "among the most luxurious hotels in America" (from "In Pursuit of Pleasure: Schultze & Weaver and The American Hotel" catalog text for 2005-2006 exhibit at The Wolfsonian – FIU, in Miami Beach). Major additions and renovations to the Hotel building have included The Circle dining room (1928), 150 additional guestrooms and restaurant spaces at the East Wings (1968), and the Ponce de Leon Ballroom (1999). The Breakers has also undertaken major building upgrades including the installation of air conditioning systems that allowed The Breakers to convert from seasonal to year-round use starting in 1971 and a series of window projects to replace deteriorated windows with hurricane code-compliant aluminum / insulated glass windows with related stucco façade repairs, including a recently-completed project to replace the large arched window units at the Mediterranean Ballroom that face the east side of the Court.

1. Criteria for Development Order Approval

A. Landmarks Preservation in accordance with Section 54-122 (New Construction).

(a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
  (1) The height, the gross volume, and the proportion between width and height of the façade;
  (2) The proportions and relationships between doors and windows;
  (3) The rhythm of solids to voids created by openings in the façade;
  (4) The material used in the façade;
  (5) The texture inherent in the façade;
  (6) The colors, pattern and trim used in the façade; and
  (7) The design of the roof.

(b) Existing rhythm created by existing building masses and space between them should be preserved.

(c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

(d) A new street façade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new façade.

(e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

B. Landmarks Preservation in accordance with Section 54-123 (Exterior Alterations).

(a) The criteria set forth in section 54-122, if applicable, shall be considered in passing upon an application for exterior alterations; provided that the commission may consider the original design of the building and the buildings visually related to it and disregard alterations subsequently made thereto.
(b) Exterior alterations shall not affect the architectural quality or historical character of the building.

The Project will be visually compatible with existing buildings and the environment of The Breakers as set forth below. The proposed modifications only physically alter the existing hotel building in small area within the Mediterranean Courtyard, which is an atrium space within the hotel that is not within the Town designated landmarked vista from the west elevation of the original hotel building to South County Road. Furthermore, the modifications proposed are consistent with the gross volume, width & height of the façades of the hotel building. Also, as part of the project, very much needed repairs of the hardscape within the Mediterranean Courtyard will be done, and when necessary, replacements of material in kind will be done when repair is simply not feasible. The project includes additional and refreshed landscaping, much of which is native vegetation, and is appropriately scaled for the Property and the hotel building, and will not affect the architectural quality or historic character of the historic hotel.

C. Site Plan Review Approval in accordance with Section 134-329. Site Plan Review is required for new building(s) or for changes in permitted use in Section 134-1107, which involve more than 2,000 square feet of building floor area in the C-TS zoning district, per Section 134-1112 of the Town of Palm Beach Code of Ordinances.

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

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

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

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

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

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

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

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

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

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

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

The Breakers has had permanent maintenance control over the entire property for a century, and will continue to maintain the Property to the standard that has made it a

world class resort hotel and iconic landmark, and no portion of the Property will become a future liability for the Town of Palm Beach. The scope of the Project is limited to the Mediterranean Courtyard area, and no other changes to the existing hotel building or other structures are proposed . There is no change in the intensity of use at the Property. The Project will therefore be in harmony and compatible with the existing uses at the Property and with adjacent uses. Existing ingress and egress, parking, stormwater, and utilities will remain unchanged. Given the vast size of the Property and the very specific scope and location of the Project, it is not anticipated that the Project will affect anyone outside of the Property.

D. Special Exception in accordance with Section 134-229:

I. Criteria:

(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.

II. Special Exception Requested:

Request for Special Exception for outdoor café seating in the C-TS zoning district, per Section 134-1109(a)(14) of the Town of Palm Beach Code of Ordinances.

III. Justification for Special Exception Requested:

The Special Exception for outdoor café seating being requested is permitted within the PUD zoning district, and the location of the use within the existing building will ensure that they are appropriately located as to protect surrounding properties from any adverse impacts. The proposed outdoor seating use will have absolutely no impact on surrounding properties because its location and being complete surrounded by the hotel building. The proposed outdoor café seating is limited to hotel guests.

Attached is the site history for the Breakers Hotel property. We thank you for your consideration of our Submittal Package.

Sincerely,

James M. Crowley

JMC/jl

BREAKERS SITE HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-055 (COA-24-012) 335 EL VEDADO RD (COMBO) - VARIANCES The applicant, Diana Wister, has filed an application requesting Town Council review and approval for a one-story addition requiring one (1) variance to reduce the required rear yard setback. The Landmarks Preservation Commission shall perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact on the subject landmark property. Motion Carried, 7-0.] [The Landmarks Preservation Commission approved the project. Motion Carried 7-0.]*

Presenter

ATTACHMENTS:

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

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

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

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

SUBJECT: ZON-24-055 (COA-24-012) 335 EL VEDADO RD

MEETING: APRIL 10, 2024 TC

ZON-24-055 (COA-24-012) 335 EL VEDADO RD (COMBO)--VARIANCES. The applicant, Diana Wister, has filed an application requesting Town Council review and approval for a one-story addition requiring one (1) variance to reduce the required rear yard setback. The Landmarks Preservation Commission shall perform design review of the application.

Applicant/Professional: Roy & Posey

HISTORY:
The residence was designed by Clarence Mack in 1940. The designation report written in 2000 identifies the Statement of Significance as *"a good example of the Neoclassical Revival style of architecture as interpreted by Claren Mack in 1940. It incorporates Georgian, Adam and Italiante details in a design that was carefully adapted to its lake side lot."*

Over the years the residence has undergone changes but still maintains its architectural integrity. In 1952, a Slat house was built, and a pool cabana in 1959 with Clarence Mack as architect. In recent years the home has completed interior renovations, window and door replacements as well as the addition of a swimming pool.

At the MARCH 20, 2024 LPC meeting, the Commission approved (7-0) the design of the project. Additionally, the Commission approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

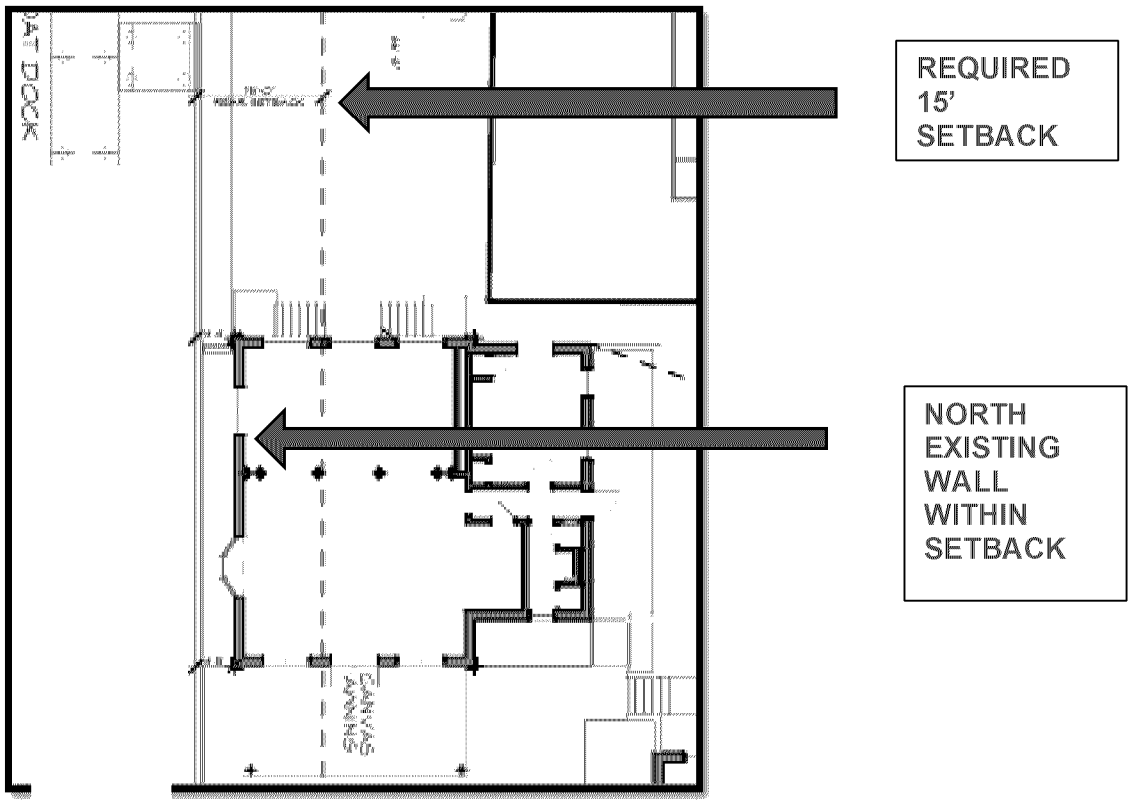
THE PROJECT:
The applicant has submitted plans, entitled "335 El Vedado", as prepared by **Roy & Posey,** dated and stamped by the Town on February 12, 2024.

The following is the scope of work for the Project:
- Addition to existing pool house.
- New roof for new addition and portion of existing.

The following variance(s) are required to achieve the scope of work.
- **VARIANCE #1: Section 134-843(a)(9) Rear yard. The minimum rear yard setback is 15 feet.**

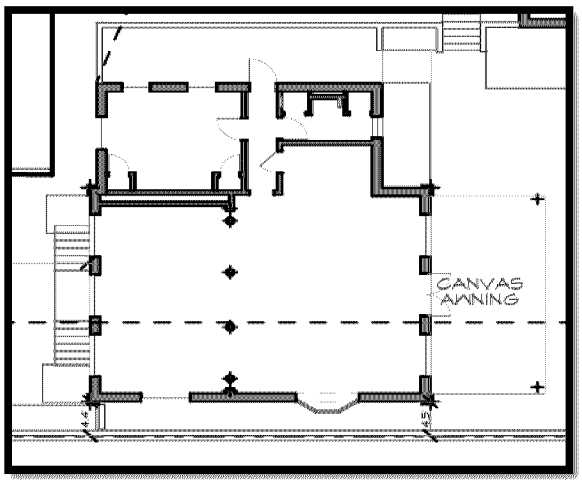
STAFF ANALYSIS
The variance request is from section 134-419 which states that "the loss of more than 50 percent of an exterior wall square footage" will require the structure to comply with the current code.

Although the proposed addition does not trigger any zoning relief independently, the existing north side of the cabana does not meet the required setbacks for the rear yard of 15'. Due to the loss of more than 50% of the existing structure, the applicant must request a variance to maintain the existing nonconformity.

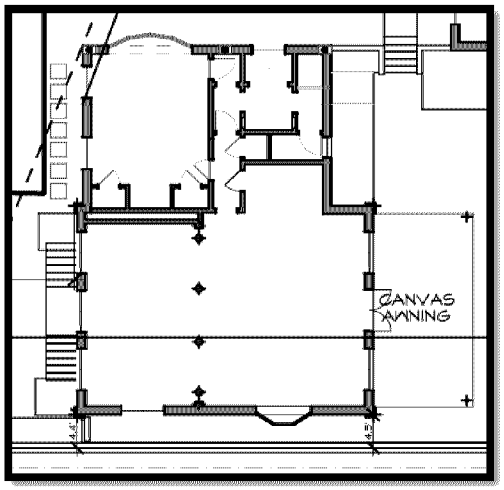


The application is seeking a Certificate of Appropriateness for the expansion of an existing pool cabana built in 1959. The variance request serves only to maintain the existing north elevation which staff has no objection to. The proposed addition is in keeping with the architectural style of the existing pool cabana and main residence.

EXISTING



PROPOSED



Site Data			
Zoning District	R-A	**Future Land Use**	SINGLE FAMILY
Designation	04/11/2000	**Architect/Builder:**	Clarence Mack
Lot Area	32,000 SF	**Year of Construction**	1940
Surrounding Properties / Zoning			
North	Lake Worth Lagoon		
South	334 El Vedado Rd / R-A		
West	336 El Vedado Rd / R-A		
East	319 El Vedado Rd / R-A		

CONCLUSION:

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

(1) for final determination of approval or denial of the variance 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 Sec. 134-201(a), items 1 through 7 have been met, subject to any proposed conditions.

WRB:SCP

RECEIVED
By yfigueroa at 1:59 pm, Feb 12, 2024

ROY & POSEY
ARCHITECTURE
LANDSCAPE
INTERIORS

Date: February 12, 2024

Town Of Palm Beach
360 S County Rd,
Palm Beach, FL 33480

Re: 335 El Vedado Palm Beach, Florida 33480
Landmarks Preservation Commission Case Number: COA-24-012

LETTER OF INTENT

This firm represents Diana Wister (the "Applicant"), the owner of the above-referenced parcels, with Palm Beach County Folio No. 50-43-43-27-08-000-0500 (hereinafter referred to as "Property"). Please consider this letter the 'letter of intent' in connection with the Landmarks Preservation Commission ("LPC") for design review for modifications to an existing Pool House with includes a 170 s.f. addition to the South Side of the existing structure.

The properties:
The Property is located at 335 El Vedado in the Estate Residential District (RA). Currently, the property consists of one existing lot with one existing two story single family residence and one single story accessory structure (Pool House). The lot is 32,000 square feet.
1. The pool house was designed by Architect Clarence Mack and constructed in 1959.
2. The main house was designed by Architect Clarence Mack and constructed in 1938.

Applicant's Proposal:
The applicant is proposing to demo an existing terrace with awning and construct a new 170 s.f. one story addition in the same footprint. The existing flat roofs shall be modified to create a slopped roof to match the existing roof. The proposed modifications comply with the Town of Palm Beach (the "Code") zoning requirements. No landscape or hardscape modifications are being proposed as part of this application.

2417 South Dixie Hwy West Palm beach, Florida 33401 (P) 561-659-5683 (F) 5651-282-0838

Section 54-122. - New construction.

(A) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:

(1) The height, the gross volume, and the proportion between width and height of the facade;
(2) The proportions and relationships between doors and windows;
(3) The rhythm of solids to voids created by openings in the facade;
(4) The materials used in the facade;
(5) The texture inherent in the facade;
(6) The colors, pattern and trim used in the facade; and
(7) The design of the roof.

Response: The proposed addition is an extension of an existing structure and will utilize the same materials, proportions, scale, rhythm as the existing one story structure

(B) Existing rhythm created by existing building masses and space between them should be preserved.

Response: The proposed addition shall preserve the existing rhythm of the existing structures. The proposed 170 s.f. addition is an extension of the existing structure

(C) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

Response: The proposed addition shall be constructed over what is currently an elevated terrace. No Landscape modifications are proposed.

(D) A new street facade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

Response: The proposed street facade is an extension of the existing one story structure and is a smaller structure than the existing main house.

(E) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

Response: The proposed exterior details will incorporate the same details as the existing one story structure.

Section 18-306. - Alterations to historically significant buildings.

Any historically significant building, excepting those that are landmarked or located within a historic district in accordance with chapter 54, Historical Preservation, that undergoes an alteration, as defined above in section 18-302, shall be reviewed by a town expert in historic preservation, to be qualified as a historically significant building, based upon the criteria contained in this section. If qualified as such, the application will be processed and permitted in accordance with chapter 54, article III, Certificate of Appropriateness.

Alterations to historically significant buildings are subject to the regulations found in chapter 50, Floods, and specifically, section 50-114. If a historically significant building is completely demolished, the regulations in chapter 50, section 50-114, will no longer be applicable.

Response: Noted. The proposed modifications are complementary existing pool house and to the street and neighboring properties. The plan for the proposed building 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.

Section 54-125. - Demolition.

The scope of the demolition is limited to the 170 s.f. existing terrace for print and the roof extension of the existing tiled roof

On behalf of the applicant, we look forward to your favorable review.

Sincerely,

Stephen Roy, Architect
Roy & Posey Architects

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Time Extensions, Waivers & Stop Work Orders

Agenda Title

Wavier of Town Code Section 18-237, For Building Permit Extension for **206 Phipps Plaza**

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 206 Phipps Plaza – SECOND REQUEST

Date: March 22, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from attorney Maura Ziska, representing the property owner and Gulfstream Builders LLC, regarding a time extension in which to complete the renovations of single-family residence located at 206 Phipps Plaza and to extend the permit by about eight months – until November 15, 2024.

GENERAL INFORMATION

The property is owned by 206 Phipps Plaza, LLC. Work on the project began in July of 2021. The residential alteration permit was originally valid for 36 months and was extended one time by the Town Council in September of 2023. Mrs. Ziska states the current extension request is necessitated by delays with the undergrounding of power lines, equipment delivery times, and fire code discussions regarding the installation of an automatic sprinkler system for the building.

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

Attachments: Letter from Maura Ziska w/ Proposed Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property
Staff Memo from the September 13. 2023 TC Meeting

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

March 14, 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 timeframe /206 Phipps Plaza, 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 206 Phipps Plaza, 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 Gulfstream Builders LLC for completion of the project. The reason for the delay and request for an extension is due to relocation of the high power lines facilitated by FPL and Public Works, causing the prevention of the use of any construction equipment on the roof for a six month time period; several material and equipment delivery delays due to a shortage of resources at the distribution level; and a three month consultation time frame with a fire consultant to eliminate the need for fire sprinklers. The new completion date would be the middle of November 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 April 10, 2024 Town Council agenda.

Respectfully,

Maura Ziska

Maura Ziska

MAZ/jc
Enclosures
cc: Client

TOWN OF PALM BEACH

Planning, Zoning and Building

RECEIVED
MAR 14 2024
TOWN OF PALM BEACH
PZB DEPARTMENT

BUILDING PERMIT TIME EXTENSION REQUEST

B-24-02825

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). $4850.00 Pd

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

- Town Council Development Review Date (Wednesday): 4/10/24
- Deadline for submittal of request/backup must be received by: 3/27/24
  (Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to Neighbors: 3/15/24
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-91493 Exp. Date: 5/10/24

Job Address: 206 Phipps Plaza

Length of time extension being requested: (in days) 6 months (180 days)

Proposed completion date if requested time extension is granted: 11/7/24
(Must attach completion schedule)

Contact: Michael Sandholzer Phone: 561-231-1810

Email: msandtheman@gmail.com

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Job Address: 206 Phipps Plaza

Permit# : B-21-91493 Job Value $ 1,200,000.00

Permit# : revision Job Value $ 56,000.00

Permit# : _____ Job Value $ _____

Permit# : _____ Job Value $ _____

Valuation of work remaining to complete the project: $ 485,000.00
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 4850.00
(attach a copy of the receipt for payment)

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

OWNER SIGNATURE DATE 3/11/24

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

CONTRACTOR SIGNATURE 3/11/24 DATE

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this Eleven day of March

20 24. By Thomas Morrison

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

Lorena Argemil-Blanc
Printed Name of Notary

Signature of Notary

SEAL:

LORENA ARGEMIL-BLANC
Notary Public - State of Florida
Commission # HH 271583
My Comm. Expires Sep 20, 2026
Bonded through National Notary Assn.

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this Eleven day of March

20 24. By Michael Sandhaar.

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

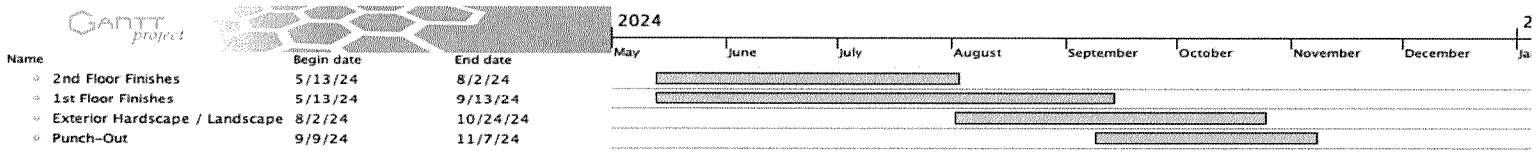
Lorena Argemil-Blanc
Printed Name of Notary

Signature of Notary

SEAL:

LORENA ARGEMIL-BLANC
Notary Public - State of Florida
Commission # HH 271583
My Comm. Expires Sep 20, 2026
Bonded through National Notary Assn.

206 Phipps Plaza Schedule To Complete



Name	Begin date	End date
2nd Floor Finishes	5/13/24	8/2/24
1st Floor Finishes	5/13/24	9/13/24
Exterior Hardscape / Landscape	8/2/24	10/24/24
Punch-Out	9/9/24	11/7/24

206 Phipps Plaza Budget To Complete

- 2nd Floor Finishes **$125,000.00**
- 1st Floor Finishes **$180,000.00**
- Exterior Hardscape / Landscape **$130,000.00**
- Punch-Out **$50,000.00**
- **Total- $485.000**

Permit Browse
Town of Palm Beach

Permit number	Permit t	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
U-24-15548	u-p01		U-DEWATERING	03/01: RENEW DEWATER PERMIT U-24-15311 CONTINUE TO DEWATER POOL - ONE 2 " HOSE DEWATERING INTO EXISTING CATCH BASIN WEST OF 206 PHIPPS PLAZA		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	2/22/2024	2/27/2024	4/27/2024	issued
U-24-15311	u-p01		U-DEWATERING	TUES 1/30/2024 DEWATER FOR POOL- ONE 2" HOSE DEWATER INTO EXISTING CATCH BASIN WEST OF 206 PHIPPS PLAZA		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	1/25/2024	1/29/2024	3/29/2024	issued
B-24-02228	b-r04	437776	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	*****PRIVATE PROVIDER***** PERMIT UPDATE CHANGE IN PLANS AND VALUE REVISED INTERIOR FLOOR PLANS AND MEPS.		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	1/17/2024		7/15/2024	pending
U-24-15235	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: Michael Sandholzer - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	1/17/2024	1/17/2024	1/17/2024	issued
U-24-15236	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: Michael Sandholzer - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	1/17/2024	1/17/2024	1/17/2024	issued
L-23-00893	l-l01	437776	L-LPC STAFF APPROVAL	LANDMARKS- OMIT NON-IMPACT RATED METAL GAZEBO, OPERABLE SHUTTERS AT WEST PORCH IN LIEU OF FIXED MINOR MODIFICATIONS TO LANDSCAPE.		206 PHIPPS PLZ	605989		SPINA O'ROURKE & PARTNERS	12/8/2023	2/26/2024	12/2/2024	final
U-23-14776	u-p02		U-USE OF/WORK IN ROW	FRI 11/17- IN COORDINATION WITH WM D ADEIMY U-23-14760) ASPHALT REPAIR DUE TO NEW CURB & GUTTER- SMC IS FIXING ANY ASPHALT DAMAGED AS TO NOT LEAVE IT AS A PEDESTRAIN/ VEHICULAR HAZARD.		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	11/13/2023	11/17/2023	3/3/2024	issued
U-23-14760	u-p03		U-EXCAVATION IN ROW	EXCAVATE IN ROW NEW CURB & GUTTER		206 PHIPPS PLZ	505500		WM D ADEIMY JR INC	11/9/2023	11/16/2023	5/28/2024	issued
U-23-14571	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: Michael Sandholzer - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	10/24/2023	10/27/2023	10/27/2023	final
U-23-14034	u-p03		U-EXCAVATION IN ROW	EXCAVATE IN ROW. NEW SIDEWALK AND CURB		206 PHIPPS PLZ	505500		WM D ADEIMY JR INC	9/5/2023	9/12/2023	5/28/2024	issued
B-23-00925	b-r03	437776	FEE CHARGE	REFUND DIDN'T NEED TIME EXTENSION		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	9/1/2023	9/1/2023	9/1/2023	final
U-23-13889	u-p03		U-EXCAVATION IN ROW	MON 08/28/2023- FRIDAY 09/01/2023. HAUL IN MISC AGG & HAUL OUT STUMPS FROM PARKING STALL ON SEAVIEW- NO TRAFFIC LANE AFFECTED- EXCAVATE SIDEWALK DUE TO WRONGSIZE FPL HAND HOLE- TEMP PATCH SIDEWALK.		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	8/22/2023	8/28/2023	2/24/2024	issued
U-23-13890	u-p02		U-USE OF/WORK IN ROW	MON 08/28/2023- FRIDAY 09/01/2023. HAUL IN MISC AGG & HAUL OUT STUMPS FROM PARKING STALL ON SEAVIEW- NO TRAFFIC LANE AFFECTED- EXCAVATE SIDEWALK DUE TO WRONGSIZE FPL HAND HOLE- TEMP PATCH SIDEWALK.		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	8/22/2023	9/5/2023	12/4/2023	issued
B-23-00483	b-r01	437776	R-REVISION	*****PRIVATE PROVIDER***** BUILDING: REVISED FLOOR PLAN		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	8/1/2023		8/1/2023	pending
U-23-13602	u-p03		U-EXCAVATION IN ROW	EXCAVATE- IN ROW ON SEAVIEW AVE TO TAP WATER MAIN WITH THE CITY OF WPB THURSDAY 08/03/023 THROUGH MONDAY 8/07/203 WEEKDAYS ONLY, NO ROAD LANE CLOSURE- ALL WORK TO BE DONE IN PARKING LANE.		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	7/31/2023	8/10/2023	2/17/2024	issued
U-23-13541	u-p03		U-EXCAVATION IN ROW	FRI 7/28/23 EXCAVATE IN ROW TO GET OUTSIDE DIAMETER OF WATER MAIN, PER PRE-CON MEETING WITH CITY OF WEST PALM. NO LANE CLOSURES - WE WILL BE EXCAVATING IN THE WB SOUTH SIDE PARKING LANE, ONE DAY ONLY		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	7/25/2023	7/27/2023	1/23/2024	issued
U-23-13433	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: Michael Sandholzer - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	7/14/2023	7/20/2023	7/20/2023	final
U-23-13316	u-p01		U-DEWATERING	MON 7/3 DEWATER FOR POOL - ONE 2" HOSE DEWATER INTO EXISTING CATCH BASIN WEST OF 206 PHIPPS PLAZA		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	6/29/2023	7/6/2023	9/4/2023	issued
B-23-98609	b-s01		S-POOL/WATER FEATURE	NEW TILE/COPING OF IN GROUND SWIMMING POOL. REMOVE AND REPLACE POOL EQUIPMNET. REMOVE AND RPELACE EXISTING POOL PLUMBING		206 PHIPPS PLZ	605454		POOL TEK OF THE PALM BEACHES LLC	4/4/2023	5/19/2023	12/16/2023	issued
U-23-12602	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: Michael Sandholzer - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	3/27/2023	3/30/2023	3/30/2023	final
U-23-12603	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: Michael Sandholzer - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	3/27/2023	3/30/2023	3/30/2023	final
U-23-12507	u-p01		U-DEWATERING	DEWATERING PERMIT FOR DRAINAGE		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	3/9/2023	3/10/2023	5/9/2023	final
U-23-12444	u-p02	437776	U-USE OF/WORK IN ROW	REMOVAL OF SCAFFOLDING		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	2/23/2023	3/13/2023	6/11/2023	issued
U-22-12137	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: Michael Sandholzer - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	12/19/2022	1/3/2023	1/3/2023	final
U-22-12138	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: Michael Sandholzer - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	12/19/2022	1/3/2023	1/3/2023	final
U-22-11425	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING: 10/24 THRU 12/23 PARKING ATTENDANT: MICHAEL SANDHOLZER - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	10/4/2022	10/18/2022	10/18/2022	final
U-22-11426	u-p05	437776	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING: 10/24 THRU 12/23 PARKING ATTENDANT: MICHAEL SANDHOLZER - (561) 231-1810		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	10/4/2022	10/18/2022	10/18/2022	final
U-22-11422	u-p02	437776	U-USE OF/WORK IN ROW	[10/3 THRU 11/21] *****PRIVATE PROVIDER***** USE OF - SCAFFOLDING		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	10/3/2022	10/21/2022	1/19/2023	issued
U-22-10710	u-p03		U-EXCAVATION IN ROW	8/2-8/4: REMOVE & REPLACE ONE 4" CAST IRON LATERAL WITH 6" LATERAL AT SAME LINE, GRADE & ELECATION AS EXISTING ON SEAVIEW AVENUE IN COORDINATION W/ 209 PHIPPS PLAZA U-22-10416 & U-22-10417.		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	8/1/2022	8/12/2022	4/11/2023	issued
U-22-10711	u-p07		U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	8/2-8/4: REMOVE & REPLACE ONE 4" CAST IRON LATERAL WITH 6" LATERAL AT SAME LINE, GRADE & ELECATION AS EXISTING ON SEAVIEW AVENUE IN COORDINATION W/ 209 PHIPPS PLAZA U-22-10416 & U-22-10417.		206 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	8/1/2022	8/12/2022	1/11/2023	issued
U-22-10649	u-p02	437776	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF ROW FOR CRANE FOR 1 DAY		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	7/26/2022	8/19/2022	11/17/2022	issued
U-22-10348	u-p02	437776	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF - SCAFFOLDING		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	6/27/2022	7/6/2022	10/4/2022	final
B-22-95243	b-b06		B-COMMERCIAL ALTERATION	*****PRIVATE PROVIDER***** SCAFFOLDING		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	6/23/2022	6/24/2022	12/21/2022	issued
U-22-10107	u-p02	437776	U-USE OF/WORK IN ROW	MOVE MATERIAL FROM GROUND TO 2ND STORY W/ FORK LIFE MOVING FROM ONE GATE TO THE OTHER (2 MEN TO FLAG).		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	5/27/2022		8/25/2022	canceled
U-22-09639	u-p02		U-USE OF/WORK IN ROW	USE OF- BUCKET TRUCK PARKING/OVERHEAD WORK ACROSS ROAD		206 PHIPPS PLZ	604465		FLORIDA POWER & LIGHT	4/1/2022		6/30/2022	canceled

Count: 53

Filter is [empty]

TC Development Review Meeting Backup 4-10-2024

Permit number	Permit t	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
L-21-00521	l-l01		L-LPC STAFF APPROVAL	STAFF APPROVAL - NORTH ELEVATION - GROUND FLOOR - ADDED (3) WALL SCONCES OUTSIDE DOORS. ELECTRICAL PANELS RELOCATED. EXISTING FRENCH FOOR TO REMAI N. DOOR 012 TO BE SOLID. SECOND FLOOR - BI-FOLD IN LIEU OF SLIDING WINDOW. W EST ELEVATION - SLIDING DOOR TO BE (6) PANELS IN LIEU OF (4). SECOND FLOOR COL		206 PHIPPS PLZ	605989		SPINA O'ROURKE & PARTNERS	11/23/2021	12/7/2021	11/18/2022	final
U-21-08788	u-p01	437776	U-DEWATERING	*****PRIVATE PROVIDER***** DEWATERING		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	11/4/2021	11/17/2021	1/16/2022	final
B-21-91673	b-e01		E-ELECTRICAL	***** PRIVATE PROVIDER *****TEMP PULL ELECTRICAL SERVICE.		206 PHIPPS PLZ	605963		PROFESSIONAL ELECTRIC CORP	10/20/2021	10/28/2021	6/14/2022	issued
B-21-91493	b-b01		B-RESIDENTIAL NEW CONSTRUCTION/ADDITIO N	*****PRIVATE PROVIDER***** (SEE PERMIT CONDITIONS) INTERIOR/EXTERIOR RENOVATION/SITE WORK		206 PHIPPS PLZ	605327		GULFSTREAM BUILDERS LLC	10/7/2021	11/10/2021	4/22/2024	issued
B-20-84867	b-r01	421728	R-REVISION	REVISION- MECHANICAL- DUCTWORK PER PLANS.	B	206 PHIPPS PLZ	500920		JOHN C CASSIDY AIR CONDITIO NIN	7/13/2020	7/17/2020	7/13/2020	final
B-20-84067	b-m01		M-MECHANICAL	EXACT C/O OF EXISTING 5 TON CARRIER A/C SYSTEM		206 PHIPPS PLZ	500920		JOHN C CASSIDY AIR CONDITIO NIN	5/12/2020	5/13/2020	1/20/2021	final
B-20-84076	b-b06		B-COMMERCIAL ALTERATION	REPLACE ACOUSTIC CEILING TILE SYSTEM ADJUST LIGHTING FOR NEW CEILING	B	206 PHIPPS PLZ	502993		DAVIS GENERAL CONTRACTING CORP	5/12/2020	6/3/2020	1/23/2021	final
Z-20-00255	z-01		Z-DEVELOPMENT REVIEW PERMIT	The applicant is undertaking a renovation of a 2 story landmarked residence located i n the R-C Zoning District in Phipps Plaza. The renovation includes a 574 square foot se cond story pergola addition on the west side of the residence; a 116 square foot seco nd story infill addition on east side of the residence; and installation of a generator in side building at the northeast corner of the residence. The following variances are bei ng requested: 1) 134-1729: two variances to allow a 60 KW generator to be placed i n the street rear yard along Seaview Avenue with a setback of 10 feet in lieu of the 25 foot minimum required and an east side yard setback of 4 feet in lieu of the 5 foot mi nimum required. 2) 134-948(5): a variance for a north rear street side yard setback o f 3.1 feet in lieu of the 25 foot minimum required for the second story pergola additio n. 3) 134-948(6): a variance for a east side yard setback of 1.5 feet in lieu of the 10 f		206 PHIPPS PLZ	602091		KOCHMAN AND ZISKA	4/20/2020		4/15/2021	pending
B-20-83433	b-d01		D-INTERIOR DEMOLITION	INTERIOR DEMO OF CEILING/ EXPORATORY FOR FUTURE REMODEL		206 PHIPPS PLZ	605523		R & Y CONSTRUCTION INC	3/3/2020	3/10/2020	9/6/2020	issued
B-15-50930	b-s13		S-SIGN	INSTALL SIGN TENANT NAME: SMITH INTERIOR DESIGN GROUP. SHARING SPACE WITH SMITH ARCHITECTURAL GROUP	B	206 PHIPPS PLZ	537278		MACARI BUILDING & DESIGN I NC	8/13/2015		2/9/2016	canceled
B-13-36715	b-b15		B-AWNING RECOVER	RECOVER EXISTING A-FRAME CARPORT		206 PHIPPS PLZ	600039		SOUTHERN AWNING INC	10/31/2013	11/6/2013	5/5/2014	final
B-09-06229	b-m04		M-REPLACEMENT	EXACT CHANGE OUT EXISTING ROOF TOP PKG A/C UNIT. BARD MODEL# PA13482A, 8K W, 4T 13 SEER		206 PHIPPS PLZ	500920		JOHN C CASSIDY AIR CONDITIO NIN	9/11/2009	9/17/2009	4/22/2014	final
X-08-34364	legacy		X-LEGACY PERMIT	ROOF REPAIR 200SQFT:REPAIRS AT WEST ONE STORY LOGGIA.TAMKO 214 SPEC.CHAN GE FROM BUR TO TAMKO **		206 PHIPPS PLZ	531326		CARPENTERS ROOFING&SHEET META	3/28/2008	3/28/2008	10/2/2008	final
X-06-24327	legacy		X-LEGACY PERMIT	INSTALL 11 OPENINGS - 24 GA STEEL PANELS		206 PHIPPS PLZ	538483		ALL AMERICAN SHUTTERS & GL ASS	8/2/2006	8/2/2006	10/2/2008	final
X-06-22989	legacy		X-LEGACY PERMIT	EMERGENCY ROOF REPAIR/REPLACE @ NE SIDE OF HOME TAMKO BUR		206 PHIPPS PLZ	531326		CARPENTERS ROOFING&SHEET META	6/5/2006	6/5/2006	10/2/2008	final
X-05-15223	legacy		X-LEGACY PERMIT	CHIPPING CONCRETE AROUND BACK ROOM FOR INSPECTION OF PIPES AND REPAIR L EAKING PIPES AS NECESSARY		206 PHIPPS PLZ	599999		INACTIVE	4/4/2005	4/4/2005	10/2/2008	final
X-05-14652	legacy		X-LEGACY PERMIT	EXACT CHANGE OUT: 2.5 T ROOF TOP CONDENSER & 4T ROOF TOP A/C PACKAGED U NIT @ RESIDENCE		206 PHIPPS PLZ	500920		JOHN C CASSIDY AIR CONDITIO NIN	3/1/2005	3/1/2005	10/2/2008	final
X-03-03993	legacy		X-LEGACY PERMIT	REPLACE EXISTING EQUIPMENT;REPLACE AHU & CU W/SAME BRAND/MODEL 3-T,SPLI T SYST,10 KW @ SMITH ARCH		206 PHIPPS PLZ	539248		BERKUN AIR INC	7/23/2003	7/23/2003	10/2/2008	final

Count: 53

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TC Development Review Meeting Backup 4-10-2024

Property Detail

Location Address : 206 PHIPPS PLZ
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-22-10-000-0012
Subdivision : PHIPPS PLAZA IN
Official Records Book/Page : 30226 / 1332
Sale Date : OCT-2018
Legal Description : PL OF PHIPPS PLAZA W 3.8 FT OF LT A, LTS B, C, D & LT E (LESS W 10 FT, N 30.33 FT OF W 92.88 FT OF E 96 FT & SLY 56.07 FT OF W 89.48 FT OF E 96 FT AS IN OR6306P1355 & OR7453P1102)

Owner Information

Owner(s)	Mailing Address
206 PHIPPS PLAZA LLC	222 LAKEVIEW AVE PH 5 WEST PALM BEACH FL 33401 6151

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
OCT-2018	$4,220,000	30226 / 01332	WARRANTY DEED	206 PHIPPS PLAZA LLC
FEB-2007	$0	21440 / 01080	LIFE ESTATE	VOLK JOHN K
FEB-2007	$10	21440 / 01077	DEED OF TRUST	VOLK JOHN K
DEC-1996	$100	09564 / 00852	WARRANTY DEED	
JAN-1996	$100	09212 / 00842	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 1865
Acres : 0.2702
Property Use Code : 1200—STORE/OFFICE/RESIDENTIAL
Zoning : R-C—MEDIUM DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$2,929,696	$3,065,294	$1,759,502	$1,662,784	$1,539,175
Land Value	$9,497,198	$8,222,640	$6,121,440	$2,352,000	$2,128,000
Total Market Value	$12,426,894	$11,287,934	$7,880,942	$4,014,784	$3,667,175

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$5,343,677	$4,857,888	$4,416,262	$4,014,784	$3,667,175
Exemption Amount	$0	$0	$0	$0	$0
Taxable Value	$5,343,677	$4,857,888	$4,416,262	$4,014,784	$3,667,175

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	$125,959	$117,191	$95,474	$66,219	$61,526
NON AD VALOREM	$1,561	$1,533	$1,552	$1,529	$1,561
TOTAL TAX	$127,520	$118,724	$97,026	$67,749	$63,086

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

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 13, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 206 Phipps Plaza

Date: August 31, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Michael Sandholzer of Gulfstream Builders LLC regarding a time extension in which to complete the renovations of the existing building located at 206 Phipps Plaza and to extend the permit by one year – until November 29, 2023.

GENERAL INFORMATION

The property is owned by Hope Enterprises RE, LLC. Work on the project began in July of 2021. The residential alteration permit was valid for 36 months, and expired July 29, 2023. Willoughby Construction has been the prime contractor since the start of the project and indicates in their letter the delays have been due to unforeseen structural issues, material shortages, shipping delays, design changes, and manpower shortages; most of these delays caused by the global pandemic.

Mr. Butler is requesting an additional four months to complete the project.

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

Attachments: Letter from Alan Butler
Permit Summary for the Property
Property Appraiser Details for the Property

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Time Extensions, Waivers & Stop Work Orders

Agenda Title

Wavier of Town Code Section 18-237, For Building Permit Extension for **86 Middle Road**

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 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 86 Middle Rd. – Second Request

Date: March 25, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Jeffrey Wildes of Wildes Builders regarding a time extension in which to complete the construction of a new residence, garage and cabana building at 86 Middle Road and to extend the permit by ten months – until February 10, 2025.

GENERAL INFORMATION

The property is owned by Middle Road Holdings Trust. The property was purchased in September of 2020 and work on the project began in November of 2021. The permit was extended by the Town Council in October of 2023 and the approved expiration date of the permit is April 26, 2024. According to the contractor, the request for extra time is due to owner-driven changes to the interior of the home and hardscape and fountain work on the exterior.

Staff has no objection to this request.

Attachments: Letter from Jeffrey Wildes, dated February 28, 2024
Permit Summary for the Property
Property Appraiser Details for the Property
Staff Memo & Action Minutes from the October 11, 2023 Town Council Meeting

WILDES W B BUILDERS
ESTABLISHED 1999

CBC 059360

440 25th Street, West Palm Beach, FL 33407 * 561-833-2023 phone * 561-833-2024 fax
wildesbuilders@wildesbuilders.com

February 28, 2024

Town of Palm Beach
Mr. Wayne Bergman
360 South County Road
Palm Beach, FL 33480

Re: 86 Middle Road – B-21-91604
Permit Extension

Dear Mr. Bergman,

Wildes Builders respectfully requests a time extension to our building permit at the above referenced address - 86 Middle Road - (Permit # B-21-91604).

This time extension is necessary due to the Owner's revisions to electrical, plumbing, interior framing, marble & stonework, millwork & trim addition and the theater addition. The sitework hardscape and fountain work has also been revised.

The expiration date is April 26, 2024. Wildes Builders requests that the permit time extension required to complete this project be extended to February 10, 2025. An updated construction schedule will be e-mailed to you shortly.

Feel free to call or e-mail me with any questions.

Sincerely yours,

Jeff Wildes
President - Wildes Builders

WILDES BUILDERS
ESTABLISHED 1999
CBC 059360
440 25th Street, West Palm Beach, FL 33407 * 561-833-2023 phone * 561-833-2024 fax
wildesbuilders@wildesbuilders.com

March 14, 2024

Town of Palm Beach
Wayne Bergman
360 S County Rd
Palm Beach, FL 33480

Re: 86 Middle Road
Permit Extension

Dear Wayne,

Wildes Builders is requesting a permit extension for the above referenced address. The nuisance mitigation measures are as follows:

1) The privacy screening is erected around the entire perimeter of the property.
2) All parking, off loading and site work are performed on-site (not in the street).
3) Right-of-Way permits are scheduled for sitework concrete deliveries, new pavers and landscape trees.
4) The residence is at the end of the cul-de-sac, so there is not any congestion with the daily subcontractor set-up and parking.
5) Car pooling will be utilized when the sitework congestion begins.

Thank you in advance.

Sincerely,

Jeffrey Wildes
President

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).

RECEIVED
MAR 20 2024
Town of Palm Beach
PZB Dept

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

- Town Council Development Review Date (Wednesday): APRIL 10, 2024
- Deadline for submittal of request/backup must be received by: MARCH 27, 2024
  (Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to Neighbors: MARCH 15, 2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-91604 Exp. Date: 4-26-2024

Job Address: 96 MIDDLE ROAD

Length of time extension being requested: (in days) 210

Proposed completion date if requested time extension is granted: FEB 10, 2025
(Must attach completion schedule)

Contact: TOM KEUER *Phone:* 561-797-3667

Email: TOM.KEUER@WILDESBUILDERS.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

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Job Address: 86 MIDDLE ROAD

Permit# : B21-91604 Job Value $ 3,412,562.00

Permit# : B21-90030 Job Value $ 97,800.00

Permit# : B23-98504 Job Value $ 5,700.00

Permit# : — Job Value $ —

Valuation of work remaining to complete the project: $ 856,400.00
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 8,564.00
(attach a copy of the receipt for payment)

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

[signature] the Mgr Trustee of Mill Road Holdings Trust 3/15/2024
OWNER SIGNATURE DATE

NOTARY TO OWNER

STATE OF Florida
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 15th day of March

2024, By Guy Rabideau, as Trustee of Middle Road Holdings Trust

Who are personally known ✓ OR produced identification (Type of identification)_____
OR Online Notarization_____ In Person.

Leslie A. Hill
Printed Name of Notary

[signature]
Signature of Notary

SEAL:

LESLIE A. HILL NOTARY PUBLIC MY COMMISSION EXPIRES 8-13-2027 STATE OF FLORIDA COMMISSION NUMBER HH 429864

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

[signature] 3/15/2024
CONTRACTOR SIGNATURE DATE

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 18 day of March

2024. By JEFFREY M WILDES

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

Ruby H Incitti
Printed Name of Notary

[signature]
Signature of Notary

SEAL:

RUBY H INCITTI Notary Public - State of Florida Commission # HH 087711 My Comm. Expires Mar 24, 2025 Bonded through National Notary Assn.

Permit number	Permit t	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-24-02880	b-r03	437999	FEE CHARGE	BUILDING PERMIT TIME EXTENSIONS		86 MIDDLE RD	538858		WILDES BUILDERS LLC	3/20/2024	3/21/2024	3/20/2024	final
U-24-15471	u-p07	437999	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	SEWER CONNECTION FOR TEMP TOILET -----TC EXTENSION TRHOUGH TO 4/26/2024-------		86 MIDDLE RD	538858		WILDES BUILDERS LLC	2/15/2024	2/21/2024	5/21/2024	issued
B-23-01650	b-r01	437999	R-REVISION	REVISION SITE PLAN: ENGINEERED POOL AND SPA DRAWINGS		86 MIDDLE RD	538858		WILDES BUILDERS LLC	11/3/2023	3/15/2024	11/3/2023	final
B-23-00916	b-r01	437999	R-REVISION	REVISION BUILDING: NOA - GARAGE DOORS		86 MIDDLE RD	538858		WILDES BUILDERS LLC	8/31/2023	9/1/2023	8/31/2023	final
A-23-02963	a-a01		A-ARCOM STAFF APPROVAL	STAFF APPROVAL TO ADD FIREPLACE VENTS ON SOUTH ELEVATION. VENT COVERS TO BE PANITED TO MATCH BODY OF HOUSE.		86 MIDDLE RD	601454		SMITH AND MOORE ARCHITECTS INC	5/4/2023	5/5/2023	4/28/2024	final
B-23-98952	b-r01	437999	R-REVISION	REVISION BUILDING: STRUCTURAL DETAIL FOR TERRACE WALL AS REQUESTED.		86 MIDDLE RD	538858		WILDES BUILDERS LLC	4/25/2023	5/12/2023	4/25/2023	final
B-23-98504	b-r04	437999	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE CHANGE IN PLANS AND VALUE PER DRAWING RELOCATE FAMILY RM FIREPLACE TO 8" PROJECTED EXTER WALL.		86 MIDDLE RD	538858		WILDES BUILDERS LLC	3/28/2023	5/19/2023	11/15/2023	final
A-23-02885	a-a01		A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL MINOR FACADE CHANGES; ADD DELETE RELOCATE EXTERIOR LIGHITING FIXTURES. SEE ATTACHED CONTINUATION SHEET FOR SHEET BY SHEET DESCRIPTION.		86 MIDDLE RD	601454		SMITH AND MOORE ARCHITECTS INC	3/24/2023	3/31/2023	3/18/2024	final
A-22-02692	a-a01	437999	A-ARCOM STAFF APPROVAL	STAFE APPROVAL - REVIISON TO DRIVEWAY GATE, REMOVE CABANA DOOR ADD 12' PROJECTION TO SOUTH WALL		86 MIDDLE RD	603092		NIEVERA WILLIAMS DESIGN INC	11/14/2022	11/30/2022	11/9/2023	final
B-22-96506	b-r01	437999	R-REVISION	REVISION BUILDING: NOA - WINDOW MULLION & DRAWING AS REQUESTED		86 MIDDLE RD	538858		WILDES BUILDERS LLC	9/16/2022	9/19/2022	9/16/2022	final
B-22-95785	b-r01	436258	R-REVISION	REVISION ELECTRICAL: UPGRADE TEMP POLE FROM 200 AMP TO 400 AMP		86 MIDDLE RD	602401		FRESHWATER & SON'S ELECTRIC LL	8/1/2022	8/11/2022	8/1/2022	final
B-22-95231	b-r01	437999	R-REVISION	REVISION BUIDLING TRUSS LAY-OUT, SHOP DRAWINGS AND ENGINEERING.		86 MIDDLE RD	538858		WILDES BUILDERS LLC	6/23/2022	7/15/2022	6/23/2022	final
B-22-93619	b-r01	437999	R-REVISION	REVISION- BUILDING- APPROVED- ENGINEERS HOLLOW CORE PLANK SHOP DRAWINGS. (STAMPED BY STRUC ENG)		86 MIDDLE RD	538858		WILDES BUILDERS LLC	3/11/2022	3/16/2022	3/11/2022	final
U-22-09509	u-p02	437999	U-USE OF/WORK IN ROW	USE OF ROW FOR CONCRETE DELIVERY / POUR		86 MIDDLE RD	538858		WILDES BUILDERS LLC	3/10/2022	3/14/2022	6/12/2022	final
U-22-09435	u-p02	437999	U-USE OF/WORK IN ROW	USE OF- HC PLANK - OFF LOAD DELIVER- LESS THAN 2 HOURS		86 MIDDLE RD	538858		WILDES BUILDERS LLC	2/23/2022	2/28/2022	5/29/2022	final
U-22-09185	u-p03		U-EXCAVATION IN ROW	EXCAVATION - IN REAR EASEMENT FOR NEW 6" PVC SEWER LATERAL. REMOVE EXISTING AND INSTALL NEW AT SAME GRADE & ELEVATION AS EXISTING.		86 MIDDLE RD	542582		S MACDONALD CONTRACTING LLC	1/11/2022	1/19/2022	7/18/2022	issued
U-22-09186	u-p07		U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	NEW 6" PVC SEWER LATERAL. REMOVE EXISTING & INSTALL NEW AT SAME GRADE & ELEVATION AS EXISTING.		86 MIDDLE RD	542582		S MACDONALD CONTRACTING LLC	1/11/2022	1/19/2022	4/19/2022	issued
B-21-91604	b-b01		B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	(SEE PERMIT CONDITIONS) NEW SINGLE FAMILY MAIN HOUSE, GARAGE & CABANA PER PLANS. -----TC EXTENSION TRHOUGH TO 4/26/2024-------		86 MIDDLE RD	538858		WILDES BUILDERS LLC	10/14/2021	11/9/2021	9/16/2024	issued
U-21-08323	u-p02		U-USE OF/WORK IN ROW	ROW CONCRETE POUR		86 MIDDLE RD	538858		WILDES BUILDERS LLC	9/20/2021	9/28/2021	12/27/2021	final
U-21-08119	u-p02	434931	U-USE OF/WORK IN ROW	USE OF ROW FOR CONCRETE TRUCK & PUMP		86 MIDDLE RD	538858		WILDES BUILDERS LLC	8/24/2021	9/2/2021	12/1/2021	final
B-21-90735	b-e01	434931	E-ELECTRICAL	TEMPORARY POWER POLE		86 MIDDLE RD	602401		FRESHWATER & SON'S ELECTRIC LL	8/16/2021	8/18/2021	2/26/2023	issued
B-21-90030	b-b01	437999	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	NEW FOUNDATIONS & MEP SLAB WORK PER PLANS		86 MIDDLE RD	538858		WILDES BUILDERS LLC	7/6/2021	8/3/2021	2/13/2024	final
B-21-89249	b-s11		S-SITE WORK/DRAINAGE	SITE WORK - EROSION CONTROL, CLEANING & SCALP SITE		86 MIDDLE RD	538858		WILDES BUILDERS LLC	5/26/2021	6/21/2021	9/17/2024	issued

Count: 23

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TC Development Review Meeting Backup 4-10-2024

Property Detail

Location Address : 86 MIDDLE RD
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-26-23-002-0000
Subdivision : EL BRAVO SINGER ANNEX
Official Records Book/Page : 31844 / 541
Sale Date : SEP-2020
Legal Description : EL BRAVO SINGER ANNEX PAR B

Owner Information

Owner(s)	Mailing Address
MIDDLE ROAD HOLDINGS TRUST RABIDEAU GUY TR	440 ROYAL PALM WAY STE 101 PALM BEACH FL 33480 4179

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
SEP-2020	$8,964,100	31844 / 00541	WARRANTY DEED	MIDDLE ROAD HOLDINGS TRUST

Exemption Information

No Exemption Information Available.

Property Information

Number of Units :
***Total Square Feet :** 0
Acres : 0.6948
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	$0	$0
Land Value	$16,874,352	$14,472,000	$7,920,000	$8,640,000	$8,400,000
Total Market Value	$16,874,352	$14,472,000	$7,920,000	$8,640,000	$8,400,000

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$9,583,200	$8,712,000	$7,920,000	$7,584,964	$6,895,422
Exemption Amount	$0	$0	$0	$0	$0
Taxable Value	$9,583,200	$8,712,000	$7,920,000	$7,584,964	$6,895,422

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	$190,948	$172,543	$128,503	$132,501	$126,466
NON AD VALOREM	$1,549	$1,549	$1,715	$1,693	$1,690
TOTAL TAX	$192,497	$174,092	$130,218	$134,194	$128,156

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

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 86 Middle Rd.

Date: September 21, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Jeff Wildes of Wildes Builders regarding a time extension in which to complete the construction of a new residence, garage and cabana building at 86 Middle Road and to extend the permit by seven months – until April 26, 2024.

GENERAL INFORMATION

The property is owned by Middle Road Holdings Trust. The property was purchased in September of 2020 and work on the project began in November of 2021. The residential new construction permit was valid for 24 months and will expire on November 9, 2023. According to the contractor, the request for extra time is due to Covid delays and owner-driven revisions to the building and site.

Staff has no objection to this request. The request included copies of letters sent to the abutting neighbors.

Attachments: Letter from Jeff Wildes, with Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

TOWN OF PALM BEACH

Summary of the Actions Taken at the
Development Review ~~Town Council~~ Meeting
Held on October 11, 2023

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR DANIELLE H. MOORE

IV. COMMENTS OF TOWN COUNCIL MEMBERS

ACTION: AFTER A MOTION FOR RECONSIDERATION OF THE PROJECT AT 2320 S OLD OCEAN BLVD. HEARD AT THE SEPTEMBER 13, 2023, MEETING, THE COUNCIL GRANTED A 32-WEEK BUILDING PERMIT EXTENSION WITH THE CONDITION THAT NO WORK WILL OCCUR DURING THE HOLIDAY HOURS, AS PER THE TOWN CODE.

V. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

VI. APPROVAL OF AGENDA
ACTION: APPROVED, AS AMENDED

VII. CONSENT AGENDA

A. **ZON-23-087 625 CREST ZON-23-059 (ARC-23-063) 1265 N LAKE WAY (COMBO) – SITE PLAN REVIEW** The applicant, 1265 N Lake Way LLC (Maura Ziska, Manager), has filed an application requesting Town Council Site Plan Review for development of single-family dwelling on a lot deficient in lot width in the R-B zoning district. The Architectural Commission shall perform design review of the application.
ACTION: APPROVED, ON CONSENT

Flanagan, Trustees), has filed an application requesting Town Council review and approval for site plan review for an addition to house a generator over 150kW, and (3) variances for (1) additional parapet height in the required north side yard setback and (2 – 3) to reduce the required north and south side yard setback in order to construct one-story additions to a previously approved two-story residence. The Architectural Commission shall perform design review of the application.

ACTION: DEFERRED TO NOVEMBER 15, 2023

c. **ZON-23-091 (ARC-23-117) 341 PERUVIAN AVE (COMBO) - VARIANCES** The applicant, Villa Giardino Land Trust (Jeff and Elizabeth Louis), has filed an application requesting Town Council review and approval for (2) variances, (1) for front setback relief for the construction of a new fabric tent and package receptacle, and (1) for the construction of a new masonry site wall on the west property line that exceeds permitted wall height for the screening of a new generator and air conditioning equipment. The Architectural Commission shall perform design review of the application.

ACTION: APPROVED

d. **ZON-23-094 (ARC-23-121) 428 SEABREEZE AVE. (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW & VARIANCES** The applicants, Dr. Chauncey Crandall and Deborah Crandall, have filed an application requesting Town Council review and approval for a Special Exception and Site Plan Review for the construction of a new two-story single-family residence on an R-B zoned lot deficient in area and width requirements, and (2) variances; (1) to reduce the east side yard setback for the construction of exterior stairs and a chimney, and (1) to not provide garage parking. The Architectural Commission will perform the design review component of the application.

ACTION: APPROVED

e. **ZON-23-098 (ARC-23-130) 380 S COUNTY RD (COMBO) - VARIANCE** The applicant, 380 South County, LLC (Philip Norcross, Manager), has filed an application requesting Town Council review and approval for a Variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway (Peruvian Ave) in order to install two vehicular access gates (one swing, one rolling) at the curb cut entrances along Peruvian Ave and South County Road. The Architectural Commission shall perform design review of the application.

ACTION: DENIED

B. Time Extensions and Waivers

1. Waiver of Town Code Section 18-237, For Building Permit Extension for 86 Middle Rd.

ACTION: APPROVED EXTENSION, AS REQUESTED, WITH THE CONDITIONS THAT NO WORK WILL OCCUR DURING THE HOLIDAY HOURS AS PER THE TOWN CODE, AND IF THERE ARE ANY VERIFIABLE COMPLAINTS, THE DIRECTOR OF PLANNING, ZONING AND BUILDING CAN RESOLVE THE ISSUE OR TAKE THE MATTER TO THE TOWN COUNCIL.

2. Waiver of Town Code Section 18-237, For Building Permit Extension for 250 Queens Lane
   ACTION: APPROVED EXTENSION, AS REQUESTED, WITH THE CONDITIONS THAT NO WORK WILL OCCUR DURING THE HOLIDAY HOURS AS PER THE TOWN CODE, AND IF THERE ARE ANY VERIFIABLE COMPLAINTS, THE DIRECTOR OF PLANNING, ZONING AND BUILDING CAN RESOLVE THE ISSUE OR TAKE THE MATTER TO THE TOWN COUNCIL.

3. Waiver of Town Code Section 18-237, For Building Permit Extension for 1742 S Ocean Blvd.
   ACTION: APPROVED EXTENSION, AS REQUESTED, WITH THE CONDITIONS THAT NO WORK WILL OCCUR DURING THE HOLIDAY HOURS AS PER THE TOWN CODE, AND IF THERE ARE ANY VERIFIABLE COMPLAINTS, THE DIRECTOR OF PLANNING, ZONING AND BUILDING CAN RESOLVE THE ISSUE OR TAKE THE MATTER TO THE TOWN COUNCIL.

4. Waiver of Town Code Section 42-199, For Extended Working Hours at 150 Worth Avenue - Esplanade Building
   ACTION: APPROVED EXTENSION, AS REQUESTED, WITH THE CONDITIONS THAT NO WORK WILL OCCUR DURING THE HOLIDAY HOURS AS PER THE TOWN CODE, AND IF THERE ARE ANY VERIFIABLE COMPLAINTS, THE DIRECTOR OF PLANNING, ZONING AND BUILDING CAN RESOLVE THE ISSUE OR TAKE THE MATTER TO THE TOWN COUNCIL.

5. Waiver of Town Code Section 42-199, For Building Permit Extension for 150 Worth Ave., Suite 107, Caroline Herrara Retail Store
   ACTION: APPROVED EXTENSION TO DECEMBER 7, 2023, WITH THE CONDITION THAT NO WORK WILL OCCUR DURING THE HOLIDAY HOURS AS PER THE TOWN CODE.

6. Waiver of Town Code Section 18-237, For Building Permit Extension at 800 S County Rd.
   ACTION: APPROVED EXTENSION, AS REQUESTED, WITH THE CONDITIONS THAT NO WORK WILL OCCUR DURING THE HOLIDAY HOURS AS PER THE TOWN CODE, AND IF THERE ARE ANY VERIFIABLE COMPLAINTS, THE DIRECTOR OF PLANNING, ZONING AND BUILDING CAN

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Time Extensions, Waivers & Stop Work Orders

Agenda Title

Wavier of Town Code Section 18-237, For Building Permit Extension for **1540 S Ocean Blvd.**

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 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 1540 S. Ocean Blvd. – Second Request

Date: March 28, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Joshua McAlees, Principal of Seagate Capital Construction regarding a time extension in which to complete construction of a new two-story home & pool at 1540 S. Ocean Blvd. and to extend the permit by two additional months – until June 20, 2024.

GENERAL INFORMATION

The current owner is 1540SOCEAN LLC, who purchased the property in early 2022. The building permit for the new two-story home & pool was issued on January 20, 2022. The Town Council approved one extension of time so far, with the permit expiration date of April 20, 2024. The contractor explains in his letter, received March 27, 2024, that the time extension is based on additional time due to roadway restrictions during the winter, utility connections and utility service size increases. The attached construction schedule shows the new timeline has all work completed by June 20, 2024.

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

Attachments: Letters from Joshua McAlees, with Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property
Copy of Staff Memo for the February Time Extension

SEAGATECAPITAL
CONSTRUCTION

Re: 1540 S Ocean blvd., Building Permit B-21-91998 (Main House)

Town of Palm Beach, Town Council

Our Main House permit at 1540 S Ocean Blvd. expires on 4/20/24. The Main House construction is nearing completion but there are delays with FPL, water and gas. Due to the Town restrictions on road work during the Winter season FPL is unable to do the necessary underground work for our new transformer until after May 1st. This is the same case for water and sewer connections that need to be made for increased service size.

We are respectfully requesting a 2-month extension to June 20, 2024.

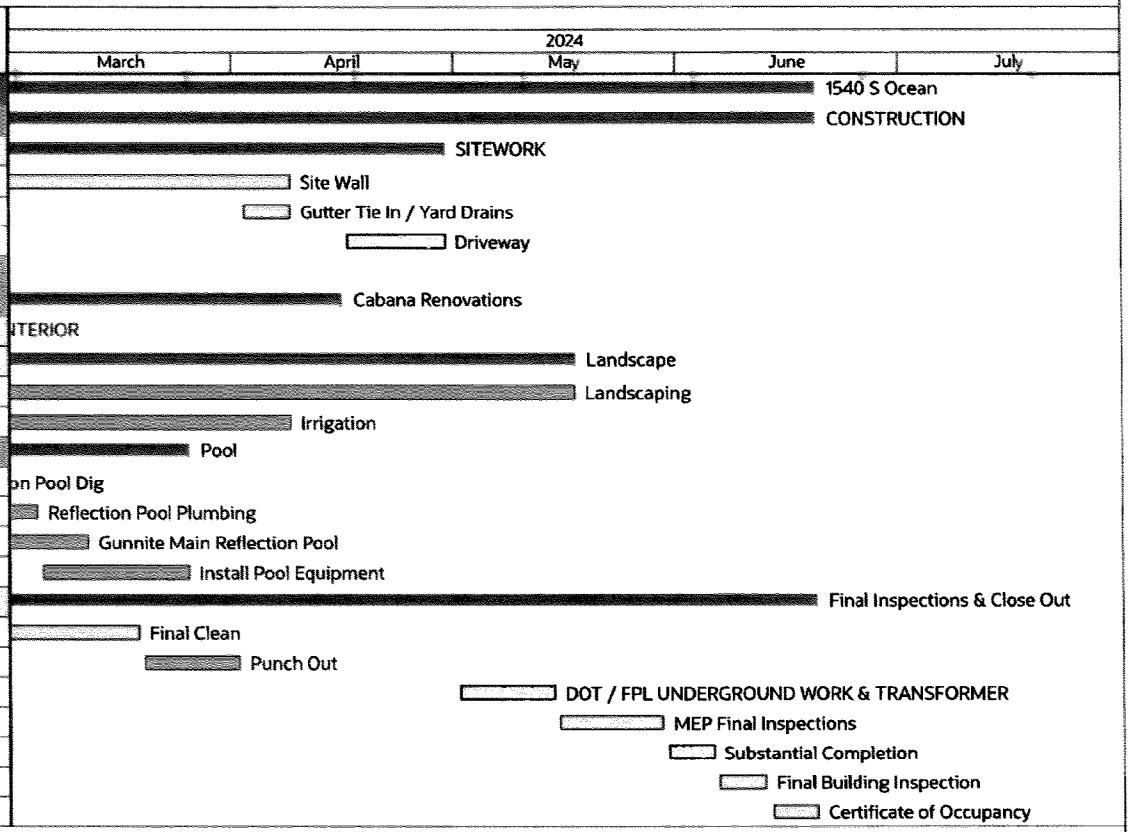
Thank you,

Joshua McAlees
Principal

561.623.1046
400 Village Square Crossing, Suite 3 | Palm Beach Gardens, FL 33410
CGC-1531232

1450 S OCEAN BLVD
MAIN HOUSE COMPLETION SCHEDULE

	Name	Pla... Du...	Start	Finish
1	1540 S Ocean	201d	07-Sep-23 A	19-Jun-24
2	CONSTRUCTION	201d	07-Sep-23 A	19-Jun-24
3	SITEWORK	164d	07-Sep-23 A	29-Apr-24
4	Site Wall	20d	07-Sep-23 A	08-Apr-24
5	Gutter Tie In / Yard Drains	5d	02-Apr-24 C	08-Apr-24
6	Driveway	10d	16-Apr-24 C	29-Apr-24
7	Tunnel	15d	30-Jan-24	19-Feb-24
8	Cabana Renovations	55d	30-Jan-24	15-Apr-24
9	INTERIOR	20d	30-Jan-24	26-Feb-24
10	Landscape	86d	22-Jan-24 A	17-May-24
11	Landscaping	10d	24-Jan-24 A	17-May-24
12	Irrigation	15d	24-Jan-24 A	08-Apr-24
13	Pool	86d	22-Jan-24 A	25-Mar-24
14	Reflection Pool Dig	4d	22-Jan-24 A	19-Feb-24
15	Reflection Pool Plumbing	10d	20-Feb-24	04-Mar-24
16	Gunnite Main Reflection Pool	15d	20-Feb-24	11-Mar-24
17	Install Pool Equipment	15d	05-Mar-24	25-Mar-24
18	Final Inspections & Close Out	82d	27-Feb-24	19-Jun-24
19	Final Clean	15d	27-Feb-24 C	18-Mar-24
20	Punch Out	10d	19-Mar-24	01-Apr-24
21	DOT / FPL UNDERGROUND W...	10d	01-May-24 C	14-May-24
22	MEP Final Inspections	10d	15-May-24	29-May-24
23	Substantial Completion	5d	30-May-24	05-Jun-24
24	Final Building Inspection	5d	06-Jun-24	12-Jun-24
25	Certificate of Occupancy	5d	13-Jun-24	19-Jun-24



SEAGATECAPITAL
CONSTRUCTION

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): 4/10/2024
- Deadline for submittal of request/backup must be received by: 3/27/2024
  (Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: 3/15/2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-91998 Exp. Date: 4/20/2024

Job Address: 1540 S Ocean Blvd

Length of time extension being requested: (in days) 61

Proposed completion date if requested time extension is granted: 6/20/2024
(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-21-91998 Job Value $ 4,850,000

Permit# : _____ Job Value $ _____

Permit# : _____ Job Value $ _____

Permit# : _____ Job Value $ _____

Valuation of work remaining to complete the project: $ 50,000
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 500
(attach a copy of the receipt for payment)

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

OWNER SIGNATURE 3/27/24 DATE

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

CONTRACTOR SIGNATURE 3/27/24 DATE

NOTARY TO OWNER

STATE OF FL
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 27 day of March

20 27 , By Steve Kusch

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

Susanne Barba
Printed Name of Notary

Signature of Notary

SEAL

NOTARY TO CONTRACTOR

STATE OF FL
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 27 day of March

20 27 , By Garrett Grave

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

Susanne Barba
Printed Name of Notary

Signature of Notary

SEAL

Permit number	Permit t	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 st
B-22-97137	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BUILDING: REMOVE BED ROOM ADD MUDROOM ADD A BALCONY ADD LOGGIA.		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	11/3/2022		11/3/2022	pending
B-23-00345	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BULDING: STRUCTURAL MECHANICAL: MEPS		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/21/2023		7/21/2023	pending
U-24-15788	u-p05	450778	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING	GUEST HOUSE	1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/26/2024		3/26/2024	pending
U-24-15789	u-p05	450778	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING	GUEST HOUSE	1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/26/2024		3/26/2024	pending
U-24-15790	u-p05	450778	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING	GUEST HOUSE	1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/26/2024		3/26/2024	pending
Z-21-00358	z-01		Z-DEVELOPMENT REVIEW PERMIT	Section 134-843(b): Request for a Special Exception with Site Plan Review to allow the construction of a 10,284 square foot two-story, single family residence on a non-conforming platted lot that is 16,151 square feet in area in lieu of the 20,000 square foot minimum required; 145.53 feet in depth in lieu of the 150 foot minimum depth required; and 112.53 feet in width in lieu of the 125 foot minimum depth required in the R-A Zoning District. Section 134-2: a variance to allow a point of measurement of 21.42 ft NAVD in lieu of		1540 S OCEAN BLVD	602091		KOCHMAN AND ZISKA	4/15/2021		4/10/2022	pending
B-21-91998	b-b01		B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	*****PRIVATE PROVIDER ***** (SEE PERMIT CONDITIONS) NEW 2 STORY SINGLE FAMILY HOME WITH POOL, LANDSCAPING, SITE WALL. ***** TC EXTEND UNTIL APRIL 20, 2024 *****		1540 S OCEAN BLVD	602564		CAPITAL CONSTRUCTION & DEVELOP	11/10/2021	1/20/2022	4/20/2024	issued
B-23-98037	b-b01		B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	*****PRIVATE PROVIDER ***** (SEE PERMIT CONDITIONS) NEW GUEST HOUSE ADDITION	GUEST HOUSE	1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/13/2023	3/28/2023	4/24/2024	issued
B-24-02229	b-f01	457180	F-FLOOD PLAIN DEVELOPMENT	*****PRIVATE PROVIDER ***** FLOOD PLAIN FOR CABANA		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	1/17/2024	1/23/2024	7/21/2024	issued
U-22-11053	u-p03	438809	U-EXCAVATION IN ROW	***** PRIVATE PROVIDER ***** INSTALLATION OF PRECAST BEACH ACCESS TUNNEL.		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/25/2022	9/2/2022	3/1/2023	issued
U-22-11386	u-p03		U-EXCAVATION IN ROW	WED 10/12/2022- FRID 10/14/2022 ABANDON 1 4" LATERAL & REPLACE ANOTHER 4" LATERAL WITH A 6" PVC LATERAL AT SAME LINE, GRADE & ELEVATION AS EXISTING W/ CLEANOUT 1" ONTO PROPERTY- ASPHALT PATCH.		1540 S OCEAN BLVD	542582		S MACDONALD CONTRACTING LLC	9/29/2022	10/11/2022	4/18/2023	issued
U-22-11388	u-p07		U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	WED 10/12/2022- FRID 10/14/2022 ABANDON 1 4" LATERAL & REPLACE ANOTHER 4" LATERAL WITH A 6" PVC LATERAL AT SAME LINE, GRADE & ELEVATION AS EXISTING W/ CLEANOUT 1" ONTO PROPERTY- ASPHALT PATCH.		1540 S OCEAN BLVD	542582		S MACDONALD CONTRACTING LLC	9/29/2022	10/11/2022	1/18/2023	issued
U-24-15510	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/20/2024	2/22/2024	2/22/2024	issued
U-24-15511	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/20/2024	2/22/2024	2/22/2024	issued
U-24-15512	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/20/2024	2/22/2024	2/22/2024	issued
U-24-15745	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- BARRICADE ALONG OCEANVIEW FOR SAFETY REASONS		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/19/2024	3/25/2024	6/23/2024	issued
A-21-02071	a-a01	438809	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL PER TOWN COUNCIL APPROVAL OF Z-21-00358 WE HAVE ELIMINATED ONE OF THE CURB CUTS ON OCEAN VIEW ROAD.		1540 S OCEAN BLVD	602243		DAILEY JANSSEN ARCHITECTS PA	11/22/2021	11/23/2021	11/17/2022	final
A-23-03428	a-a01	438809	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL SHIFTING THE INTERMEDIATE GUEST LOGGIA COLUMNS TO THE SOUTH. THIS DOES NOT CREATE A CHANGE IN FOOTPRINT OR SQUARE FOOTAGE. NOT VVISIBLE FROM THE RIGHT OF WAY.		1540 S OCEAN BLVD	602243		DAILEY JANSSEN ARCHITECTS PA	12/11/2023	12/11/2023	12/5/2024	final
B-17-65427	b-m04		M-REPLACEMENT	REPLACE EXISTING AC WITH RUUD 4TON 15 SEER		1540 S OCEAN BLVD	601142		JUPITER TEQUESTA A/C & HEATING	7/6/2017	7/13/2017	8/10/2021	final
B-21-90505	b-r03		FEE CHARGE	DEP LETTER		1540 S OCEAN BLVD	601066		ISIMINGER & STUBBS ENGINEERING	8/2/2021	4/25/2023	4/25/2023	final
B-21-91006	b-d02		D-DEMOLITION	(SEE PERMIT CONDITIONS) DEMOLITION OF MAIN HOUSE, POOL AND HARDSCAPE		1540 S OCEAN BLVD	605393		RAPID REMOVAL INC	9/1/2021	9/21/2021	8/8/2022	final
B-22-93256	b-r02	438809	R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR PER ATTACHED LETTER		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/10/2022	2/10/2022	2/10/2022	final
B-22-94184	b-r03	438809	FEE CHARGE	*****PRIVATE PROVIDER *****ELECTRICAL RELEASE AGREEMENT		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/18/2022	4/18/2022	4/18/2022	final
B-22-94560	b-r03		FEE CHARGE	DEP LETTER		1540 S OCEAN BLVD	601066		ISIMINGER & STUBBS ENGINEERING	5/10/2022	5/10/2022	5/10/2022	final
B-22-95813	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BUILDING: ADJUSTING GRADE BEAMS		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/2/2022	8/8/2022	8/2/2022	final
B-22-95911	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BUILDING CORRECTIONS ON GRADE BEAM DESIGN.		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/8/2022	8/11/2022	8/8/2022	final
B-22-96553	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BUILDING - ADJUSTING COLUMNS & BEAMS IN CABANA BEDROOM		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/20/2022	9/21/2022	9/20/2022	final
B-22-96653	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION ELECTRICAL - RELOCATING ELECTRICAL PANELS		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/27/2022	3/7/2023	9/27/2022	final
B-22-97011	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION- BUILDING- MAKING CHANGES TO SECOND FLOOR WALLS AND BEAMS.		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/24/2022	10/26/2022	10/24/2022	final
B-22-97305	b-r04	438809	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	*****PRIVATE PROVIDER***** (SEE PERMIT CONDITIONS) PERMIT UPDATE- NEW CONCRTE BEACH TUNNEL ACCESS STAIRS		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	11/21/2022	2/2/2023	8/1/2023	final
B-22-97530	b-r03	438809	FEE CHARGE	UNITY OF TITLE AGREEMENT		1540 S OCEAN BLVD	606293		SEAGATE CAPITAL CONSTRUCTION LLC	12/14/2022	12/14/2022	12/14/2022	final

Count: 177

Filter is Empty

Property Detail

Location Address : 1540 S OCEAN BLVD
Municipality : PALM BEACH
Parcel Control Number : 50-43-44-02-02-000-0070
Subdivision : OCEAN VIEW IN
Official Records Book/Page : 33582 / 649
Sale Date : MAY-2022
Legal Description : OCEAN VIEW LTS 7, 8, 7-A & 8A

Owner Information

Owner(s)	Mailing Address
1540SOCEAN LLC	501 S FLAGLER DR # 110 WEST PALM BCH FL 33401 5909

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-2022	$9,500,000	33582 / 00649	WARRANTY DEED	1540SOCEAN LLC
APR-2010	$10	23804 / 01453	WARRANTY DEED	CARY EDITH F
MAR-2010	$0	23804 / 01451	SUMMARY ORDER	CARY EDITH F
SEP-1997	$100	10183 / 01630	QUIT CLAIM	CARY EDITH F
JAN-1974	$165,000	02266 / 00641		
JAN-1972	$115,000	02035 / 00631	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 0
Acres : 0.7660
Property Use Code : 0000—VACANT
Zoning : R-A—ESTATE RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$0	$20,631	$14,538	$18,538	$13,963
Land Value	$17,585,250	$4,053,800	$2,750,300	$2,700,300	$2,625,300
Total Market Value	$17,585,250	$4,074,431	$2,764,838	$2,718,838	$2,639,263

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$17,585,250	$1,035,158	$1,005,008	$991,132	$968,848
Exemption Amount	$0	$50,500	$50,500	$50,500	$50,500
Taxable Value	$17,585,250	$984,658	$954,508	$940,632	$918,348

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	$264,000	$15,420	$15,659	$15,690	$15,587
NON AD VALOREM	$1,134	$638	$680	$669	$670
TOTAL TAX	$265,134	$16,058	$16,339	$16,359	$16,256

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

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 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 1540 S. Ocean Blvd.

Date: February 1, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Joshua McAlees, Principal of Seagate Capital Construction regarding a time extension in which to complete construction of a new two-story home & pool at 1540 S. Ocean Blvd. and to extend the permit by three additional months – until April 20, 2024.

GENERAL INFORMATION

The current owner is 1540SOCEAN LLC, who purchased the property in early 2022. The building permit for the new two-story home & pool was issued on January 20, 2022, had a duration of 24 months, and technically just expired. The contractor explains in his letter, received January 19, 2024, that the time extension is based on additional time required to complete the basement, the constrained site conditions, and the inclusion of a newly acquired guest house purchased by the owner and the associated work of a guest house addition. Mr. McAlees mentions how they will continue to maintain the perimeter site fencing and permanent wall that is under construction. The attached construction schedule shows the new timeline has all work completed by April 20, 2024.

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

Attachments: Letters from Joshua McAlees, with Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda

Ordinances - Second Reading

Agenda Title

Amending Town Code related to Docks and Marine Structures

ORDINANCE NO. 009-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 62, Marine Structures; Amending Article III, Bulkheads And Pierheads On Lake Worth, Section 62-74, Bulkheads, Landing Docks And Piers To Accord With Plat; Waivers And Variances, To Describe The Term Marginal Dock And Provide Specifications For A Marginal Dock, To Eliminate Reference To Town Of Palm Beach Bulkhead Line And Replace With Mean High Water Line, To Prescribe Maximum Gangway Width, To Prescribe Maximum Terminal Platform Width, To Include Specifications For Dock Lighting, And To Provide Specifications For Docks On Certain Areas Of Everglades Island And Ibis Isle; And Amending Section 62-75, Construction Specifications, To Describe The Term Marginal Dock And Provide Specifications For A Marginal Dock, To Eliminate Reference To Town Of Palm Beach Bulkhead Line And Replace With Mean High Water Line, To Prescribe Maximum Gangway Width, To Prescribe Maximum Terminal Platform Width, To Include Specifications For Dock Lighting, And To Provide Specifications For Docks On Certain Areas Of Everglades Island And Ibis Isle; 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. 009-2024**

TOWN OF PALM BEACH
Information for Town Council Meeting on: April 10, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Staff-Initiated Draft Zoning Text Amendments – Docks and Marine Structures

Date: March 26, 2024

STAFF REQUEST & RECOMMENDATION

Staff requests that the Town Council review the proposed changes to the Zoning Code sections related to docks and marine structures. Staff was directed to review and propose changes to the code to primarily remove the need for the multiple variances required for new docks and dock expansions. Staff further recommends that the Town Council adopt the changes as proposed. The Town Council approved the proposed changes at first reading at the March 13, 2024 development review hearing.

GENERAL INFORMATION

Docks – About two or three years ago a project was before Arcom that included a cantilevered rear yard extension out over the Intracoastal. It was basically a marginal dock but provided the ability for the owner to "expand" the area of their rear yard. Staff was directed to review the ability to add these marginal docks and the matter was sent to the Planning & Zoning Commission. An ordinance was produced, reviewed, and adopted to prevent this type of yard expansion. Unfortunately, the unintended consequence of the ordinance was that most new docks, or most dock expansions, now require at least one variance of Chapter 62, Marine Structures.

Staff proposes the following changes to section 62-74 and 62-75.

The strike through and underline of the code section is attached to this staff memo. The intent of the revision is to clarify the existing intent of the regulations and address unintended consequences of the most recent revisions of the ordinance. The modifications to the language include:

1. Describing a "marginal dock" structure and provide for the maximum projection and width.
2. Eliminating the reference to the town's "official bulkhead line" (an un-surveyable regulatory demarcation) and replace with reference to the Mean High Water Line (industry standard, and surveyable).
3. Prescribing the maximum width of the gangway portion of a dock as it projects from land.

4. Prescribing the maximum width of the terminal portion of a dock as it runs perpendicular to the gangway, including allowance for additional width between piers to allow for safe pedestrian loading and unloading of vessels.
5. Explicitly excluding boat lifts and platform boat lifts from being included when calculating gangway and terminal width (to address the numerous unintended variance requests recently heard by the town council required to store marine vessels).
6. Providing allowance for minimum lighting of docks to allow pedestrian navigation (reference to lighting was previously unaddressed).
7. And providing for regulations for docks and marine structures on Everglades Island and Ibis Isle, where current dock regulations cause the need for excessive variance requests.

REQUESTED ACTION

Adoptions of the revised language to Chapter 62 as proposed.

Attachments: Ordinance 009-2024

ORDINANCE NO. 009-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 62, MARINE STRUCTURES; AMENDING ARTICLE III, BULKHEADS AND PIERHEADS ON LAKE WORTH, SECTION 62-74, BULKHEADS, LANDING DOCKS AND PIERS TO ACCORD WITH PLAT; WAIVERS AND VARIANCES, TO DESCRIBE THE TERM MARGINAL DOCK AND PROVIDE SPECIFICATIONS FOR A MARGINAL DOCK, TO ELIMINATE REFERNCE TO TOWN OF PALM BEACH BULKHEAD LINE AND REPLACE WITH MEAN HIGH WATER LINE, TO PRESCRIBE MAXIMUM GANGWAY WIDTH, TO PRESCRIBE MAXIMUM TERMINAL PLATFORM WIDTH, TO INCLUDE SPECIFICATIONS FOR DOCK LIGHTING, AND TO PROVIDE SPECIFICATIONS FOR DOCKS ON CERTAIN AREAS OF EVERGLADES ISLAND AND IBIS ISLE; AND AMENDING SECTION 62-75, CONSTRUCTION SPECIFICATIONS, TO DESCRIBE THE TERM MARGINAL DOCK AND PROVIDE SPECIFICATIONS FOR A MARGINAL DOCK, TO ELIMINATE REFERENCE TO TOWN OF PALM BEACH BULKHEAD LINE AND REPLACE WITH MEAN HIGH WATER LINE, TO PRESCRIBE MAXIMUM GANGWAY WIDTH, TO PRESCRIBE MAXIMUM TERMINAL PLATFORM WIDTH, TO INCLUDE SPECIFICATIONS FOR DOCK LIGHTING, AND TO PROVIDE SPECIFICATIONS FOR DOCKS ON CERTAIN AREAS OF EVERGLADES ISLAND AND IBIS ISLE; 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 62, Marine Structures, Section 62-74(2) is amended as follows:

"Sec.62-74. Bulkheads, landing docks and piers to accord with plat; waivers and variances.

~~*(2) One pier or landing dock and its associated appurtenance shall be allowed on a lot as an accessory structure. A pier or landing dock shall not exceed 30 percent of the lot width. Any portion of said pier or landing dock extending more than six feet from the mean high water line or Bulkhead Line, whichever is most landward, shall not exceed a pier or landing dock width of ten feet. A pier, landing dock and/or all associated*~~

~~*appurtenances thereto shall not be permitted more than six feet west of the official pierhead line or more than 150 [feet] west of the official bulkhead line. However, in no case shall a pier, landing dock and/or all associated appurtenances thereto extend more than 150 feet from land. The town council may approve a variance to this provision pursuant to sections 134-171, 134-172, 134-173 and 134-201 if the town council finds that the criteria in section 134-201 have been met. In addition to meeting the variance criteria, an applicant for a piers, landing docks and/or all associated appurtenances thereto more than six feet west of the pierhead line and more than 150 from the bulkhead line or land shall meet the following criteria:*~~

~~*a. Prior permit approval by the Corps of Engineers and Department of Environmental Protection is required;*~~

~~*b. A pier, landing docks and/or all associated appurtenances thereto shall not be within 100 feet of a designated federal channel or within 62.5 feet of said channel if previously approved by the Corps of Engineers;*~~

~~*c. Where an official pierhead line or bulkhead line does not exist on the official bulkhead and groin plat of the town, a pier, landing dock and/or all associated appurtenances thereto shall not be permitted more than six feet west of the existing bulkhead. The town council may approve a variance to this provision pursuant to sections 134-171, 134-172, 134-173 and 134-201 if the town council finds that the criteria in section 134-201 have been met. In addition to meeting the variance criteria, an applicant for piers, landing docks and/or all associated appurtenances thereto more than six feet west of the existing bulkhead shall have prior permit approval by the Corps of Engineers and Department of Environmental Protection.*~~

(2) One pier or landing dock and its associated appurtenances shall be allowed on a lot as an accessory structure, provided that the following specifications are met:

a. *A marginal dock (being a fixed or floating marine structure placed immediately contiguous and parallel to a seawall) shall not exceed a width of 30% of the subject parcel as measured along the seawall, and a marginal dock may project up to 6 ft from the existing seawall or Mean High Water Line (whichever is most landward) at its furthest projection.*

b. *A dock or marine structure may project a maximum of 6 ft west of the U.S. Pierhead Line at its furthest projection.*

c. *A dock or marine structure shall have a maximum projection of 150 ft from land or the Mean High Water Line (whichever is more landward) at its furthest projection.*

d. *A dock or marine structure shall have a maximum gangway width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels).*

e. *A dock or marine structure shall have a maximum terminal width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels), with an additional 2 ft of width permitted*

between pilings at boat lifts to allow for pedestrian loading or unloading onto a vessel.

f. A dock or marine structure and any related appurtenances shall have a 25 ft minimum setback from a continuous line extending from the side property lines into the waterway.

g. In no instance shall a marine vessel docked, moored, or stored at a dock or marine structure encroach beyond a continuous line extending from the side property lines into the waterway.

h. Docks shall only be permitted to provide the minimum lighting necessary to allow pedestrian navigation of the structure.

i. For properties located on the north, south and/or west side of Everglades Island & Ibis Isle; a marginal dock as described above may be permitted. Appurtenances related to storage of marine vessels shall be permitted to project a maximum of 25' from the existing bulkhead or Mean High Water Line, whichever is most landward. Such structures shall not impede navigation of the waterway."

Section 2. Chapter 62, Marine Structures, Section 62-75(h) is amended as follows:

"Sec.62-75. Construction specifications.

~~*(h) Location and alignment. One pier or landing dock, and/or all associated appurtenances thereto may be built on a lot westward from the official bulkhead line a maximum of 150 feet. A pier or landing dock shall not exceed 30 percent of the lot width. Any portion of said pier or landing dock extending more than six feet from the mean high water line or bulkhead line, whichever is most landward, shall not exceed a pier or dock width of ten feet. In addition, a pier, landing dock and/or all associated appurtenances may not be built further than 150 feet from land nor more than six feet west of the U.S. Pierhead Line in Lake Worth. A pier or landing dock and/or all associated appurtenances shall also be setback a minimum of 25 feet from the side property line. (For the purposes of this section, associated appurtenances shall be considered part of a pier or landing dock as it relates to renovation or replacement of a nonconforming pier or landing dock.) No vessel that is docked at said pier or landing dock shall be allowed to extend past a continuous line extending from the side property line out into Lake Worth or the Palm Beach Inlet. These provisions may not be varied from unless a variance pursuant to sections 134-171, 134-172, 134-173 and 134-201 has been granted by the town council.*~~

(h) One pier or landing dock and its associated appurtenances shall be allowed on a lot as an accessory structure, provided that the following specifications are met:

1. A marginal dock (being a fixed or floating marine structure placed immediately contiguous and parallel to a seawall) shall not exceed a width of 30% of the subject parcel as measured along the seawall, and a marginal dock may project up to 6 ft from the existing seawall or Mean High Water Line (whichever is most landward) at its furthest projection.

2. *A dock or marine structure may project a maximum of 6 ft west of the U.S. Pierhead Line at its furthest projection.*
3. *A dock or marine structure shall have a maximum projection of 150 ft from land or the Mean High Water Line (whichever is more landward) at its furthest projection.*
4. *A dock or marine structure shall have a maximum gangway width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels).*
5. *A dock or marine structure shall have a maximum terminal width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels), with an additional 2 ft of width permitted between pilings at boat lifts to allow for pedestrian loading or unloading onto a vessel.*
6. *A dock or marine structure and any related appurtenances shall have a 25 ft minimum setback from a continuous line extending from the side property lines into the waterway.*
7. *In no instance shall a marine vessel docked, moored, or stored at a dock or marine structure encroach beyond a contimuous line extending from the side property lines into the waterway.*
8. *Docks shall only be permitted to provide the minimum lighting necessary to allow pedestrian navigation of the structure.*
9. *For properties located on the north, south and/or west side of Everglades Island & Ibis Isle; a marginal dock as described above may be permitted. Appurtenances related to storage of marine vessels shall be permitted to project a maximum of 25' from the existing bulkhead or Mean High Water Line, whichever is most landward. Such structures shall not impede navigation of the waterway."*

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

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

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of March, 2024, and for second and final reading on this 10th day of April, 2024.

Danielle H. Moore, Mayor	Julie Araskog, Town Council Member
	Edward A. Cooney, Town Council Member
ATTEST:	Lewis S.W. Crampton, Town Council Member
	Bobbie D. Lindsay, Town Council Member
Kelly Churney, Acting Town Clerk	Bridget Moran, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda
Ordinances - First 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: April 10, 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 – Ordinance Nos. 011-2024 and 012-2024 – First Reading.

Date: March 19, 2024

FOR YOUR INFORMATION

The Town Council briefly discussed Landmarks and Arcom Time Extensions at their March 2024 meetings. They provided directions to staff to prepare a pair for 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 draft ordinances were reviewed by the Town Attorney for legal form and content and are before you today for consideration of First Readings.

Attachments: Ordinance Nos. 011-2024 (Landmarks) 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 _____ day of _____, 2024.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

ATTEST:

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie D. Lindsay, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Bridget Moran, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2024

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Limit Time Extensions made to ARCOM

ORDINANCE NO. 01-2-0-4: 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. 01-2-0-4: Limiting Time Extensions made to ARCOM**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 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 – Ordinance Nos. 011-2024 and 012-2024 – First Reading.

Date: March 19, 2024

FOR YOUR INFORMATION

The Town Council briefly discussed Landmarks and Arcom Time Extensions at their March 2024 meetings. They provided directions to staff to prepare a pair for 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 draft ordinances were reviewed by the Town Attorney for legal form and content and are before you today for consideration of First Readings.

Attachments: Ordinance Nos. 011-2024 (Landmarks) 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 _____ day of _____, 2024.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

ATTEST:

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie D. Lindsay, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Bridget Moran, Town Council Member