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

FEBRUARY 14, 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-23-068 (ARC-23-090) 206 CARIBBEAN RD. (COMBO)—SITE PLAN REVIEW** The applicant, Walter Wick, has filed an application requesting Town Council review and approval for Site Plan Review to allow development of a new single-family residence on a platted nonconforming parcel deficient in lot width and lot area required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved this project 7-0 with conditions.]* Pg. 11

B. **ZON-23-070 (ARC-23-092) 217 BAHAMA LN (COMBO)—SITE PLAN REVIEW** The applicant, James and Sarah McCann, have filed an application requesting Town Council review and approval for Site Plan Review for the construction of new two-story single-family residence on a non-conforming platted lot which is 90 feet in depth in lieu of the 100-foot minimum depth required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. *[The Architectural Review Commission approved this project 4-3.]* Pg. 17

C. **ZON-24-016 281 ROYAL POINCIANA WAY—SPECIAL EXCEPTION AND VARIANCE** The applicant, Field of Greens, has filed an application requesting Town Council review and approval of a Special Exception for a restaurant use and a Variance to not provide the required on-site parking for a change of use from retail to restaurant use. Pg. 22

D. **ZON-24-029 230 ROYAL PALM WAY – SPECIAL EXCEPTION AND VARIANCE** The applicant, Flagstar Bank, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and a Site Plan Review for a use greater than 2,000 SF in the C-OPI zoning district for first floor and third floor in an existing four-story office building. Additionally, a Variance is being requested to not provide 6 additional parking spaces required as a change of use from office space to banking space. Pg. 28

E. **ZON-24-030 400 ROYAL PALM WAY, SUITE 100 and 300—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Citizens Bank NA, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and a Site Plan Review for a use greater than 2,000 SF in the C-OPI zoning district for first floor and previously approved third floor in an existing four-story office building. Additionally, a Variance is being requested to not provide 2 additional parking spaces required as a change of use from office space to banking space. Pg. 35

F. **ZON-24-032 250 BRADLEY PL – VARIANCE(S)** The applicant, Lake Towers Condo and Andrew Schilling, has filed an application requesting Town Council review and approval of the installation of a boatlift requiring (2) variances, (1) to encroach into the north side setback and (2) for a boat lift projection further than 150' from land. Pg. 40

VIII. REGULAR BUSINESS

A. Society of the Four Arts, Inc., Comprehensive Plan Amendments / Zoning Code Amendments - Review & Feedback Pg. 45
TIME CERTAIN 11:30 AM

B. Palm Beach Ambassador Fee Borrower LLC - Zoning Code Amendments - Review & Feedback Pg. 56

C. Tutto Mare Revised, Amended & Restated 1979 Agreement Pg. 71

D. Discussion on Staff-Initiated Draft Zoning Text Amendments – Screening Walls / Mechanical Equipment and Docks Pg. 78

IX. RESOLUTIONS

A. A resolution to landmark the property at **2505 S. Ocean Blvd.**, known as The President of Palm Beach Condominium. Pg. 90

RESOLUTION NO. 012-2024: 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 **2505 S. Ocean Blvd.** 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.
The property owners are in support of this designation. The Landmarks Preservation Commission voted 5-2 to recommend the property for designation as a landmark.

B. A resolution to landmark the property at **262 Sunset Ave.**

RESOLUTION NO. 148-2023: 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 **262 Sunset 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. Pg.126
The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 to recommend the property for designation as a landmark.

C. A request for tax abatement at **137 Seaspray Ave**. Pg. 189

RESOLUTION NO. 022-2024: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described And Stating that the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."

X. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Matters Pulled From Consent, If Needed

1. Old Business

a. **ZON-23-077 (ARC-23-117) 162 E INLET DR. (COMBO)—VARIANCE** The applicants, David and Jill Shulman, have filed an application requesting Town Council review and approval for a variance to (1) exceed the maximum allowable Cubic Content Ratio (CCR) for the construction of enclosed additions and a rear awning to the single-family residence. The Architectural Commission shall perform the design review component of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project. Motion carried, 5-2.]*
At the December 13, 2023, Town Council Meeting, the project variance was denied. At the January 10, 2024, Town Council Meeting, a motion to reconsider the above-mentioned project was approved. Therefore, this project will be reheard.

b. **ZON-23-109 (COA-23-040) 134 EL VEDADO RD (COMBO)—VARIANCE** The applicants, Elizabeth and Jeffrey Leeds, have filed an application requesting Town Council review and approval for (1) Variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject landmark property. Motion carried, 7-0.] [The Landmarks Commission approved the project,. Motion carried, 7-0.]*

c. **ZON-23-072 (ARC-23-094) 247-251 WORTH AVE (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Holbrook Real Estate LLC, has filed an application requesting Town Council review and approval for three (3) Special Exception requests, (1) for permitted use (retail) Pg. 207

over 4,000 SF of leasable area in the C-WA zoning district, (2) for a second floor in the C-WA zoning district, and (3) for a third story as a Special Allowance in accordance with the Worth Avenue Design Guidelines. Additionally, the applicant is requesting Site Plan Review for a building with additions greater than 2,000 SF. The applicant is also requesting six (6) Variance requests, (1) to exceed the maximum lot coverage of 69% in lieu of the 35% maximum allowed for the second floor using the Worth Avenue Design Guidelines for a 2nd story addition, (2) to not provide the required 27 parking spaces for new commercial and residential additions, (3) to not provide the required 25% landscape open space to have 5% open space for a three-story building, (4) to not provide the required on-site loading space, (5) to allow residential uses above the second floor mercantile/office space, and (6) to exceed the maximum floor area of 15,000 SF to allow a structure with +/- 18,250 SF, in conjunction with a new two-story addition to an existing one-story commercial building on a site with two existing one and two story buildings. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 5-1.] [The Architectural Review Commission approved this project with items to return to February 28, 2024, ARCOM meeting. Motion carried, 4-2.] [The Architectural Review Commission made an affirmative finding that the subject redevelopment project is consistent with the adopted urban design goals for Worth Avenue, the MID Avenue Development Area objectives, and more specifically the criteria for approval for granting the Special Allowances for the third floor, as identified within the adopted Worth Avenue Design Guidelines. Motion carried/supported, 4-2.]*
TIME CERTAIN 2:00 PM

d. **ZON-23-118 (ARC-23-140) 2278 IBIS ISLE RD (COMBO)—VARIANCE** The applicant, Angel Arroyo, has filed an application requesting Town Council review and approval for a Variance (1) to eliminate the required garage enclosure for two vehicles in the R-B district. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 5-2.] [The Architectural Review Commission approved this project with conditions. Motion carried, 5-2.]* Pg. 226

e. **ZON-24-009 (ARC-23-167) 350 SEABREEZE AVE (COMBO)—SPECIAL EXCEPTION w/ SITE PLAN REVIEW & VARIANCE** The applicant, Judith Goodman (Contract Purchaser, Justin Besikof / Rep. Maura Ziska), has filed an application requesting Town Council review and approval for (1) variance to Pg. 232

not provide garage parking and a Special Exception with Site Plan Review for the redevelopment of an R-B lot deficient in area and width requirements with a new single-family residence and sitewide landscape and hardscape improvements. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project with conditions. Motion carried, 6-1.]*

f. **ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO)—SPECIAL EXCEPTION AND VARIANCES** The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3-6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the application. ***[This project shall be deferred to the March 13, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

g. **ZON-23-105 (ARC-23-123) 1186 N OCEAN WAY (COMBO)—VARIANCES** The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Architectural Commission review and approval for the design of a new two-story residence with sitewide landscape and hardscape improvements, requiring setback and separation distance variances for the location of the pool equipment and a variance to exceed allowable chimney height. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. ***[This project shall be deferred to the March 13, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

h. **ZON-23-113 (ARC-23-145) 123 CHILEAN AVE (COMBO)—SPECIAL EXCEPTION AND VARIANCES** The applicant, Robert & Perri Bishop, has filed an application requesting Town Council review and approval for Special Exception to develop a parcel comprised of portions of platted lots which is deficient in minimum required lot width and lot area in the R-B district, and (3) Variances including (1 and 2) to reduce the required east and west side-yard setbacks and (3) to exceed the maximum permitted cubic content ratio (CCR) permitted, in conjunction with a new two-story single-family residence and one-story accessory cabana

structure. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the March 13, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

i. **ZON-23-092 (ARC-23-052) 300 COLONIAL LN (COMBO)— VARIANCE(S)** The applicants, Dragana & Richard Connaughton, have filed an application requesting Town Council review and approval for seven (7) variances including (1-2) to construct an accessory slat house structure in the south rear-yard and west street side-yard setback, (3) to exceed maximum angle of vision, (4) to exceed maximum lot coverage, (5-6) to construct a new-single family residence with reduced one-story and two-story east side-yard setbacks, and (7) to exceed the maximum number of pieces of air-conditioning equipment permitted in the east side-yard setback. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the March 13, 2024, Town Council meeting pending review by the Architectural Review Commission.]***

2. New Business

a. **ZON-23-076 (ARC-23-104) 1295 S OCEAN BLVD (COMBO) — SPECIAL EXCEPTION(S) AND VARIANCE** The applicant, WEMIO LLC (Tom Waller, Chief Operating Officer), has filed an application requesting Town Council review and approval for two (2) special exceptions, (1) for the installation of a new tennis court and (2) for supplemental parking and one (1) variance for reduced tennis enclosure height. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project. Motion carried, 7-0.]* Pg. 244

b. **ZON-24-006 (ARC-23-161) 129 CHILEAN AVE (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCE(S)** The applicant, Ch1129 LLC (George Mykoniatis), has filed an application requesting Town Council review and approval of Special Exception with Site Plan review for development of an existing nonconforming parcel composed of portions of platted lots and (3) variances to (1-2) construct a new single-family residence within required east and west side-yard setbacks and (3) to forgo provision of required garage parking. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review* Pg. 250

Commission approved this project. Motion carried, 7-0.]

c. **ZON-24-007 (ARC-23-162) 223 SUNSET AVE (COMBO)— SPECIAL EXCEPTION AND VARIANCE** The applicant, 223 SUNSET HOLDINGS LLC, has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception for shared on-site parking associated with a change of use from office to residential and a Variance to reduce the overall landscape open space to accommodate a new accessible ramp in the rear of the property. The Architectural Commission shall perform design review of the application. Pg. 262

d. **ZON-24-014 (ARC-24-004) 334 CHILEAN AVE (COMBO) – VARIANCES** The applicant, Overflow Pad Too LLC (Bradley McPherson, Authorized Representative), has filed an application requesting Town Council review and approval for four (4) variances related to modifications to previously approved hardscape and landscape plans for construction of a new residence, including: (1 – 3) variances to exceed maximum site wall heights in the east, west and south yard areas and (4) a variance to provide a reduced pool heater equipment setback. The Architectural Commission shall perform design review of the application. Pg. 285

e. **ZON-24-020 (COA-24-001) 930 S OCEAN BOULEVARD (COMBO)— VARIANCE(S)** The applicant, 930 S Ocean Trust (Maura Ziska, Trustee), has filed an application requesting Town Council review and approval for four (4) variances including (1) the reduction of the west side-yard setback for a building addition (Section 134-843), (2) to exceed maximum separation of pool equipment from swimming pool Sec. 134-1728, (3) to exceed the maximum number of air-conditioning units in the south rear-yard setback Sec. 134-1728, and (4) for pool heaters with a 6' rear yard setback, in lieu of the 10' minimum setback required Sec. 134-1728. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Perservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Landmarks Perservation Commission approved this project. Motion carried, 7-0.]* Pg. 293

f. **ZON 24-021 (COA-24-003) 800 S COUNTY ROAD (COMBO) —VARIANCE(S)** The applicant, DesRuisseaux Land Trust (Maura Ziska, Trustee), has filed an application requesting Town Council review and approval for two (2) variances including (1) the reduction of the north side-yard setback for construction of bridge and (2) to exceed maximum lot coverage for construction of bridge. The Landmarks Preservation Commission shall perform a design review of the application. *[Landmarks Perservation* Pg. 314

Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 6-0.] [The Landmarks Perservation Commission approved this project. Motion carried, 6-0.]

g. **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 shall be deferred to the March 13, 2024, Town Council meeting, pending review by the Landmarks Preservation Commission.]***

B. Time Extensions, Waivers, & Three Strike Matters

1. Waiver of Town Code Section 24-199, For Construction Work Hour Extension at **140 N County Rd** Pg. 354
2. Waiver of Town Code Section 18-237, For Building Permit Extension for **236 Phipps Plaza** Pg. 366
3. Waiver of Town Code Section 18-237, For Building Permit Extension for **238 Phipps Plaza** Pg. 380
4. Waiver of Town Code Section 18-237, For Building Permit Extension for **205 Via Tortuga** Pg. 390
5. Waiver of Town Code Section 18-237, For Building Permit Extension for **212 Australian Avenue** Pg. 400
6. Waiver of Town Code Section 18-237, For Building Permit Extension for **1540 S Ocean Blvd.** Pg. 414
7. Waiver of Town Code Section 18-237, For Building Permit Extension for **1118 N Lake Way** Pg. 429

XI. ANY OTHER MATTERS

XII. ADJOURNMENT

Procedures for Public Participation:

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

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

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

1. To make a 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: February 14, 2024

Section of Agenda

Consent Agenda

Agenda Title

ZON-23-068 (ARC-23-090) 206 CARIBBEAN RD. (COMBO)—SITE PLAN REVIEW The applicant, Walter Wick, has filed an application requesting Town Council review and approval for Site Plan Review to allow development of a new single-family residence on a platted nonconforming parcel deficient in lot width and lot area required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved this project 7-0 with conditions.]*

Presenter

ATTACHMENTS:

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

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

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

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

SUBJECT: ZON-23-068 (ARC-23-090) 206 CARIBBEAN RD (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TC

ARC-23-090 (ZON-23-068) 206 CARIBBEAN RD (COMBO). The applicant, Walter Wick, has filed an application requesting Architectural Commission review and approval for construction of a new two-story residence with landscape, hardscape and pool on a nonconforming parcel. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

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

Applicant: Walter Wick
Architect: Dailey Janssen Architect
Landscape: Environment Design Group

HISTORY:
The demolition of the prior one-story residence was approved at the OCTOBER 27, 2021 ARCOM meeting, pursuant to ARC-21-066. An application, ARC-23-012 (ZON-23-027) 206 CARIBBEAN RD (COMBO), was scheduled for review and approval at the March 29, 2023 ARCOM meeting, for the construction of new two-story single-family dwelling with pool, hardscape and landscape, requiring site plan review for development of an existing nonconforming lot was withdrawn by the applicant.

The current project application was heard at the August 23, 2023 ARCOM hearing and was deferred (7-0) to the September 27, 2023 hearing by the commission.

The project was heard at the September 27, 2023 ARCOM hearing. The applicant resubmitted plans in response to commission comments. The redesigned plans were met without enthusiasm from the commission, especially as it pertained to the front façade and presence of the home to the street. The item was deferred (7-0) to the November 20, 2024 meeting.

November 20, 2024 meeting deferred for one month at the request of the applicant.

At the December 15, 2023 the item was heard and again deferred (7-0) for further refinement. At the JANUARY 24, 2024 ARCOM meeting, the item was presented and approved (7-0).

THE PROJECT:

The applicant has submitted plans, entitled "Proposed new construction at: 206 Caribbean Road" as prepared by **Dailey Janssen Architects**, received, and dated by the Town as January 04, 2024.

The following is the scope of work:

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

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

- **SITE PLAN REVIEW:** Sec. 134-893(c)**:** Site Plan Review to permit the construction of a new single-family dwelling on an existing nonconforming lot in the R-B zoning district with a lot width of 75' in lieu of the 100' required, and a lot area of 9,750 SF in lieu of the 10,000 SF required.

Site Data			
Zoning District	R-B	**Future Land Use**	SINGLE-FAMILY
Lot Size	9,750 SF	**Crown of Road (COR)**	2.47' NAVD
Total Enclosed SF	Previous (09/23): 3,269 SF Proposed: 3,629 SF	**FEMA Flood Zone**	AE-6
Building Height *from point of meas.*	Permitted: 22' Previous (09/23): 19'-6" Proposed 11/23: 19'3"	**Overall Building Height** *from point of meas.*	Permitted: 30' Previous (09/23): 26'-4" Proposed 11/23: 27'-3"
Finished Floor Elevation	7'-2" NAVD	**Point of Measurement**	7' NAVD
Lot Coverage	Permitted: 30% (2,925 SF) Prev. (09/23): 30% (2,924 SF) Proposed: 29.9% (2923 SF)	**Maximum Fill**	2'-4"
Landscape Open Space (LOS)	Required: 45% (4,387.5 SF) Prev. (09/23): 45.1% (4,401 SF) Proposed: 45% (4,391 SF)	**Front Yard Landscape Open Space**	Required: 40% Prev. (09/23): 43% Proposed: 43%
Surrounding Properties / Zoning			
North	1966 one-story residence / R-B		
South	1966 one-story residence / R-B		
East	1950 two-story residence / R-B		
West	2011 two-story residence / R-B		

STAFF ANALYSIS

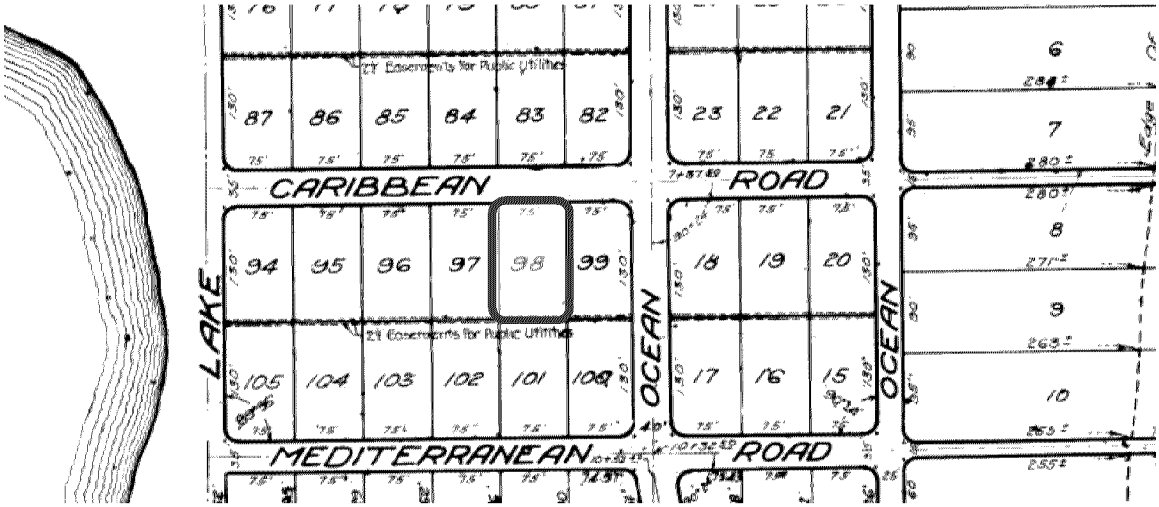
A preliminary review of the project indicates that the application, as proposed, is consistent with the Town zoning code.

The applicant has resubmitted plans to address concerns of the commission. The applicant has resubmitted plans where the two-story massing at the front of the structure has been shifted. Additional changes include the following:

- North façade: remove bay window and replace with balcony.
- East & west façade: sliding doors have been reduced in scale.
- West façade: pairs of French doors w/ side lights modified to a single door w/ side lights.
- Overall eave height of single-story 'great room' has been reduced and footprint has been moved towards the east setback line.

SITE PLAN REVIEW

Site Plan Review is required due to the nonconforming lot width. The parcel is deficient in minimum width (75') for the R-B Zoning district (100'), thus requires Site Plan Review and approval by Town Council. The subject property contains its original geometric configuration and dimensions as it was originally platted in 1928 as Lot 98 within the plat of Boca Ratone Company's Inlet Subdivision.



Staff has no objections to the granting of the Site Plan Review, as the approval would allow the development of site with a new residence on a parcel that is consistent in size with those others on the street in the immediate vicinity and contains the original lot and block configuration as the historical plat.

CONCLUSION:

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

(1) for the overall Site Plan Review, as said applications meet the criteria set forth in section 134-329 of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329.

WRB:JGM:BMF

RECEIVED
By yfigueroa at 2:16 pm, Jan 04, 2024

DJA DAILEY JANSSEN ARCHITECTS, P.A.

ROGER PATTON JANSSEN, A.I.A.

Date: April 24th, 2023 (pre-application)
May 11th, 2023 (first submittal)
May 30th, 2023 (second submittal)
June 26th, 2023 (second submittal REV01)
July 11th. 2023 (final submittal)
September 5th, 2023 (deferral submittal REV01)
November 6th, 2023 (deferral submittal REV02 – (*client requested deferral*)
December 4th, 2023 (deferral submittal REV03 – (*ARCOM deferral*)
January 4th, 2024 (deferral submittal REV04)

LETTER OF INTENT RELATED TO PROPOSED NEW CONSTRUCTION AT
206 CARIBBEAN ROAD, PALM BEACH, FLORIDA, 33480

ARCOM: ARC-23-090 TOWN COUNCIL: ZON-23-068

We are pleased to re-submit the accompanying drawings for the deferral submittal review of our project at 206 Caribbean Road. The site is currently vacant and sodded. Our project is for the proposed construction of a 2-Story residence including pool, hardscape and landscape. We have paid special attention to the comments received by all parties at the Friday, December 15 meeting, as well as the neighbors, and have respectfully made the changes that were discussed.

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

Not applicable

B) ARCOM 18-205

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

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

The changes that we have made include the following:

- *North Façade: remove bay window and replace with balcony.*
- *East & West Façade: sliding doors have been reduced in scale.*
- *West Façade: pairs of French doors w/ side lights have been reduced to a single door w/ side lights.*
- *Overall eave height of single-story great room area has been reduced and footprint has been moved towards the east setback line.*
- *Great room has been reduced from 21' to 20'*
- *Window has been added in kitchen on west façade.*

B) ARCOM 18-206

Not applicable

C) SPECIAL EXCEPTION 134-229

No Applicable

D) SITE PLAN REVIEW 134-893

Per Section 134-893(c) Site Plan Review to allow development of a platted lot in the R-B zoning district with a lot width of 75' in lieu of the 100' required, and a lot area of 9,750 sq. ft. in lieu of the 10,000 sq. ft. required.

E) VARIANCES 134-201

Not Applicable

Respectfully Submitted,



Roger P. Janssen, AIA

Dailey Janssen Architects, P.A.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Consent Agenda

Agenda Title
ZON-23-070 (ARC-23-092) 217 BAHAMA LN (COMBO)—SITE PLAN REVIEW The applicant, James and Sarah McCann, have filed an application requesting Town Council review and approval for Site Plan Review for the construction of new two-story single-family residence on a non-conforming platted lot which is 90 feet in depth in lieu of the 100-foot minimum depth required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. *[The Architectural Review Commission approved this project 4-3.]*

Presenter

ATTACHMENTS:

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

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

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

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

SUBJECT: ZON-23-070 (ARC-23-092) 217 BAHAMA LN (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TC

ARC-23-092 (ZON-23-070) 217 BAHAMA LN (COMBO). The applicant, James and Sarah McCann, have filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence and associated landscape and hardscape on a lot substandard in lot depth in the R-B zoning district. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

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

Applicant: James and Sarah McCann
Professional: Dailey Janssen Architect

HISTORY:
This project was originally presented at the August 23, 2023 ARCOM meeting. The design was generally well received, with some commentary on the massing, the general fit within the neighborhood and the location of the second floor element. After discussion (7-0) the matter was deferred for one month. At the SEPTEMBER 27, 2023 ARCOM meeting, the item was presented again, but the Commissioners indicated that the "design did not go in the right direction", and the item was deferred (7-0) to the NOVEMBER 20, 2023 meeting. The item was deferred to the DECEMBER 15, 2023 ARCOM meeting for one month at the request of the applicant, and then again to the JANUARY 24, 2024 meeting. At the JANUARY 24, 2024 ARCOM meeting, the item was presented and approved (4-3).

THE PROJECT:
The applicant has submitted plans, entitled "Proposed new residence at: 217 Bahama Lane" as prepared by **Dailey Janssen Architects**, received, and dated by the Town as January 04, 2024.

The following is the scope of work:

- Construction of a new two-story single-family residence.

- New landscape, hardscape, and pool.

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

- **SITE PLAN REVIEW:** Sec. 134-893(c)**:** Site Plan Review to permit the construction of a new single-family dwelling on an existing nonconforming lot in the R-B zoning district which is 90 ft in width in lieu of the 100 ft required.

Site Data			
Zoning District	R-B	**Future Land Use**	SINGLE-FAMILY
Lot Size	10,283 SF	**Crown of Road (COR)**	5.85' (avg) NAVD
Total Enclosed SF	4,674 SF	**FEMA Flood Zone**	AE-6
Building Height *from point of meas.*	Permitted: 22' Proposed: 19'-7"	**Overall Building Height** *from point of meas.*	Permitted: 30' Proposed: 26'-4"
Landscape Open Space (LOS)	Required: 45% (4,627 SF) Proposed: 45.8% (4,710 SF)	**Front Yard Landscape Open Space**	Required: 40% (1,130 SF) Proposed: 64.2% (1,813)
Surrounding Properties / Zoning			
North	1942 two-story residence / R-B 1950 one-story residence / R-B		
South	1952 one-story residence / R-B		
East	1954 one-story residence / R-B		
West	1956 one-story residence / R-B		

STAFF ANALYSIS

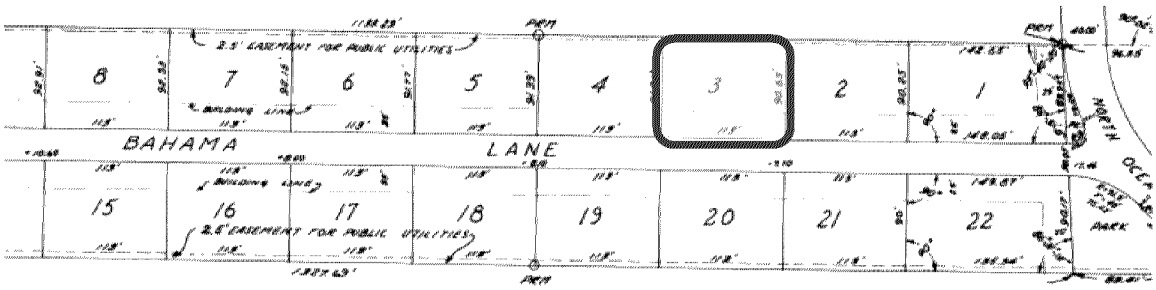
A preliminary review of the project indicates that the application, as proposed, is consistent with the Town zoning code. As previously mentioned in the History portion of the report, this item was previously presented to the Commission twice before.

The plan features a new two-story residence on an interior parcel at the intersection of Bahama Lane. There are many single-story residences in the immediate area along Bahama Lane. The design feature a two-car garage facing the r-o-w, setback over 35'-0" from the front property line, predominantly one-story in mass with a small habitable dormer floor area. A one story covered porch and entry, trellised lanai and covered loggia extends along the balance of the eastern front of the house and extends towards the east side of the residence. This east side area has been given a generous setback and features the swimming pool.



SITE PLAN REVIEW

Site Plan Review is required due to the nonconforming lot width. The parcel is deficient in minimum width (90') for the R-B Zoning district (100'), thus requires Site Plan Review and approval by Town Council. The subject property contains its original geometric configuration and dimensions as it was originally platted in 1951 as Lot '3' within the plat of Bahama Addition subdivision.



Staff has no objections to the granting of the Site Plan Review, as the approval would allow the development of site with a new residence on a parcel consistent in size with those others on the street in the immediate vicinity.

CONCLUSION:

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

(1) for the overall Site Plan Review, as said applications meet the criteria set forth in section 134-329 of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329.

WRB:JGM

RECEIVED
By yfigueroa at 1:49 pm, Jan 04, 2024

DJA DAILEY JANSSEN ARCHITECTS, P.A.

ROGER PATTON JANSSEN, A.I.A.

Date: April 24th, 2023 (pre-application)
June 8th, 2023 (first submittal)
June 26, 2023 (second submittal)
July 11, 2023 (final submittal)
September 5, 2023 (second submittal)
January 4, 2024 (third submittal)

LETTER OF INTENT RELATED TO PROPOSED NEW CONSTRUCTION AT
217 BAHAMA LANE, PALM BEACH, FLORIDA, 33480

ARCOM: ARC-23-092 TOWN COUNCIL: ZON-23-070

We are pleased to submit the accompanying drawings for the first submittal review of our project at 217 Bahama Lane. The site currently has a single-family residence to be demolished. Our project is for the proposed construction of a 2-Story residence including pool, hardscape and landscape. This project does not require any variances. We have paid special attention to the cubic content and zoning requirements of the district and have increased our allowable setbacks, dropped the overall beams heights, and included more native plantings.

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

Not applicable

B) ARCOM 18-205

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

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

B) ARCOM 18-206

Not applicable

C) SPECIAL EXCEPTION 134-229

Not Applicable

D) SITE PLAN REVIEW 134-329

Site Plan Review for development of a new dwelling on portions of platted lots which is 10,283 SQ FT in lieu of the 10,000 SQ FT required in the R-B zoning district.

E) VARIANCES 134-201

Not Applicable

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Consent Agenda

Agenda Title
ZON-24-016 281 ROYAL POINCIANA WAY—SPECIAL EXCEPTION AND VARIANCE The applicant, Field of Greens, has filed an application requesting Town Council review and approval of a Special Exception for a restaurant use and a Variance to not provide the required on-site parking for a change of use from retail to restaurant use.

Presenter

ATTACHMENTS:

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

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-24-016 281 ROYAL POINCIANA WAY

MEETING: FEBRUARY 14, 2024

ZON-24-016 281 ROYAL POINCIANA WAY—SPECIAL EXCEPTION AND VARIANCE.
The applicant, Field of Greens, has filed an application requesting Town Council review and approval of a Special Exception for a restaurant use and a Variance to not provide the required on-site parking for a change of use from retail to restaurant use.

Applicant: Field of Greens and Flagler System Management Inc
Professional: Metro Architectural Group
Representative: Maura Ziska

THE PROJECT:
The applicant has submitted plans, entitled "Field of Greens", as prepared by **Metro Architectural Group,** date stamped by the Town, Jan 03, 2024.

The following is the scope of work for the Project:

- Interior renovation of an existing first floor retail tenant into a restaurant use in an existing two-story building.

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**: Sec. 134-1209(8): A special exception for a restaurant use in the C-TS district.
- **VARIANCE #1** Sec. 134-2176 to provide four (4) on-site parking spaces in lieu of the required parking spaces that would be required due to the change of use from retail to restaurant use. Existing retail = 7 spaces credit | Proposed restaurant = 11 space required, or 4 space variance.

Site Data			
Zoning District	C-TS	**Existing parking**	None
Future Land Use	COMMERCIAL	**Square Footage**	1252 SF retail
Year Constructed	1917	**Architect**	unkown

Designation as Landmark	12/09/15	**Current Use** **Proposed Use**	Beauty Lounge/retail Restaurant (22 seats)
Surrounding Properties / ZONING			
North	Three story hotel / C-TS		
South	Breakers Golf Course / PUD-A		
East	One- and two-story office Breakers / C-TS		
West	Bradley Park / R-B		

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **restaurant use** is **consistent** with the **Commercial** designation of the Future Land Use Map of the Comprehensive Plan.

STAFF ANALYSIS:

The subject property is currently improved with an existing two-story office building with ground floor retail-containing four retail bays. The prominent corner location is at the western terminus of Main Street and Bradley Place. The applicant, Field of Greens, is leaving its current location two parcels to the east as it undergoes improvements and proposing to relocate within one of the retail bays, west of Sprinkles Ice Cream. There is no on-site parking. There are no exterior changes to the landmarked Campbell building, a good example of Neo-Classical Revival architecture.



The current space most recently contained a salon. The application for a change of use from retail to restaurant use within the existing 1,252 SF shell space. The building was designed with ground floor retail with no on-site parking. Its close proximity to the railroad's eastern terminus likely helped the retail and restaurants flourish. No new square footage is proposed, so existing parking' spaces is not impacted. However, based on the Town's principles of equivalency, the change of use from retail to restaurant would yield an additional parking requirement of 4 spaces, for the proposed seating and back of house restaurant component. Staff has no objections to the application.

- Previous tenant is 1252 SF retail @ 1 per 200 SF = 7 Parking Spaces Credit PoE
- Proposed Restaurant: 22 seats @ 1 per 3 seats = 8 Parking Spaces Required +630 SF of

back of house. Required is 1/200 = 3 Parking Spaces Required. For a total of 11 parking spaces required. Parking variance is for **4 space total deficiency.**

Field of Greens has been operating for many years in a location a few feet away from the proposed location without any incident or complaints—at a location along 195' east on Main Street, also deficient in on-site parking. The building is grandfathered without onsite parking. Staff has no objections to the application.

CONCLUSION:

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

(1) Special Exception request for restaurant use in the C-OPI district; and

(2) that the Variance #1 **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.

WRB:JGM

RECEIVED
By yfigueroa at 2:18 pm, Jan 03, 2024

January 3, 2024

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

RE: ZON-24-016 – 281 Royal Poinciana Way
Letter of Intent (LOI)

To Whom It May Concern:

SPECIAL EXCEPTION 134-229

Section 134-1109(22): Special Exception with Site Plan Review request to allow the operation of a restaurant (Field of Greens) in 1,232 square feet of space.

The following criteria is met:
1)This proposed use, a restaurant, is a permitted use in the C-TS Zoning District with special exception approval.
2)The design, location and operation of the proposed restaurant will not adversely affect public health, safety, welfare or morals. Field of Greens has been operating for many years in a location a few feet away from the proposed location without any incident or complaints.
3)The proposed restaurant will not cause substantial injury to the value of other properties in the neighborhood as there are other restaurants in this commercially zoned area.
4)The proposed restaurant will be compatible with the neighborhood as it is permitted.
5)The proposed restaurant will comply with all requirements set forth in Article VI of the Zoning Code, if applicable.
6)The proposed restaurant will comply with the comprehensive plan, if applicable.
7)The proposed restaurant will not result in substantial economic, noise, glare, or odor impacts on adjoining properties this has been a commercial building for many years.
8)Current ingress and egress, parking, loading areas, automotive and pedestrian safety and convenience and traffic flow will not be impacted and will be via Royal Poinciana Way or Bradley Place.
9)Any signage will be meet the Town's regulations.
10)Utility service will remain unchanged or be upgraded so there will no negative impact on health and safety.
11)Refuse and service areas will remain unchanged, thus there will no negative impact on automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
12)Field of Greens has been a town serving business on Royal Poinciana Way.
13)N-A – No historic/specimen trees
14)The proposed restaurant will not place a greater burden on police or fire protection services.

SITE PLAN REVIEW 134-329
1)The owner of the property is Flagler System Management Inc. and is the entity in control of the property. A restaurant is a permitted use in the C-TS Zoning District with Special Exception Approval.

2)The proposed restaurant with 1,232 SF is a minimum example of development and will not have a negative impact on the neighborhood, which is a mixed use neighborhood in a commercial district.
3)Ingress, egress, utilities and refuse collection will be via Royal Poinciana Way or Bradley Place, which is capable of handling traffic and other such uses in a mixed use neighborhood.
4)N/A
5)N/A
6)N/A
7)The utility hook ups will remain or be improved to meet the current Town of Palm Beach requirements.
8)N/A
9)N/A
10)N/A
11) A proposed restaurant that is 1,232 SF is not intrusive on the street and neighborhood.

VARIANCE 134-201: to not provide 15 parking spaces.

PARKING VARIANCE PARKING Sec. 134-2176:
1. Previous tenant is 1252 SF retail (specialty retail, PALM BEACH BEAUTY LOUNGE.
a) 1252 Sq Ft @ 1 per 200 SF = 7 Parking Spaces Credit PoE

2. Restaurant.
a) 22 seats @ 1 per 3 seats = 22 Parking Spaces Required
b) +_ SF of back of house. Provide on site plan. Required is 1/200.
c) At minimum, parking variance is for 15 space deficiency plus BOH.

Criteria:

The existing building has no onsite parking but plenty of public parking spaces on Royal Poinciana Way and Cocoanut Row that is more than necessary for the existing tenants and proposed restaurant. Although the code would require 15 additional parking spaces, in reality there is not a parking problem.
The applicant was not the cause of the purported parking deficiency. The building is grandfathered without onsite parking.
Granting the variance for the parking spaces will not confer on the applicant a special privilege as parking regulations are not adhered to and non-conforming in the Town.
The hardship for not adding the 15 parking spaces is that there is no onsite space available to add any parking.
The grant of a variance for 15 additional parking spaces will be in harmony with the general intent of the district and will not be detrimental to the public welfare

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Consent Agenda

Agenda Title
ZON-24-029 230 ROYAL PALM WAY – SPECIAL EXCEPTION AND VARIANCE The applicant, Flagstar Bank, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and a Site Plan Review for a use greater than 2,000 SF in the C-OPI zoning district for first floor and third floor in an existing four-story office building. Additionally, a Variance is being requested to not provide 6 additional parking spaces required as a change of use from office space to banking space.

Presenter

ATTACHMENTS:

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

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

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

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

SUBJECT: ZON-24-029 230 ROYAL PALM WAY STE 101, 301, 302

MEETING: FEBRUARY 14, 2024

ZON-24-029 230 ROYAL PALM WAY – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE. The applicant, Flagstar Bank, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and a Site Plan Review for a use greater than 2,000 SF in the C-OPI zoning district for first floor and third floor in an existing four-story office building. Additionally, a Variance is being requested to not provide 6 additional parking spaces required as a change of use from office space to banking space.

Applicant: Flagstar Bank
Professional: Huntsman Architectural Group
Representative: Maura Ziska

THE PROJECT:
The applicant has submitted plans, entitled "FLAGSTAR BANK 230 ROYAL PALM WAY, STE 101, 301, 302", as prepared by **Huntsman Architectural Group,** date stamped by the Town, Jan 03, 2024.

The following is the scope of work for the Project:

- Interior renovation of a portion of an existing first floor office building and third floor building into a Bank and private banking services in an existing three-story building.

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** Sec. 134-1209(8) Special Exception for a bank .
- **SITE PLAN REVIEW** Sec. 134-1212 permitted use greater than 2,000 square feet gross leasable area in the C-OPI zoning district to occupy the first floor (Ste 100, 2760 SF) and third floor (Ste 301, 1220 SF & Ste 302, 1530 SF) for a total of 5,510 SF.
- **VARIANCE #1** Sec. 134-2176 to provide six (6) on-site parking spaces in lieu of the required twenty-two (28) parking spaces that would be required due to the change of use from office to financial institution. Existing office 1 /250 = 22 spaces credit | Proposed bank 1/200 @ 5,510 SF = 28 space required, or 6 space variance.

Site Data			
Zoning District	C-OPI	**Existing parking**	69
Future Land Use	COMMERCIAL	**Square Footage**	TOTAL SF= 5,510 SF Ste 100=2760 SF Ste 301=1220 SF & Ste 302= 1530 SF
Surrounding Properties / ZONING			
North	Two-story bank / C-OPI		
South	Two-story duplex residence / R-C		
East	Two-story office / C-OPI		
West	Two-story office / C-OPI		

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **office/bank use** is **consistent** with the **Commercial** designation of the Future Land Use Map of the Comprehensive Plan.

STAFF ANALYSIS:

The subject property is currently improved with an existing four-story office building, surface parking lot for 69 vehicles on an interior lot on the southern side of Royal Palm Way. There is one two-way vehicular curb access from Royal Palm Way. No site improvements are contemplated.

The main floor, Suite 100, of the space will function as a private wealth management office where advisory services, at times, with low traffic, will be provided to clients across a desk or conference table and not a teller window. The 3rd floor suites, Suite 301 & 302, will serve as back-office spaces for this function and will not have customers. In this regard the proposed use is not a typical "bank" use but for zoning and licensing purposes had to be reviewed the same as they are FDIC insured.

The application for a change of use to bank use for Flagstaff Bank totaling approximately 5,510 SF of office space. The application for stie plan review for a change in use from a Brokerage Investments Firm to a Bank over 2,000 SF in the C-OPI district. Staff has no objections to the application. The office building was designed with adequate on-site parking for full occupancy of the building and no new square footage is proposed, as such existing parking spaces is not impacted. However, based on the Town's principles of equivalency, the change of use from a financial institution to a bank would yield an additional parking requirement of 6 spaces, as the Town's zoning code classifies banks as retail for the parking demand due to the change of use from office to financial institution. Existing office 1 /250 = 22 spaces credit | Proposed bank 1/200 @ 5,510 SF = 28 space required, as such 6 space deficiency. It is not uncommon for municipal zoning codes (Coral Gables, Miami Beach, Delray Beach) to qualify bank use as office use, which would elicit no increase in parking demand. Staff has no objections to the application.

CONCLUSION:

Approval of the project will require three (3) separate motions to be made by the Town Council:

(1) Special Exception request for commercial space (bank) in the C-OPI district; and
(2) Site Plan Review for permitted use greater than 2,000 square feet gross leasable area in the C-OPI zoning district; and
(3) that the Variance #1 **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.

WRB:JGM

RECEIVED
By yfigueroa at 12:07 pm, Jan 03, 2024

HUNTSMAN

15 West 37th Street
Sixteenth Floor
New York New York
10018-5388
T 212.693.2700
HuntsmanAG.com
San Francisco
New York
Chicago

LETTER OF INTENT

3rd of January 2023

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

Huntsman AG intends to fit-out the existing suites 100, 301 & 302 at 230 Royal Palm Way for our client Flagstar Bank, a Bank and private banking services provider. The main floor, suite 100, of the space will function as a private wealth management office where advisory services, at times, with low traffic, will be provided to clients across a desk or conference table and not a teller window. The 3rd floor suites, suite 301 & 302, will serve as back-office spaces for this function and will not have customers.

See below for the rentable square footage of the suites
Suite 100: 2760 sf,
Suite 301: 1220 sf,
Suite 302: 1530 sf,
for a total of 5510 square feet.

The scope of work includes:
• Interior work only
• New construction, in the currently interiorly demolished suite 100 including partitions, ceilings, fixtures, finishes, mechanical, electrical, plumbing
• Partial demolition & new construction in suite 301 & 302 including partitions, ceilings, fixtures, finishes, mechanical, electrical, plumbing

The project meets Sec. 134-229.- requirements for granting a special exception:

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

Banks are a special exception use in the C-OPI Zoning District. This District and Royal Palm Way has many banks therein.

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

Flagstar Bank is an upscale institution that will fit in with the other banks on Royal Palm Way.

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

Opening up a new bank on Royal Palm Way will not devalue properties but will be another amenity for Palm Beach residents and guest.

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

There are many other banks on Royal Palm Way.

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

N/A

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

The proposed bank will comply with the comprehensive plan as there is no additional SF being proposed or intensification of a use.

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

N/A

(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.

There is adequate onsite parking spaces in the parking lot to the rear of the building.

(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.

Any proposed signage will meet the Town's guidelines.

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

Utility service remains the same.

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

Refuse and service areas remain the same.

(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.

N/A

(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.

As an existing commercial building on Royal Palm Way, adding a bank to the existing space will not place a greater burden on the Town services.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Consent Agenda

Agenda Title
ZON-24-030 400 ROYAL PALM WAY, SUITE 100 and 300—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE The applicant, Citizens Bank NA, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and a Site Plan Review for a use greater than 2,000 SF in the C-OPI zoning district for first floor and previously approved third floor in an existing four-story office building. Additionally, a Variance is being requested to not provide 2 additional parking spaces required as a change of use from office space to banking space.

Presenter

ATTACHMENTS:

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

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

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

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

SUBJECT: ZON-24-030 400 ROYAL PALM WAY, STE 100 and 300

MEETING: FEBRUARY 14, 2024

ZON-24-030 400 ROYAL PALM WAY, SUITE 100 and 300—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE. The applicant, Citizens Bank NA, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and a Site Plan Review for a use greater than 2,000 SF in the C-OPI zoning district for first floor and previously approved third floor in an existing four-story office building. Additionally, a Variance is being requested to not provide 2 additional parking spaces required as a change of use from office space to banking space.

Applicant:	Citizens Bank NA
Professional:	Spina Orouke + Partners
Representative:	Maura Ziska

HISTORY:
At the Town Council's September 14, 2022 Development Review meeting, an application was reviewed and approved (5-0) by Town Council for a Special Exception to allow a bank and financial institution on the third floor of an existing four- story office building with a drive thru facility in the in the COPI office district, including a variance to not provide 6 parking spaces required with the change of use from office to bank, pursuant to ZON-22-130.

At the DECEMBER 13, 2023 TC meeting, the Town Council approved a SE for a 6,946 SF Bank on the 3rd floor, a SE for a drive through facility, and for a use greater than 2, 000 SF, pursuant to ZON-23-122 Suite 300.

THE PROJECT:
The applicant has submitted plans, entitled "CITIZENS BANK, 1st Floor Suite 100 and 3rd floor Suite 300", as prepared by **Spina Orouke + Partners**, date stamped by the Town, Jan 03, 2024.

The following is the scope of work for the Project:

- Interior renovation of a portion of an existing first floor office building into a bank that also occupies the 3rd floor.

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 Sec. 134-1209(8) Special Exception for a bank.
- SITE PLAN REVIEW Sec. 134-1212 permitted use greater than 2,000 square feet gross leasable area in the C-OPI zoning district.
- VARIANCE #1 Sec. 134-2176 to provide zero (0) on-site parking spaces in lieu of the required two (2) parking spaces that would be required due to the change of use from office to financial institution. Existing office 1 /250 = 9 spaces credit | Proposed bank 1/200 @ 2,098 SF = 11 space required, or 2 space variance.

Site Data			
Zoning District	C-OPI	**Existing parking**	75
Future Land Use	COMMERCIAL	**Square Footage**	TOTAL SF= 9,044 SF. 6,946 3rd floor. 2,098 to 1st floor SF
Surrounding Properties / ZONING			
North	Society of the Four Arts Sculpture Garden / R-B		
South	Two-story single family residence / R-C		
East	Two-story office / C-OPI		
West	Three-story office / C-OPI		

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

STAFF ANALYSIS:
The subject property is currently improved with an existing four-story office building, surface parking lot and existing drive through facility in the southeast portion of the corner site. There is one vehicular curb access from Royal Palm Way and two from Cocoanut Row, inclusive of the drive through access aisle. No site improvements are contemplated.

The third floor space (Suite 300) was recently approved for a change of use to bank use for Citizens Bank totaling approximately 6,946 SF of office space. The application for Special Exception for a change in use from a Brokerage Investments Firm to a Bank over 2,000 SF in the C-OPI district, as the applicant, Citizens Bank, is proposing to add a portion of the ground floor (Suite 100 at 2,098 SF) to the total bank use—now at 9,044 SF. Staff has no objections to the application.

The office building was designed with adequate on-site parking for full occupancy of the building (ie, 3 full floors of office space at 7,100 SF each would require approximately 85 spaces under today's code for parking requirements), as such existing parking spaces is not impacted. However, based on the Town's principles of equivalency, the change of use from a financial institution to a bank (on the first floor) would yield an additional parking requirement of 2 spaces, as the Town's zoning code classifies banks as retail for the parking demand due to the change of use from office to financial institution. Existing office 1 /250 = 9 spaces credit | Proposed bank 1/200 @ 2,098 SF = 11 space required, or 2 space variances. It is not uncommon for municipal zoning codes (Coral Gables, Miami Beach, Delray Beach) to qualify bank use as office use, which would elicit no increase in parking demand. Staff has no objections to the application.

CONCLUSION:
Approval of the project will require three (3) separate motions to be made by the Town Council:

(1) Special Exception request for commercial space (bank) in the C-OPI district; and

(2) Site Plan Review for permitted use greater than 2,000 square feet gross leasable area in the C-OPI zoning district; and

(3) that the Variance #1 **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.

WRB:JGM

RECEIVED
By yfigueroa at 1:40 pm, Jan 03, 2024

SPINA OROURKE + PARTNERS

KEITH SPINA
TAMMY O'ROURKE
WILLIAM CALDWELL
JESSICA GOMES

December 14, 2023

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

Project: 400 Royal Palm Way, First Floor, Suite 100
Palm Beach, FL 33480
Zoning Case Number: ZON-24-030

We are pleased to submit this project to the Town of Palm Beach Town Council. Spina Orourke has been retained by the tenant of the property at 400 Royal Palm Way to develop plans and architectural design for Citizens Bank tenant improvement of the first-floor office space. The proposed design reuses the existing single use office space. The existing first floor square footage equals approximately 2,098 gross square feet.

This project is being submitted to the Town Council to request approval for a Special Exception (134-229) and Site Plan Approval (134-329):

A) SPECIAL EXCEPTION: Section 134-1209(8) A request for banks and financial institutions, excluding brokerage and trust companies in the C-OPI Office, Professional and Institutional District.
B) SITE PLAN REVIEW: Section 134-1212 All applications for new buildings or for new building additions or for changes in permitted use in Section 134-1208 which involve more than 2,000 square feet of building floor area of buildings in the C-OPI Office, professional and institutional district shall require site plan approval in accordance with Article III of this chapter.

Criteria:
The bank and renovation will not affect public health, safety, welfare, and morals are not at risk. The bank will not cause substantial injury to the value of other property in the neighborhood.
The bank is compatible with adjoining development and will comply with all required building codes. There have been multiple banks in this building and neighborhood.
The project meets all applicable requirements listed in Section 134-229 of the Town of Palm Beach Zoning Code including Article VI.

The proposed bank/wealth management firm will comply with the comprehensive plan if applicable. The proposed bank will not result in adverse impacts on adjoining properties.
There is adequate egress ingress on Royal Palm Way and Cocoanut Row and 75 parking spaces within the existing building's parking lot.
Any signage to be proposed will meet the code.
Utility service remains the same or will be upgraded if required. Refuse and service areas remain the same. There are no historic trees on the property.
The proposed bank should not place a greater burden on the Town services.
No exterior changes are proposed, except reactivation of the existing ATM located in the existing drive thru, which was previously approved.
A previous financial institution occupied the partial first floor.

C) VARIANCE: Section 134-2176: N/A.

Very truly yours,

KEITH M. SPINA
CEO

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Consent Agenda

Agenda Title
ZON-24-032 250 BRADLEY PL – VARIANCE(S) The applicant, Lake Towers Condo and Andrew Schilling, has filed an application requesting Town Council review and approval of the installation of a boatlift requiring (2) variances, (1) to encroach into the north side setback and (2) for a boat lift projection further than 150' from land.

Presenter

ATTACHMENTS:

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

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

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

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

SUBJECT: ZON-24-032 250 BRADLEY PL

MEETING: FEBRUARY 14, 2024

ZON-24-032 250 BRADLEY PL – VARIANCE(S). The applicant, Lake Towers Condo and Andrew Schilling, has filed an application requesting Town Council review and approval of the installation of a boatlift requiring (2) variances, (1) to encroach into the north side setback and (2) for a boat lift projection further than 150' from land.

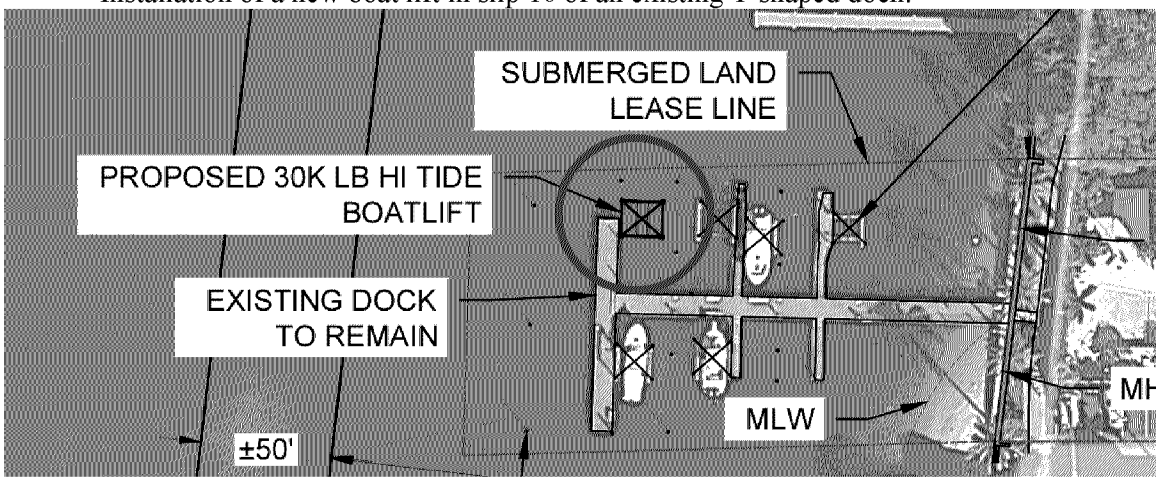
Applicant: Lake Towers Condo and Andrew Schilling
Professional: Bolchoz Marine Advisors Inc (M Bolchoz PE)
Representative: Maura Ziska

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

THE PROJECT:
The applicant has submitted plans, totaling 6 sheets entitled " VARIANCE EXHIBITS - SECOND SUBMISSION: CASE NUMBER: ZON-24-032 SHILLING BOATLIFT", as prepared by **Bolchoz Marine Advisors Inc** date stamped by the Town, Jan 03, 2024.

The following is the scope of work for the Project:

- Installation of a new boat lift in slip 10 of an existing T-shaped dock.



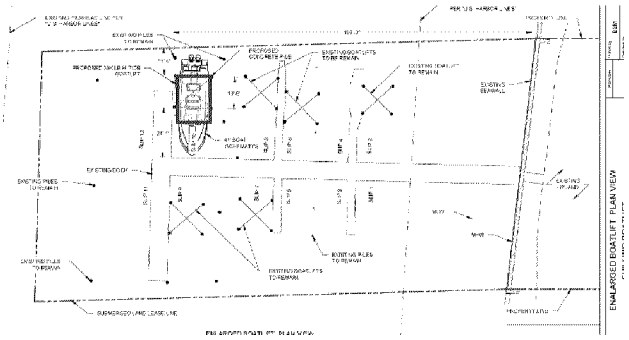
The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- VARIANCE 1: Sec. 62-74 (2) & Sec. 62-75(h): A variance for installation of a boat lift with an 153' projection from land, in lieu of the 150' maximum projection permitted.
- VARIANCE 2: Sec. 6274(2) & Sec. 62-75(h): A variance for installation of a boat lift with an 11'-4" north side yard setback, in lieu of the 25' setback required.

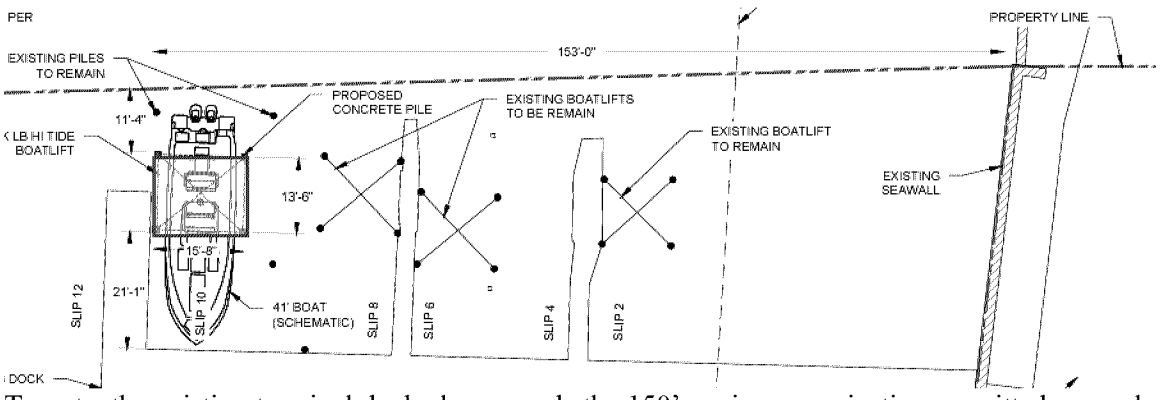
Site Data			
Zoning District	R-D(1)	**Future Land Use**	SINGLE FAMILY
Surrounding Properties / Zoning			
North	1959 One-story residence / R-B 2016 Two-story residence w/ DOCK / R-B		
South	1991 Three-story 15-unit multifamily Vila Plati w/ DOCK / R-D(1)		
East	1956 Two-story 6-unit multifamily / R-C		
West	Lake Worth Lagoon		

STAFF ANALYSIS:

The subject property is the last R-D(1) property north of Seminole Ave waterfront properties along Lake Worth Lagoon before the properties turn to R-B single family zoning.



Nearly all of the waterfront properties south in the immediate area have extending docks in an 'L' or 'T' formations. The applicant is seeking to install a new 13.5' x 15.8' boat lift within slip 10 of an existing T-shaped dock with 12 existing slips. The nonconforming dock has 5 boat lifts in various slips (9,7,8, 6 and 2) in a similar configuration. The existing dock is nonconforming in its setbacks, and in its maximum marine projection. The end section of the boat lift is proposed at an 11'-4" north side yard setback, in lieu of the 25' setback required (variance #1). The existing dock encroaches further to the north than the proposal as evidenced below.



To note, the existing terminal dock also exceeds the 150'maximum projection permitted; as such, the installation of the boat lift in one of the westernmost slips also exceeds this limitation (variance #2). Staff has no objections to the requests.

CONCLUSION:

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

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

WRB:JGM

RECEIVED
By yfigueroa at 12:15 pm, Jan 03, 2024

LETTER OF INTENT
RELATED TO THE BOATLIFT AT 250 BRADLEY PLACE

December 14, 2023

We are pleased to submit the accompanying drawings to add a new boatlift at 250 Bradley Place. Please note the following:

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161
Not applicable - This property is not landmarked
B) ARCOM 18-205
Not applicable
B) ARCOM 18-206
Not applicable
C) SPECIAL EXCEPTION 134-229
Not applicable
D) SITE PLAN REVIEW 134-329
Not applicable
E) VARIANCES 134-201
The applicant has filed an application requesting Town Council to review and approve a new boatlift in Slip 10 at the Lake Towers Condominium. The variance being requested is per Section 62-74(2) and Section 62-75(h): A variance to allow a north riparian setback of 11'4" feet for a boat lift in lieu of the 25 foot minimum setback required. 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 marina pre-dates the 25 foot riparian setback and unless a variance is granted for a boat lift setback, it would be not be possible to add a lift to this slip.**
2. **The special conditions and circumstances related to the variance do not result from the actions of the applicant because the 25 foot riparian setback was enacted after the marina was built and doesn't account for different boat mooring needs.**
3. **The granting of the variance will not confer on the applicant a special privilege because other property owners have boat lifts in the condominium marina.**
4. **The hardship, which runs with the land, is that it would be impossible to add a boat lift to the existing boat slip and meet the 25 foot riparian setback.**
5. **The variance requested is the minimum necessary to make reasonable use of the land considering the need to construct a feasible boat lift.**
6. **The granting of the variance will be in harmony with the general intent of the ordinance and not be injurious to the neighborhood as there are many other boat lifts along this area of Lake Worth**

Sincerely,

Maura Ziska

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Regular Business

Agenda Title
Society of the Four Arts, Inc., Comprehensive Plan Amendments / Zoning Code Amendments - Review & Feedback
TIME CERTAIN 11:30 AM

Presenter

ATTACHMENTS:

- **Memorandum Dated January 26, 2024, From Wayne Bergman, Director of Planning, Zoning, & Building**
- **Letter of Intent**
- **Code Text Amendment - Redline Draft**
- **Comp Plan Text Amendment - Redline Draft**

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 WB

Re: Comprehensive Plan Text Amendment Related to Private Group Use and a Zoning Text Amendment for a Corresponding New Cultural Institutional Zoning District (CI)

Date: January 26, 2024

STAFF RECOMMENDATION

Pursuant to Code Section 134-261, staff recommends that the Town Council consider the updated privately initiated text amendment of Harvey E. Oyer, III, on behalf of the Society of the Four Arts, Inc. for review and feedback.

GENERAL INFORMATION

Attached please find an updated privately initiated text amendment to create a new CI Zoning District designed to implement the Private Group Use Future Land Use category. The Letter of Intent (LOI) date received January 10, 2024 (see attached), was provided to staff on the morning of the January 10, 2024 Town Council meeting. Neither the staff nor the Town Council had time to review the proposed changes. As such, the Town Council deferred the item to the February 14, 2024 Town Council meeting.

The LOI states that the purpose of the proposed zoning district is to provide consistency with the Comprehensive Plan by establishing a corresponding zoning district for the Private Group Use Future Land Use category, where currently one does not exist. The discrepancy between the Comprehensive Plan and the Zoning Code was identified during the currently underway Evaluation and Appraisal Review (EAR) of the adopted 2017 Comprehensive Plan. Staff found that there are three (3) Future Land Use categories that do not have corresponding compatible zoning districts. Staff is recommending that new zoning district(s) be created to implement those Future Land Use categories. Specific to the Private Group Use designation, the language proposed by the subject applicant is the draft amendment to POLICY 2.3, of the Future Land Use Element of the EAR 2024 Comprehensive Plan.

Currently, the Four Arts property is zoned R-B Low Density Residential which is designed to regulate single family massing, which is very different than a cultural arts campus. The outstanding requirement of the applicant is a Zoning Map Amendment application for the Four Arts property.

Attachment: Applicant Letter of Intent and redlined text amendment

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

Shutts

L E T T E R O F I N T E N T

SECOND SUBMITTAL

DATE: January 10, 2024

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

RE: ZON-24-00x 100 FOUR ARTS PLZ

Future Land Use ("FLU"):	Private Group Use ("**PGU**")
Proposed Zoning District:	Cultural Institution District ("**CI District**")
Municipality:	Town of Palm Beach ("**Town**")

REQUEST

On behalf of the Society of the Four Arts, Inc. ("**Applicant**"), Shutts & Bowen LLP ("**Agent**") submits this request for a Zoning Code of Ordinances ("**Code**") Text Amendment, and a Comprehensive Plan ("**Comp Plan**") Text Amendment. Specifically, the request is to amend the Code to allow for a new CI District designed to implement the PGU FLU, a copy of which is attached hereto as **Exhibit "A"**; and to update the text in the Policy 2.3 of the Comp Plan by deleting text inconsistent with the PGU FLU, a copy of which is attached hereto as **Exhibit "B"**. Currently, there are no zoning districts that are consistent with the PGU FLU.

The Town assigned the Applicant's property and other properties a PGU FLU designation, but failed to create a zoning district consistent with the PGU FLU. As such, the Applicant proposes to create the CI District for that purpose and amend the text in the Comp Plan to ensure consistency with the CI District.

BACKGROUND

The Town has been forward thinking for almost 100 years. It adopted its first "Plan" in 1930, which had a goal to preserve and enhance "the charming character of Palm Beach". However, in 1985, Florida adopted changes creating a new Local Government Comprehensive Planning and Land Development Regulation Act ("**Act**") that required local governments to adopt a Comp Plan by 1989. The Act has very specific requirements which the Town's 1930 "Plan" could not satisfy. As such, the Town conformed with the requirements of the Act and adopted its Comp Plan in 1989, by which it is now guided.

It is not the intent of the Comp Plan to require the inclusion of implementing regulations, but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the Comp Plan and the principles that describe how the programs, activities, and land development regulations will be carried out.

Chapter 134 of the Code was adopted to establish comprehensive controls for the development of land in the Town based on the Comp Plan for the Town, and this chapter is enacted in order to protect, promote and improve the public health, safety, morals and the general welfare of the people.

Chapter 134, Article VI, Division 1 establishes the zoning districts which are designed to implement the FLU designations per the Comp Plan. It is within this section of the Code that there is no zoning district designed to implement the PGU FLU. As a result, the Applicant proposes these text amendments to add the new CI District designed to implement the PGU FLU.

EXHIBIT A

Proposed Code Text Amendment

ATTACHED SEPARATELY

EXHIBIT B

Proposed Comp Plan Text Amendment

ATTACHED SEPARATELY

ZONING TEXT AMENDMENT TO ADD THE CULTURAL INSTITUTION DISTRICT
New Division 13 *(will require a re-numbering of subsequent Divisions)*
Sections 134-1317 – 134-1350 *(is currently reserved)*

DIVISION 13. CI CULTURAL INSTITUTION DISTRICT

Sec. 134-1317. Purpose

The purpose of the CI Cultural Institution district is to provide for uses such as museums, cultural institutions, and art institutions, in a campus setting at a scale and intensity intended to primarily serve the needs of Town persons. A campus shall be defined as the total of all of the property, or lots included in a unity of title approved by the town, that are utilized for such purpose and operated by a single not-for-profit cultural institution. A campus owned by a single not-for-profit cultural institution, or subject to an approved unity of title, shall be considered one parcel of land for the purposes of administering the requirements of this Division and thus applied to the entire campus and not on an individual lot by lot basis.

Sec. 134-1318. Permitted uses.

The permitted uses in the CI Cultural Institution district are as follows:

(1) Museums, art galleries, performing arts centers, and cultural and art institutions
(2) Libraries
(3) Gardens (botanical and sculpture)
(4) Nonprofit cultural centers
(5) Offices and executive offices that support a permitted, accessory, or special exception use in the district
(6) Public parks
(7) Storage facilities that support a permitted, accessory, or special exception use in the district
(8) Limited residential dwelling unit(s) ~~above the first floor~~ that support a permitted, accessory, or special exception use in the district
(9) Supplemental off-site parking related to a permitted, accessory, or special exception use in the district. See section 134-2177 for additional conditions and criteria
(10) On-site shared parking. See section 134-2182 for additional conditions and criteria.

Sec. 134-1319. Accessory Uses.

The accessory uses in the CI Cultural Institution district are as follows:

(1) Off-street parking and loading
(2) Signs, including wayfinding signs~~.~~
(3) Accessory uses customarily incident to the permitted or approved special exception uses, such as, but not limited to, cooking facilities, lecture halls, and classrooms.

Sec. 134-1320. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the CI Cultural Institution district are as follows:

(1) Outdoor promotional events. See section 134-2115 for additional conditions and criteria
(2) Restaurants and cafes, including outdoor seating, that are incidental to or that support a permitted, accessory, or special exception use in the district, excluding formula restaurants and bars/lounges

(3) Private parks

(4) Uses not specifically enumerated under permitted uses in section 134-1318(a) but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.

Sec. 134-1321. Reserved.

Sec. 134-1322. Reserved

Sec. 134-1323. Lot, yard and area requirements—Generally.

In the CI Cultural Institution district, the schedule of lot, yard and area requirements is as ~~given in this section:~~ provided in this section, and for the purposes of this section, "adjoin" shall be defined as having a common property line or being separated only by a public right-of-way.

(1~~) *Lot*~~) *Campus area.* The minimum ~~lot~~ area is ~~22,500~~seven acres or 304,920 square feet.

(2) ~~*Lot*~~*Campus width.* The minimum ~~lot~~ width is ~~150~~300 feet.

(3) ~~*Lot*~~*Campus depth.* The minimum ~~lot~~ depth is ~~150~~300 feet.

(4) *Density.* ~~Limited~~No residential density is permitted other than the limited residential dwelling unit(s) ~~not to exceed three dwelling units per gross acre. See article III~~permitted under Section 134-1318(8) of this ~~chapter for site plan review requirements.~~Division.

(5) *Front yard.*

a. When the front yard of a lot in the campus adjoins property zoned any non-residential district, the following shall apply:

1) For one-story, two-story, or three-story buildings, the minimum front yard setback is zero feet.

~~2) b. For two-story buildings, the minimum front yard setback is zero feet.~~

~~c. For three-story buildings, the minimum front yard setback is zero feet.~~

~~d.~~ When ~~a~~the front ~~lot line~~yard of a lot in the ~~CI Cultural Institution district is located on any street intersection or where~~campus adjoins two or more intersecting street lines ~~outline the lot,~~, then a zero-foot setback is allowed along all street frontages.

~~b~~e. ~~When a~~ When the front ~~lot line~~yard of a lot in the ~~CI Cultural Institution district~~campus adjoins property zoned any R district, ~~a ten-foot~~ the following shall apply:

1) For one-story buildings, the minimum front yard setback ~~is required on~~shall be 25 feet.

2) For two-story buildings, the minimum front yard setback shall be 30 feet.

3) For buildings that ~~side.~~exceed two stories or 22 feet in height, the front yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height. In no case shall the front yard setback be less than 30 feet.

(6) *Side yard.*

a. When the side yard of a lot in the campus adjoins property zoned any non-residential district, ~~T~~there is no minimum side yard required ~~for one-story structures, but a side yard shall be five feet if provided.~~.

b. When the side yard of a ~~CI Cultural Institution district property~~lot in the campus adjoins property zoned ~~in~~ any R district, ~~a ten-foot side yard is required on that side.~~ the following shall apply:

~~c.~~ 1) For one-story buildings ~~in excess of 25~~, the minimum side yard setback shall be 12 ½ feet.

2) For two-story buildings, the minimum side yard setback shall be 15 feet.

3) For buildings that exceed two stories or 22 feet in height, ~~increase all~~the minimum side yard ~~requirements~~setback shall be increased by one foot for each ~~two feet~~one foot of building

height~~, or portion thereof,~~ exceeding ~~25~~22 feet~~. Side yards~~ in height. In no case shall the side yard setback be ~~as calculated or five~~less than 15 feet~~, whichever is greater~~.

(7) *Rear yard.*

a. When the rear yard of a lot in the campus adjoins the waters of the Lake Worth Lagoon, there is no minimum rear yard setback required.

b. When the rear yard of a lot in the campus adjoins property zoned any non-residential district, the minimum rear yard setback shall be ten feet. ~~For one-story buildings, the minimum rear yard setback is ten feet.~~

~~b. For two-story buildings, the minimum rear yard setback is ten feet.~~

c. When the rear yard of a lot in the campus adjoins property zoned any R district, the following shall apply:

1) For one-story buildings~~ in excess of 25~~, the minimum rear yard setback shall be ten feet.

2) For two-story buildings, the minimum rear yard setback shall be 15 feet.

3) For buildings that exceed two stories or 22 feet in height, ~~increase all~~the minimum rear yard ~~requirements~~setback shall be increased by one foot for each ~~two feet~~one foot of building height above 22 feet~~, or portion thereof,~~ exceeding ~~25~~22 feet~~. Rear yards~~ in height. In no case shall the rear yard setback be ~~as calculated or ten~~less than 15 feet~~, whichever is greater.~~ .

(8) *Height and overall height.*

a. For one-story buildings, the maximum building height is 30 feet.

b. For two-story buildings, the maximum building height is 40 feet.

c. For three-story buildings, the maximum building height is 50 feet.

d. In the CI Cultural Institution district, the maximum building height allowed is three stories, with provision for a special exception for four stories with a maximum building height of 60 feet. All other lot, yard, and area regulations for a three-story building in the district shall apply to a four-story building. See special exception provisions in sections 134-226 through 134-233 (special exception use), and article III of this chapter (site plan review).

e. Maximum overall height of a building shall be ~~the maximum allowable building height,~~measured as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

~~a. For one-story buildings, the~~ The maximum lot coverage ~~is 70~~for a campus shall be 75 percent.

~~b. For two-story buildings, the maximum lot coverage is 70 percent.~~

~~c. For three-story buildings, the maximum lot coverage is 70 percent.~~

(10) *Length.*

a. For one-story buildings, the maximum building length is 300 feet.

b. For two-story buildings, the maximum building length is 300 feet.

c. For three-story buildings, the maximum building length is 300 feet.

d. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

~~a. For one-story buildings, the~~ The minimum landscaped open space ~~is 15 percent.~~

~~b. For two-story buildings, the minimum landscaped open space is 20 percent.~~

~~c. For three-story buildings, the minimum landscaped open space is~~ for a campus shall be 25 percent.

~~d. Additionally, not~~ Not less than 35 percent of the required front yard must be landscaped open space ~~in the CI Cultural Institution district. If~~unless a zero front yard setback is provided, then there shall be no required front yard landscaped open space. —

(12) *Floor area.*

a. For one-story buildings, the maximum leasable floor area of buildings is 50,000 square feet.

b. For two-story buildings, the maximum gross leasable area of buildings is 50,000 square feet.

c. For three-story buildings, the maximum gross leasable area of buildings is 50,000 square feet.

d. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

Sec. 134-1324. Reserved.

Sec. 134-1325. Reserved.

Sec. 134-1326. Supplementary district regulations.

~~In~~In addition to any other applicable sections of the town's Code of Ordinances that may prohibit or limit the use of a public right-of-way for commercial purposes, in the CI Cultural Institution district, no person shall use any portion of any adjacent public right-of-way within 150 feet of the cultural institution, for any commercial purposes, such as, but not limited to, film-making or movie producing, photography, or tours, without the prior written approval of the cultural institution, and from the town, if required.

Sec. 134-1327. ~~Hours of construction limited to~~ Pre-special ~~events~~event and post-special event hours of quiet work.

The requirements of this section shall supersede the requirements contained in section 42-199 for hours of construction work. ~~The~~Quiet work related to the delivery, assembly, disassembly, and removal of any temporary structures such as tents or similar equipment related to a special event, is permitted on any weekday or weekend, including legal holidays, provided that all such work be performed only between ~~9:00 a.m. and 6:00 p.m.~~10:00 a.m. and 5:00 p.m. Quiet work includes the use of battery powered hand tools, but shall not include gas or electric plug-in powered equipment.

Sec. 134-1328. Signs.

1) In the CI Cultural Institution district, any sign located at a cultural institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued except as otherwise provided in article IV.
2) The ~~Town~~town recognizes that different types of cultural institutions require different types of signs, sizes, and styles of signage. The Landmarks Preservation Commission shall approve a Master Sign Plan that specifies all signage by type, size, quantity, material, and placement throughout the cultural institution ~~property~~campus. Any change to an approved Master Sign

Plan or changes to individual signs visible from a public street shall be approved by the Landmarks Preservation Commission.

The Master Sign Plan may include different types of signs, sizes, and styles. The design standards below may be considered, but shall not limit the design and placement of such signage:

~~a.~~(1) Campus Identification Monument Signage

~~a~~1). ~~One monument sign is allowed on the property. The~~ Any monument signage shall display the name of the cultural institution with a ~~cap~~maximum lettering height of six inches.

2~~b~~). Monument signs are permitted within the front yard setbacks provided that it does not conflict with the sight triangle requirements of section 134-1637.

~~c~~3). Maximum height of the monument sign shall be four feet above the grade.

~~(2)~~b. Campus Identification Portal/Gateway-Mounted Signage

~~a~~1.) One portal/gateway-mounted sign is allowed at main entrances such as driveways, intersecting roads, or other arrival points, identifying the name of the cultural institution with a ~~cap~~maximum lettering height of three inches.

c. ~~(3)~~ Building-mounted Building or Venue Identification Signage

~~a~~1). One building or venue sign is allowed at each publicly accessible entrance to a building with a ~~cap~~maximum lettering height of three and a half inches.

~~(4)~~d. Wayfinding Signage

~~a.~~ Free-standing or wall mounted wayfinding signs identifying campus circulation ~~can be free-standing with a cap~~is permitted but shall be limited as follows:

a. A maximum lettering height of ~~one and a half~~ three inches. ~~of 60 inches tall above grade, maximum of 24 inches wide~~

b. ~~Maximum~~A maximum sign height of ~~wayfinding signs shall be five~~four feet above the grade.

c. A maximum sign width of two feet.

3) Additional sign regulations which may be applicable in the CI Cultural Institution district are contained in Division 3 of article XI of this chapter, but shall not be more restrictive than the sign regulations in this Section.

Sec. 134-1329. Reserved.

Sec. 134-1330. Reserved.

redline (~~strikethrough~~ and underline format)

OBJECTIVE 2

Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of Town residents.

POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property~~; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single Family Residential, Multi-family Moderate Density, and Commercial future land use categories~~.

~~b. Maximum lot coverage shall be 40%~~.

b. ~~c.~~ In limited circumstances ~~(Commercial Worth Avenue (C-WA) zoning district),~~ the maximum building height may~~shall~~ be three stories (with Town Council approval).

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Regular Business

Agenda Title
Palm Beach Ambassador Fee Borrower LLC - Zoning Code Amendments - Review & Feedback

Presenter

ATTACHMENTS:

- **Memorandum Dated January 26, 2024, From Wayne Bergman, Director of Planning, Zoning, & Building**
- **Letter of Intent**
- **Code Text Amendment - Redline Draft**

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 WB

Re: Zoning Code Text Amendment to the R-D(2) Zoning District

Date: January 26, 2024

STAFF RECOMMENDATION

Pursuant to Code Section 134-261, staff recommends that the Town Council consider the subject privately initiated text amendment of Harvey E. Oyer, III, on behalf of Palm Beach Ambassador Fee Borrower LLC for review and feedback.

GENERAL INFORMATION

Attached please find a privately initiated text amendment to the Zoning Code to modify sections of the R-D(2) High Density Zoning District. According to the Letter of Intent (LOI) date received November 28, 2023, (see attached), the following amendments are proposed to Sections 134-1060, 134-1062, 134-1064, and 134-2, as follows:

- Sec. 134-1060(5)(d) – to allow an exemption for the front yard setback in an effort to allow flexibility and promote redevelopment for existing multifamily uses specific to lots located south of Sloan's Curve and north of Lake Worth Road.
- Sec. 134-1060(9)(g) – new text added to allow an exemption for balconies and garages below grade to not be included in the calculations for lot coverage.
- Sec. 134-1060(12) – new text added to address enclosures below the point of measurement.
- Sec. 134-1062(1) – to allow balconies to encroach into yard setbacks provided there is a minimum thirty-foot setback between the property line and edge of the balcony.
- Sec. 134-1062(8) – new text added to allow for rooftop amenities.
- Sec. 134-1062(9) – new text added to increase the maximum dimension of a building from 175 feet to 195 feet.
- Sec. 134-1064 – new text added to allow for a lot coverage special exception for an additional 5% lot coverage provided that the project includes a minimum of three out of the six incentives listed.
- Sec. 134-2 – provide for text that allows for flexibility in where the term Story is defined in the Code.

The LOI indicates that the proposed amendments are associated with a proposal to redevelop the properties located at 2720 and 2730 South Ocean Boulevard that are currently zoned R-D(2). The application states that the proposed amendments will reserve existing developments, will not allow increased intensity, and that the proposes modifications to specific Code sections will reduce the number of potential variances.

Attachment: Applicant Letter of Intent and redlined text amendment

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

RECEIVED
By yfigueroa at 12:20 pm, Nov 29, 2023

Shutts

L E T T E R O F I N T E N T

DATE: November 28, 2023

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

RE: ZON-24-00x 2730 S OCEAN BLVD

Future Land Use ("FLU"):	Multi-Family High Density ("**MF**")
Zoning District:	R-D(2) High Density Residential District ("**R-D(2) District**")
Municipality:	Town of Palm Beach ("**Town**")

REQUEST

On behalf of Palm Beach Ambassador Fee Borrower LLC ("**Applicant**"), Shutts & Bowen LLP ("**Agent**") submits this request for a Zoning Code of Ordinances ("**Code**") Text Amendment. Specifically, the request is to amend the Code to modify the text in Sections 134-1060, 134-1062, 134-1064, and 134-2 of the Code applicable to the R-D(2) District as follows:

- Sec. 134-1060(5)(d) – to allow an exemption for the front yard setback in an effort to allow flexibility and promote redevelopment for existing multifamily uses specific to lots located south of Sloan's Curve and north of Lake Worth Road.
- Sec. 134-1060(9)(g) – new text added to allow an exemption for balconies and garages below grade to not be included in the calculations for lot coverage.
- Sec. 134-1060(12) – new text added to address enclosures below the point of measurement.
- Sec. 134-1062(1) – to allow balconies to encroach into yard setbacks provided there is a minimum thirty-foot setback between the property line and edge of the balcony.
- Sec. 134-1062(8) – new text added to allow for rooftop amenities.
- Sec. 134-1062(9) – new text added to increase the maximum dimension of a building from 175 feet to 195 feet.
- Sec. 134-1064 – new text added to allow for a lot coverage special exception for an additional 5% lot coverage provided that the project includes a minimum of three out of the six incentives listed.
- Sec. 134-2 – provide for text that allows for flexibility in where the term *Story* is defined in the Code.

A copy of the proposed Text Amendment is attached hereto as **Exhibit "A"** with new text underlined and deleted text in ~~strikethrough~~ format.

BACKGROUND

The Code was originally adopted in 1974, which is almost 50 years ago. It has and continues to face a number of challenges during that time period. Properties proposed to be redeveloped must either comply with antiquated Code requirements, or seek variances for the simplest deviations from the Code. There are even instances where the Code conflicts with the current Florida Building Code making it a public safety issue. It's situations like these that creates the need for requests for multiple variances, since it is the only option to deviate from a Code requirement, which as noted above is antiquated and challenging on its own. Although there have been amendments to the Code in the last 50 years, it is in dire need of a complete update in order to be more consistent with the current regulations, including the Florida Building Code which itself is frequently amended to keep up with modern day construction and public safety requirements.

Fortunately, the Town has finally initiated a complete study and re-write of the Code, but unfortunately, the process is quite lengthy and may take a year or more to complete.

The Applicant has a viable proposal to redevelop the properties located at 2720 and 2730 S. Ocean Boulevard ("**Site**"). The Site is zoned R-D(2) and currently developed with dated multifamily buildings. The Site is located south of Sloan's Curve and north of Lake Worth Road, an area dominated with dated multifamily buildings and known as 'Condo Row'.

The Applicant proposes to redevelop the Site with newer buildings, updated architecture, new technology, and modern-day amenities. The project is being designed to comply with the Code, but as noted above, the Code does have challenges that creates the need for variances. As such, the Text Amendment is drafted so as to alleviate several variances created by the antiquated Code. Furthermore, the Applicant desires to move forward with the redevelopment of the Site prior to the Town's re-write of the Code, and thus must obtain approval of this Text Amendment in an effort to reduce the number of variances that would be required.

The proposed Code Text Amendment was carefully drafted so as to preserve existing developments, not allow for increased intensity, and allow for some flexibility for redevelopment, while at the same time update the Code so that multiple variances are not required. As an example, lot coverage is customarily based on the typical building footprint on the ground level. The Code actually considers balcony overhangs and subgrade enclosures as part of the lot coverage calculation; even if the area above the subgrade enclosure is covered in soil and landscaping. Typically, balconies and subgrade enclosures do not count towards lot coverage.

The proposed Text Amendment is reasonable, appropriate, and within the scale and context of current and future developments in the R-D(2) District, while providing the flexibility needed to allow the Town and property owners to quickly adapt to redevelopment efforts. In addition, the proposed Code Text Amendment retains the existing framework of the Code that incorporates cohesive and consistent streetscape, orientation to street, the pedestrian environment, landscape, and design character.

EXHIBIT A

Proposed Code Text Amendment

RECEIVED
By yfigueroa at 12:20 pm, Nov 29, 2023

ZONING TEXT AMENDMENT
(underline/~~strikethrough~~ format)

Sec. 134-2. - Definitions and rules of construction.

Story, unless provided for elsewhere, means that portion of a building, other than an attic, included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between such floor and the ceiling next above it. Habitable space, open patios, accessible roof decks not used exclusively for mechanical equipment, observation decks and/or similar areas located above the first or second story shall be considered a story for the purpose of this definition.

DIVISION 7. R-D (2) HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 134-1051. Purpose.

The purpose of the R-D(2) high density residential district is to provide for residential uses, as that term is defined in section 134-2, of a variety of dwelling types, and under carefully controlled conditions, hotels and timesharing uses. Permitted population density falls in the lower range of what is generally considered high density development.

Sec. 134-1052. Permitted uses.

The permitted uses in the R-D(2) high density residential district are as follows:

(1) Single-family dwellings.
(2) Two-family dwellings.
(3) Townhouses.
(4) Multi-family dwellings. (Site plan review shall be required. See article III of this chapter.)
(5) Essential services.

Sec. 134-1053. Accessory uses.

The accessory uses in the R-D(2) high density residential district are as follows:

(1) Private nurseries and greenhouses.
(2) Private garages.
(3) Private swimming pools and/or cabanas.
(4) Newsstands, dining rooms, bars, beauty shops and similar personal service uses for the convenience of tenants and their bona fide guests in a multifamily dwelling.
(5) Charitable events specifically approved by the town manager.
(6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

Sec. 134-1054. Prohibited uses.

The specific prohibited uses of buildings or land in the R-D(2) high density residential district are as follows:

(1) No person shall use any portion of any building or accessory building or any land used for residential purposes in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose (with the sole exception of meetings of the corporate ownership of the premises involved), banquets or

entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.

(2) Executive/employee/group, vacation/retreats are prohibited in this zoning district.

Sec. 134-1055. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(2) high density residential district are as follows:

(1) Planned unit development, PUD-2, PUD-3.
(2) Public structures/uses.
(3) Essential services related to town-owned municipal buildings and structures.
(4) Public or private academic schools.
(5) Churches, synagogues and other houses of worship.
(6) Supplemental parking.
(7) Accessory commercial uses to hotel uses.
(8) Municipally owned or operated parking areas.
(9) Beach houses intended for the use of family and guests only.
(10) Hotels.
(11) Timesharing uses.
(12) Roof-deck automobile parking.
(13) Group home.
(14) Foster care facility.
(15) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
(16) Outdoor cafe seating for dining purposes related to hotels, condo-hotels and dining rooms provided that all requirements and conditions contained in sections 134-2104 and 134-2108 are met.
(17) Condo-hotels in accordance with section 134-2110.
(18) Municipally owned and operated parks and recreation areas.

Sec. 134-1056. Reserved.

Ord. No. 16-2021, § 9, adopted August 11, 2021, repealed § 134-1056, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 5-09, § 4, 4-15-09

Sec. 134-1057. Accessory structures.

(a) *Accessory structures in R-D(2) district.* Accessory structures in the R-D(2) high density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-D(2) district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

(1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
(2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the R-D(2) zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
(3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height may be located within ten feet of a side or rear lot line, with the

exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

(4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter, and except that in the R-D(2) district enclosed accessory structures may be permitted to be located within that portion of a required side yard that is in excess of the minimum side yards of 30 feet.

(5) An accessory structure in the R-D(2) district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.

(6) Accessory structures in the R-D(2) district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.

(7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One (1) meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1058. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-D(2) high density residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1059. Accessory uses in apartment houses, hotels and condo-hotels.

Incidental services used in connection with either apartment houses, hotels or condo-hotels in an R-D(2) high density residential district, including cigar or candy stands, delicatessens, personal service shops and similar uses, may be permitted provided the following conditions are fulfilled:

(1) At least 25 dwelling units shall be contained within the building group.

(2) Not more than five percent of the total floor area within the building shall be so used.
(3) All such incidental services shall be situated within the interior of the building, so that no part thereof shall be directly accessible to the street or public way, except for outdoor seating for dining purposes in accordance with sections 134-2104 through 134-2108 and section 134-1906.
(4) No sign or window display shall be discernible from the sidewalk or public way.
(5) No exterior or external advertising shall be permitted.

Editor's note(s)—Ord. No. 5-09, § 4, renumbered the former section 134-1058 as section 134-1059. Subsequently, section 20 of said ordinance changed the title of section 134-1059 from "Accessory uses in apartment houses and hotels" to "Accessory uses in apartment houses, hotels and condo-hotels."

Sec. 134-1060. Lot, yard and area requirements—Generally.

In the R-D(2) high density residential district, the schedule of lot, yard and area requirements is as given in this section:

(1) *Lot area.*
   a. For single-family uses, the minimum lot area is 10,000 square feet.
   b. For two-family uses, the minimum lot area is 10,000 square feet.
   c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
   d. For multifamily uses, the minimum lot area is 40,000 square feet.
   e. For timesharing uses, the minimum lot area is 40,000 square feet.
   f. For hotels and condo-hotels, the minimum lot area is 40,000 square feet.
(2) *Lot width.*
   a. For single-family uses, the minimum lot width is 75 feet.
   b. For two-family uses, the minimum lot width is 75 feet.
   c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
   d. For multifamily uses, the minimum lot width is 150 feet.
   e. For timesharing uses, the minimum lot width is 150 feet.
   f. For hotels and condo-hotels, the minimum lot width is 150 feet.
(3) *Lot depth.*
   a. For single-family uses, the minimum lot depth is 100 feet.
   b. For two-family uses, the minimum lot depth is 100 feet.
   c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
   d. For multifamily uses, the minimum lot depth is 200 feet.
   e. For timesharing uses, the minimum lot depth is 200 feet.
   f. For hotels and condo-hotels, the minimum lot depth is 200 feet.
(4) *Density.*
   a. For single-family uses, the maximum density is four dwelling units per acre.
   b. For two-family uses, the maximum density is eight dwelling units per acre.
   c. For townhouses, the maximum density is ten dwelling units per acre. See article III of this chapter for site plan review requirements.
   d. For multifamily uses, the maximum density is 13 dwelling units per acre. See article III of this chapter for site plan review requirements.
   e. For timesharing uses, the maximum density is nine dwelling units per acre. See article III of this chapter for site plan review requirements.
   f. For hotels, the maximum density is 26 dwelling units per acre. See article III of this chapter for site plan review requirements.
   g. For condo-hotels, the maximum density is 20 dwelling units per acre. See article III of this chapter for site plan review requirements.
(5) *Front yard.*

a. For single-family uses, the minimum front yard setback is 25 feet.
b. For two-family uses, the minimum front yard setback is 25 feet.
c. For townhouses, the minimum front yard setback is 25 feet.
d. For multifamily uses, the front yard setback shall be either 25 feet or the height of the building, whichever is the greater. When more than one street yard exists (as provided in sections 134-1576 and 134-1577) and the height of a building exceeds 25 feet, the total amount of street yard setbacks shall equal the height of the building times the number of street yards, and any individual street yard setback shall be not less than 25 feet. See also requirements in sections 134-1576 and 134-1577. To encourage the redevelopment of existing multifamily use buildings on lots located south of Sloan's Curve and north of Lake Worth Road, these buildings are exempt from this requirement and may instead utilize the established front yard setback of the existing multifamily use building.
e. For timesharing uses, the minimum front yard setback is 25 feet.
f. For hotels, the minimum front yard setback is 25 feet.

(6) *Side yard.*
a. For single-family uses, the minimum side yard setback is ten feet.
b. For two-family uses, the minimum side yard setback is 12½ feet.
c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
d. For multifamily uses, the side yard setback shall be 30 feet or the height of the building, whichever is greater.
e. For timesharing uses, the minimum side yard setback is 30 feet.
f. For hotels, the minimum side yard setback is 30 feet.

(7) *Rear yard.*
a. For single-family uses, the minimum rear yard setback is 15 feet.
b. For two-family uses, the minimum rear yard setback is 15 feet.
c. For townhouses, the minimum rear yard setback is 15 feet.
d. For multifamily uses, the minimum rear yard setback is 30 feet.
e. For timesharing uses, the minimum rear yard setback is 30 feet.
f. For hotels, the minimum rear yard setback is 30 feet.

(8) *Height and overall height.*
a. For single-family uses, the maximum building height is two stories or 25 feet.
b. For two-family uses, the maximum building height is two stories or 25 feet.
c. For townhouses, the maximum building height is two stories or 25 feet.
d. For multifamily uses, the maximum building height of two-story buildings is 25 feet; the maximum building height of three-story buildings is 35 feet. In this district, the maximum building height for multifamily uses is three stories, with provision for a special exception for up to five stories. See special exception provisions in sections 134-227 through 134-233, section 134-1063, and article III of this chapter.
e. For timesharing uses, the maximum building height is three stories or 35 feet.
f. For hotels, the maximum building height is three stories or 35 feet.
g. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*
a. For single-family uses, the maximum lot coverage is 30 percent.
b. For two-family uses, the maximum lot coverage is 30 percent.
c. For townhouses, the maximum lot coverage is 35 percent.
d. For multifamily uses, the maximum lot coverage is 40 percent.
e. For timesharing uses, the maximum lot coverage is 45 percent.
f. For hotels, the maximum lot coverage is 45 percent.

g. Balconies above the first floor and garages below the point of measurement (zero datum), shall not be included in the calculation of lot coverage.

(10) *Dimensions.* For multifamily building maximum dimensions, see section 134-1871 et seq.

(11) *Landscaped open space.*

a. For single-family uses, the minimum landscaped open space is 40 percent.
b. For two-family uses, the minimum landscaped open space is 40 percent.
c. For townhouses, the minimum landscaped open space is 35 percent.
d. For multifamily uses, the minimum landscaped open space is 35 percent.
e. For timesharing uses, the minimum landscaped open space is 35 percent.
f. For hotels, the minimum landscaped open space is 35 percent.
g. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-D(1) district and not less than 35 percent of the required front yard must be landscaped open space for all other type of development.

(12) *Enclosures below the point of measurement (zero datum).*

a. With the exception of areas necessary for pedestrian and vehicular access, enclosures below the point of measurement (zero datum), shall be screened from view of any public rights of way with landscaping, berm, or similar screening.
b. Any portion of an enclosure below the point of measurement (zero datum) which is covered with landscaping shall count towards landscaped open space.
c. Enclosures below the point of measurement (zero datum) and balconies shall not count towards the maximum dimension of any structure or group of attached structures. The requirements of this section shall supersede the requirements contained in section 134-1874 for maximum dimension.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1061. Same—Existing single-family dwelling development.

(a) A single-family dwelling located in the R-D(2) high density residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district; may be enlarged with a first story and/or second story addition, provided the addition complies with the current schedule of lot, yard and bulk regulations for this district;

(b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.

(c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1062. Same—Exceptions.

In the R-D(2) high density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

(1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys, may extend 48 inches from the main and/or accessory building into any yard areas. Balconies may extend into any yard setback, provided that there is a minimum thirty feet of setback between the balcony and the lot line.
(2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.
(3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.

(4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.

(5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.

(6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.

(8) Buildings with a flat roof may utilize the rooftop for private amenity uses such as, but not limited to, pools, hot tubs, bar-b-que areas, cabana tents, and similar outdoor amenities and support spaces, provided that:

a. The private amenity use area is limited to a maximum of 50% of the rooftop. The rooftop area utilized to calculate the maximum 50% shall be based on the net rooftop area after subtracting any areas utilized for mechanical equipment; and,

b. Subject to subsection (a) above, all remaining rooftop areas shall be landscaped.

c. The private amenity rooftop uses provided for in this section shall not count as a story. This shall supersede section 134-2 for definitions and rules of construction.

(9) The requirements of this section shall supersede the requirements contained in section 134-1874 for maximum dimension. For multifamily uses on lots located south of Sloan's Curve and north of Lake Worth Road, the maximum dimension of any structure shall not exceed 195 feet for any one building face, provided that the building is arranged to provide access for emergency services.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1063. Awnings or trellises in side or rear yards.

In the R-D(2) high density residential district, as an exception to the yard regulations in section 134-1548, an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1064. Special exception to height regulations; special exception structures; special exception lot coverage.

(a) In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the R-D(2) high density residential district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:

(1) Four-story guidelines. Lot coverage not more than 27 percent.
(2) Five-story guidelines. Lot coverage not more than 22 percent.

(b) In no event shall the building height in an R-D(2) zoning district exceed five stories and 55 feet, unless increased to a maximum of 62½ feet as follows:

(1) Three-story/35 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 37 feet six inches.
(2) Four-story/45 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 50 feet.
(3) Five-story/55 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 62 feet six inches.

(c) If a portion of a deeded property boundary is located east of the town's bulkhead line or the mean high water line, or within the waters of Lake Worth, then a maximum of 5% increase in lot coverage is allowed provided that at least three or more of the following are met:

(1) The proposed density is less than the maximum density allowed on the property;

(2) The project includes innovative design or additional architectural detail;

(3) The project proposes subgrade parking;

(4) The building is built to a minimum LEED Silver, or equivalent rating system;

(5) The project proposes more landscaped open space than required by code; or,

(6) There is a reduction in an existing non-conformity for number of stories in the building.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1065. Lot grade topography and drainage.

In the R-D(2), high density residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1066. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-D(2) high density residential district are contained in article VIII of this chapter.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1067. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-D(2) high density residential district are contained in article IX of this chapter.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1068. Signs.

The sign regulations which may be applicable in the R-D(2) high density residential district are contained in article XI of this chapter.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1069. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

Editor's note(s)—See note at section 134-1056.

Sec. 134-1070. Exemption to height limitations.

In the R-D(2) zoning district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed two percent of the individual dwelling unit floor area. It is the intention of this section to allow only one towers as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

Editor's note(s)—See note at section 134-1056.

Secs. 134-1071—134-1105. Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Regular Business

Agenda Title
Tutto Mare Revised, Amended & Restated 1979 Agreement

Presenter

ATTACHMENTS:

- **First Amendment to Amended and Restated 1979 Agreement**

Prepared by and return to:
James M. Crowley, Esq.
Gunster
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401

FIRST AMENDMENT TO AMENDED AND RESTATED 1979 AGREEMENT

THIS FIRST AMENDMENT TO AMENDED AND RESTATED 1979 AGREEMENT ("Amendment"), is made and entered into this _____ day of _____, 2023, between TOWN OF PALM BEACH, a Florida municipal corporation, 360 S. County Road, Palm Beach, Florida 33480 ("Town") and RPP PALM BEACH PROPERTY LP, 33 Boylston Street, Suite 3000, Chestnut Hill, MA 02467 ("RPP").

WITNESSETH

WHEREAS, On March 6, 1979, Town and Poinciana Properties, Ltd., a Virginia Limited Partnership authorized to do business in Florida ("Partnership") entered into an agreement ("1979 Agreement") concerning Town Variance No. 39-78 affecting the real property more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, On May 12, 1980 the Property was purchased from Partnership by Sidney Spiegel, Trustee ("Trustee"); and

WHEREAS, On May 12, 1980, the Town and Trustee entered into an Amendment to Agreement ("First Amendment"); and

WHEREAS, On January 27, 1984, the Town and Poinciana executed a Second Amendment to Agreement, extending the single matinee performance permission from July 1, 1983 through March 31, 1984; on August 2, 1984, the Town and Poinciana executed a Third Amendment to Agreement, extending the single matinee performance permission from July 1, 1984 through March 31,1985; on July 25, 1985, the Town and Poinciana executed Fourth Amendment to Agreement, extending the single matinee performance permission from December 1, 1985 through March 31, 1986; on July 21, 1986, the Town and Poinciana executed a Fifth Amendment to Agreement, extending the single matinee performance permission from December 1, 1986 through April 12, 1989; on July 10, 1989, the Town and Poinciana executed a Sixth Amendment to Agreement, extending the single matinee performance permission from December 1, 1989 through April 13, 1990; on November 5, 1990, the Town and Poinciana executed a Seventh Amendment to Agreement, extending the single matinee performance permission from December 1, 1990, through April 12, 1991; on June 12, 1991, the Town and Poinciana executed an Eighth Amendment to Agreement, extending the single matinee performance permission from beginning from December 3, 1991 through April 30, 1992; on October 15, 1992, the Town and Poinciana executed a Ninth Amendment to Agreement, extending the single matinee performance permission from December 3, 1992 through April 30, 1993; on June 25, 1993, the Town and Poinciana executed a Tenth Amendment to Agreement, extending the single matinee performance permission from December 3, 1993 through April 30, 1994; on August 9, 1994, the Town and Poinciana executed an Eleventh Amendment to Agreement, extending the single matinee performance permission from November 15, 1994 through April 1, 1995; on November 14, 1995, the Town and Poinciana

executed a Twelfth Amendment to Agreement, extending the single matinee performance permission from November 29, 1995 through April 1, 1996; on October 14, 1996, the Town and Poinciana executed Thirteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1996 through April 1, 1997; on October 3, 1997, the Town and Poinciana executed a Fourteenth Amendment to Agreement, extending the single matinee performance permission from December 23, 1997 through April 5, 1998; on September 9, 1998 the Town and Poinciana executed a Fifteenth Amendment to Agreement, extending the single matinee performance permission from November 11, 1998 through April 7, 1999; on September 8, 1999 the Town and Poinciana executed a Sixteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1999 through April 30, 2000; on January 19, 2001 the Town and Poinciana executed a Seventeenth Amendment to Agreement, extending the single matinee performance permission from December 6, 2000 through February 28, 2001; on August 22, 2001, the Town and Poinciana executed an Eighteenth Amendment to Agreement, extending the single matinee performance permission from December 12, 2001 through April 24, 2002; and on April 15, 2003, the Town and Poinciana executed a Nineteenth Amendment to Agreement, extending the single matinee performance permission from December 3, 2002 through April 14, 2003 (collectively, the "Subsequent Amendments"); and

WHEREAS, on August 26, 2014 RPP acquired the ground lease for the Property; and

WHEREAS, on March 9, 2022, the Town Council did, after public notice and public hearing, approve Zoning Application ZON-21-018 (the "Application"), which authorized, among other things, the redevelopment of portions of the Property (the "Project"); and

WHEREAS, RPP made application for and received from the Town Council, after public notice and public hearing on April 13, 2022, permission to amend the 1979 Agreement (the "Amended and Restated 1979 Agreement," recorded in Official Records Book 33632, Page 0396 of the Public Records of Palm Beach County, Florida; and

WHEREAS, on February 15, 2023, the Town Council did, after public notice and public hearing, approve application number ZON-23-035, authorizing the expansion of the retail store known as Marissa Collections on the condition that 2 of the "vested and unused" parking spaces described in Section 9 of the Amended and Restated 1979 Agreement be assigned for purposes of satisfying additional parking demand; and

WHEREAS, on December 13, 2023, the Town Council did, after public notice and public hearing, approve application number ZON-24-003, authorizing a restaurant called "Tutto Mare" to occupy the restaurant space that was previously reviewed for traffic and parking impacts in connection with the Application, and which reduced the previously-approved seating for the restaurant space from 220 seats to 200 seats, resulting in a net gain of 7 equivalent parking spaces.

IT IS THEREFORE AGREED:

(1) The above recitals are true and correct and are incorporated herein and made a part hereof.

(2) The Parties agree that Section 9 of the Amended and Restated 1979 Agreement is modified as follows:

> Parking shall remain as shown on the plans approved by the Town Council during its review of the Application and shall be calculated at one space per 300 square feet of leasable area. The total number of parking spaces provided for all existing development, including that development authorized by the Application, is 679. The assignment of the ~~45~~ 50 vested and unused parking spaces shall require review and approval by the Town Council at a public meeting

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals on the day and year first above written.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Signed, sealed and delivered
In the presence of:

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

TOWN OF PALM BEACH

By:_____
Danielle Moore, Mayor

By:_____
Margaret Zeidman, Town Council President

By:_____
Kirk Blouin, Town Manager

RPP PALM BEACH PROPERTY LP

_____

By: Samantha Perry David, Under the Power of Attorney for SIDNEY SPIEGEL, as Successor Trustee under the provisions of a certain Trust Agreement dated October 25, 1984 and known as trust No. 31520371, as amended and Island Properties of Palm Beach, Inc., a Florida Corporation

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2023, by Danielle Moore, 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.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2023, by Margaret Zeidman, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2023, 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.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____2023, by_____, on behalf of RPP PALM BEACH PROPERTY LP. He/She is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

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

By:_____
John C. Randolph, Esquire

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Regular Business

Agenda Title
Discussion on Staff-Initiated Draft Zoning Text Amendments – Screening Walls / Mechanical Equipment and Docks

Presenter

ATTACHMENTS:

- **Memorandum Dated: January 29, 2024, From Wayne Bergman, Director of Planning, Zoning, & Building**

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: Staff-Initiated Draft Zoning Text Amendments – Screening Walls / Mechanical Equipment and Docks

Date: January 29, 2024

STAFF REQUEST & RECOMMENDATION

Staff requests that the Town Council review the proposed changes to the Zoning Code sections related to mechanical equipment and docks. Staff was directed to review and propose changes to the code to primarily remove the need for zoning variances relating to screening wall height when FEMA requires mechanical equipment to be raised, and the multiple variances required for new docks and dock expansions. Staff further recommends that the Town Council provide feedback on the daft strike-through and underlined zoning text so that ordinances can be prepared for approval and adoption at future Town Council meetings.

GENERAL INFORMATION

Mechanical Equipment – FEMA and the Florida building Code require new and replacement mechanical equipment to be elevated to the base flood elevation plus freeboard. The zoning code allows screening walls to be a maximum of seven feet (7') high. It is very common for owners to request a zoning variance to either increase the height of the screening wall to hide the elevated mechanical equipment or request a variance to not completely screen the mechanical equipment with the seven-foot-high wall. Other issues with this part of the zoning code are the new twenty-five foot (25') maximum separation of equipment to pool edge, the setback of pool heaters, which is greater than A/C units and generators, and the maximum number of pieces of equipment.

Staff proposes the following code changes to sections 134-1728 and 134-1729:

- Text has been added to the parts of the code which require equipment screening walls to include the following language: "When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment."

- Swimming pool heater setback has been reduced from 10' to 5' to be consistent with all other types of equipment (pool pumps and filters, A/C equipment, and generators).
- The 25' maximum distance separation of pool equipment to water when pool equipment is located in a setback has been eliminated.
- Maximum number pool equipment (4) has been eliminated.
- Pump house requirement has been eliminated.

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. And ordinance was produced, reviewed, and adopted to prevent this type of yard expansion. Unfortunately, the unintended consequence of the ordinance was that every new dock, 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:

- A "marginal dock" is described/defined and identified as the only marine structure which is limited in width to 30% of the lot width and limited to a 6ft projection off the seawall.
- Gangway width is limited to 10 ft in width (no change from before, but "gangway" language added) and boat lifts/platform lifts, etc. are EXCLUDED from this measurement.
- Terminal width is limited to 10 ft in width (no change from before, but "terminal" language added) and an additional two feet of width is permitted between pilings at boat lifts for passenger loading. Boat lifts/platform lifts are EXCLUDED from this measurement.
- Language is added regarding dock lighting "Docks shall only be permitted to provide the minimum lighting necessary to allow pedestrian navigation of the structure."
- Reference to the "Official Bulkhead Line" is removed and replaced with "Mean High Water Line". The official bulkhead line is an un-surveyable boundary which only exists on the "official map" and has to be scaled from that map, which leaves room for human error. Industry standard is to reference the MHWL, which is surveyable.

REQUESTED ACTION

Please review the attached strike-through and underlined text and provide feedback to staff. Based upon the feedback, ordinances can be drafted for consideration at future meetings.

Attachments: Strike-through / underlined changes to Chapters 134 and 62

Sec. 134-1728. Air conditioning and swimming pool, and fountain equipment.

(a) *Air conditioning/chiller equipment (excluding cooling towers).* Air conditioning equipment shall not be allowed in a required front yard setback. Said equipment shall be allowed in a required side, rear, street side and street rear yard setback provided the following requirements are met:

(1) The equipment shall have a minimum five-foot side and rear yard setback.

(2) The equipment shall have a minimum 20-foot street side and street rear yard setback.

(3) A maximum of two pieces of air conditioning equipment not exceeding six feet in height above grade or the minimum flood elevation, whichever is higher, shall be allowed.

(4) The equipment shall be completely screened from the neighboring property and the street by a concrete wall as high as said equipment. Said wall cannot exceed the maximum height allowed by Code. A neighbor's existing concrete wall can satisfy said requirement provided that wall meets the height requirement to completely screen said equipment from the adjacent neighbor and the applicant enter into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall. When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.

(5) If the equipment and required new screening wall can be seen from the street, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining air conditioning/chiller equipment visibility.

(6) Where required setbacks for principal structures are increased based on a larger lot width or depth, the air conditioning equipment (not including cooling towers) shall meet the same requirements as the standard size lots in the district it is located.

(b) *Cooling tower equipment.* Cooling tower equipment shall meet the following requirements:

(1) The equipment and screening wall required below shall meet the same minimum required yard setbacks as the principal structure.

(2) The equipment shall be screened from the neighbors and/or a street by a three-sided, concrete wall at least as high as said cooling tower. When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.

(3) If the equipment and required screening wall can be seen from the street without intervening landscape material, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable.

(c) *Swimming pool and fountain equipment.* Swimming pool and fountain equipment shall be allowed in a required side, rear, street side and street rear yard setback provided the following requirements are met:

(1) Swimming pool and fountain pump and filter equipment shall have a minimum five-foot side and rear yard setback ~~and shall in all situations be located no further than 25 feet from the pool or fountain water's edge~~.

(2) Swimming pool heater equipment shall have a minimum ~~ten-foot~~ five-foot side and rear yard setback ~~and shall in all situations be located no further than 25 feet of the swimming pool water's edge~~.

~~(3) Swimming pool heater and pump equipment and fountain equipment (excluding filters) shall not exceed four pieces of equipment~~.

(4) Swimming pool heater, pump and filter equipment and fountain equipment shall not exceed a maximum height of four feet above grade or the minimum flood elevation, whichever is higher.

(5) All swimming pool and fountain equipment, and filter equipment, shall have a minimum 20-foot street side yard setback ~~and in all situations shall be located no further than 25 feet from the water's edge of the swimming pool and/or fountain~~.

~~(6) Swimming pool and fountain pump and filter equipment, excluding swimming pool heater equipment, shall be enclosed in a pump house and shall be located no further [than] 25 [feet] from the swimming pool or fountain water's edge.~~

(7) Swimming pool heater equipment shall be completely screened from a neighboring property and a street by a building or concrete wall as high as said equipment. Said wall cannot exceed the maximum height allowed by Code. A neighbor's existing concrete wall can satisfy said requirement provided the wall meets the height requirement to completely screen said equipment from the adjacent neighbor and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall. When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.

(8) If the equipment and required new screening wall or pump house can be seen from the street, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining swimming pool and fountain pump, heating and filter equipment visibility.

(9) Where required setbacks for principal structures are increased based on a larger lot width or depth, the swimming pool and fountain pump, filter and heating pool equipment shall meet the same requirements as the standard size lots in the district it is located.

(Ord. No. 2-74, § 5.50(c), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94; Ord. No. 1-99, § 24, 4-5-99; Ord. No. 1-00, § 5, 2-22-00; Ord. No. 1-03, § 9, 3-11-03; Ord. No. 16-09, § 11, 11-12-09; Ord. No. 4-2016 , § 7, 4-13-16; Ord. No. 16-2020 , § 1, 12-9-20)

Sec. 134-1729. Generators.

Except for generators serving a public purpose and owned and operated by the town or temporary generators used during or after a natural disaster such as a tropical storm or hurricane event, and which are therefore exempt from these regulations, portable or permanent generators temporarily or permanently placed on the ground, on a stand or on a trailer, shall not be placed in the required front, street side or street rear yard setbacks; provided, however, not more than one such generator shall be placed in any given within the same required side or rear yard setback.

(1) One or a combination of more than one portable or permanent generators with combined output of not more than 60 KW shall be allowed provided only one generator is within the same required yard area. Said generator(s) shall be allowed five feet from a side or rear property line provided said generator meets the following requirements:

a. There is only one generator within that required yard area.

b. The generator(s) shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.

c. The highest point on the generator(s) shall not exceed a maximum of seven feet above the neighboring property owner's grade or zero datum as defined in the appropriate definition of building height in section 134-2.

d. The generator(s) shall be completely screened from a street and the neighboring property owners by a concrete wall the same height as the generator(s) (including the height of the exhaust muffler). An adjacent property owner's existing side or rear concrete wall that completely screens the generator from the neighbor adjacent to that generator can satisfy said requirement provided the wall meets the height requirement to screen the generator and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall. When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.

e. If the generator(s) is visible from a street or public way, its location shall be subject to approval by the Architectural Commission or Landmarks Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining a generator's visibility.

f. The generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.

g. The generator(s) shall be used only during periods of power outages or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company or for use by power customers during periods of peak demand.

h. The generator(s) shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.

i. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

j. Generators shall not be permitted on the roof of a building.

(2) Temporary or permanent generators with a combined output of greater than 60 KW or more may be temporarily placed on the ground, on a stand or on a trailer provided, however, said generator(s) meets the following requirements:

a. A generator(s) shall meet the minimum setback requirements applicable to a principal structure and not more than one generator shall be within the same required setback or yard area.

b. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.

c. If the generator exceeds an output capacity of 100 KW or the combined output capacity of multiple generators exceeds 120 KW, said generator(s) shall be subject to site plan review as defined in sections 134-326—134-330. If any individual generator output capacity exceeds 100 KW it shall be housed in an enclosed building with landscaping as approved by the Architectural Commission or Landmarks Preservation Commission, whichever is applicable.

d. If the generator exceeds 60KW and is 100KW or less, it shall be screened from view at the street and from the neighboring properties by a concrete block wall, at least the same height as the generator (including the height of the exhaust muffler). An adjacent property owner's side or rear

concrete wall that completely screens the generator from the neighbor adjacent to said generator can count towards screening provided that the wall meets the height requirement to screen the generator and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall. When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.

e. If the generator is visible from a street or public way, its location shall be subject to approval by the Architectural Commission or Landmarks Preservation Commission, as applicable. Intervening landscape material shall not be considered when determining a generator's visibility.

f. The generator'(s) exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.

g. The generator(s) shall be used only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company.

h. The generator(s) shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.

i. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

j. Generators shall not be permitted on the roof of a building.

(3) Notwithstanding subsection (a), the director or designee may grant a waiver allowing a one generator with an output capability in excess of 60KW to be located within a required side or rear yard setback, provided the applicant submits to the town a site plan and evidence or testimony substantiating each of the following conditions:

a. The output of a 60 KW or less generator is incapable of providing enough electricity for the basic necessity of occupying a building and/or protecting interiors or possessions in a building from the damaging effects of prolonged loss of power.

b. The proposed location is not merely for the convenience or preference of the applicant, but that there is no other location outside of the required setbacks that will provide for safe placement of the generator.

c. The proposed location represents the minimum intrusion into the required setback(s) necessary to safely accommodate the generator.

(4) If an administrative waiver is not granted pursuant to subsection (c) the applicant may appeal the administrative decision to the town council pursuant to sections 134-131—134-145.

(Ord. No. 1-99, § 25, 4-5-99; Ord. No. 1-00, § 6, 2-22-00; Ord. No. 1-03, § 10, 3-11-03; Ord. No. 5-07, § 1, 5-8-07; Ord. No. 8-07, § 4, 5-8-07; Ord. No. 4-2016 , § 5, 4-13-16; Ord. No. 16-2020 , § 2, 12-9-20)

Editor's note(s)—Ord. No. 5-07, § 1, adopted May 8, 2007, enacted provisions intended for use as subsections (a)—(d). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsections (1)—(4).

Sec. 62-74. Bulkheads, landing docks and piers to accord with plat; waivers and variances.

All bulkheads erected in Lake Worth within the limits of the town shall be erected within the lines as shown on the plats described in section 62-71 except as follows. In addition, piers, landing docks and/or all associated appurtenances thereto erected in Lake Worth within the limits of the town shall be erected within six feet of the pierhead line as shown on the plats described in section 62-71 except as follows:

(1) The director of public works may grant an administrative waiver for batter (style) piles located west of the official bulkhead line provided that the applicant demonstrates why the bulkhead cannot be constructed without batter piles on or behind said line. A hardship shall be deemed a situation where said batter piles could not be built because existing structure(s) or soil conditions prohibit compliance with the provisions of this chapter.

~~(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 offical 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.

(Ord. No. 17-99, § 3, 11-9-99; Ord. No. 17-2021 , § 1, 8-11-21)

Editor's note(s)—Ord. No. 17-99, § 1, adopted November 9, 1999, amended the Code by repealing former § 62-74, and adding a new § 62-74. Former § 62-74 pertained to construction location to accord with plats, and derived from the Code of 1982, § 6-33; and Ord. No. 4-97, adopted March 11, 1997.

Sec. 62-75. Construction specifications.

(a) *Generally.* All construction of bulkheads, piers and landing docks covered in this article shall comply with the specifications of this section.

(b) *Location and alignment.* The west face of bulkheads are to be on the designated bulkhead line.

(c) *Projections.* The west face of bulkheads shall be without projections, except at the top, where a cap or coping may be used. The transition from the face of the bulkhead to the outer face of the cap or coping shall not be abrupt. An administrative waiver by the director of public works for batter (style) piles may be granted from this provision as identified in section 62-74(a).

(d) *Elevation of top.* The top of bulkheads or cutoff walls shall be governed by sound engineering recommendations, and the same shall be approved by the town engineer.

(e) *Elevation of bottom.* The bottom of bulkheads or cutoff walls shall be governed by sound engineering recommendations, and the same shall be approved by the town engineer.

(f) *Elevation of filled land lying west of the present A1A right-of-way.* The elevation of such fill will be such that drainage of any filled area will be routed away from the right-of-way ditches of State Road A1A.

(g) *Tightness.* Bulkheads and cutoff walls shall be impervious to the passage of sand.

~~(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 continuous 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.

(i) *Elevations of top.* The elevations indicated for piers and docks may be in conformance to good engineering practice.

(j) *Presence of rock.* If in the construction of bulkheads, piers or landing docks, rock too hard for penetration is encountered, before required penetration has been attained, the applicant will be required to give the department of public works satisfactory proof of its ability to penetrate the rock sufficiently to provide a

structure equally as stable as though no rock had been encountered, and the structure had been built with the prescribed penetration in sand.

(k) *Profiles with application.* If in the construction of any structure covered in this section is made, such application must be accompanied by a profile taken along the line of the proposed structure, such profile to show the character of materials encountered to elevations of required penetrations.

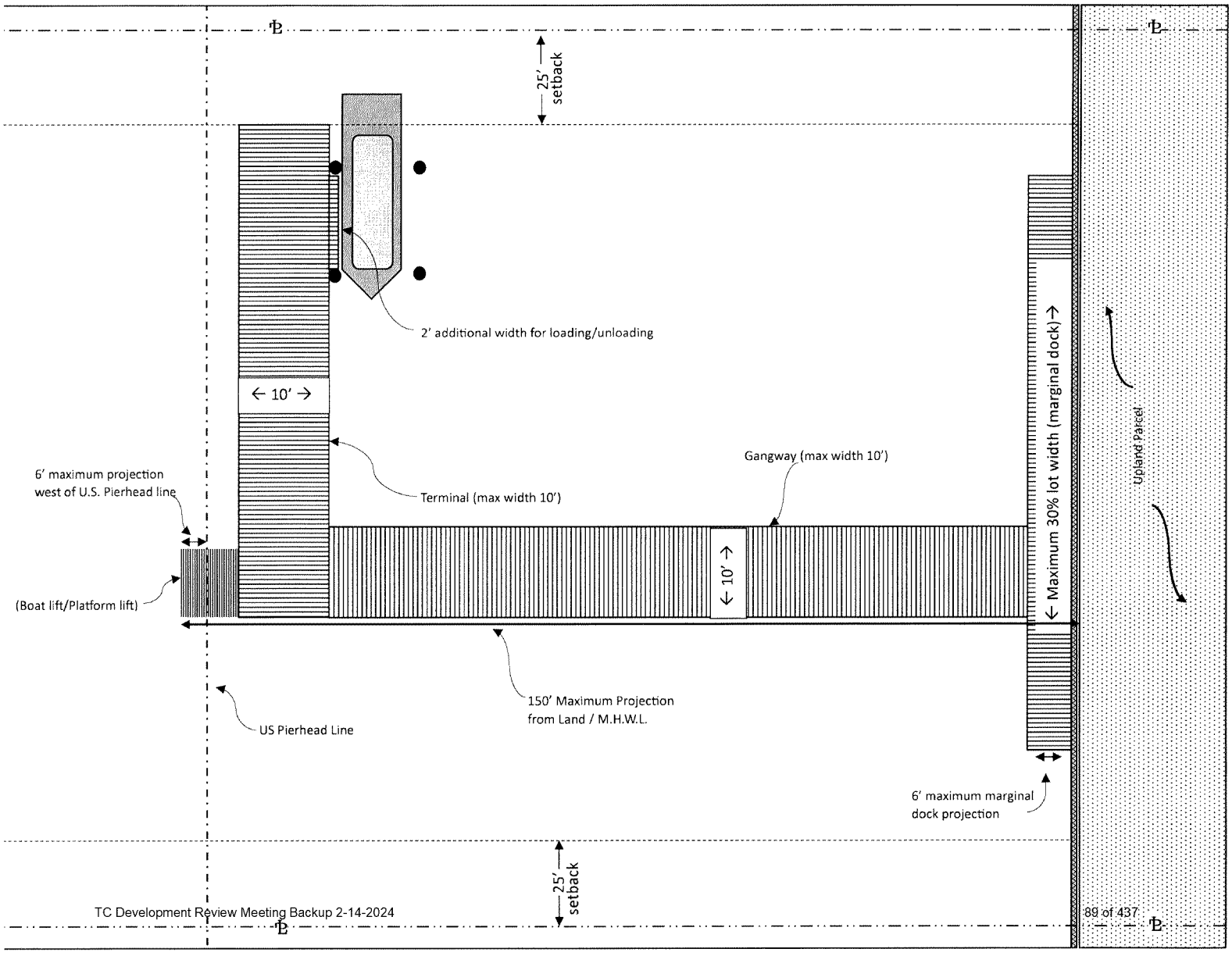
(l) *Plans.* All plans accompanying applications for structures covered in this section must be prepared by, or in collaboration with, a civil engineer licensed to practice in the state.

(m) *Datum plane.* The datum plane to which above elevations are referred is based upon National Geodetic Vertical Datum, 1929.

(n) *Inspection.* The town or authorized agent has the right at all times to inspect work being done under this section.

(o) *Approval of town engineer.* Penetration and elevations of piles being used in these structures shall be in accordance to good engineering practice. The plan of the work shall have the approval of the town engineer.

(Code 1982, § 6-34; Ord. No. 4-97, § 1, 3-11-97; Ord. No. 17-99, § 3, 11-9-99; Ord. No. 17-00, § 2, 8-8-00; Ord. No. 1-03, § 12, 3-11-03; Ord. No. 17-2021 , § 2, 8-11-21)


25' setback
2' additional width for loading/unloading
← 10' →
6' maximum projection west of U.S. Pierhead line
Terminal (max width 10')
Gangway (max width 10')
(Boat lift/Platform lift)
← 10' →
← Maximum 30% lot width (marginal dock) →
Upland Parcel
150' Maximum Projection from Land / M.H.W.L.
US Pierhead Line
6' maximum marginal dock projection
25' setback

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Resolutions

Agenda Title
A resolution to landmark the property at **2505 S. Ocean Blvd.**, known as The President of Palm Beach Condominium.

RESOLUTION NO. 012-2024: 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 **2505 S. Ocean Blvd.** 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.

The property owners are in support of this designation. The Landmarks Preservation Commission voted 5-2 to recommend the property for designation as a landmark.

Presenter

ATTACHMENTS:

- **Resolution No. 012-2024**
- **Designation Report for 2505 S. Ocean Blvd.**
- **Excerpt from the January 17, 2024 Landmarks Preservation Commission Meeting Minutes**
- **Landmark Designation Procedure**

RESOLUTION NO. 012-2024

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 2505 S. OCEAN BLVD. 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 2505 S. Ocean Blvd., and the property to be landmarked is legally described as follows:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 142, PALM BEACH ESTATES, AS RECORDED IN PLAT BOOK 8, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD A-1-A, AS SHOWN IN ROAD PLAT BOOK 1, PAGE 91, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN ALONG SAID WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 142 FOR A DISTANCE OF 295.82 FEET TO A POINT ON THE BULKHEAD LINE ESTABLISHED AND APPROVED BY THE TOWN OF PALM BEACH; THENCE TURN AN ANGLE OF 89° 34'45" MEASURED FROM THE PRECEDING COURSE TO THE SOUTH AND RUN FOR A DISTANCE OF 105.55 FEET ALONG THE 3 BULKHEAD LINE TO A POINT; THENCE; TURN AN ANGLE OF 87°05'10" MEASURED FROM THE PRECEDING COURSE TO THE EAST RUN FOR A DISTANCE OF 82.80 FEET TO A POINT OF CURVE; THENCE RUN ALONG THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 95.00 FEET AND A CENTRAL ANGLE OF 180° FOR A DISTANCE OF 298.45 FEET TO A POINT OF TANGENT; THENCE ALONG A TANGENT TO THE AFOREMENTIONED CURVE FOR A DISTANCE OF 82.42 FEET TO A POINT; THENCE TURN AN ANGLE OF 92°54'50" MEASURED FROM THE PRECEDING COURSE TO THE SOUTH AND RUN FOR A DISTANCE OF 95.25 FEET TO A POINT 10 FEET NORTH OF AND MEASURED AT RIGHT ANGLES TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 143 OF SAID PALM BEACH ESTATES; THENCE TURN AN ANGLE OF 90°25'15" MEASURED FROM THE PRECEDING COURSE TO THE EAST AND RUN ALONG A LINE 10 FEET NORTH OF AND PARALLEL TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 143, PALM BEACH ESTATES, FOR A DISTANCE OF 313.47 FEET TO A POINT ON THE WESTERLY RIGHT-OFWAY LINE, ALONG THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 11,397.97 FEET AND A CENTRAL ANGLE OF 1°41'49" FOR A DISTANCE OF 337.58 FEET TO A POINT OF TANGENT; THENCE ALONG A TANGENT TO THE TO THE AFOREMENTIONED CURVE FOR A DISTANCE OF 53.56 FEET, TO THE POINT OF BEGINNING, LYING, BEING AND SITUATE IN 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 assembled this 14th day of February 2024.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

The President of Palm Beach Condominium

2505 South Ocean Boulevard



DESIGNATION REPORT

January 17, 2024

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

The President of Palm Beach Condominium

2505 South Ocean Boulevard

Table of Contents

I.	GENERAL INFORMATION	2
II.	LOCATION MAP	10
III.	ARCHITECTURAL INFORMATION	11
IV.	HISTORICAL INFORMATION	17
V.	ARCHITECT BIOGRAPHY	22
VI.	STATEMENT OF SIGNIFICANCE	23
VII.	CRITERIA FOR DESIGNATION	23
VIII.	SELECTED BIBLIOGRAPHY	25

Report produced by Murphy Stillings, LLC

I. General Information

Location:	2505 South Ocean Boulevard Palm Beach, Florida
Date of Construction:	1961-1963
Architect:	Norman N. Robson Robson & Gesbocker Architects
Original Owner:	Calig Land Company (Morris Calig Enterprises)
Builder/Contractor:	Collins Construction Corporation
Original Name:	The President; The President Apartments
Current Name:	The President of Palm Beach
Current Owners:	Multiple Owners (See Attached List)
Present Use:	Residential Condominium Building
Legal Description:	Beginning at the point of intersection of the Westerly extension of the North line of Lot 142, Palm Beach Estates, as recorded in Plat Book 8, Page 3, Public Records of Palm Beach County, Florida, with the Westerly Right of Way Line of State Road A-1-A, as shown in Road Plat Book 1, Page 91, Public Records of Palm Beach County, Florida; Thence run along said Westerly extension of the North line of said lot 142 for a distance of 295.82 feet to a point on the bulkhead line established and approved by the Town of Palm Beach; thence turn an angle of 89° 34'45" measured from the preceding course to the South and run for a distance of 105.55 feet along the

bulkhead line to a point; Thence; turn an angle of 87°05'10" measured from the preceding course to the East run for a distance of 82.80 feet to a Point of Curve; Thence run along the arc of a curve concave to the West having a radius of 95.00 feet and a central angle of 180° for a distance of 298.45 feet to a Point of Tangent; Thence along a tangent to the aforementioned curve for a distance of 82.42 feet to a point; Thence turn an angle of 92°54'50" measured from the preceding course to the south and run for a distance of 95.25 feet to a point 10 feet North of and measured at right angles to the Westerly extension of the South line of Lot 143 of said Palm Beach Estates; Thence turn an angle of 90°25'15" measured from the preceding course to the East and run along a line 10 feet North of and parallel to the Westerly extension of the South Line of Lot 143, Palm Beach Estates, for a distance of 313.47 feet to a point on the Westerly Right-of-Way line, along the arc of a curve concave to the West having a radius of 11,397.97 feet and a central angle of 1°41'49" for a distance of 337.58 feet to a Point of Tangent; Thence along a tangent to the to the aforementioned curve for a distance of 53.56 feet, to the Point of Beginning, lying, being and situate in Palm Beach County, Florida.

Unit Numbers, Owners and Parcel Control Numbers

201	Leavitt, Christopher C. & Katherine M. TR & Leavitt, Katherine M Trust	50-43-44-23-01-000-2010
202	Hayes, Rosemarie Trust	50-43-44-23-01-000-2020
203	Leavitt, Christopher C. & Katherine M. TR & Leavitt, Katherine M Trust	50-43-44-23-01-000-2030
204	Cohen, Jack S., Maxine A. & Howard B.	50-43-44-23-01-000-2040
205	Morgan, Andrea S.	50-43-44-23-01-000-2050
206	Shacter, Joan	50-43-44-23-01-000-2060
207	Montani, Adriana C.	50-43-44-23-01-000-2070
208	Phares, Joan A.	50-43-44-23-01-000-2080
210	Crowley, Drew & Jane	50-43-44-23-01-000-2100
211	Mulcahy, Daniel J. & Joan B.	50-43-44-23-01-000-2110
212	Stratigos, Theodore & Schiaffino, Lori	50-43-44-23-01-000-2120
214	Darlington, Stephen G. & Mary E.	50-43-44-23-01-000-2140
215	Keen Family Development Trust & Keen, Enrique TR	50-43-44-23-01-000-2150
216	McCracken, Peter M.	50-43-44-23-01-000-2160
217	Rose, Jill Hall	50-43-44-23-01-000-2170
301	Egana, Maria D.	50-43-44-23-01-000-3010
302	White, Dru S. & Alberts, Sandra	50-43-44-23-01-000-3020

303	Sowers, Chris & Jane	50-43-44-23-01-000-3030
304	Bader, Harold B.	50-43-44-23-01-000-3040
305	Aizenberg, Michael & Joanna	50-43-44-23-01-000-3050
306	Dove, James	50-43-44-23-01-000-3060
307	Evans, Robert D. & Kate C.	50-43-44-23-01-000-3070
308	Hoge, Sharon K.	50-43-44-23-01-000-3080
309	Pryshlak, Daria Trust	50-43-44-23-01-000-3090
310	Corrado, Andrew F. & Lucy R.	50-43-44-23-01-000-3100
311	Krieger, Mitchell	50-43-44-23-01-000-3110
312	Galipeau, Reynold J. & Geraldine M.	50-43-44-23-01-000-3120
314	Rinehart, Wayne & Odalys	50-43-44-23-01-000-3140
315	Dalton, Calvin R.	50-43-44-23-01-000-3150
316	Colgan, Sigrid & Colgan, Sigrid TR & Sigrid Colgan TR TITL HLDR	50-43-44-23-01-000-3160
317	Muller, Irene C. Trust	50-43-44-23-01-000-3170
401	Perlman, Barbara	50-43-44-23-01-000-4010
402	Golde, Lea Marie	50-43-44-23-01-000-4020
403	Negoescu, Alexandre & Cristina	50-43-44-23-01-000-4030
404	Marino, Joseph L., Jr. & Emily M.	50-43-44-23-01-000-4040
405	Tan, Gary and Ashley M.	50-43-44-23-01-000-4050

406	Marino, Joseph L., Jr. & Emily M.	50-43-44-23-01-000-4060
407	Trevor, Nancy C.	50-43-44-23-01-000-4070
408	Wynn, Patricia H. Trust & Wynn, Patricia H. TR	50-43-44-23-01-000-4080
409	Calden, Sue E.	50-43-44-23-01-000-4090
410	Wynn, Patricia H. Trust & Wynn, Patricia H. TR	50-43-44-23-01-000-4100
411	Wilson, Martin C. & Jane C.	50-43-44-23-01-000-4110
412	Salvia, Joseph A. Tr & Salvia, Mary Tr & Salvia Family investment Trust	50-43-44-23-01-000-4120
414	Mandell, Danielle J. & Gabrielle S.	50-43-44-23-01-000-4140
415	Lofrese, Daniel L., Jr	50-43-44-23-01-000-4150
416	Lief, Ingrid	50-43-44-23-01-000-4160
417	Kris Fuchs Trust	50-43-44-23-01-000-4170
501	Reiman, Michael S.	50-43-44-23-01-000-5010
502	Rinaldo, Donna	50-43-44-23-01-000-5020
503	Ochs, Helmut	50-43-44-23-01-000-5030
504	Charney, Stephanie & Arsene, Vladimir	50-43-44-23-01-000-5040
505	Lee, Hyunjung	50-43-44-23-01-000-5050
506	Arsene, Vladimir & Charney, Stephanie	50-43-44-23-01-000-5060
507	Nitchmann, Louis P. & Christine	50-43-44-23-01-000-5070

508	Foreman, Phillip & Denise	50-43-44-23-01-000-5080
509	Pielak, Odette	50-43-44-23-01-000-5090
510	Ritenour, David & Abreu, Miriam	50-43-44-23-01-000-5110
512	Bloom, Donald S. Family Trust & Bloom Donald S. Trust	50-43-44-23-01-000-5120
514	Sowards, Buckley D.	50-43-44-23-01-000-5140
515	Hanna, Timothy K.	50-43-44-23-01-000-5150
516	Starr, Elva D. R. & Starr, Elva Diane Trust	50-43-44-23-01-000-5160
517	Schwartz, Barberina	50-43-44-23-01-000-5170
601	Judar, Charlotte	50-43-44-23-01-000-6010
602	Baumler, Manfred	50-43-44-23-01-000-6020
603	Reidy, Dennis & Reidy Dennis Tr	50-43-44-23-01-000-6030
604	Chu, Quyue	50-43-44-23-01-000-6040
605	Margolies, Matthew & Eileen	50-43-44-23-01-000-6050
606	O'Connor, Francis X. & Donna	50-43-44-23-01-000-6060
607	Dalton, Allen	50-43-44-23-01-000-6070
608	Wunsch, Charles M. & Hojnacki, Linda H., Wunsch, Charles M. TR & Hojnacki, Linda H. TR & Charles Wunsch ET ALTR TITL HLDRS	50-43-44-23-01-000-6080
609	Marino, Carole L.	50-43-44-23-01-000-6090
610	Garito, Stephen A.	50-43-44-23-01-000-6100

611	Winters, Nestor A. & Barbara	50-43-44-23-01-000-6110
612	Schaefer, Elise TR & Schaefer, Elise Trust	50-43-44-23-01-000-6120
614	Fischer, Clifford R.	50-43-44-23-01-000-6140
615	Gottesman, Peter & Irene D.	50-43-44-23-01-000-6150
616	Sandground, Evelyn H. Trust	50-43-44-23-01-000-6160
617	Tepper, Sheryl	50-43-44-23-01-000-6170
701	Kesman, Steven E.	50-43-44-23-01-000-7010
702	Axelrod, Terry & Shapiro, Heather	50-43-44-23-01-000-7020
703	Charney, Aaron & Hanani, Benjamin	50-43-44-23-01-000-7030
704	Axelrod, Terry & Shapiro, Heather	50-43-44-23-01-000-7040
705	Sibson, Bruce W. & Demry W.	50-43-44-23-01-000-7050
707	Kelly, Stan A. & Kelly, Stan A. TR & Stan A. Kelly TR TITL HLDR	50-43-44-23-01-000-7070
708	Hoenings, Gerald	50-43-44-23-01-000-7080
709	Kelly, Stan A. & Kelly, Stan A. TR & Stan A. Kelly TR TITL HLDR	50-43-44-23-01-000-7090
710	Chautin, Alex & Jessica	50-43-44-23-01-000-7100
711	Eineker, Thomas P. & Gail	50-43-44-23-01-000-7110
712	Charney, Aaron, & Hanani, Benjamin	50-43-44-23-01-000-7120
714	Lei Thomas D TR & Lei & Lu Family	50-43-44-23-01-000-7140
715	Hanley, Stephen & Patricia	50-43-44-23-01-000-7150

716	Hanke, John V.	50-43-44-23-01-000-7160
717	RJ Fendrick Irrevocable Trust & JC Sacknowitz Irrevocable Trust	50-43-44-23-01-000-7170

II. Location Map





III. Architectural Information

The President of Palm Beach is a distinctive condominium located in the south end of Palm Beach at 2505 South Ocean Boulevard. The Mid-Century Modern building was designed by architect Norman Robson in 1961 and constructed by the Collins Construction Corporation between 1961 and 1963. Located just south of the Palm Beach Par 3 Golf Course on the west side of South Ocean Boulevard, Robson's design for The President takes advantage of its waterfront location with a semi-circular plan which provides each residential unit with an uninterrupted view of the waters of Lake Worth.



East Façade

Modern architectural styles were popular following World War II as they were a by-product of post-war optimism. Architects and designers were moving away from period architectural styles and were adapting various modernist movements to create new designs, including what would become known as the Mid-Century Modern style. Mid-Century Modern architecture used modern materials and building techniques and was defined by clean lines, simple shapes, and refined simplicity. A further development of Frank Lloyd Wright's principles of organic architecture combined with elements reflected in the International and Bauhaus movements, Mid-Century Modern architecture generally features geometric forms, facades surfaced with smooth stucco, large amounts of glass, cantilevers running the length of the building, decorative grilles, ornamental masonry elements, angular details, and minimal ornamentation.



Main Entrance, Looking Northwest

The President of Palm Beach is a stylish seven-story U-shaped residential structure currently containing 94 units. The building was constructed of steel and concrete finished with smooth stucco and has a flat roof with a decorative parapet. Norman Robson's Mid-Century Modern design for the structure is characterized by its curvilinear massing blended with a play of vertical and horizontal elements.

The focal point of The President's design is the centrally located, vertical, pre-cast concrete geometric panel with stone aggregate. The panel shares the same elongated honeycomb-like pattern as the building's railings with the addition of stone aggregate within the hexagonal shapes which adds an organic element to the building's design. The panel rises from the building's porte cochere which features a wavy, compressed arch, cantilevered canopy that is supported by rectangular posts. The main entrance to the building is located via the porte cochere and provides

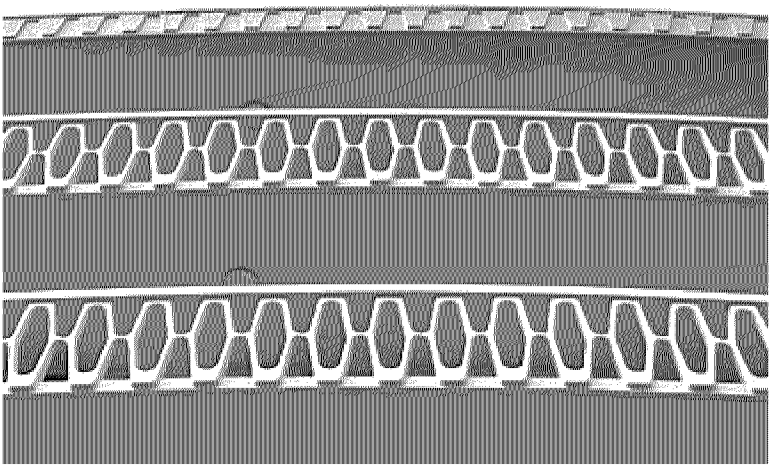
access to the building's lobby through a pair of metal and glass doors flanked by fixed glass panels.



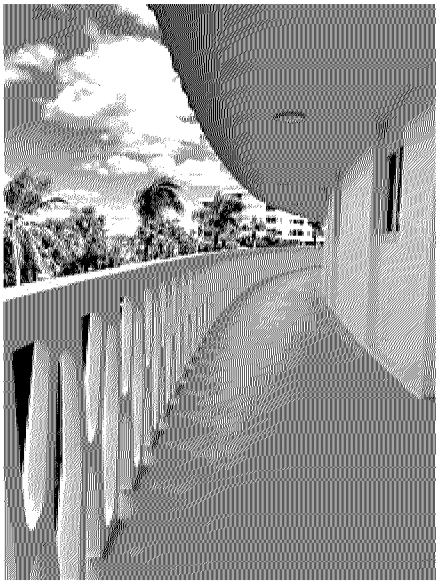
Main Entrance

The central section of the building's ground floor features the lobby with a central elevator and additional community spaces such as a lounge, kitchen, and gym. On each side of the center section are covered parking areas for the residents and the western ends contain elevators, storage areas and restrooms.

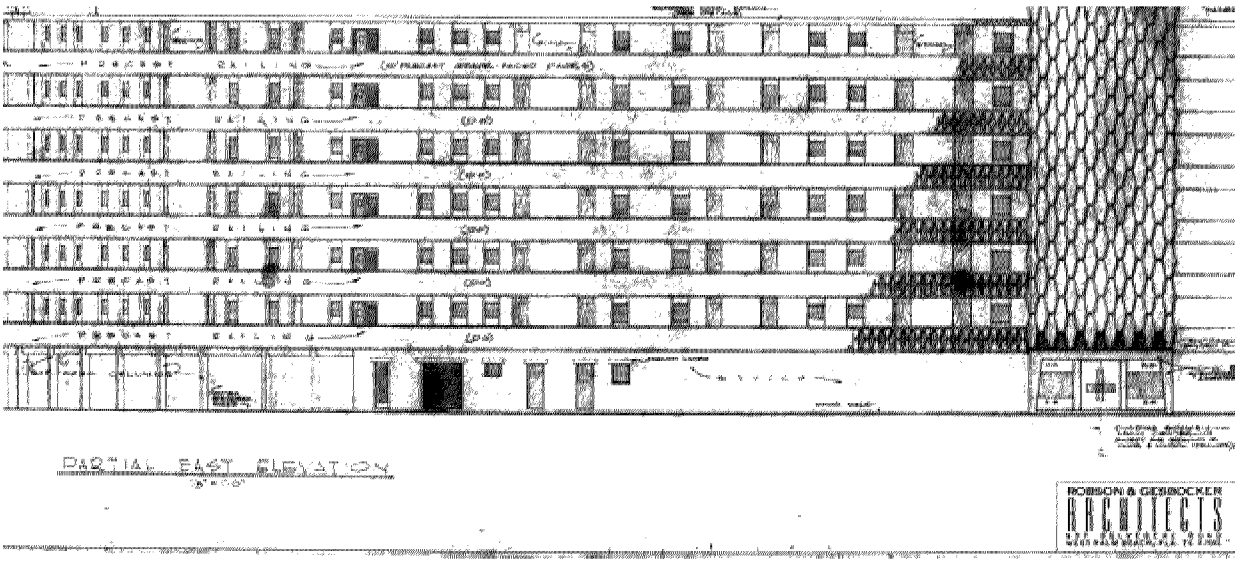
The residential units are located on the six upper floors and are accessed by cantilevered balconies that run the length of the building along the outer eastern radius of the structure's curved form. These balconies with the elegant pre-cast concrete geometric railings are a significant architectural feature of the design and form curving sheltered galleries that are crowned at the roof line by a decorative parapet. The units are laid out with the entrance foyers and kitchens along the outer curve of the building allowing the living areas and bedrooms to enjoy views of the Intracoastal Waterway.



Parapet & Balcony Railing Details

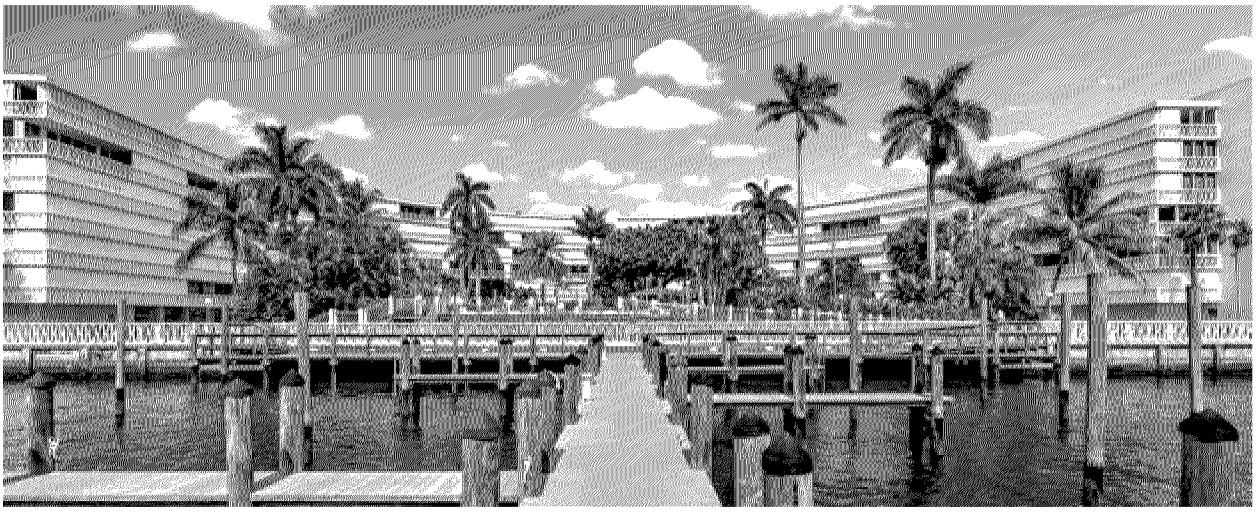


Curved Balcony Walkways



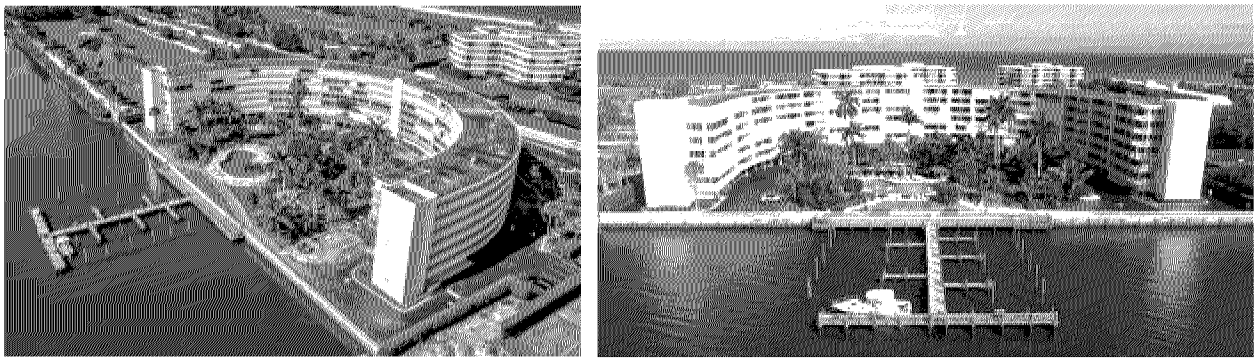
Original Design for Partial East Elevation
Robson & Gesbocker Architects, 1961

The western façade of the building looks out to Lake Worth and features private balconies for each residential unit. The balconies ring the internal curve of the structure and continue the use of the structure's character-defining geometric balcony railing design. The balconies are accessed from the units through sliding glass doors with hurricane protection provided by accordion shutters which close behind the railings.

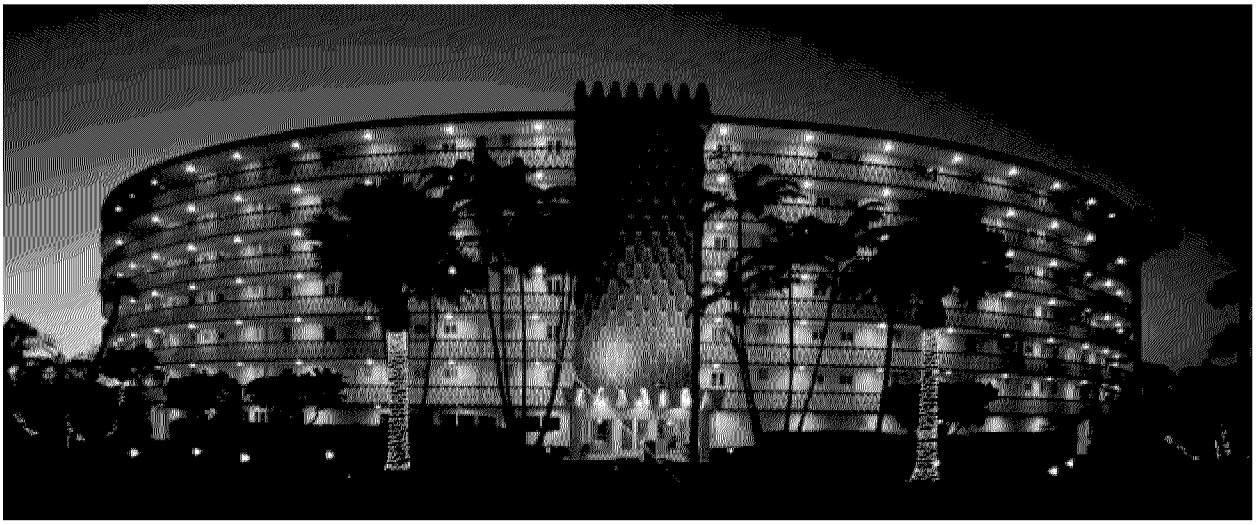


View of West Facade from the Dock

The President's semi-circular design is sited to create an internal courtyard containing a free-form shaped swimming pool and a garden with curvilinear walkways. The design and placement of the structure on the property provides a sense of privacy for the community's residents. The water line at the western end of the property is highlighted by a bulkhead railing, with the same geometric design as the balcony railings, and a boat marina.



Aerial Views
Courtesy of the President of Palm Beach



Main Façade
Courtesy of The President of Palm Beach

The Board and residents of the President of Palm Beach appreciate Robson's elegant Mid-Century Modern design for their building and have been excellent stewards of the property. Renovations have been undertaken to preserve the property's significant architectural features, protect the structure, and update community amenities for current and future residents. Over the years there have been alterations primarily to the interior of the units and to windows and doors but the overall design of the exterior of the structure has been maintained and the property's historic and architectural integrity has been preserved.[1]



Postcard of the West Façade of The President of Palm Beach, date unknown
Courtesy of The President of Palm Beach

[1] The residential units originally featured jalousie windows on the east façade which have been replaced over the years with one-over-one sash windows. Accordion shutters have been installed in each unit to provide hurricane protection to the west façade. These shutters have been located to the interior side of the balcony railings allowing for the balcony design to be visible even when the shutters are closed.

IV. Historical Information

The history of Palm Beach started long ago with native peoples inhabiting the area around 5,000 BCE. However, it was not until the late nineteenth century that Standard Oil tycoon Henry Flagler became instrumental in transforming the island of jungles and swamps into a preeminent winter resort by extending his Florida East Coast Railway southward to the area and opening the Royal Poinciana Hotel in 1894 and the Breakers Hotel in 1896.[2] Prior to World War I most of the seasonal residents resided in the hotels but following the war there was a 1920s land and housing boom where grand estates were built by some of the richest people in America and upper middle class neighborhoods, attractive commercial corridors and luxury hotels were built to accommodate the arrival of new residents and tourists.

Palm Beach did experience effects of the late 1920s land and housing bust and the following Great Depression, however, following World War II Palm Beach flourished and grew exponentially. Part of this substantial growth was the result of a zoning law passed by Town Council in 1947 which raised the housing density in midtown as well as in the stretch of land starting at Sloan's Curve and running south to Palm Beach's southern border, which included the land where The President of Palm Beach was constructed.[3] In addition, prior to the devastating hurricane of 1947, State Road A1A (South Ocean Boulevard) was located along the ocean. However, the hurricane washed out the road so from Manalapan's Vanderbilt Curve to Palm Beach's Sloan's Curve, A1A was relocated west of the ocean, resulting in a windfall for South End developers.[4] By relocating the road and adding lakefront landfills, the storm's aftermath resulted in nearly twice the number of large buildable lots, including the sizeable property where The President of Palm Beach was constructed.

The Ambassador Hotel was the first major building constructed in Palm Beach south of Sloan's Curve following the Town's rezoning law. The property at 2730 South Ocean Boulevard was designed by architect Eugene Lawrence and developed in 1947 by Charles Bernstein, a Palm Beach winter resident and Cleveland developer. The hotel was a success and became a popular destination for tourists and new

[2] Flagler extended the East Coast Railroad to the area in 1894. The Breakers was originally called the Wayside Inn and then the Palm Beach Inn. It was renamed The Breakers after a 1901 expansion because guests requested rooms "over the breakers."

[3] It was a controversial zoning law the created a building boom that endured for decades.

[4] Sloan's Curve starts at 1960 South Ocean Boulevard. It was named for the estate of Alfred P. Sloan, the head of General Motors from 1923-1956, that was previously located at that location. Vanderbilt Curve is located at approximately 1550 South Ocean Boulevard in Manalapan.

residents following the War[5]. Despite the hotel's success, there was little development in the South End during the 1950s except for a few smaller projects and the Bessemer Properties initial development of Ibis Isle.[6]

Beginning in 1960, more developers became attracted to the stretch of Palm Beach south of Sloan's Curve as it was mostly undeveloped ocean and lakefront land. By 1961, Morris Calig and his two sons, Harold and Sam, recognized the opportunity to build an apartment building along Lake Worth just south of the new Palm Beach Par 3 Golf Club.[7] The Calig Land Company hired West Palm Beach architect Norman N. Robson to design the building, which he did with a distinguished modern design, and then developed the property as a residential hotel/apartment that they named The President.[8] The first permit for the property No. 35661 was dated March 27, 1961, and specified that it would be a multi-family apartment building with 97 units located on lots 142 and 143 in the Palm Beach Estates subdivision. The cost was estimated to be $1,500,000.[9] The building was constructed by Collins Construction Corporation under direction of architect Norman Robson, who built an intricate model of the building which he used to explain and promote the project. The building was completed ahead of schedule with the certificate of occupancy dated January 17, 1963.

The President's horseshoe-shaped structure was originally developed as a residential hotel/apartment available on an annual basis with four types of units – studio, one-bedroom, two-bedroom and two-bedroom deluxe apartments, both furnished and unfurnished, with full hotel services for the "select winter residents for whom the Palm Beach area has particular attraction."[10] Fill was brought in from Lake Worth

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[5] According to a January 1950 article in *Palm Beach Life*, "The exquisitely beautiful hotel rises like a Taj Mahal on the golden strands of Lake Worth and the blue Atlantic. Today it has become the mecca for a discriminating clientele."

[6] In the early 1950s, the Phipps family owned Bessemer Properties began filling in Penner Island which was located in Lake Worth just west of Palm Beach. In 1952 they built a bridge to connect Penner Island to the mainland and in 1953 they platted a subdivision and renamed the island Ibis Isle. The Phipps family owned much land in the south end of Palm Beach, including the property they donated that became Phipps Ocean Park.

[7] The Palm Beach Par 3 Golf Course was developed in 1960-1961 by Mike Phipps' Bessemer Properties that owned the land. The course is located between the ocean and the lake south of Phipps Ocean Park. At the time it was built, the land was estimated to be worth $12,000,000 and the course had the most ocean front holes than any other links in the nation – five.

[8] The building was named The President but it was also referred to as The President Apartments before it became a condominium.

[9] There is a note on the permit that states that the permit was originally applied for on March 27, 1961, but the date of the permit after court action was June 20, 1961. After the owners applied for a building permit on March 27, 1961, the Town of Palm Beach amended an ordinance that affected the proposed height of the building. The court decided in favor of The President and the building permit was approved June 20, 1961.

[10] The Calig Land Company was a subsidiary of Calig Steel Drum Company of Pittsburgh. The first manager of The President was Leon B. Sternberger, formerly of Pittsburgh. There are no unit numbers ending in "13", a number commonly associated with bad luck in Western culture. Fear of the number 13 is called triskaidekaphobia.

to create a "front yard" where the large free-form, saltwater pool and marina were built. Other features of the property included lush landscaping and designed paths that connected The President to its private beach and cabana across South Ocean Boulevard. In addition, public facilities on the ground level included covered parking and storage space, a coffee shop, a beauty salon, a lobby, and a lounge available to tenants for entertaining.[11]



Photograph of Nelson Robson (on left) and the First Manager Leon Sternberger (on right) Showing a Model of The President with Construction Underway Behind, 1962
Courtesy of The President of Palm Beach

When The President opened in 1963, it was heralded for its luxury and architecture, with one article even likening it to the Fontainebleau Hotel in Miami. The article stated, "It's hard to make a big splash along the manicured shores of Palm Beach, where millionaires' mansions are as plentiful as coconuts on the palms. But a new luxury apartment in the southern part of town, which cuts a sweeping, alabaster swath across the sand, even has this blasé resort blinking. Located in a resort

[11] The cabana was designed by Norman Robson in 1962. The coffee shop was later transformed into restaurant Le Monegasque that was popular for many years. There is currently no restaurant in the building and the space was changed to the Club Room, Gym, and Kitchen.

community the Kennedy family has helped publicize, the new apartment building is appropriately named, The President. A building of monumental proportions, this seven-story, semicircular structure is probably the most eye-catching piece of Southern Florida architecture since the Fontainebleau Hotel."[12]

Norman Robson, an architect who believed "modernism represented progress in artistic design," took great pride in the project and it became one of his most celebrated designs. Though esthetic appeal was certainly an influencing factor in his design, the semicircular shape primarily was designed to take visual advantage of the exceptional site with the building constructed to occupy half of the circumference of a 700-foot-diameter circle. Robson oriented the structure so the outside radius faced east toward the ocean and the inside radius faced west toward Lake Worth which then formed a sheltered courtyard overlooked by each of the glass-walled apartments with unique water views.[13]

The President was one of the first buildings constructed south of Sloan's curve and aerial photographs taken shortly after its completion show the building surrounded by large tracts of open space. However, between 1963 and 1970 there was a fervor of building in Palm Beach's south end where nineteen condominiums were constructed between Sloan's Curve and the Town of South Palm Beach.[14] And as it became evident by 1969 that more people coming to Palm Beach were looking to own rather than to rent, the Perini Corporation, who had recently purchased The President, converted it from a residential hotel/apartment building to a condominium.[15]

The fervor of condominium development, however, did not please everyone in Palm Beach as the Palm Beach establishment saw the town as an enclave for the few while developers saw Palm Beach as a metropolis for the many. With a change in its members, the 1970 Town Council tightened building codes and zoning restrictions to reduce the town's population density.[16] By March 1970, the town had curbed high rises, setting a five-story limit on apartments and a three-story limit on commercial

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[12] *PPG Products*. Volume 71, Number 3, Fall 1963.

[13] Ibid

[14] In 1963, the State of Florida passed the Condominium Act, which allowed for the construction of condominiums and the conversion of apartment buildings to condominiums. Nine of these condominiums were built on Ibis Isle in the late 1960s. They are low-rise condominiums developed as the French Villas each with a French name.

[15] The Palm Beach Post, advertisement, 5 December 1969. The Perini Corporation was founded in 1894 in Ashland, Massachusetts by a stonemason named Buonfiglio Perini. Under the direction of Buonfiglio's grandson, Lou Perini, the company moved into the real-estate business, developing 4,500 acres in Palm Beach County. Architect Norman Robson was part of the Perini team for part of this Palm Beach County development. In 1970, the units were priced from $16,000 to $43,000. It is likely at this time that the name was changed to The President of Palm Beach.

[16] Augustus Mayhew, "High-Rise Palm Beach: Changes in Altitude." Palm Beach Daily News, January 20, 2019.

usage.[17] Despite the new building codes and zoning restrictions, demand for condominium development in the south end of Town continued to boom with twenty-one more condominiums constructed between Sloan's Curve and the Town of South Palm Beach in the 1970s and fourteen more in the 1980s. In just three decades more than fifty condominiums were constructed along this three-and-one-half mile ocean to lake narrow strip, ever changing the south end Palm Beach landscape.[18] It is interesting to note that among these fifty plus condominiums, The President of Palm Beach was often cited as standing out among its peers. In a Palm Beach Post article titled "Travel on the Scenic Route: AIA from Palm Beach to Boca Raton," it states, "Most condos on this drive are tall and dramatically boring, with faux posh names, but we are partial to two between Sloan's Curve and Lake Worth: The '6os mod-looking President of Palm Beach and the cool white Regency of Palm Beach."[19]

During its sixty-one-year history, The President of Palm Beach has remained a sought after building for selective clientele. Many have chosen The President for its striking modern architecture and its skillful siting that ensured every unit had an open view of the water through expansive glass doors and balconies.[20] Its location in the heart of Palm Beach's south end is suburb with a private dock and extensive views of Lake Worth on the west, the Palm Beach Par 3 Golf Couse adjacent to the north and deeded beach access across the boulevard to the east. In addition, the sustained commitment from the owners to preserve the architectural design makes The President of Palm Beach a building that will continue to stand the test of time and be recognized as one of the most important modern designs in the Town of Palm Beach.

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[17] Ibid. In response to the decades of high-rise residential and commercial development, the Town's 1969 and 1970 council elections proved revolutionary. In 1969, George Matthews won a council seat opposing nine-time Councilman John Cushman and the following year, Robert Grace and "Deedy" Matrix were elected. Their incumbent opponents had appeared lax in protecting the town against over development. Matthews, Grace and Matrix kept their pledge to scale Palm Beach back to sea level.

[18] Murphy Stillings, LLC. The Reef Condominium Landmark Designation Report, November 2019.

[19] "Travel On The Scenic Route: AIA from Palm Beach to Boca Raton." Palm Beach Post 16 June 2016. The Regency of Palm Beach is located at 2760 S. Ocean Boulevard. It was designed by Eugene Lawrence and was originally named Ambassador Lakes South.

[20] Correspondence with Steve Darlington, resident of The President of Palm Beach, 2023. The main features of the building that attract new residents and add to the quality of life of the existing residents include the mid-century modern aesthetic of the building, balconies that run the length of the building, open exterior walkways, attractive landscaped garden and pool, skillful lighting of the building, a dock for residents' boats, the Presidents Club and gym, deeded beach access, a twenty-four-hour doorperson and personalized service where in the mailroom the doorman hands residents their mail instead of a wall of mailboxes.

V. Architect Biography

Norman Nugent Robson

Norman N. Robson was born January 12, 1925, in Coshocton, Ohio, the son of Phedora and Harry Dean Robson. He grew up in Cleveland and attended Marietta College and Case School of Applied Science before entering the U.S. Army Corps of Engineers in 1942. After Officer Candidate School, he was sent to Louisiana State University to study engineering, and he then served as a First Lieutenant in Luzon, Philippines, and in Japan after the Japanese surrender. Upon discharge, he studied architecture at Western Reserve University and became involved in theatrical design working for Dramaturgy, Inc. When he received a Theatrical Artists Union membership card, he took a job in New York as a scenic artist with NBC television. Robson became interested in sports car racing in Watkins Glen, NY and met Briggs Cunningham, race car designer and builder, who offered him a job in his West Palm Beach plant. When Robson arrived in Florida after completing his New York obligations, Cunningham had decided to move his operations to California. Robson decided to stay in West Palm Beach, and in order to make some acquaintances, he offered to design and build a few sets for the Norton Gallery Players. There he met a teacher, Margaret Doty, and they decided to get married as soon as he could get a job with an architectural firm. They were married eight weeks after they met, and he worked in turn for three prominent architectural firms, Obst and Obst, John Volk and Edmond Pachner, before opening his own office.[21] His creative talents served many interesting clients including the Perini's Western Expansion in West Palm Beach and some of the first high-rise ocean front condominiums in Palm Beach County including The President of Palm Beach. For over thirty years, he designed numerous residential, commercial, and public buildings throughout the County, including the West Palm Beach Public Library in 1961.[22]

During his life, his passion was collecting and restoring classic British sports cars. At one time, he owned and restored both a high chassis and a low chassis "Invicta" known as one of the all-time great cars. After he retired, Robson took up watercolor painting and studied with Barbara Carr of Pratt Institute on trips to China, Brazil, Italy, and Ireland and at the Lighthouse Gallery in Tequesta with Claire Dorst, Millard Caswell, and Karin Bastidas. He received numerous awards in juried

[21] He also worked for a number of years with John B. Gesbocker as Robson & Gesbocker Architects.

[22] Additional Norman Robson buildings listed in the 1970 AIA Directory include the Holiday Inn Motel and Restaurant, Palm Beach 1959; Chrysler Dealership, West Palm Beach, 1967; and St. Clair's School and Church, North Palm Beach, 1969.

exhibitions and his family and friends continue to display his paintings. His other interests were music, particularly opera, tennis, and the study of the Shakespeare Authorship Question with The Shakespeare Oxford Fellowship. For many years, Robson was a member of the West Palm Beach Rotary Club and at various times he served on the boards of the South Florida Science Museum, Goodwill Industries, the Lighthouse for the Blind, and the YMCA.

VI. Statement of Significance

For more than three decades (ca. 1945-1975), Modernism prevailed as Palm Beach's post-World War II paradigm of style, found among South End and Midtown's co-ops and condominiums, as well as commercial buildings along Worth Avenue, County Road and Royal Palm Way.[23] The President of Palm Beach condominium is an excellent example of the Mid-Century Modern architectural style and the modern architecture movement in Palm Beach as designed by noted architect Norman N. Robson during a time of significant growth in the south end of the Town.

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 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 President of Palm Beach condominium reflects the broad cultural, economic, and social history of the nation, state, and town. Built in 1961-1963 in the Mid-Century Modern style, The President reflects the time when Modernism reigned as one of the most popular Post World War W II styles for multi-family and commercial architecture throughout the country and in Palm Beach. The President also reflects the beginning of significant growth in Palm Beach's south end following relaxed zoning restrictions, State Road AIA shifting west, and an influx of new residents and tourists attracted to Palm Beach. Although there are more than fifty condominium buildings in Palm Beach south of Sloan's Curve, The President stands out among its peers for its striking architecture that provides unique water views for each unit, as

[23] Augustus Mayhew, "Unforgettable Palm Beach: Modernist Buildings Among Town's Most Endangered Cultural Resources." Palm Beach Daily News. 6 March 2011.

well as for its personalized service, notable amenities, and the owners' commitment to preserving the buildings architectural design, which in turn attracts a selective clientele. In addition, The President was one of the earlier modern buildings in Palm Beach's south end and the accolades for its style likely influenced later designs throughout Town.

(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 President of Palm Beach condominium is an excellent representation of Mid-Century Modern architecture and embodies distinguishing characteristics of the style. The President's Mid-Century Modern design is characterized by its curvilinear massing intermingled with vertical and horizontal design features which contribute to the building's unique design. The semi-circular plan provides each unit with exceptional views and a relationship to the surrounding environment while the central vertical geometric panel, the sweeping geometric balcony railings, and the cantilevered wavy compressed arch porte cochere represent distinctive characteristics of the Mid-Century Modern style.

(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."

Norman N. Robson was an accomplished architect who believed "modernism represented progress in artistic design" and used this concept in The President of Palm Beach. Robson worked for prominent Palm Beach architectural firms prior to establishing his own practice. His Mid-Century Modern design for The President became one of his most celebrated projects and helped shape the aesthetic of the south end of Palm Beach.

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XI. DESIGNATION HEARINGS

1. ITEM 1: 2505 SOUTH OCEAN BOULEVARD (PRESIDENT CONDOMINIUM)

OWNER Multiple Owners (See Designation Report for Complete List of Owners)

Call for disclosure of ex parte communication: Disclosure by Ms. Metzger and Mr. Ives.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history of the Mid-Century Modern style buildings. Ms. Murphy pointed out the design features of the buildings. Ms. Murphy testified that the buildings 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. Murphy thanked many people who assisted in her research of the building and the residents for supporting the designation.

A motion was made by Mr. Ives and was seconded by Ms. Albarran to make the designation report for 2505 S. Ocean Blvd. part of the record. The motion was carried unanimously, 7-0.

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

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

The following people spoke in support of the designation:

Stephen Darlington, 2505 S. Ocean Blvd.
Terry Axelrod, 2505 S. Ocean Blvd.
Stan Kelly, 2505 S. Ocean Blvd.

Ms. Albarran supported the designation.

Ms. Metzger wondered if other condominiums in the area were eligible for

designation. Ms. Murphy confirmed others may be eligible.

Mr. Ives was thrilled to see the recommendation and was excited to support the designation.

Mr. Fairfax did not believe the building was worth the landmark designation.

A motion was made by Mr. Ives and was seconded by Ms. Albarran to recommend 2505 S. Ocean Blvd. 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 that the owners of the buildings supported the designation. The motion was carried 5-2, with Mses. Fairfax and 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: February 14, 2024

Section of Agenda
Resolutions

Agenda Title
A resolution to landmark the property at **262 Sunset Ave.**

RESOLUTION NO. 148-2023: 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 **262 Sunset 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.
The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 to recommend the property for designation as a landmark.

Presenter

ATTACHMENTS:

- **Resolution No. 148-2023**
- **Designation Report**
- **Excerpt from the January 17, 2024 Landmarks Preservation Commission Meeting Minutes**
- **Excerpt from the November 17, 2023 Landmarks Preservation Commission Meeting Minutes**
- **Landmark Designation Procedure**
- **Gunster Presentation 11-17-23**

RESOLUTION NO. 148-2023

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 262 SUNSET 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.

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 262 Sunset Ave and the property to be landmarked is legally described as follows: **FLORAL PARK LTS 38 & 39**

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 assembled this 13th day of December, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

Villa Seville

262 Sunset Avenue



DESIGNATION REPORT

March 22, 2023

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

Villa Seville
262 Sunset Avenue

Table of Contents

I.	GENERAL INFORMATION	2
II.	LOCATION MAP	3
III.	ARCHITECTURAL INFORMATION	4
IV.	HISTORICAL INFORMATION	6
V.	BUILDER'S BIOGRAPHY	9
VI.	STATEMENT OF SIGNIFICANCE	12
VII.	CRITERIA FOR DESIGNATION	12
VIII.	SELECTED BIBLIOGRAPHY	14

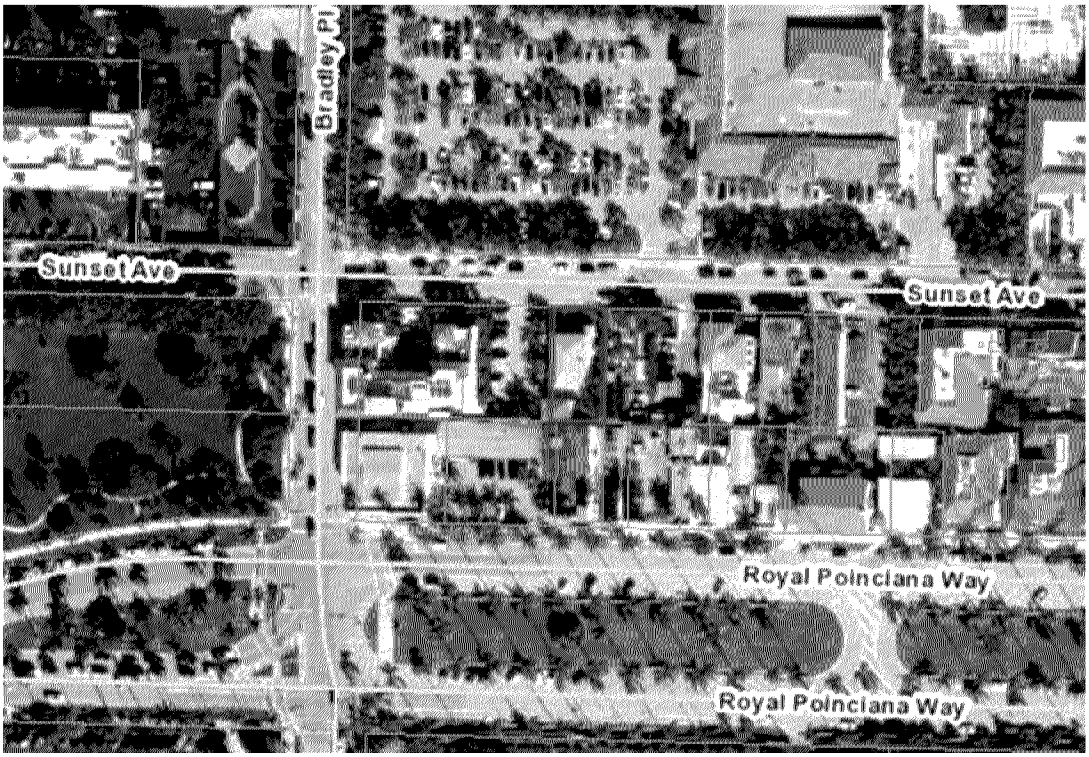
Report produced by MurphyStillings, LLC

I. General Information

Location:	262 Sunset Avenue Palm Beach, Florida
Date of Construction:	1920
First Owner:	Benjamin F. Hoffman
Historic Name:	Villa Seville
Builder:	Benjamin F. Hoffman
Current Owner:	NED 262 Sunset LLC
Present Use:	Commercial
Present Zoning:	C-TS – Commercial Town Serving
Palm Beach County Tax Folio Number:	50-43-43-22-31-000-0380
Current Legal Description:	Floral Park Lots 38 & 39

II. Location Map





III. Architectural Information

Historically known as Villa Seville, the building located at 262 Sunset Avenue is a two-story Prairie style masonry building constructed in 1920 by prominent Palm Beach builder Benjamin F. Hoffman for approximately $12,000.[1] Prairie style buildings were mostly constructed from 1900 – 1920 and are generally two stories and feature low-pitched hipped roofs with widely overhanging eaves that typically are boxed, one story wings or porches and facade detailing emphasizing horizontal lines often with massive square porch supports. Of the four principal Prairie house subtypes, 262 Sunset Avenue is the hipped roof, symmetrical, no front entry design.[2]



262 Sunset Avenue is a rectangular shaped stucco-covered masonry building with a low-pitched hip roof with wide overhanging boxed eaves surfaced with asphalt shingles.[3] The one-story porch on the front facade has massive, battered piers that reach from the ground and support the porch roof which like the main roof is low-pitched with wide overhanging boxed eaves surfaced with asphalt shingles. The

[1] Palm Beach Building Permit #130, June 2, 2020.
[2] Virginia Savage McAlester. A Field Guide to American Houses: The Definitive Guide to Identifying and Understanding America's Domestic Architecture. Alfred A. Knopf, New York, 2015. Pages 550-564.
[3] The 2003 re-roofing permit states that the new shingles will be fiberglass, however, fiberglass shingles are mostly asphalt shingles with additional fiberglass added and are more fire resistant.

porch, which from an early time was screened in, is now enclosed with ribbons of multi-light sash windows. The second story front facade has symmetrical fenestration with pairs of multi-light sash windows flanking an oval window in the center.

The west elevation features the main entrance on the first floor with a wood paneled and glazed door flanked by narrow sidelights. This appears to be the original location of the main entrance. Above this entrance is a porch with a simple metal rail and a single door used to access the porch. The rear elevation has two single entrance doors, one on the first floor and one above on the second accessed by an exterior spiral staircase. The windows throughout the building are metal, divided light, sash windows, several which are paired or grouped in ribbons of three.



In the southwest corner of the property is a two story masonry accessory building that was built in 1920 as a garage apartment but is now just an accessory building.[4] Currently the front facade which faces north has a single entry door on the first floor and symmetrical four-over-four sash windows on the second floor.

[4] There is a permit in 1925 for a garage to be constructed in pine by the owner's son. If this building was constructed it has since been demolished.

Throughout its 103-year history, there have been additions and alterations to 262 Sunset Avenue. At an unknown time, the front porch was enclosed with windows though as early as the 1930s it appears that the porch had been enclosed at least with screens. A number of one-over-one sash windows on the second story were changed to awning windows and later changed to multi-light metal sash windows. Other one-over-one sash windows, mostly on the first floor, were also changed to multi-light sash windows. A porch was added over the main entry on the west facade and a door on the second floor was added to access this porch. A ramp was added on the west elevation to provide handicap accessibility to the main entrance. The original roofing material has been replaced several times and now the roof is covered with asphalt shingles. A spiral staircase was added to the rear of the building and a door was added on the second floor to access this staircase. Despite these additions and alterations, the building still retains its historic Prairie style, its original massing and much of the original fenestration.



Historic Photo, circa 1930s

IV. Historical Information

Villa Seville was constructed as a dwelling in 1920 by distinguished Palm Beach builder Benjamin F. Hoffman. The dwelling was built at 262 Sunset Avenue in a

section of Palm Beach that was developed in the late nineteenth and early twentieth centuries.

Palm Beach was still a small community when Henry Morrison Flagler first visited in the early 1890s. Flagler had just received permission to extend his FEC Railroad all of the way to Miami and when visiting Palm Beach, he became so captivated with the Island that he purchased the McCormick Cottage plus ten surrounding acres and four hundred feet of lake frontage and built the immense Royal Poinciana Hotel from 1893-1894. In April of 1894, Flagler's FEC Railroad reached West Palm Beach and in 1895 the first railroad bridge was completed over Lake Worth linking the mainland to Palm Beach. This bridge, which had its eastern terminus just south of the Royal Poinciana Hotel, allowed scores of wealthy visitors to be transported directly to the island. What became Main Street and the Floral Park subdivision initially developed in relationship to Flagler's FEC Railroad extension into Palm Beach.[5]

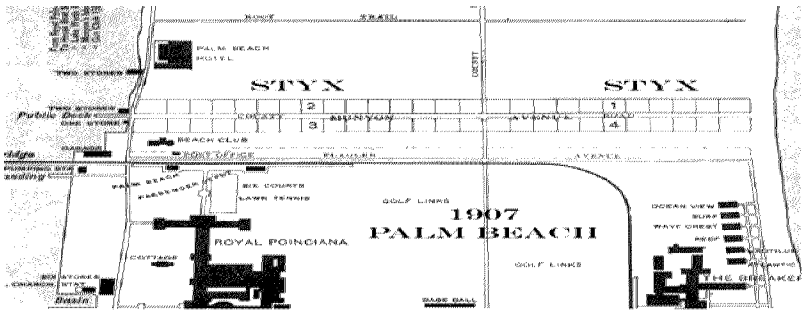
In addition to the Royal Poinciana Hotel, another early institution that contributed to the growth and glamour of Palm Beach was Bradley's Beach Club. Opened in 1898 by brothers Colonel Edward Riley "E.R." and John Roger "J.R. Jack" Bradley on the present site of Bradley Park, the Casino flourished with high stakes for high society and stayed running as a private club until 1946.

Sunset Avenue was first known as Munyon Avenue, named for its owner James Munyon who owned the large lake-to-ocean parcel just north then then Flagler Avenue. Prior to 1910, much of this area was occupied by African Americans who rented various cottages clustered within an area known as the Styx.[6] During the Spring of 1910, Beach Club owners E. R. and Jack Bradley paid Munyon $55,000 for the 264-foot-wide lake to the ocean parcel that bordered the north side of the Bradleys' Main Street property. By December, the Bradley's had spent more than $35,000, dredging 60,000 yards of soil creating an acre of new lakeside ground and filling-in ponds and the marshland where Styx buildings once stood. The Bradley's platted their new development as Floral Park, renaming Munyon Avenue Sunset Avenue, and after engineering street improvements, they began selling off the residential and commercial lots. The Bradley's hired Lewis Henry Green, a realtor

[5] MurphyStillings, LLC., Royal Poinciana National Register Historic District. National Register of Historic Places, 2015.

[6] Many people who lived in the Styx helped build and later worked at Flagler's hotels. After the Bradley's purchased and redeveloped the land, most of the Styx residents moved over the bridge to segregated neighborhoods in West Palm Beach.

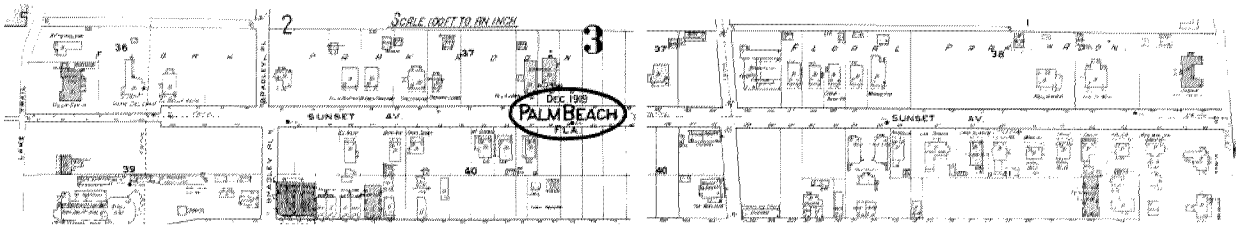
from California to promote the project and auction off the lots. Green offered prizes to potential buyers and sold out the project within a few hours on February 19, 1912.[7]



1907 Sanborn Insurance Map

In the early twentieth century, Palm Beach society was known as "the cottage colony." Yearly visitors to the island began to find hotel rooms too small and inadequate for their needs, and although much of the social activities continued to revolve around the hotels, people began to build their own cottages on town lots. Almost every cottage had a name, and the city directories dedicated several pages to "Palm Beach Cottages." Large and small picturesque "cottages" of seasonal residents lined the north and south sides of Sunset Avenue from the lake to the ocean. Floral Park also became a hub of civic and commercial activity with stores, hotels, restaurants, offices and municipal buildings.[8]

As the result of fighting in Europe during World War I, domestic tourism increased and by the end of the war, Palm Beach had become one of the most important places to spend the winter season. By 1920, when Villa Seville was constructed, Palm Beach was starting its first major building boom that lasted through much of the 1920s, and at the time, there were already approximately forty "cottages" of seasonal residents located on Sunset Avenue.



1919 Sanborn Map

[7] Augustus Mayhew, New York Social Diary/Palm Beach, "The White Elephant," July 1, 2021

[8] MurphyStillings, LLC., Royal Poinciana National Register Historic District. National Register of Historic Places, 2015.

The first known occupant of Villa Seville was Mrs. Herman Dierks from Kansas City. The Dierks family had a timber empire with its headquarters in Kansas City, Missouri and had operations in several western states as well as in Florida. The Dierks family and guests spent at least three winter seasons at Villa Seville.[9] By 1925, Villa Seville was owned by James and Cecilia Kavanaugh. James was a retired naval officer and Cecilia operated the Clinton Hotel at 212 Sunset Avenue Road, later named the Orange Blossom Hotel. For a number of years in the 1930s, the dwelling was owned by William and Lillian Courtnell, and by the 1940s, 262 Sunset Avenue was owned by Lee and Emma Stage. Lee passed away in 1953, but Emma continued to live there and leased out rooms. Emma's son Charles Haggarty owned the house by the 1970s and he and his wife Cecilia lived there until 1995 when they sold it to Frank and Gail Coniglio who changed the dwelling's zoning from residential to commercial. The property was sold in 2000 to Drs. Brad Ochstein and Andrew Turkell who converted the building into the Island Animal Hospital, which still serves as its home today. In 2015, 262 Sunset Avenue was deemed a contributing structure in The Royal Poinciana Way National Register Historic District and in 2022 the building was sold to NED 262 Sunset LLC, owners of the White Elephant hotel located adjacent to the west. NED (New England Development) completed an exceptional renovation of the hotel and in December 2022 received the Preservation Foundation of Palm Beach's prestigious inaugural Edward & Susan Elson Award for an outstanding major rehabilitation of a commercial building in Palm Beach.

IV. Builder's Biography

Benjamin F. Hoffman

Benjamin F. Hoffman was born in 1875 in the District of Columbia and worked there before moving to Palm Beach in ca. 1917.[10] Prior to moving to Palm Beach and setting up his business, Hoffman had spent time in Palm Beach visiting with his family.[11] He lived and worked in Palm Beach as a building contractor for nearly thirty years before passing away in 1947. During these years, Hoffman was a prominent and sought-after contractor working with Palm Beach's best architects, including but not limited to Addison Mizner, Marion Sims Wyeth and Bruce

[9] Newspaper articles indicate that Mrs. Herman Dierks and family spent at least part of the winter season from 1921-1923 at Villa Seville.
[10] Benjamin F. Hoffman is listed in the 1918 Palm Beach City Directory and likely moved to Palm Beach in 1917.
[11] A November 12, 1916, Palm Beach Post article stated that Benjamin Hoffman and his mother of Washington, DC were spending the winter in Palm Beach.

Kitchell, as well as constructing buildings of his own design.[12] Hoffman's business was bustling during the 1920s building boom when he was hired by many of Palm Beach's wealthy and prominent residents to construct, alter or add to their properties.[13] One of his first big Palm Beach commissions was Casa de Ensuenos at 800 South County Road for Arthur Claflin at a cost of $65,000. This was one of Mizner's elaborate designs in 1923, the year the scale and splendor of Mizner's designs raised Palm Beach's architectural profile to greater grandeur.[14] There is currently no biography on Benjamin F. Hoffman, however, the following newspaper articles chronicle some of Hoffman's Palm Beach commissions.

> A June 21, 1925, Palm Beach Post article titled "Mr. Hoffman's Work" provides information on some of Hoffman's projects: *"Some of the most important and beautiful of the residential buildings this summer is that being done by Mr. Benjamin F. Hoffman. Mr. Hoffman has been in business here for 14 years and some of the fine residences which stand as monuments to his achievements are those of Mr. George Luke Mesker of Royal Palm Way and the Ocean Boulevard, Pierre Lorillard Barbey of Tuxedo Park whose Palm Beach house built last year is on the North Ocean Boulevard just south of the Rodman Wannamaker property. Samuel D. Lit of Philadelphia whose house was designed by Bruce Kitchell and is the only one in the ocean block of Sunrise Avenue; Frederick S. Wheeler of New York whose residence on Grace Trail was one of the finest houses built in that section of Palm Beach last summer, and the imposing house of Mr. Frederick A. Glidden of Cleveland on the lake front in Vita Serena.*
>
> *One of the great ocean boulevard houses in progress of construction by Mr. Hoffman is that of George Rasmussen of Chicago. It was designed by Mr. Addison Mizner, is to be a two-story stucco structure with a frontage of one hundred and fifty feet. The architectural details include very beautiful Spanish Gothic windows and a magnificent spiral staircase. The house is on the property purchased early in the season*

---

[12] Benjamin F. Hoffman likely designed and built the dwelling at 262 Sunset Avenue. In addition, a May 10, 1922, Palm Beach Post article lists other dwellings that Hoffman likely designed and built: Benjamin F. Hoffman builder residence 16' x 25' on lots 164 & 165 Floral Park $4000; Benjamin F. Hoffman builder residence 44 x 24 on half of lot 15 and all f lot 16 Bungalow Park, $8000.

[13] Palm Beach Post July 12, 1925: Mr. Benjamin F. Hoffman has just returned from a business trip to New York and Washington and says that everyone north of Jacksonville is Florida mad. The Palm Beach labels on his luggage brought hordes of curious people flocking to his side and he was beset by all manner of questions.

[14] Palm Beach Daily News, January 21, 2020.

from Mr. Richard Croker through Mr. Bourassa and adjoins the property of Mr. Harold Vanderbilt to the south.

Mr. Hoffman is making extensive alterations and additions to the house of Mr. & Mrs. Joseph C. Hutchinson of Philadelphia, which originally was built by Mr. Hoffman for Mr. Pierre L. Barbey. The house is on the North Ocean Boulevard at the corner of Everglade Avenue and the reconstruction plans will not be confined to the interior, but the exterior will present a very marked change and improvement. Other work of Mr. Hoffman which is now in progress includes additions and alterations to the lake front home of Mr. Barclay L. Warburton at Worth Avenue and also that of Mr. Rodman Wanamaker on the North Ocean Boulevard."[15]

A week later, the Palm Beach Post reported, *"Mr. Benjamin F. Hoffman has been awarded the contract for the additions and alterations to the residence of Edward T. Stotesbury of Philadelphia. Mr. Addison Mizner who designed the house originally has made the plans for the work now in process and each addition (and there is something important done there every year) adds to the beauty and dignity of the house. It was the first big Spanish house to be built in Palm Beach and set the mark which has been followed ever since for perfection in design and construction."*[16]

Later that summer, a Palm Beach Post article described another project Hoffman was working on, "*One of the Spanish farmhouses which was part of Mr. Mizner's original plan to have a straggling Spanish settlement along the coastline of Palm Beach, one which would include all the most picturesque of the type regardless of the century in which it was evolved,, is now being remodeled. The house is that of Gurnee Munn on north Ocean Boulevard and fortunately Mr. Mizner has made*

[15] Palm Beach Post, June 21, 1925, "Mr. Hoffmans Work." Page 15. George Luke Mesker house La Fontana on South Ocean Boulevard at the south corner of Royal Palm Way; Samuel D. Lit house La Solana at 139 Sunrise Avenue; Frederick S. Wheeler house Bienstar at 153 Grace Trail; Frederick A. Glidden house Bel Reposo on Clarendon Avenue; George Rasmussen house South Ocean Boulevard; Joseph C. Hutchinson house Mihamo 216 North Ocean Boulevard; Barclay L. Warburton house 456 Worth Avenue; Rodman Wanamaker house 1095 North Ocean Boulevard. The article states that Hoffman had been in business in Palm Beach for 14 years, but 8 years is likely more accurate.

[16] Palm Beach Post, June 28, 1925. The Stotesbury's estate was El Mirasol on North Ocean Boulevard.

the alteration and addition plans and Mr. Benjamin F. Hoffman is doing the work." [17]

Benjamin Hoffman continued his successful career in Palm Beach and in 1929 the Palm Beach Times reported, *"Earle P. Charlton, wealthy resident of "Qui-Si-Lana" Palm Beach and River Falls, Mass., announced that he will build four residences this summer in El Bravo and El Brillo sections between the lake and south County Road. Permit for the work has been issued for $140,000 worth of construction. Plans for the four homes, which will be built by Mr. Charlton as an investment, has been drawn by Marion Sims Wyeth, Palm Beach architect. Benjamin F. Hoffman has been awarded the contract."*[18]

VI. Statement of Significance

Villa Seville located at 262 Sunset Avenue is a good example the Prairie style of architecture and is significantly important as it is the last remaining "cottage" located on Sunset Avenue where at least 40 others have been demolished and replaced with commercial and apartment buildings and parking lots. The builder, Benjamin F. Hoffman, was a prominent and sought-after contractor who practiced in Palm Beach for nearly thirty years.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmark's Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

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

Villa Seville located at 262 Sunset Avenue reflects the broad cultural, economic and social history of the town of Palm Beach. The property was originally built as a dwelling in 1920 at the start of the Palm Beach land and building boom. The end of World War I allowed for incredible growth and prosperity throughout the country and especially in Palm Beach where increased road and railroad construction

[17] Palm Beach Post, July 20, 1925. Gurnee Munn's estate was Louwana at 534 North Ocean Boulevard.
[18] Palm Beach Times, April 5, 1929. The houses are 200 El Brillo, 201 El Brillo, 210 El Brillo and 200 El Bravo.

allowed Florida to become more accessible for northerners seeking seasonal respite from the cold winters. This increased prosperity and accessibility drove the need for both increased retail and housing and led to the development of 262 Sunset Avenue. In addition, Villa Seville was built in the Floral Park subdivision, developed by E.R. and J.R. Bradley as one of the earliest subdivisions in Palm Beach and originally was lined with vernacular cottages representative of Palm Beach's early development. 262 Sunset Avenue is important today as the last remaining historic "cottage" located on Sunset Avenue where cottages once lined the avenue but have since been demolished and replaced with commercial and apartment buildings and parking lots.

(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 craftsmen."

262 Sunset Avenue is a good example of the Prairie style of architecture exhibiting many features of the hipped roof, symmetrical, no front entry sub-type Prairie design with its low-pitched hip roof with wide overhanging boxed eaves, symmetrical front facade fenestration, one-story porch, and the main entry on the side facade. In 1925, it was advertised for sale as a masonry constructed dwelling that could withstand hurricanes and has done so for 103 years. The building's contractor and likely designer, Benjamin F. Hoffman, practiced in Palm Beach for nearly 30 years and worked with a number of the town's most prominent architects, including numerous projects with Addison Mizner, and was commissioned as a contractor by many of Palm Beach's renowned winter residents to build and add to their splendid Palm Beach estates.

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2. ITEM 2: 262 SUNSET AVE.

Owner: NED 262 Sunset, LLC

Before any presentations, there was a short discussion about why the designation was back in front of the Commission. Ms. Mittner summarized the property's history before the Commission and the Town Council.

Jamie Crowley, the attorney for the owner, provided his legal arguments regarding a lack of notice to the owner when the property was initially placed under consideration. He discussed the importance of the master site file report and the property's original rating. Finally, he advocated to exclude the accessory structure in the rear of the property if the Commission decided to recommend the property as a landmark. He introduced Gene Pandula, an architect who would speak on behalf of the owner. He added that he disagreed that the property was worthy of landmarking and Mr. Pandula would soon outline those reasons.

Mr. Pandula discussed the five different master site files for the property and concluded that the building did not retain sufficient integrity for designation. He discussed the architectural alterations to the building. Mr. Pandula stated that buildings were landmarked in their current condition. Further, he discussed how the character of the neighborhood had changed.

Mr. Crowley asked Mr. Pandula about the different standards when a building contributed to a district rather than being individually eligible. Mr. Pandula discussed the conversations that occurred in 2015, including discussions on whether this building and street contributed to a district.

Ms. Mittner asked for her November 2023 comments relating to the National Register to be part of the record. Ms. Mittner indicated that the Comprehensive Plan acknowledged that the old site surveys were outdated and noted there were errors in the validity of some statements in the 1979 survey. She also pointed out that the Comprehensive plan indicated that site information was cross-referenced with other sources.

Janet Murphy, MurphyStillings, LLC, testified that the buildings 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.

Ms. Murphy provided rebuttal arguments regarding the notice that the applicant thought was flawed. She stated that the master site surveys were windshield surveys

and were not exhaustive. She noted that a new site survey would be sent to the state now that MurphyStillings had conducted further research. She provided arguments that supported the designation criteria. She concluded that the building was the last representation of architectural history on the street.

Mr. Crowley stated he did not believe staff errored; however, he argued in favor of his client's property rights. He further argued that the building was not eligible for designation. He argued that the street's character had changed significantly since the zoning changed to commercial.

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

Amanda Skier, Preservation Foundation of Palm Beach, restated support for the designation. She also stated that the landmarks program had been upheld in legal arguments. She thought the Commission should give weight to the information provided by the experts on behalf of the Town, who were recommending the designation. She felt the alterations were sensitive and could be reversible if desired.

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

Ms. Herzig-Desnick asked about the zoning of the property and the future intentions for the building. Mr. Crowley responded. Ms. Herzig-Desnick thought the building had lost its integrity. She questioned saving one building to represent the historic nature of the street.

Mr. Ives agreed that the building did not stand out architecturally; however, he thought the building referenced the historic nature of the street and brought value to the town. He supported the designation and removing the accessory building from the designation if it was the owner's desire.

Mr. Griswold asked about the future of the building if it was not landmarked. Mr. Crowley responded and stated that the development process was stopped once it was placed under consideration.

Ms. Patterson stated she had not heard any new information that would make her change her mind. Ms. Albarran agreed.

Ms. Fairfax thought the building was a nostalgic piece that represented a period in a historic town.

A motion was made by Ms. Fairfax to recommend the designation of 262 Sunset Avenue to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161 and with the acknowledgment that owners were opposed to the designation.

Mr. Crowley asked if the rear building was included in the designation. After some discussion, it was determined that the whole property would be included in the designation. Mr. Crowley acknowledged the owner's opposition to the designation but supported leaving the accessory building in the designation.

Ms. Metzger seconded the motion. The motion was carried unanimously, 7-0.

1. **ITEM 1: 262SUNSET AVE.**
Owner: NED 262 Sunset LLC

Call for disclosure of ex parte communication: Disclosure by Ms. Patterson and Mr. Ives.

Ms. Murphy, MurphyStillings, LLC, testified to the architecture and history of this Prairie-style structure. Ms. Murphy pointed out the design features of this building. Ms. Murphy 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.

A motion was made by Ms. Moran and was seconded by Ms. Damgard to make the designation report for 262 Sunset Avenue part of the record. The motion was carried unanimously, 7-0

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

Ms. Patterson called for public comment on the designation.

John Rice, an attorney on behalf of NED 262 Sunset LLC, asked that Attorney Jamie Crowley's letter transmitted on April 18, 2023, be made a part of the record. Mr. Rice indicated that while the owner supported the landmark designation program, he was surprised to see his property under consideration. Mr. Rice provided a background of the property and outlined why he believed the property did not meet the criteria for designation. He pointed to the 2020 Master Site Survey, stating that the building did not meet the district criteria. Mr. Rice also summarized several procedural concerns as well. Mr. Rice restated the criteria he felt the property failed to meet.

Town Attorney Randolph confirmed that the attorney had the right to defer the hearing if he felt he had not received property notice. Mr. Rice stated that he was aware of the hearing and would like to move forward.

Mr. Rice provided objections to criteria 1 and 3, which Ms. Murphy indicated was the basis of the landmark designation. Mr. Rice read the Town's Comprehensive Plan, which ensured that only buildings that had architectural or historic significance were designated as a landmark of the Town of Palm Beach.

Ms. Murphy indicated that Mr. Rice's research was based on a report from ESI, completed in 2020. She indicated that ESI's research was not exhaustive of each property; ESI indicated in their report that more research on each property could yield further results. Ms. Murphy indicated that MurphyStillings performed an exhaustive survey of the property at 262 Sunset Avenue. She further indicated that the property was listed as a contributing property in a National Register Historic District, which was reviewed at the state and federal level.

Gene Pandula, architect representing the owner, discussed the property's history of not being recommended for landmark status over the last 40 years. He discussed the changes to the building, which began in the 1970's and continued over several years. He argued that the building had lost its spirit due to the modifications over the years.

Ms. Mittner argued that the Commission had landmarked buildings in the past with the understanding that reversible items could be removed.

Mr. Pandula did not believe it was a good precedent to landmark a building with the caveat that the future owner must reverse items to restore it to its historic nature.

Aimee Sunny, Preservation Foundation of Palm Beach, thought that the building was not grand or elaborate; however, she thought the building told a strong story about Palm Beach. She thought the Landmark Program protected buildings that represented different times, development, and architectural styles in Palm Beach's history. She stated that this building was the last remaining example of its time on the street. She agreed that the ESI survey was more of a windshield survey, not an in-depth survey. She thought this was a textbook example of the Prairie architectural style. She thought the changes over the years were minimal.

Mr. Ives did not believe there was a lack of notice in the procedures. He discussed a previous committee, in which he participated with Dr. Jane Day. He indicated that 262 Sunset Avenue was one of the properties that the committee discussed which they believed had an influence on the area. He did not believe the modifications were significant enough to not landmark the property. He thought the contribution of the building to Palm Beach was undeniable. Mr. Ives argued that the property was very important and advocated for the Commission to recommend it as a landmark.

Ms. Damgard felt strongly about the property, especially since it was the last example in the area. She thought the building had the charm of Palm Beach.

Mr. Griswold agreed with Ms. Damgard and Mr. Ives. He asked the attorney why the property could not be adapted for a different use. Mr. Rice stated that the building was going to be incorporated into the Town-Serving Commercial Use and unified with the adjacent property. Mr. Rice stated that the team paused all projects when the property was put under consideration.

Ms. Moran thought that fair notice had been provided. She also indicated that permits could be given while under consideration for landmark status. She thought the building was a clear example of what the street looked like in the 1920's.

Ms. Albarran agreed with her fellow members. She felt that this was an important representation of the street, and added it was important to maintain the history.

A motion was made by Ms. Damgard and was seconded by Ms. Herzig-Desnick to recommend 262 Sunset Avenue to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161, and with the acknowledgment of owner opposition of the designation. The motion was carried unanimously, 7-0.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>

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)

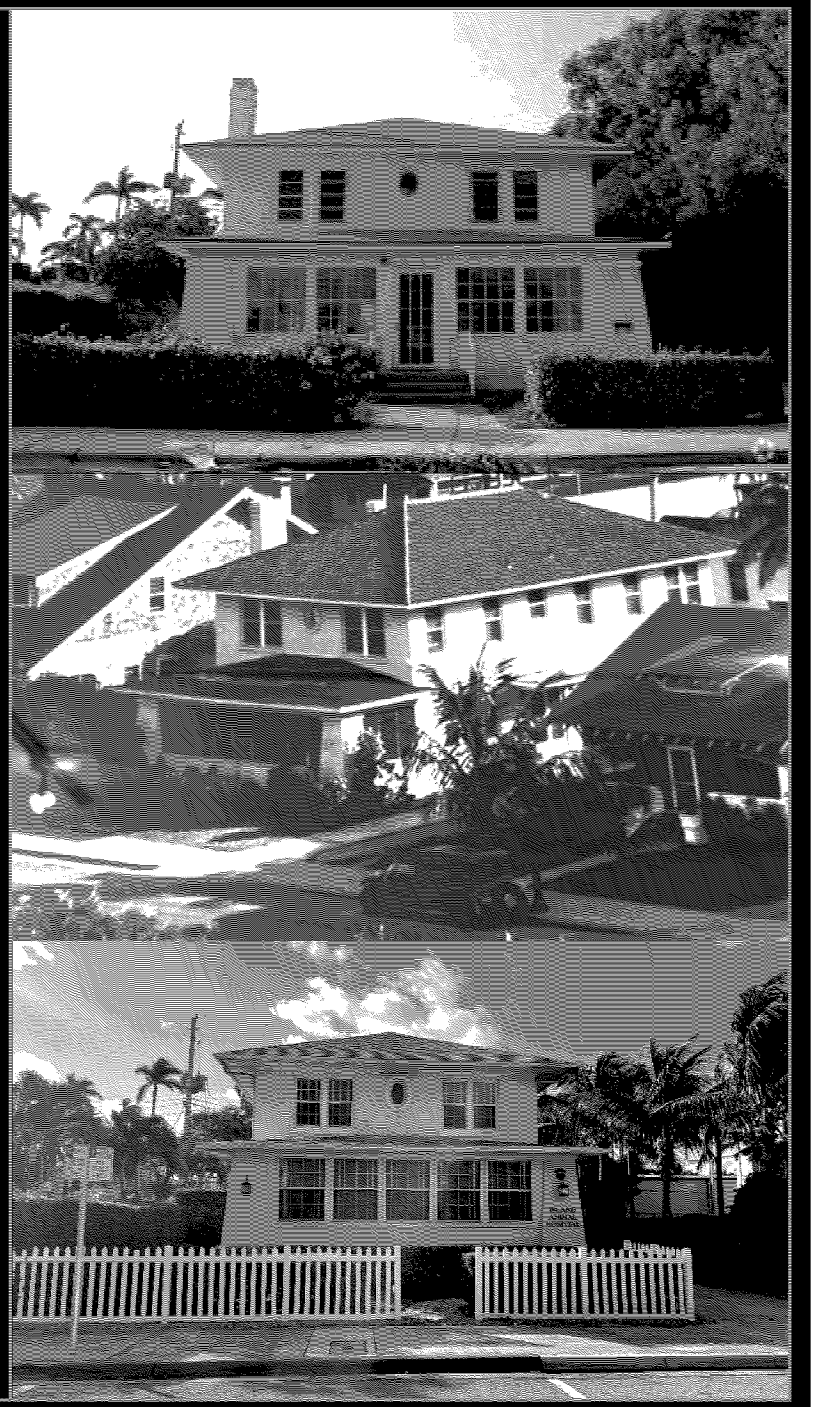
Secs. 54-166—54-195. - Reserved.

262 Sunset Avenue

Landmarks Preservation Commission:

Consideration for Landmark Designation

11/17/2023



NED 262 SUNSET, LLC

- Believes in and supports Landmark Program
- White Elephant
  - Multi-million-dollar investment and restoration
  - Multiple industry and design awards
    - Travel + Leisure World's Best
    - Conde Nest
    - Gold Key Award
    - LIV Hospitality Awards, Historic & Heritage Category
  - Successful project in need of additional amenities







White Elephant & 262 Sunset Avenue

Background

- **Walter Kidney Report** (undated)
  - 262 Sunset Ave- *Grade D* **- *not eligible***
- **2020**
  - **Florida Master Site File**
    - Overall Resource Condition for 262 Sunset Ave.: **FAIR**
      - ***This 1920 Box (Amer 4 Square) style building is in fair condition***
    - Meet criteria for National Register listing individually? **NO**
    - Meet criteria for National Register listing as part of a district? **NO**
      - ***Due to alterations, this building no longer retains sufficient integrity to meet individual or district criteria.***
  - **Town Historic Site Survey**
    - 262 Sunset Ave - ***Non-contributing***
  - White Elephant Opens
- **2022**
  - NED purchases 262 Sunset in March
  - HB 423 effective
  - LPC considers commercial properties

CINSTER
TC Development Review Meeting Backup 2-14-2023

Policy For The Establishment Of Selection Priorities

With over 1,162 structures considered eligible for consideration as local landmarks, the [LPC] should established priorities to better facilitate the landmarking process. These structures (together with limited historic information) are derived from the **Florida Master Site Files** periodically prepared for the Town by a historic preservation consultant.

Site information is crossed referenced with historical records housed in the [Town] Department of Planning, Zoning and Building Records Office, and in the [Historical Society] and [Preservation Foundation]. The research should result in a **more condensed, focused list** of structures, eligible for local designation under at least one of [the LP] Ordinance's criteria. The sites on the resulting list should be distributed to the Landmarks Commissioners.

Each commissioner should independently visit every structure on the resulting list of targeted properties for discussion at a public meeting. At said meeting, the Commission should actively discuss the properties listed during a presentation provided by the historic preservation consultant, **and select properties to be placed under consideration for landmarking during the upcoming designation season.** The Commission can conduct this process at multiple meetings if necessary

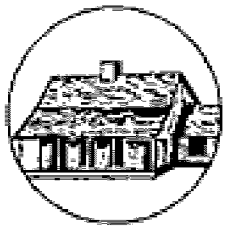
Town Comprehensive Plan

ITEM 15
TC Development Review Meeting Backup 2-4-2021

2020 Florida Master Site File

Page 1

☐ Original
☒ Update



HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Site# PB06828
Field Date: 11-24-2019
Form Date: 9-4-2020
Recorder # MAS

Shaded Fields represent the minimum acceptable level of documentation.
Consult the *Guide to Historical Structure Forms* for detailed instructions.

Site Name(s) (address if none) 262 Sunset Ave — Multiple Listing (DHR only) _____
Survey Project Name Palm Beach Historical Site Survey — Survey # (DHR only) _____
National Register Category (please check one) ☒ building ☐ structure ☐ district ☐ site ☐ object
Ownership: ☒ private-profit ☐ private-nonprofit ☐ private-individual ☐ private-nonspecific ☐ city ☐ county ☐ state ☐ federal ☐ Native American ☐ foreign ☐ unknown

OPINION OF RESOURCE SIGNIFICANCE

Appears to meet the criteria for National Register listing individually? ☐ yes ☒ no ☐ insufficient information
Appears to meet the criteria for National Register listing as part of a district? ☐ yes ☒ no ☐ insufficient information
Explanation of Evaluation (required, whether significant or not; use separate sheet if needed)

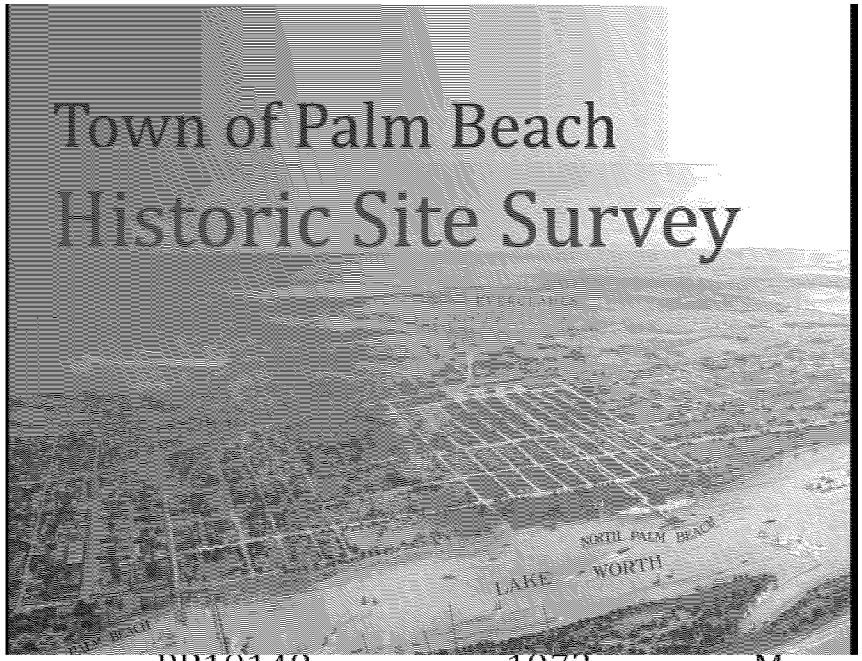
Due to alterations, this building no longer retains sufficient integrity to meet individual or district criteria.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

1. _____ 3. _____ 5. _____
2. _____ 4. _____ 6. _____

DOCUMENTATION

2020 Town Master Site Survey



*Extensive additions and modifications, the use of incompatible exterior sidings and windows, and **porch removal or enclosure** are typical alterations that cause a building to possibly lose its historic character.*

Town Master Site Survey at pg. 36

244	PB19148	1973	Masonry Vernacular	Non-Contributing
262	PB06828	1920	Prairie	Non-Contributing
280	PB00075	1923	Mediterranean Revival	Contributing



Additional Procedural Concerns

- 262 Sunset Ave. under consideration 6 months after purchase
- No Effective Notice
- LPA Agenda of Sept. 21, 2022
  - No attachments
  - No description of properties under consideration

CONSENT
TC Development Review Meeting Backup 9-14-2022
161 of 437

t "1"

TOWN OF PALM BEACH

LANDMARKS PRESERVATION COMMISSION

360 SOUTH COUNTY ROAD
2ND FLOOR, TOWN COUNCIL CHAMBERS

AGENDA

SEPTEMBER 21, 2022

9:30 AM

WELCOME

as part of a renovation. This is a combina
pertains to zoning relief/approval.

X. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

XI. OTHER BUSINESS

1. Potential Landmarks Designations for 2022
MurphyStillings, LLC

XII. NEXT MEETING DATE:

XIII. ADJOURNMENT

Note 1: If a person decides to appeal any decision made by this
meeting or hearing, he/she will need a record of the proceedings

TOWN OF PALM BEACH
Landmarks Preservation Commission on: September 21, 2022

Section of Agenda
Other Business

Agenda Title
Potential Landmarks Designations for 2022/2023

Presenter
MurphyStillings, LLC

ATTACHMENTS:
Description
No Attachments Available

Criteria Unmet

- Designation Report identifies Criteria 1 and 3 as why 262 Sunset Ave. should be designated
  1. [R]eflects the broad cultural, economic, and social history of the Town
  3 Embodies distinguishing characteristics of an architectural type
- Facts and data indicate 262 Sunset Ave. should *not* be designated
- 2020 Town Historic Site Survey
  - 900 *Contributing* structures, including Prairie style
  - 262 Sunset Avenue - ***Non-Contributing***
- Local architectural expert and former chair of LPC finds criteria unmet for 262 Sunset Ave.

"[R]eflects the broad cultural, economic, and social history of the Town."

- Broadest and most often cited criterion
  - Basis for every property recommended over the past year.
- All structures built 50 years ago can meet this criterion
- Justification of Designation Report nearly identical to 2020 Town Historic Site Survey
- 2020 Town Historic Site Survey
  - 262 Sunset Avenue
    - ***Non-Contributing***

244	PB19148	1973	Masonry Vernacular	Non-Contributing
262	PB06828	1920	Prairie	Non-Contributing
280	PB00075	1923	Mediterranean Revival	Contributing

"Embodies distinguishing characteristics of an architectural type[.]"

- "[A] good example of the Prairie style of architecture[.]"
- 2020 Town Historic Site Survey
  - 12 examples of Prairie style, all *Contributing*
    - 155, 145, 146, 159, 164, 350, & 359 Seaspray Avenue
    - 232 Australian Avenue
    - 136-138, 230, & 234 Chilean Avenue
    - 143 Seminole Avenue
  - 262 Sunset Avenue
    - ***Non-Contributing***
- 2020 Florida Master Site File
  - 262 Sunset Ave. - ***Due to alterations, this building no longer retains sufficient integrity to meet individual or district criteria***

232 Australian Avenue

136 & 138 Chilean Avenue

GUNSTER

146 Seaspray Avenue

145 Seaspray Avenue

159 Seaspray Avenue

350 Seaspray Avenue

359 Seaspray Avenue

155 Seabreeze Avenue

230 Chilean Avenue

234 Chilean Avenue

143 Seminole Avenue

262 Sunset Avenue: A History Of Alterations

262 Sunset Avenue

262 Sunset Avenue

Conclusion



- Owner supports LPC
- Flawed procedure
- Criteria Not Met
- 262 Sunset Ave. determined ineligible for designation
  - *Walter Kidney Report* – Grade ***D***
  - 2020 Historical Structure Form
    - ***Fair Condition***
    - ***Due to alterations, this building no longer retains sufficient integrity to meet individual or district criteria.***
  - 2020 Historical Site Survey - ***Noncontributing***
  - Long-time architectural expert and former LPC chair
- Better examples of Prairie style elsewhere in Town, including nonresidential





262 Sunset Avenue

262 Sunset Avenue

262 Sunset Avenue

262 Sunset Avenue

262 Sunset Avenue

262 Sunset Avenue

262 Sunset Avenue

262 Sunset Avenue

262 Sunset Avenue

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda
Resolutions

Agenda Title
A request for tax abatement at **137 Seaspray Ave**.

RESOLUTION NO. 022-2024: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described And Stating that the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Resolution No. 22-2024**
- **Photos of Completed Work**

TOWN OF PALM BEACH
Information for Town Council Meeting on: February 14, 2024

To: Mayor and Town Council

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

Re: Tax Abatement: 137 Seaspray Avenue
Resolution No: 022-2024

Date: January 31, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 022-2024, granting Tax Abatement to the property at 137 Seaspray Avenue.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Preservation Commission has approved all changes to this property using the Secretary of Interior (Federal) Standards for Rehabilitation as required in the Tax Abatement program.

GENERAL INFORMATION

1. Project Summary: The above-mentioned applicant has applied for participation in the Town's Tax Abatement Program.

   137 Seaspray Avenue was designated as a Landmark of the Town of Palm Beach on March 21, 2018.

   The Landmark Preservation Commission (LPC) approved the Tax Abatement Application in 2018. The improvements to the property include the restoration and rehabilitation of the historic residence and an addition. The completed work has been reviewed and found to be in compliance with the LPC approval.

2. Town Council approval is required to grant this abatement and forward same to Palm Beach County.

3. A written application for ad valorem tax exemption has been presented to Town staff as prescribed by Section 54-199 of Town Code. As additionally required by Section 54-200, the property owner must enter into a covenant or agreement with

the Town, the form of which is established by the Department of State, requiring that the character of the property and the qualifying improvements be maintained during the exemption period. The covenant must be entered into prior to the submittal to the County and Property Appraiser's Office.

FUNDING/FISCAL IMPACT

Action will abate ad valorem Town of Palm Beach property tax increase (new incremental value only) for a period of ten years. Full value assessment will be applicable after the ten year program.

The estimated cost of the improvement as provided by the property owner is $3,200,000. The Palm Beach County Property Appraiser will determine the value of the tax abatement using its own methodology.

TOWN ATTORNEY REVIEW

Resolution No. 022-2024 has been approved by the Town Attorney for legal form and sufficiency.

Cc: Friederike Mittner, Design and Preservation Manager
Emily Stillings, Murphy Stillings, LLC

RESOLUTION NO. 022-2024

137 Seaspray Avenue

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY HEREINAFTER DESCRIBED AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Chapter 54, Article V, Code of Ordinances of the Town of Palm Beach, the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, those improvements are consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they will qualify for said tax exemption; and

WHEREAS, the property owner agrees to enter into a covenant of agreement with the Town for the ten year term for which the exemption is granted.

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

Section 1. The property hereinafter described in Section 2 of this Resolution, being listed as a Landmark of the Town of Palm Beach, is hereby approved for the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Chapter 54, Article V.

Section 2. The landmark is owned by Joseph P. Meyer and is located at 137 Seaspray Avenue, Palm Beach, Florida. The property is legally described as follows:

Tax Folio Number:	50-43-43-22-07-000-4981
Legal Description:	Poinciana Park 2nd Addition East 15 feet of Lot 498 & Lots 500 and 502

Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

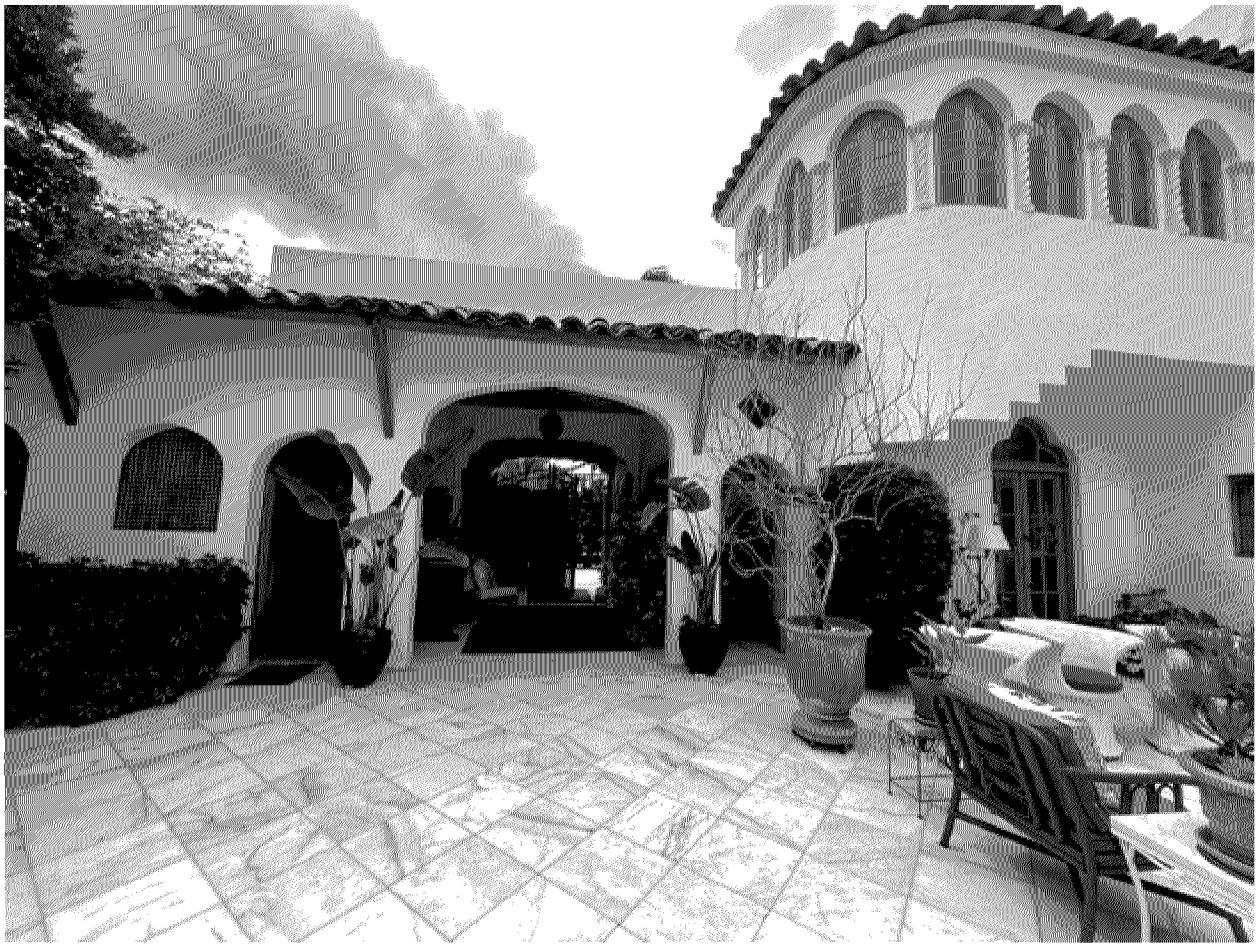
Section 4. A copy of this Resolution with completed application for Ad Valorem Tax Exemptions will be filed with the Property Appraiser's Office as defined in and subject to the provision of Chapter 54 of the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjournment session of the Town Council of the Town of Palm Beach assembled this 14th day of February 2024.

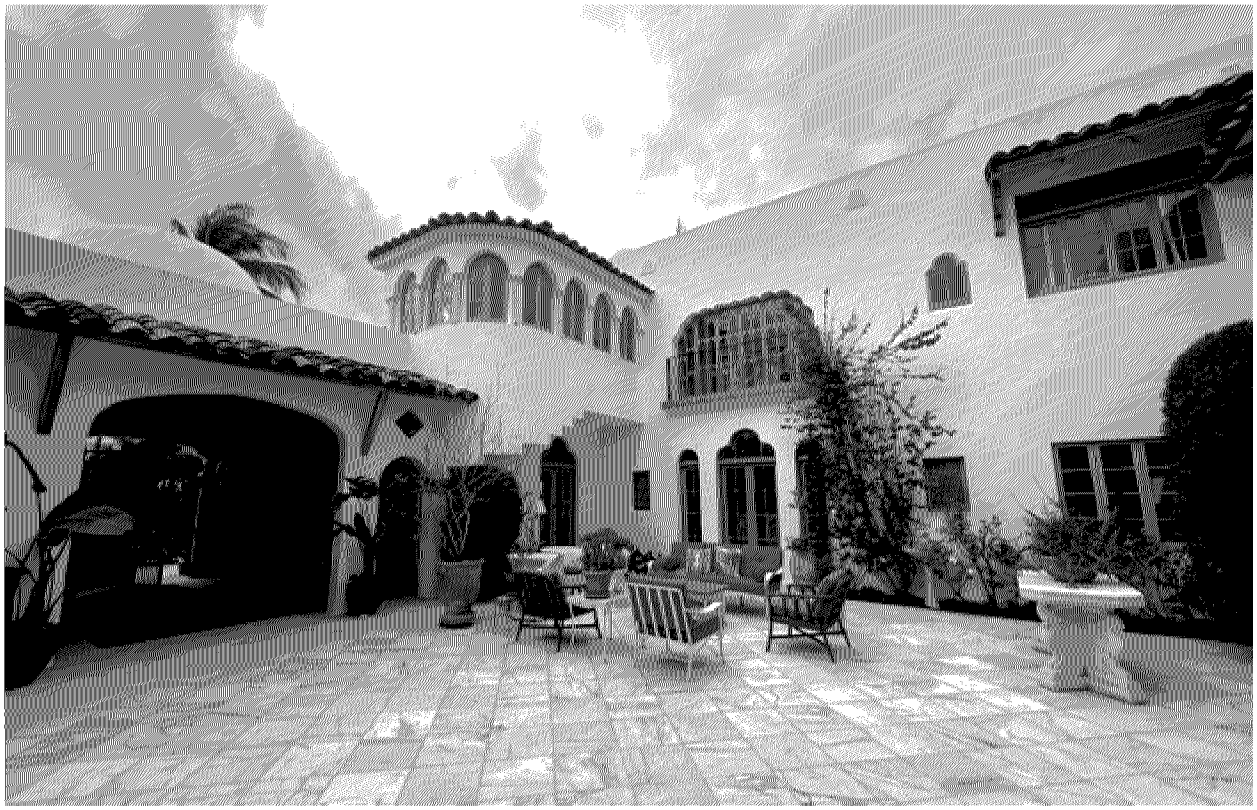
Danielle H. Moore, Mayor	Margaret A. Zeidman, Town Council President
	Bobbie Lindsay, Town Council President Pro Tem
ATTEST:	Julie Araskog, Town Council Member
	Edward A. Cooney, Town Council Member
Kelly Churney, Acting Town Clerk	Lewis S.W. Crampton, Town Council Member

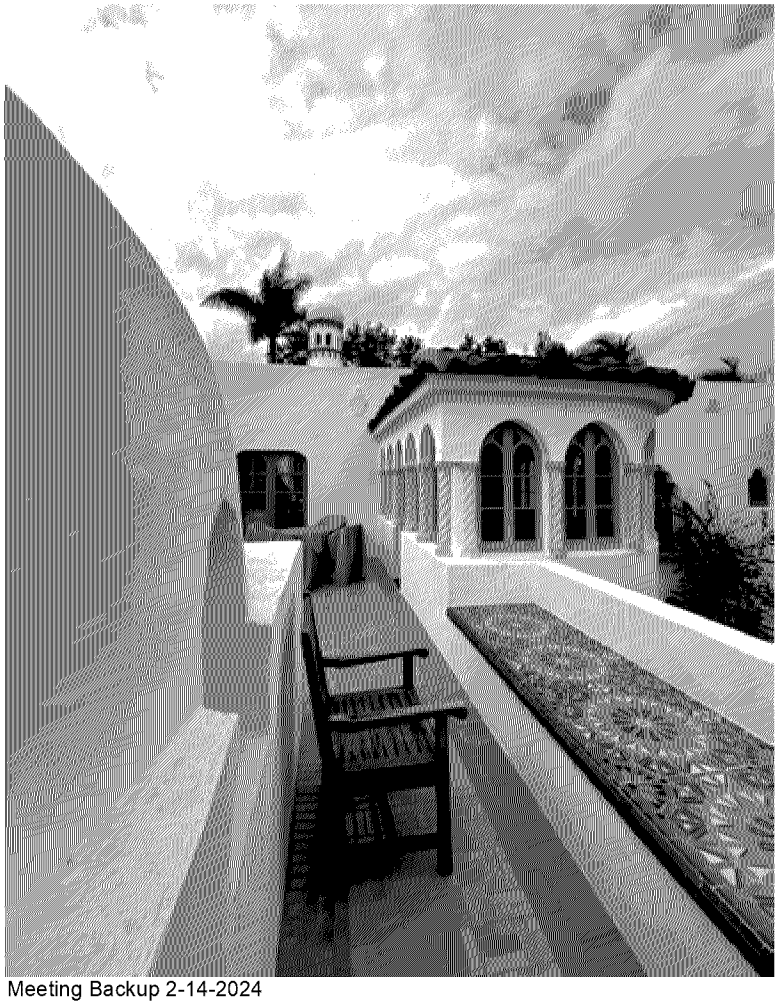
137 Seaspray Avenue
Completed Work





137 Seaspray Avenue
Completed Work





137 Seaspray Avenue
Completed Work





137 Seaspray Avenue
Completed Work



137 Seaspray Avenue
Completed Work



Original Hallway Balcony Doors Restored



Original Street Facing Oriol Windows Restored

137 Seaspray Avenue
Completed Work



Original Wrought Iron Stair Railing Restored

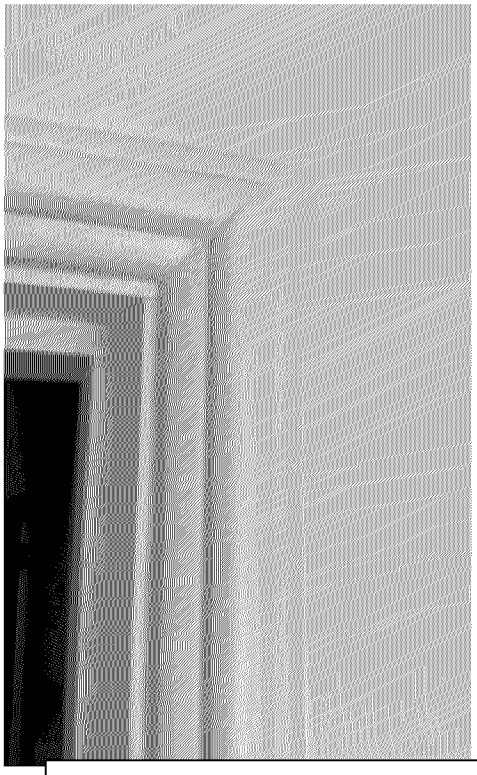


Original Cypress Bar Restored

137 Seaspray Avenue
Completed Work



Original Doors and Hardware Restored



Original Moldings Restored

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-077 (ARC-23-117) 162 E INLET DR. (COMBO)—VARIANCE The applicants, David and Jill Shulman, have filed an application requesting Town Council review and approval for a variance to (1) exceed the maximum allowable Cubic Content Ratio (CCR) for the construction of enclosed additions and a rear awning to the single-family residence. The Architectural Commission shall perform the design review component of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project. Motion carried, 5-2.]*

At the December 13, 2023, Town Council Meeting, the project variance was denied. At the January 10, 2024, Town Council Meeting, a motion to reconsider the above-mentioned project was approved. Therefore, this project will be reheard.

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

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

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

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

SUBJECT: ZON-23-077 (ARC-23-107) 162 E INLET DR (COMBO)

MEETING: NOVEMBER 20, 2023 ARCOM
DECEMBER 13, 2023 TC

ZON-23-077 (ARC-23-107) 162 E INLET DR (COMBO)—VARIANCE. The applicants, David and Jill Shulman, have filed an application requesting Town Council review and approval for a variance to (1) exceed the maximum allowable Cubic Content Ratio (CCR) for the construction of enclosed additions and a rear awning to the single-family residence. The Architectural Commission shall perform the design review component of the application.

ARC-23-107 (ZON-23-077) 162 E INLET DR (COMBO). The applicants, David and Jill Shulman, have filed an application requesting Architectural Commission review and approval for the construction of enclosed additions and a rear awning requiring a variance to exceed maximum allowed Cubic Content Ratio (CCR), fenestration modifications, and rear yard landscape and hardscape modifications, including the construction of a new pool. Town Council will perform final review of the application as it pertains to the zoning relief.

Applicant: David and Jill Shulman
Professional: Daniel Clavijo | SKA Architect & Planner
Representative: Tim Hanlon | Alley, Maass, Rogers, & Lindsay, P.A.

PROJECT HISTORY:
The application was initially reviewed by ARCOM at the August 2023 meeting, and was deferred for one month. The project was reviewed again at the September 2023 meeting, where it was deferred for two months. The applicant resubmitted drawings on November 6, 2023. At the November 20, 2023, ARCOM meeting, the Commission approved (5-2) an application for new second floor enclosure to an existing two-story residence. Additionally, a motion carried (7-0) that the implementation of the proposed variances would not negatively impact the architecture.

THE PROJECT:
The applicant has submitted plans, entitled "Proposed Renovations of Residence for: David & Jill Shulman" as prepared by **SKA Architect + Planner**, dated November 6, 2023.

The following scope of work is proposed:

- Construction of an entryway addition and rear patio awning.
- Replacement of doors and windows.
- Enclose rear second story balcony.
- Landscape and hardscape renovations to rear yard including new pool.

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

- **VARIANCE 1:** Sec. 134-893(b)(13): A variance to permit a Cubic Content Ratio of 4.42 in lieu of the 4.25 existing and the 3.99 maximum permitted for a residence within the R-B zoning district.

The applicant has provided a detailed Letter of Intent outlining ARCOM's decision-making criteria and responses for each criterion.

Site Data			
Zoning District	R-B Low Density Res.	**Future Land Use**	SINGLE-FAMILY
Lot Size	Existing: 10,484 SF	**Crown of Road**	5.34' NAVD
Lot Depth	113'	**Lot Width**	96'
Lot Coverage	Permitted: 30% (3,254 SF) Existing: 28.4% (3,048 SF) Proposed: 28.8%(3,119 SF)	**Enclosed Square Footage (SF)**	Existing: 4,974 SF Proposed: 5,114 SF
Building Height	Permitted: 22' Proposed: 19.08"	**Overall Building Height**	Permitted: 30' Proposed: 25.83'
Cubic Content Ratio (CCR)	Permitted: 3.99 Existing: 4.25 **Proposed: 4.42** ***Variance Requested***	**FEMA Flood Zone**	AE-6
Overall Landscape Open Space	Req'd: 45% (4,881.6 SF) Exst: 42.3% (4,590 SF) Prop: 45.72% (4,960 SF)	**Point of Measurement**	7' NAVD
Perimeter Landscape Open Space	Req'd: 50% (2,440.8 SF) Prop: 68% (3,328.6 SF)	**Front Yard Landscape Open Space**	Req'd: 40% (960 SF) Prop: 46.7% (1,122 SF)
Surrounding Properties / Zoning			
North	161 E Inlet Dr. | Residence / R-B		
South	119 E Inlet Dr. | Residence / R-B		
East	156 E Inlet Dr. | Residence / R-B		
West	168 E Inlet Dr. | Residence / R-B		

STAFF ANALYSIS

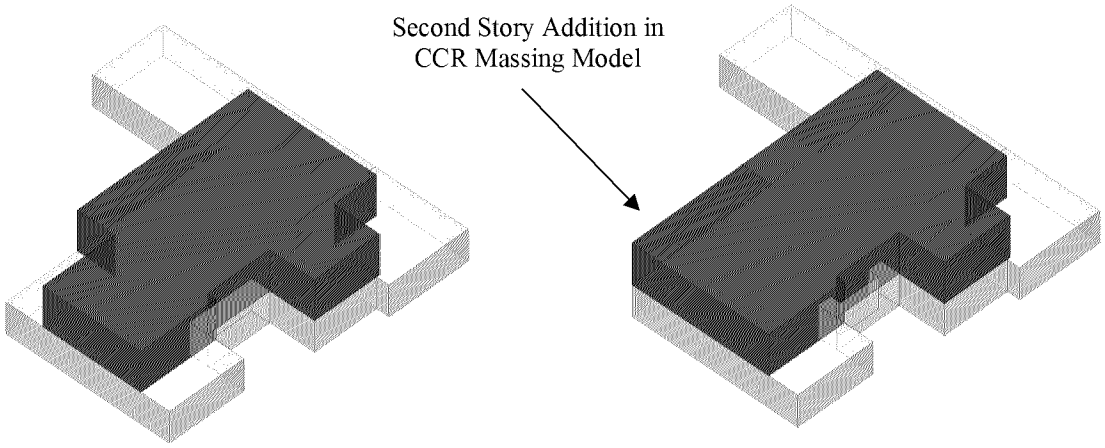
A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance to increase the already non-conforming Cubic Content Ratio (CCR) beyond what code permits, the maximum of which for this sized (10,848 SF) R-B zoned lot is 3.99.

The two-story single-family residence at 162 E Inlet Drive was constructed ca. 2004 on a 10,848 SF parcel. The current application requests to construct two enclosed additions and a rear pergola over a patio. Additional modifications include window and door replacement and the reconfiguration and relocation of some existing fenestration. Lastly, the application requests modifications to the site, including landscape alterations and the construction of a new pool.

The applicant has made modifications to the project since the September meeting, including design alterations to the rear trellis, fenestration modifications to the rear façade, and roof and façade adjustments to the rear second story addition. The landscape and hardscape program remains as

proposed at the September meeting.

The application seeks to bump the ground floor entryway facade northward, creating a larger interior foyer. The house was originally designed with a deep second-story overhang that provides a covered entry area for a pair of French doors within the front courtyard. The addition to this area is completely underneath the existing overhang, therefore it does not increase cubic content as the area under the overhang is already counted towards CCR. According to the 2004 permit drawings, #8063129-8063131, the original construction was built at the maximum 3.99 CCR; yet, according to the plans provided for this submittal, the existing residence is over allowable CCR by 0.258 for an existing total of 4.25.



Existing CCR Diagram **Proposed CCR Diagram**

The second addition involves enclosing an existing second-story balcony at the southeast corner of the home to accommodate a new master bathroom. The roofline of the house will need to be modified, as illustrated on plan sheets 18 and 19 to enclose the space. Per the CCR diagrams on plan sheet 4, this addition will increase the cubic content by roughly 1,696 CF, or 159 SF of enclosed square footage (floor area).

The CCR variance request code section, provisions, and amounts are provided in the table below:

Code Section	Required	Existing	Proposed	Variance
VARIANCE 1: Sec. 134-893(b)(13):	Maximum Allowed CCR 3.99	4.25	4.42	**.43 Over Maximum .17 Over Existing**

Within the R-B zoning district, both awnings and open pergolas/trellises are allowed up to a 3% lot coverage exemption, which in turn, eliminates the corresponding CCR for the volume of the exempt feature. Additionally, unenclosed pergolas and covered patios are exempt an additional 5% of allowable cubic content.

As evident on the existing and proposed elevation drawings (Sheets 29-32), the application also requests modifying the existing fenestration by replacing, relocating, removing, and/or enlarging openings on various elevations.



August Rear Elevation

September Rear Elevation

The replacement windows are largely in keeping with

the style of the existing windows. Additionally, the rear door modifications, which were discussed at length at the August and September meetings, have been altered to maintain the existing door configuration for the November hearing.

Modifications are also proposed to the second story rear addition. The applicant is now requesting to utilize a new parapet roof configuration which applies barrel tile slopes to the south and east sides in order to help integrate the addition into the primary roofline.



November Rear Elevation

Additionally, engaged columns have been added to the rear (south) and side (east) elevations of the addition to help create the appearance of a covered terrace, or sleeping porch, that has been enclosed over time. The bracketed trellis over the rear doors has also been removed from the design.

The rear yard's patio and landscape plan remains as presented in September. The September design introduced new planters and tree wells to the patio to help reduce the overall hardscape and to provide areas for natural shade. The pool, fountain wall, and equipment enclosure remain in the previously proposed locations.

CONCLUSION

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

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

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

Approval of the project will require one motion 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 criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

WRB:JGM:JRH

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-109 (COA-23-040) 134 EL VEDADO RD (COMBO)—VARIANCE The applicants, Elizabeth and Jeffrey Leeds, have filed an application requesting Town Council review and approval for (1) Variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject landmark property. Motion carried, 7-0.] [The Landmarks Commission approved the project,. Motion carried, 7-0.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-072 (ARC-23-094) 247-251 WORTH AVE (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, Holbrook Real Estate LLC, has filed an application requesting Town Council review and approval for three (3) Special Exception requests, (1) for permitted use (retail) over 4,000 SF of leasable area in the C-WA zoning district, (2) for a second floor in the C-WA zoning district, and (3) for a third story as a Special Allowance in accordance with the Worth Avenue Design Guidelines. Additionally, the applicant is requesting Site Plan Review for a building with additions greater than 2,000 SF. The applicant is also requesting six (6) Variance requests, (1) to exceed the maximum lot coverage of 69% in lieu of the 35% maximum allowed for the second floor using the Worth Avenue Design Guidelines for a 2nd story addition, (2) to not provide the required 27 parking spaces for new commercial and residential additions, (3) to not provide the required 25% landscape open space to have 5% open space for a three-story building, (4) to not provide the required on-site loading space, (5) to allow residential uses above the second floor mercantile/office space, and (6) to exceed the maximum floor area of 15,000 SF to allow a structure with +/- 18,250 SF, in conjunction with a new two-story addition to an existing one-story commercial building on a site with two existing one and two story buildings. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 5-1.] [The Architectural Review Commission approved this project with items to return to February 28, 2024, ARCOM meeting. Motion carried, 4-2.] [The Architectural Review Commission made an affirmative finding that the subject redevelopment project is consistent with the adopted urban design goals for Worth Avenue, the MID Avenue Development Area objectives, and more specifically the criteria for approval for granting the Special Allowances for the third floor, as identified within the adopted Worth Avenue Design Guidelines. Motion carried/supported, 4-2.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans - Landscaping**
- **Plans - Architectural**
- **Photos**

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

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

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

SUBJECT: ZON-23-072 (ARC-23-094) 241 WORTH AVE (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TOWN COUNCIL

ARC-23-094 (ZON-23-072) 247-251 WORTH AVE (COMBO). The applicant, Holbrook Real Estate LLC, has filed an application requesting Architectural Commission review and approval for a two-story addition to an existing one-story commercial building under the Special Allowances in accordance with the Worth Avenue Design Guidelines, including several variances from lot coverage, floor area square footage, commercial and residential use locations, parking requirements, landscape open space, and loading space requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-23-072 (ARC-23-094) 247-251 WORTH AVE (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, Holbrook Real Estate LLC, has filed an application requesting Town Council review and approval for three (3) Special Exception requests, (1) for permitted use (retail) over 4,000 SF of leasable area in the C-WA zoning district, (2) for a second floor in the C-WA zoning district, and (3) for a third story as a Special Allowance in accordance with the Worth Avenue Design Guidelines. Additionally, the applicant is requesting Site Plan Review for a building with additions greater than 2,000 SF. The applicant is also requesting six (6) Variance requests, (1) to exceed the maximum lot coverage of 69% in lieu of the 35% maximum allowed for the second floor using the Worth Avenue Design Guidelines for a 2nd story addition, (2) to not provide the required 27 parking spaces for new commercial and residential additions, (3) to not provide the required 25% landscape open space to have 5% open space for a three-story building, (4) to not provide the required on-site loading space, (5) to allow residential uses above the second floor mercantile/office space, and (6) to exceed the maximum floor area of 15,000 SF to allow a structure with +/- 18,250 SF, in conjunction with a new two-story addition to an existing one-story commercial building on a site with two existing one and two story buildings. The Architectural Commission will perform design review of the application.

Applicant: Holbrook Real Estate LLC
Professional: Roger Janssen | Daily Janssen Architects
Representative: Maura Ziska | Kochman & Ziska PLC

HISTORY:
An application for Special Exception with Site Plan Review #15-2004 was reviewed and approved to allow a second-story addition over the existing one-story building that fronts Worth Avenue; this project did not come to fruition. An application for Special Exception with Site Plan Review and Variances was reviewed and approved at the September 11, 2019, Town Council Development Review meeting, pursuant to Z-19-00221, which granted a Special Exception to operate a 3,590

SF, 109 seat restaurant ("Le Bilboquet") on both the 1st and 2nd floor of the rear building within Via Encantada and a Special Exception with Site Plan Review approval to have 44 (of the 109 proposed seats) to be outside in the Via. Additionally, a request for a Variance to eliminate the required parking was approved. Specifically, the request to provide zero (0) on-site parking spaces in lieu of the required 29 parking spaces was approved (under the principle of equivalency for the 87 additional seats which are over the inside capacity of the proposed restaurant).

An application to modify the abovementioned Special Exception with Site Plan Review and Variances was reviewed and approved on July 15, 2020, for additional seats, reduced setbacks and increased lot coverage to accommodate an elevator, a walk-in kitchen cooler, pursuant to Z-20-00247. The Architectural Commission also reviewed and approved an application for exterior building improvements including new awnings, consisting of a fixed awning to the front of the building and a retractable awning over the outdoor dining area, pursuant to B-015-2020. An application to modify the Special Exception approval to allow for expanded hours (breakfast) was approved on January 12, 2022, pursuant to ZON-22-026.

An administrative application for new landscaping and screening for service area on the back of the building between the building and the Apollo parking lot and new hardscape and landscaping for the south side of the interior courtyard was reviewed and approved on January 23, 2020, pursuant to A-20-00858. An administrative application for exterior improvements and replacements to the one-story front building was reviewed and approved on June 20, 2023, pursuant to A-23-03035.

Most recently, an application was reviewed and approved (5-2) at the July 27, 2022, ARCOM meeting for exterior storefront alterations to an existing commercial space (249 Worth Ave, 'David Yurman'), pursuant to ARC-22-101.

This project was originally scheduled and presented at the OCTOBER 11, 2023 Town Council Development Review meeting. After initial discussion, the item was deferred (5-0) for one month at the request of the Council in order for the Town Attorney to ensure that zoning variances were properly noticed and duly before the Council for review. Since the prior meeting, PZB staff has reviewed the application and the matter with Town Attorneys' Mr. Randolph and Ms. O'Connor who confirmed PZB original findings on the application's sufficiency for review as outlined in the staff memo.

At the NOVEMBER 15, 2023 Town Council Development Review meeting, the item was presented again, and after a lengthy discussion regarding the project, the Council decided to defer the project and have the Architectural Commission review the project first, since many of the issues were architecture and design related. The Town Council wanted the Commission to critically review the architectural style massing, height of the entire project including the variances, with particular focus on the third story, location and relevance. A motion was made and passed (5-0).

This item was presented at the DECEMBER 15, 2023 ARCOM meeting where discussion commenced. The item was deferred (5-0) for one month with design discussion pertaining to the third floor, the overall setback and location of the upper floors and walkways, and a restoration of the art deco elements of the ground floor storefront.
At the JANRUARY 24, 2024 ARCOM meeting the item was presented and discussion commenced.

The overall design of the project was approved (4-2) with certain architectural elements to return to the Commission in one month with design discussion pertaining to the stepback of the second floor massing, the rear stairwell, and the window fenestration. Additionally, ARCOM made a favorable recommendation (4-2) that the subject redevelopment project is consistent with the aforementioned adopted urban design goals for Worth Avenue, the MID Avenue Development Area objectives, and more specifically the criteria for approval for granting Special Allowances. AND finally, ARCOM made a motion (5-1) that the proposed variances **will not** cause negative architectural impacts to the subject property.

THE PROJECT:

The applicant has submitted plans, entitled "Presentation Rev 01 Proposed Additions at 247 Worth Avenue" as prepared by **DJA Dailey Janssen Architects**, date stamped by the Town, January 04, 2024 and supplemental materials presented at the January 24, 2024 ARCOM meeting.

The following is the scope of work:

- Construction of a new two-story addition to an existing one-story commercial building.

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

- **Special Exception #1** Sec. 134-1159(9): Special Exception request for retail space in excess of 4,000 GLA. As proposed, Lord Piano commercial space is identified as < 4000k at 4,956 SF therefore SE is required.
- **Special Exception #2** Sec. 134-1163(8)b: Special Exception for two-story buildings.
- **Special Exception #3** Sec. 134-1165(b)(2) and Sec. 134-233: Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines.
- **Site Plan Review** Sec. 134-1162: Site Plan Review for additions in excess of 2,000 SF.
- **Variance #1** Sec. 134-1163(9) and Sec. 134-1165(b)(1)**:** Variance for Lot Coverage for 2nd story additions resulting in a lot coverage of 66.6% in lieu of the 35% maximum allowed for a second story using the Worth Avenue Design Guidelines.
- **Variance #2** Sec. 134-2176: Variance to not provide the required 27 spaces for new 5,034 SF commercial second floor addition and a new 1,954 SF residential third floor unit addition.
- **Variance #3** Sec. 134-1163(11)(c): Variance to not provide the required 25% landscape open space for a three-story building, in order to in order to maintain the existing nonconforming 4% open space.
- **Variance #4** Sec. 134-2211(a): Variance to not provide the required one loading space for a commercial building between 4,000 SF and 25,000 SF**.**
- **Variance #5** Sec. 134-1163(8)(d) Variance to provide commercial uses above the ground floor and residential uses above the second floor under the Special Allowances using Worth Avenue Design Guidelines (Sec IX C 2a(2)).
- **Variance #6** Sec. 134-1113(12)(b): Variance to exceed by 3,202 SF the maximum floor area permitted of 15,000 SF to allow a structure with 18,202 SF of enclosed area.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A review of the project indicates that the proposed **application** is **consistent** with the **COMMERCIAL** designation of the Future Land Use Map of the Comprehensive Plan, but some of the variance requests indicate that the proposal is an intensification of the site's current use and may be contrary to aspects of the Comprehensive Plan. Below are some of the elements that are pertinent and relevant provided as a preliminary review of the documents and plans and are not meant to be exhaustive:

- **Land Use Element** The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth: To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

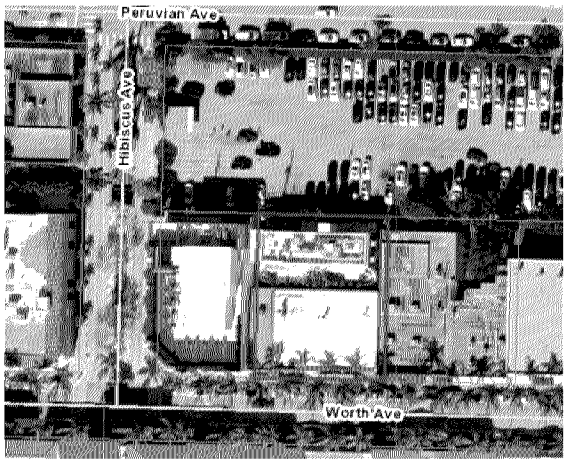
- **Land Use Element** It continues to be a major objective of the Town to inhibit further commercialization, contain commercial uses to limited geographic locations, and to promote commercial uses which are primarily oriented to serving the needs of residents, employees and visitors staying in accommodations in the Town, while discouraging those businesses that attract customers and clients from off the Island.

- **Land Use Element:** POLICY 2.3.3: Commercial – Intended to create, preserve, and enhance areas of attractive, small scale, retail, personal and professional/business services, and mixed commercial/ residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.
    - d. In limited circumstances, the maximum building height shall be three stories.

- **Land Use Element:** POLICY 2.4: To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

- **Land Use Element**: POLICY 2.5: To continue to enforce the provisions of the Town's Zoning Ordinance which are directed toward the encouragement of Town-serving commercial uses and the discouragement of those uses which are likely to attract patronage on a regional level.

STAFF ANALYSIS:

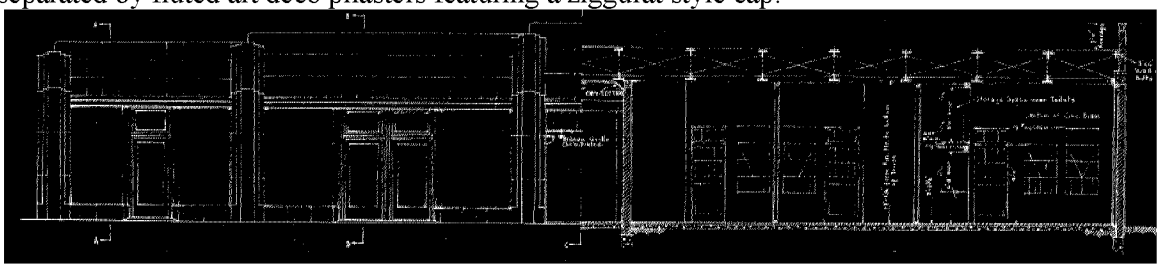


An application has been filed to expand the existing one-story structure with a new two-story addition located at 247-251 Worth Avenue. The subject property contains of 12,500 SF (0.3125 Palm Beach acre) of lot area and is located on the north side of Worth Avenue, one parcel east of the intersection at Hibiscus Avenue and abutting directly south of the approximately 1.5-acre surface parking lot ('Apollo' lot) in the "Mid-Avenue Development Area" identified within the Worth Avenue Design Guidelines. It is currently improved with a one-story and a two-story commercial building, separated and accessed by a pedestrian covered passage, Via Encantada. The property has a Future Land Use designation of 'Commercial' with a compatible zoning classification of Worth Avenue District (C-WA). Historically, the commercial spaces within the subject parcel have been home to numerous luxury shoppes and galleries, including Chanel, Jil Sander, Mayor's, and Van Cleef and Arpels to name a few.

The current application contains requests three (3) Special Exceptions, for site plan approval, and for six (6) Variances to expand the existing one-story commercial building with a new two-story addition, providing for utilizing the provisions of allowances as set forth in the Worth Avenue Design Guidelines. The Guidelines are intended for use by the general public and the Town's reviewing bodies, Landmarks Preservation Commission (LPC), Architectural Review Commission (ARCOM) and Town Council, in evaluating new construction, alterations, renovations, or other modifications to existing structures along Worth Avenue. The Guidelines are intended to encourage the maintenance and restoration of the architectural heritage of Worth Avenue and to encourage the creative use of modern variants of the Mediterranean-Revival, Neo Classical, and other compatible architectural styles.

As previously mentioned, the site contains two existing structures: a one-story, four-bay retail building fronting Worth Avenue which is bifurcated by an internal entrance—Via Encantada. Through the Via is a courtyard that separates the front building from a detached two-story building towards the rear of the lot. The application requests the addition of a two-story element to the front building. Additionally, the two independent buildings will become attached through a series of elevated catwalks and stairs accessing the new second and third levels. The existing architecture viewed from Worth Avenue contains three independent architectural styles. The cohesive architectural style of the original facade constructed in 1938 is long gone, as over the years, a series of alterations, renovations and improvements have taken place. The two-story proposal is simple in its design—mostly symmetrical with the exception of some fenestration deviations. The primary façade is relatively subdued with smooth white stucco finishes, vertical and horizontal scored reveals, and punctured by a series of operable French doors/casement windows. The renderings indicate the end (easternmost and westernmost) portions of the second level are to be distinguished by a warmer color or material, although there is nothing specific called out on the material sheet. The new second floor architecture is stepped back from the first floor and the third floor is stepped back even further from the street and the level below. With the wedding cake step backs, each level provides for a series

of outdoor terraces. The applicant refers to the two-story addition as 'Art Deco'. The inspiration for the Art Deco design direction stems from the original design of the one-story structure. Designed in 1938 by Julius Jacobs, in a decidedly art deco style mirroring two bays of retail along the via separated by fluted art deco pilasters featuring a ziggurat style cap.



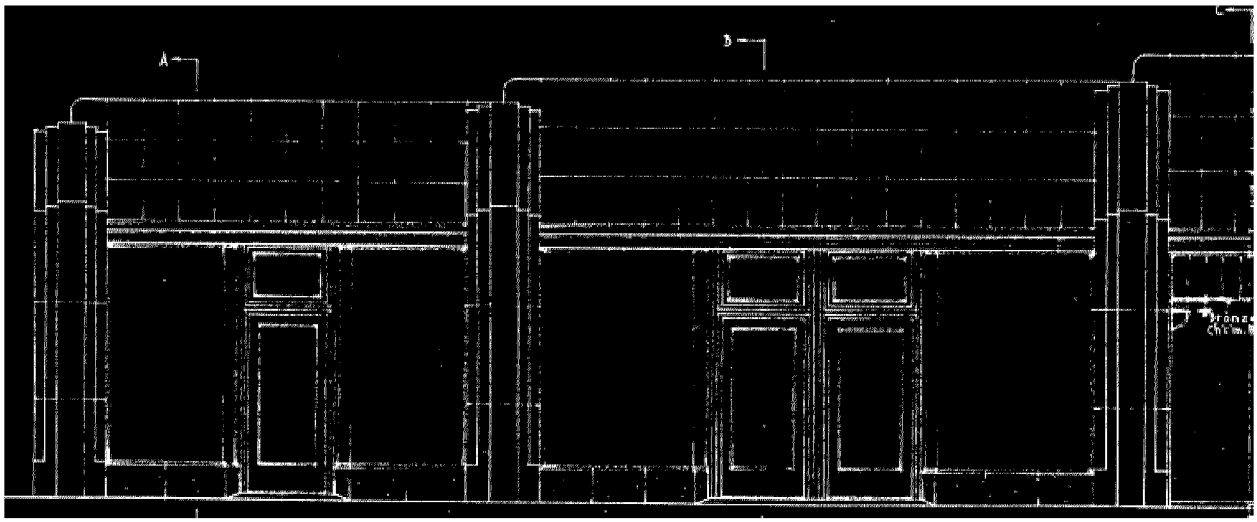


Original Submission



Current Proposal

The applicant is now proposing a more substantial restoration of the front façade of the existing building within all bays, the applicant does intend on initially modifying the westernmost bay (Brioni) to recall aspects of the original design in the re-introduction of the fluted art deco pilasters.



With that, the t



wo-story addition takes many of the design cues from the original Art Deco design, most notably in the rhythm and the breakdown of the bays. The rear of the new construction consists open two upper levels of open-air walkways and catwalks as well as two new egress stairs with a vertical metal picket style railings. This rear façade shall not be visible from the right-of-way of across from the Peruvian Ave parking lot. However, while not a primary or secondary façade, the applicant has made considerable efforts to refine and improve this "rear facede". There are two existing curvilinear stairs (that do not meet today's code requirements for life safety) within the courtyard that provide access to the second floor of Le Bilboquet. These features are proposed to be demolished in order to address code compliant life safety and egress requirements as determined by the Fire Marshal. It must be

noted that the applicant made numerous attempts to salvage both of these decorative features, but in the end, has managed to retain one of the stairs.





There is not much opportunity for the greening of the courtyard, or improving the nonconforming open space of the site, but the applicant has seized on the vertical nature of the proposal and has attempted to improve the aesthetic with a hanging garden, vertical landscaping approach.

In accordance with the Worth Avenue Design Guidelines, the adopted urban design goals for Worth Avenue include the following:

A. Protect and Enhance the Avenue's Market Appeal for the Benefit of the Residents of the Town
B. Protect the Unique Character of the Older Areas of Worth Avenue and Promote Continuity and Enhancement in Newer Areas
C. Strengthen Pedestrian Character and Create New Vias and Other Pedestrian Linkages
D. Maintain and Continue to Create a Diverse Mix of Activities
E. Maintain High Expectations for the Quality of Architecture Along Worth Avenue
F. Strengthen the Avenue's Distinctive Landscape Character
G. Continue and Expand the Tradition of the Avenue's Arcaded Walkways
H. Strengthen the Provision of Consistent and Compatible Street Spaces

As described in the Guidelines, the corridor is divided into three (3) specific development areas, generally following the division of Worth Avenue by blocks that were developed over time, beginning with the West-End and concluding with the East-End. The subject site is located within the Mid-Avenue Development Area that extends from east of the Via Parigi/Via Mizner complex on the north side of the Avenue all the way to South County Road and is exemplified by a combination of architectural styles, including Neo-classical, Art-Moderne and Mediterranean influences from the 30s, 40s, and later within the C-WA district.

The Guidelines also provide for the approval of "Special Allowances" for new development or substantial and appropriate redevelopment, restoration or renovation projects. Based upon the following list of desirable amenities and features and a positive determination by the Architectural Commission or Landmarks Preservation Commission that the proposed design will significantly benefit the development, the Avenue, and the general public, a proposal may be approved for

special allowances to the third floor residential use.

- Public arcades, vias, courtyards, useful open space and interconnection.
- Private open spaces, patios, terraces, balconies, loggias, etc.
- Mixed-use development with upper-story residential.
- Restoration of original facade.
- Appropriate style change.
- Varied roof heights, towers, chimneys, etc.
- Any other significant amenities or features determined to be appropriate for review by the Architectural Commission.

The applicant has provided a response sheet to address how the proposal meets these Guidelines, prospers the Avenue, and provides their justification for the requested allowances under consideration.

Site Data			
Zoning District	C-WA	**Lot Size (SF)**	12,500 SF
Future Land Use	COMMERCIAL	**Finished Floor Elevation**	3.46' NAVD (no change)
C-O-R	3.04' NAVD	**Flood Zone**	AE-6
Architect:	Julius Jacobs	**Year of Construction**	1938
Project			
Lot Coverage	2nd Floor Existing: 19.5% (2,442 SF) Proposed: 66.6% (8,334 SF) Permitted: 35% (4,375 SF) ***Variance Requested*** 3rd Floor Proposed: 24% (3,027 SF) Permitted: 25% (3,125 SF)	**Landscape Open Space (LOS)**	Two- or Three-Story Existing: 4% (503 SF) Proposed: 5% (632 SF) Required: 25% (3,125 SF) ***Variance Requested***
Floor Area (LOS)	Existing: 11,081 SF Proposed: 18,202 SF Permitted: 15,000 SF ***Variance Requested***	**# Parking Spaces**	Existing: 0 Required: 27 ***Variance Requested***
Overall Height	Existing: 17'-7" Proposed: 43'-0"	**Building Height**	Existing: 16'-1" Proposed: 41'-0"
Surrounding Properties / Zoning			
North	Surface Parking Lot, 'Apollo' lot / C-TS		
South	Two-story commercial building / C-WA		
East	One-story commercial building / C-WA		
West	Three-story mixed use commercial building, 'Tiffany' / C-WA		

The project requires **Site Plan Review** under Sec 134-1162 as the proposed additions exceed 2,000 SF of enclosed area. The total area of new square footage is 7,121 SF. In conjunction with the petition for Site Plan Review, the applicant is requesting three (3) **Special Exception** requests. First, to allow retail space greater than 4,000k in the C-TS zoning district. The applicant proposes 4,956 SF to create a two-story retail experience for 'Loro Piana', a luxury fashion and leather goods merchant, in the easternmost bay. Second, to allow a two-story building in the C-TS zoning district. Note the existing site already contains a two-story building constructed in 1938. And third, to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. The applicant is requesting a two-story addition to the existing one-story building on the subject parcel. Additionally, the project requires six (6) **Variances**, as outlined below:

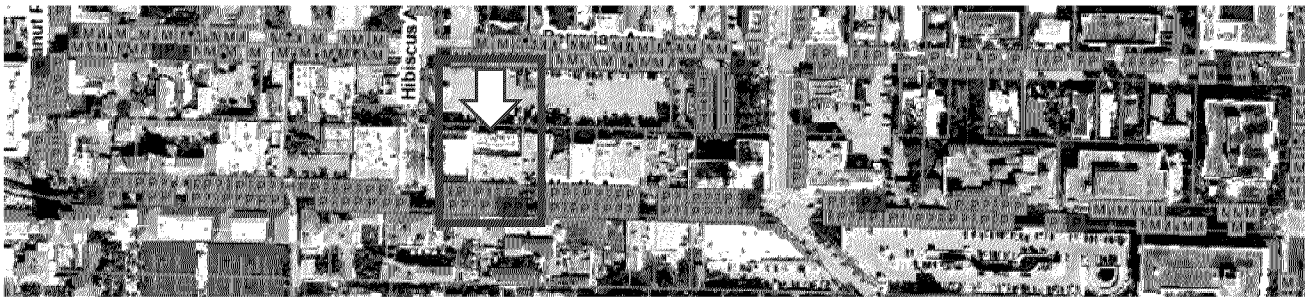
VARIANCE #1 Sec. 134-1163(9) and Sec. 134-1165(b)(1)**:** Variance for Lot Coverage for 2nd story addition of 5,892 SF for a total of 8,334 SF resulting in a lot coverage of 66.6% in lieu of the 35% maximum allowed for a second story. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.

VARIANCE #2 Sec. 134-2176: Variance to not provide the required 27 spaces for the new 5,034 SF commercial second floor addition and a new 1,954 SF residential third floor unit. The Code requires 1 parking space for every 200 SF of new retail square footage, which yields 25 spaces plus 2 additional spaces for the new residential unit for a total of 27 spaces. The subject property has been commercially zoned and programmed with retail and restaurant uses for over 85 years with zero on-site parking resources. Parking is provided within the Town of Palm Beach's commercial area along Worth Avenue and South County Road with on-street parking and public surface parking lots provided in the vicinity of the site. Most notably, the Apollo parking lot has the spatial capacity to park over 500 vehicles and currently serves the needs of the entirety of the retail, restaurant and gallery parking demands of the Avenue as nearly all of properties have zero on-site parking. Based on preliminary findings of the commercial traffic study performed by the Corradino Group, specific to Worth Avenue, there is adequate supply within the South Parking District (area bound by Royal Palm Way to the north, South Lake Drive to the west, South Ocean Blvd to the east and the alley south of Worth Avenue to the south). The parking data analysis of the parking utilization data collected along Worth Avenue indicated that there was available parking along Worth Avenue during the weekday. During the weekend, the Worth Avenue on-street parking was close to fully utilized, and the off-street parking was near capacity west of South County Road. There was available parking during the weekend at other parking spaces nearby within the South Parking District.

VARIANCE #3 Sec. 134-1163(11)(c): Variance to not provide the required 25% landscape open space for a three-story building, in order to improve by 1% the existing nonconforming 4% to 5% landscape open space. The applicant is proposing to expand vertically. There are zero landscaping opportunities that have not already been explored and incorporated by the development of Le Bilboquet. While the strict interpretation of the zoning as it pertains to the nonconforming open space aspect of a site would not generally be reviewed for additions, the significance of this application is that it changes the review regulation from two-story to three-story. Although the Landscaped Open Space requirement is the same for two-story buildings and three-story buildings, the variance procedure is required to immortalize the request although both two- and three-story buildings have the same percentage requirement of 25%. It must be noted that the applicant is

increasing the open space by over 100 SF, from 4% to 5%, which is no easy feat considering the project is completely realized with buildings, courtyard patio seating, refuse areas and outdoor kitchen components.

VARIANCE #4 Sec. 134-2211(a): Variance from the required minimum number of off-street loading spaces provided on-site. For new construction of commercial buildings between 4,000 SF and 25,000 SF of new area, one (1) on-site loading space is required. The new additions total 7,145 SF of new square footage to the 12,200 SF site.. The GIS map below illustrates the designated commercial loading zones, indicated in red, along Worth Avenue. As such, there are currently two dedicated on-street loading spaces for the 200 block of Worth Avenue, located to the south of the subject property.

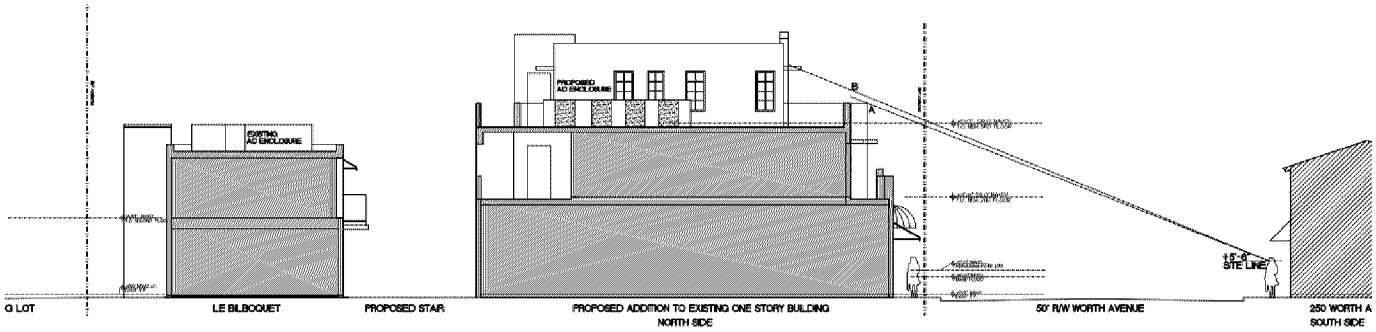


Currently, the site has admittance for deliveries, trash pick-up and grease trap access through a cross-access easement from the owner of the Apollo parking lot that abuts the property to the north If the variance is granted, staff recommends conditioning the approval on the same as well as specifying hours.

VARIANCE #5 Sec 134-1157(8)(d): Variance to provide commercial uses above the ground floor and residential uses above the second floor under the Special Allowances using the Worth Avenue Design Guidelines (Sec. IX C 2(a)(2)). One of the primary mechanisms of achieving the goal and realization of the Worth Avenue Design Guidelines is intended to encourage the redevelopment of the Avenue and encourage upper-floor residential use or the appearance associated with upper-floor residential design. This was most recently realized with the neighboring property to the west, the Tiffany Building, which converted the second-floor commercial office/retail space to residential and added a third-floor residential addition above. In this proposal, however, the applicant is proposing a new two-story addition, the first level (second floor) of which is programed as mercantile, and the second level (third floor) of new construction as a private single residence. This request would appear to be in line with the Guidelines, but a strict reading of Guidelines indicates the following:

i. Mixed-use commercial and residential development, redevelopment, restoration or renovation providing **commercial uses on the ground floor and residential uses above**, and providing an enhanced level of amenities and features in accordance with paragraph "D", following, shall be eligible for an increase in maximum building coverage and allowable residential units as follows…
ii. Third story maximum coverage, 25% and a maximum one (1) additional residence per each sixty (60) feet of frontage on Worth Avenue; provided, however, that **all uses above the first floor shall be residential uses only.**

As such, a variance is required. Research from the 1998 Town Council minutes regarding the adoption of the revisions to the Worth Avenue Design Guidelines reveals at least some concern with this limitation, as Council Member Shaw stated *"...[his] major concern with what is in the ordinance was that the third story residential use is not going to be permitted unless it is also on the second story, and thought that was an error."* A mix of uses (retail and residential) are a fundamental basis of successful streets, vibrant main streets, and a successful walkable neighborhood.



SITE LINE DIAGRAM

The third story residential unit is setback further from the street than the addition below as to not overwhelm the Avenue or alter the prevailing character. There is an opportunity to increase the front setback of the third story addition and push the mass further back from the street, which reduces the area of the outdoor rear north terrace.

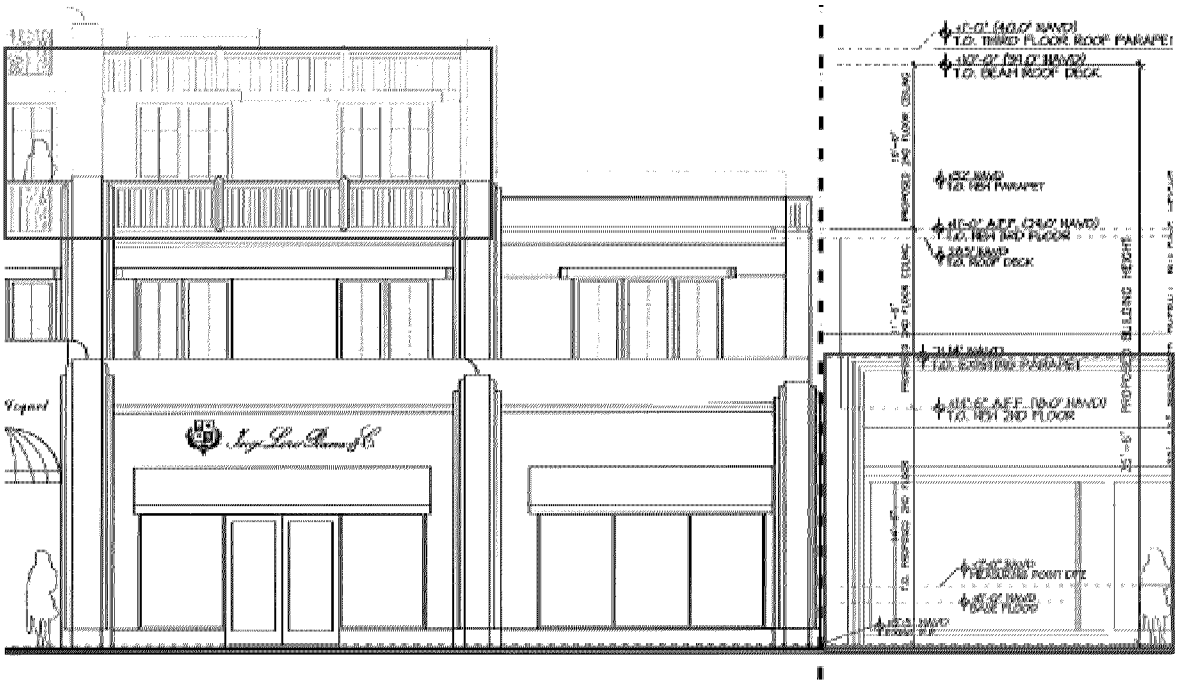
For comparison, the neighboring two-story building abutting the property to the west (the Tiffany building) received TC approval at the Nov 13, 2019 meeting for a special exception with site plan review and variance application in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. That proposal consisted of a proposed third story with an enclosed 2,390 square feet of living space and active habitable roofdeck. The variance for the 720 square foot pergola which would allow a maximum third story coverage of 33% in lieu of the 25% lot coverage maximum allowed for a third story using the Worth Avenue Design Guidelines, pursuant to Z-19-00225. The ARCOM portion of that combo project was approved, pursuant to B-070-2019. That project (the Tiffany rooftop addition) was approved with a height of 36'-0" to the top of the third floor roof (39.5 NAVD). This project is proposed at 39'-6" to the top of the third floor roof (43'-0" to top of parapet).



An enlarged elevation showing the second and third floor proposal as it relates to the abutting property to the west.



An enlarged elevation showing the second and third floor proposal as it relates to the abutting property to the east.



VARIANCE #6 Sec. 134-1113(12)(b): Variance to exceed by 3,202 SF the maximum floor area permitted of 15,000 SF to allow a structure with 18,202 SF of enclosed area. The site contains two separate buildings, the one-story commercial building with frontage along Worth Avenue, and the two-story rear building currently housing the Le Bilboquet restaurant, separated by an outdoor courtyard with café seating. The application is predominantly associated with the front building, but one of the improvements, the upper floor exterior catwalk-like walkway, connects the two buildings. As such, the total floor area of the building must also include the rear building, although there is "no work" being performed to this building. Should the back building (enclosed square footage) be deducted from the overall floor area, the resulting floor area for the front building would be 13,240 SF, which is under the 15k limitation. That said the applicant's program includes a new 5,034 SF second floor addition and a new 2,111 SF third floor addition, which results in an excess of 3,202 SF above the 15k.

CONCLUSION

Approval of the project will require five (5) separate motions to be made by the Town Council:

(1) Sec. 134-1159(9): Special Exception request for commercial space greater than 4000k;
(2) Sec. 134-1163(8)b: Special Exception for two-story buildings;
(3) Sec. 134-1165(b)(2) and Sec. 134-233: Special Exception (special allowances) with Site Plan Review in order to construct a third story;
(4) Sec. 134-1162: Site Plan Review for commercial properties with additions greater than 2,000 SF; and
(5) that the Variance(s) #1-6 **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.

WRB:JGM

RECEIVED
By yfigueroa at 1:40 pm, Jan 04, 2024

DJA DAILEY JANSSEN ARCHITECTS, P.A.

ROGER PATTON JANSSEN, A.I.A.

January 04, 2024

Town of Palm Beach Planning, Zoning and Building Department

LETTER OF INTENT ARC-23-094 ZON-23-072 ARCOM

Request for review of proposed second floor mercantile addition and third floor residence addition at 247 Worth Avenue, Palm Beach.

We are pleased to submit the accompanying drawings and information for a second submittal review of the existing and proposed property at 247 Worth Avenue, Palm Beach.

A. LANDMARK PRESERVATION COMMISSION
Not applicable, this property is not landmarked.

B. ARCOM
We request review of the existing non-conforming parcel in the 200 block mid-section containing; on the north end, one two story restaurant building, a courtyard, and (2) non-compliant concrete open stairs. On the south end, courtyard adjacent, a one-story building Art Deco style with 3 tenant mercantile spaces and Via Encantada on Worth Avenue.
We request review of proposed Second Floor Mercantile Addition, and (Taxpayer) Third Floor Residential Addition, over existing one-story retail spaces (3).
In addition, we propose 1 new exterior open air decorative stair on west side of courtyard, to meet all applicable codes. Existing east courtyard stair to remain. Worth south building elevation to be embellished with Art Deco detailing influenced by Julius Jacobs 1938 original one story façade detailing.

C. SPECIAL EXCEPTION
Criteria for approval of special allowances according to Worth Avenue Design Guidelines. due to existing buildings and conditions. Substantial exterior renovation improvements will increase the value of the existing buildings. Percentage determined by current appraisal and estimated cost of construction.

400 CLEMATIS STREET, SUITE 200 WEST PALM BEACH, FLORIDA 33401 LICENSE NO. AA-C001374
TELEPHONE 561.833.4707 FAX 561.833.4705 WWW.DAILEYJANSSEN.COM

Special Exception 1 Sec. 1345-1159(9) Special Exception request for retail space in excess of 4,000 GLA. As proposed, Loro Piana commercial space is identified as < 4000k at 4,956 SF, therefore SE is required.

Special Exception 2 Sec. 134-1163 (8)b Special Exception for two-story buildings.

Special Exception 3 Sec. 1165(b)(2) and Sec. 134-233 Special Exception with Site Plan review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines.

D. SITE PLAN REVIEW
Site Plan Review for building additions in excess of 2,000 SF.

E. VARIANCES
Variance 1 Sec. 134-1163 (9) and Sec. 134-1165, Variance for Lot Coverage for proposed second story addition of 5,034 for a total of 7,457 SF resulting in a lot coverage of 60% in lieu of the 35% maximum allowed for a second story using the Worth Avenue Design Guidelines.

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Variance 2 Sec. 134-2176 Variance to not provide required 27 parking spaces for new 5,034 SF commercial second floor addition and a new 1,954 SF residential third floor unit addition.

Variance 3 Sec. 134-1163 (1) Variance to not provide required 25% landscape open space for a three-story building, in order to improve by 1%, the existing nonconforming 4% to have a 5% open space.

Variance 4 Sec. 134-134-2211 (a); Variance to not provide the required one loading space for a commercial building between 4000 SF and 25,000 SF. New SF = 7,145 SF.

Variance 5 Sec. 134-1163 (8) Variance to provide commercial uses above the ground floor and residential uses above the second floor under the Special Allowances using the Worth Avenue Design Guidelines (Sec IX C 2a (2)).

i. Mixed-use commercial and residential development, redevelopments, restoration or renovation **providing commercial uses on the ground floor and residential uses above**, and providing an enhanced level of amenities and features in accordance with paragraph "D", following, shall be eligible for an increase in maximum building coverage and allowable residential units as follows...

ii. Third story maximum coverage, 25% and a maximum one (1) additional residence per each sixty (60) feet of frontage on Worth Avenue; provided, however that **all uses above the first floor shall be residential uses only.**

Variance 6 Sec. 134-1113 (12)(b) Variance to exceed by 3,202 SF. The maximum floor area permitted of 15,000 SF to allow a structure with 18,202 SF.

Please let us know if you need additional information.

Respectfully Submitted

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-118 (ARC-23-140) 2278 IBIS ISLE RD (COMBO)—VARIANCE The applicant, Angel Arroyo, has filed an application requesting Town Council review and approval for a Variance (1) to eliminate the required garage enclosure for two vehicles in the R-B district. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 5-2.] [The Architectural Review Commission approved this project with conditions. Motion carried, 5-2.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans 1 of 4**
- **Plan 2 of 4**
- **Plan 3 of 4**
- **Plan 4 of 4**

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 Combination Staff Memorandum: Architectural Commission and Town Council

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

SUBJECT: ZON-23-118 (ARC-23-140) 2278 IBIS ISLE RD (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TC

ARC-23-140 (ZON-23-118) 2278 IBIS ISLE RD (COMBO). The applicant, Angel Arroyo, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing one-story residence, including the demolition of an existing screen porch, a new roof, façade and window alterations, and a variance to not provide the required garage enclosure for two vehicles. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-23-118 (ARC-23-140) 2278 IBIS ISLE RD (COMBO)—VARIANCE. The applicant, Angel Arroyo, has filed an application requesting Town Council review and approval for a Variances (1) to eliminate the required garage enclosure for two vehicles in the R-B district. The Architectural Commission shall perform design review of the application.

Applicant: Angel Arroyo
Professional: Bartholemew + Partners Architecture and Design (Kyle Bartholemew Fant)

HISTORY:
The existing one-story residence was built in 1965.
This item was originally presented at the NOVEMBER 20, 2023 ARCOM meeting. There was lengthy discussion regarding the proposed architectural improvements, including concerns about the elimination of an enclosed vehicular garage. The item was deferred (7-0) for one month. At the DECEMBER 15, 2023 ARCOM meeting, the item was deferred at the request of the applicant. At the JANUARY 24, 2024 ARCOM meeting, the item was presented and approved (5-2). The Commission requested additional landscaping conditioned as part of the approval. A motion was made and carried (5-2) that the implementation of the variances would not negatively impact the architecture.

THE PROJECT:
The applicant has submitted plans, entitled " Renovation for the Arroyo Residence 2278 IBIS ISLE ROAD", as prepared by **Bartholemew + Partners Architecture and Design** received, and dated by the Town as January 04, 2024.

The following is the scope of work for the project:
- Demolition of existing screened patio.

- New exterior windows and doors, new roofing material
- Conversion of existing garage into storage space requiring a variance for the removal of required parking
- Site modifications, including landscaping.

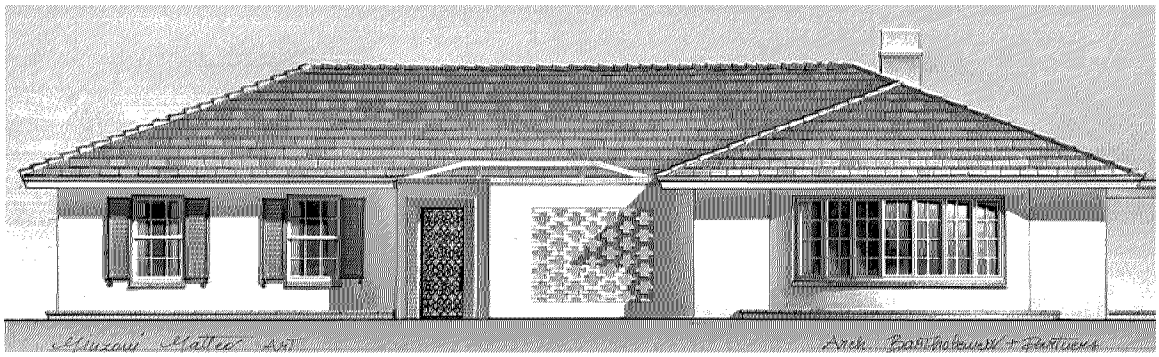
The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **Variance 1:** Sec. 134-2179(b): A Variance to eliminate the existing garage and not provide the required enclosed off-street parking spaces in the R-B zoning district and turn it into habitable living space.

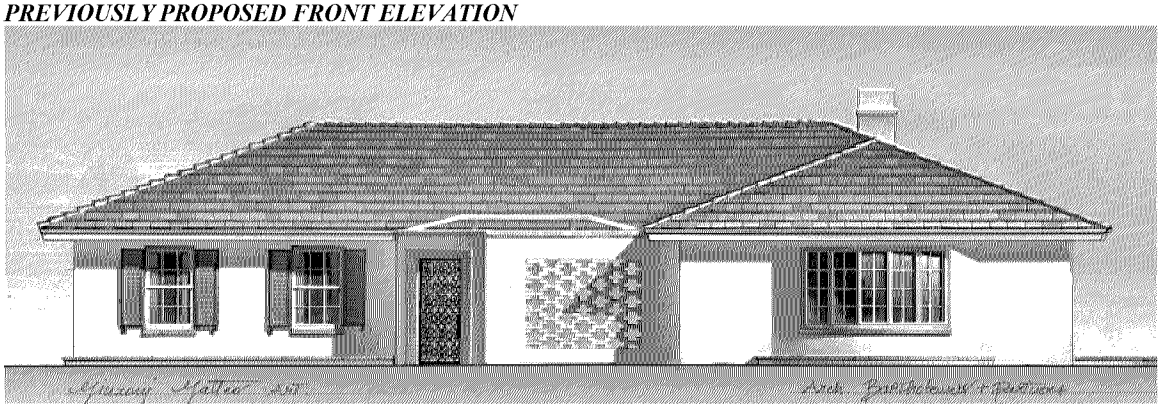
Site Data			
Zoning District	R-B	**Lot Size (SF)**	12,510 SF
Future Land Use	SINGLE FAMILY	**FEMA Zone**	AE 6
Landscape Open Space (LOS)	**Existing:** 51.8% (6,476 SF) **Proposed:** 47.3% (5,917 SF) **Required:** 45% (5,630 SF)	**Lot Coverage**	Existing: 25% (3,229 SF) Proposed: 24.1% (3,016 SF) Permitted: 40% (5,004 SF)
Cubic Content Ratio (CCR)	**Existing:** 2.26 (28,382 CF) **Proposed:** 2.08 (26,118 CF) **Permitted:** 3.97 (53,595 CF)	**Enclosed SF**	**Existing:** 3,006 SF **Proposed:** 2,990 SF
Crown of Road (COR)	4.5' NAVD	**Finished Floor Elevation**	8.7' NAVD (house) 7.7' NAVD (garage)
Surrounding Properties / Zoning			
North	Vacant / R-B		
South	Vacant / R-B		
East	2022 Two-story residence / R-B		
West	1959 Two-story residence / R-B		

STAFF ANALYSIS

A review of the project indicates that the application, as proposed, appears to be inconsistent with the abovementioned sections of the Town zoning code. The application requests modifications to all façades including substantial window and door modifications to the modest one-story ranch residence and a change to the roofing material. The front (south), side (east), and rear (north) elevations are seeking considerable fenestration improvements to allow much more light into the residence through the incorporation of larger window openings, new doors, the removal of a large garage door panel, and the installation of fixed and operable french door systems. Along the front façade the alterations include the removal of a brick windowless wall and the introduction of a bowed bay window and curved outdoor planter.



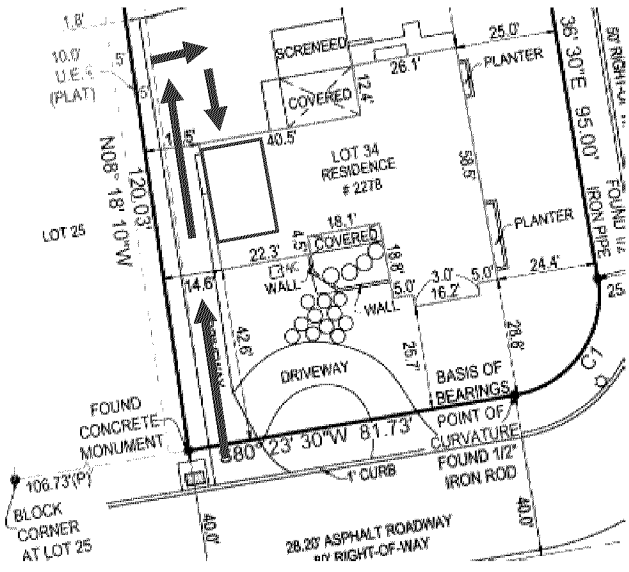
PREVIOUSLY PROPOSED FRONT ELEVATION



CURRENTLY PROPOSED FRONT ELEVATION

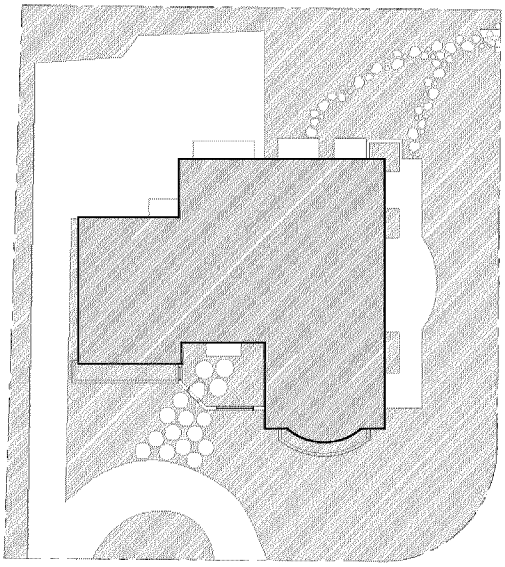
Additionally, the application involves the removal of a non-original screened porch and the interior conversions of an attached two-car garage into a new habitable area. A newly composed side terrace area is proposed accessed from the reconfigured living space. Additionally, the roof material will be changed to a white flat concrete roof tile.

Variance #1 to eliminate the two (2) required off-street garage parking spaces to convert the existing garage area into new habitable area. The garage is located in the northwest portion of the residence and is accessed from Ibis Isle Road South via a long very narrow driveway, ending with an awkward tight 180° turn into the garage area. According to the applicant the garage is currently not at use due to the existing driveway being sizeable enough for comfortable on-site parking.

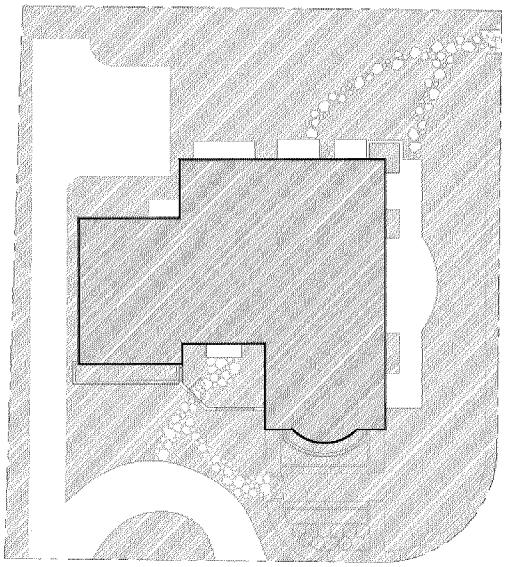


The narrow drive along the west side yard will remain, as will the majority of the paved area in the rear of the site. Further, the property maintains a circular front motor court, which can also accommodate parking. In the proposed configuration, the property will be able to accommodate a minimum of two vehicles parked off-street

on the driveways. Staff has no objections to the elimination of the garage.



PREVIOUSLY PROPOSED LOT COVERAGE DIAGRAM



CURRENTLY PROPOSED LOT COVERAGE DIAGRAM

CONCLUSION:

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

(1) that the variances **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

RECEIVED
By yfigueroa at 12:10 pm, Jan 04, 2024

Bartholemew
+ Partners
ARCHITECTURE AND DESIGN
PROGETTO DI ARCHITETTURA

September 7th, 2023

Town of Palm Beach

Planning, Zoning, & Building Department

306 S. County Road, Palm Beach, Florida 33480

Letter of Intent: ARC-23-140 – ZON-23-118

Project Address: 2278 Ibis Isle Road, Palm Beach FL 33480

The proposed work only pertains to architecture. Landscape and site work pertains to Environment Design Group.

The proposed changes include:

- Demolition of existing screened patio
- Refurbishing of existing home
- New exterior windows and doors
- New roofing material
- New paint color
- Landscape architect will be environment Design Group
- New driveway material, and reduced paving at rear

Variances:

- VARIANCE 1: sec. 134-2179(b)(1) variance to eliminate the existing garage and not provide the required enclosed off-street parking spaces in the R-B zoning district and turn it into habitable living space.
    - Garage is not at use due to the existing driveway being sizeable enough for comfortable on-site parking.

Kyle Bartholemew Fant
Architect # AR99255
AIA # 30425933

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-24-009 (ARC-23-167) 350 SEABREEZE AVE (COMBO)—SPECIAL EXCEPTION w/ SITE PLAN REVIEW & VARIANCE The applicant, Judith Goodman (Contract Purchaser, Justin Besikof / Rep. Maura Ziska), has filed an application requesting Town Council review and approval for (1) variance to not provide garage parking and a Special Exception with Site Plan Review for the redevelopment of an R-B lot deficient in area and width requirements with a new single-family residence and sitewide landscape and hardscape improvements. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project with conditions. Motion carried, 6-1.]*

Presenter

ATTACHMENTS:

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

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: Architectural Commission and Town Council

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

SUBJECT: ZON-24-009 (ARC-23-167) 350 SEABREEZE AVE (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TC

ARC-23-167 (ZON-24-009) 350 SEABREEZE AVE (COMBO): The applicant, Judith Goodman (Contract Purchaser, Justin Besikof / Rep. Maura Ziska), has filed an application requesting Architectural Commission review and approval for the design of a new two-story single-family residence and sitewide landscape and hardscape improvements, requiring a variance to not provide garage parking. This is a combination project that shall also be reviewed by the Town Council as it pertains to the zoning relief/approval.

ZON-24-009 (ARC-23-167) 350 SEABREEZE AVE (COMBO)–SPECIAL EXCEPTION w/ SITE PLAN REVIEW & VARIANCE: The applicant, Judith Goodman (Contract Purchaser, Justin Besikof / Rep. Maura Ziska), has filed an application requesting Town Council review and approval for (1) variance to not provide garage parking and a Special Exception with Site Plan Review for the redevelopment of an R-B lot deficient in area and width requirements with a new single-family residence and sitewide landscape and hardscape improvements. The Architectural Commission shall perform design review of the application.

APPLICANT: Judith Goodman
PROFESSIONAL: SKA Architect and Planner
REPRESENTATIVE: Maura Ziska

HISTORY:
At the JANRUARY 24, 2024 ARCOM meeting the overall design of the project was approved (6-1). Additionally, ARCOM made a motion (7-0) that the proposed variances **will not** cause negative architectural impacts to the subject property.

THE PROJECT:
The case was deferred from the December 15, 2023, ARCOM meeting with the primary modification resulting in an elimination of columns in the Porte cochere.

The applicant has submitted plans, entitled "BESIKOF RESIDENCE, 350 SEABREEZE AVENUE, PALM BEACH, FL 33480" as prepared by SKA Architect and Planner, dated January 04, 2024.

The following scope of work is proposed:

- New 3,639 SF Mediterranean style two-story single-family home with associated landscape and hardscape on a lot that is 75 feet wide in lieu of the 100-foot width minimum required and a lot area of 9,187 SF in lieu of the 10,000 SF required in the R-B Zoning District.

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

- **SPECIAL EXCEPTION w/ SITE PLAN REVIEW:** Sec. 134-893(c) Construction of a new two-story single-family residence on a lot deficient in width and area requirements within the R-B zoning district.
- **VARIANCE 1:** Sec. 134-2179(b)(1): A variance to provide zero (0) enclosed garage parking spaces in lieu of the two (2) required for a 75' wide lot in the R-B zoning district.

Site Data			
Zoning District	R-B	**Future Land Use**	SINGLE-FAMILY
Lot Size	9,187 SF	**Crown of Road**	2.52' NAVD
Lot Depth	122.5'	**Lot Width**	75'
Surrounding Properties / Zoning			
North	345 Seabreeze Avenue/ R-B		
South	353 Seaspray Avenue/ R-B		
East	346 Seabreeze Avenue/ R-B		
West	358 Seabreeze Avenue/ R-B		

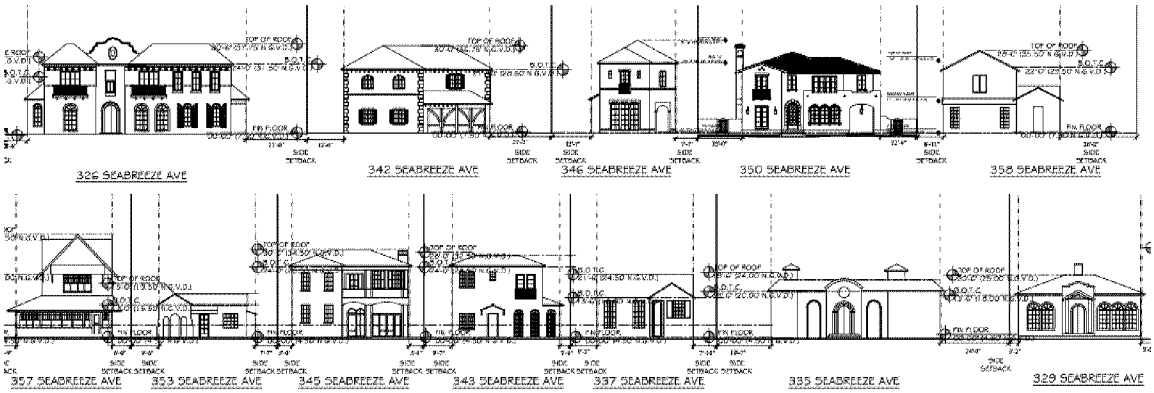


Proposed

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance for not providing the required enclosed parking spaces. However, the applicant provides a Porte cochere, ample site parking and the context of the

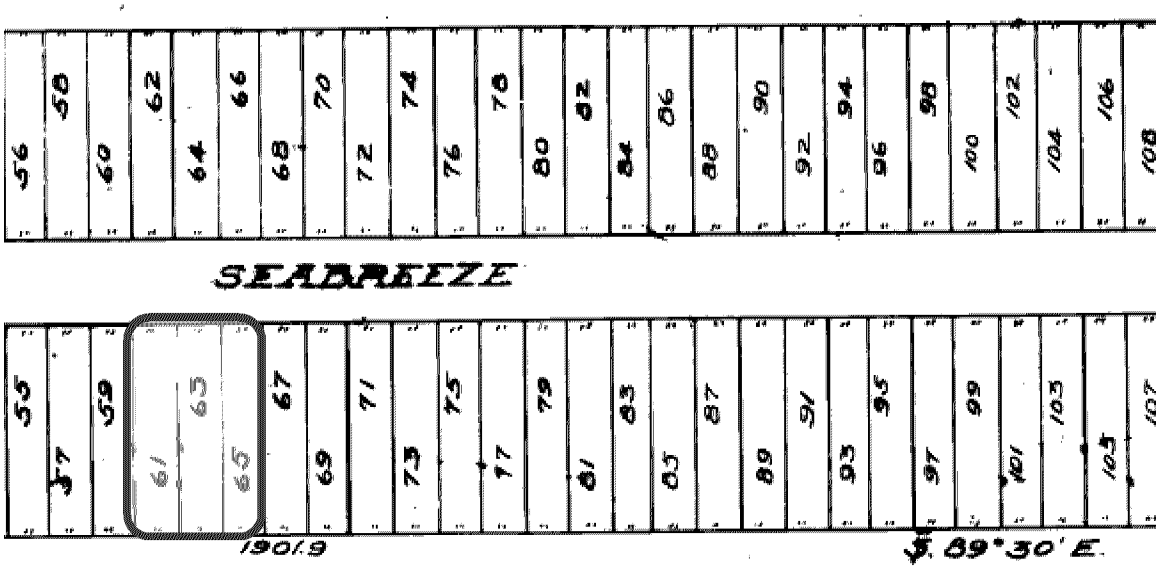
street indicates most homes do not have enclosed parking.



Code Section	Required	Proposed	Variance
VARIANCE 1: Sec. 134-2179(b)(1)	Two (2) enclosed parking spaces	Zero (0) enclosed parking spaces	**#2**

SPECIAL EXCEPTION W/ SITE PLAN REVIEW

Site Plan Review is required due to the nonconforming lot width. The parcel is deficient in minimum width (75') for the R-B Zoning district (9,187.5 SF), thus requires Site Plan Review and approval by Town Council. The subject property contains its original geometric configuration and dimensions as it was originally platted in 1915 as Lots '61, 63 and 65' with 24' foot of frontage apiece within the plat of Poinciana Park subdivision.



Staff has no objections to the granting of the Site Plan Review, as the approval would allow the development of site with a new residence on a parcel consistent in size with those others on the street in the immediate vicinity.

CONCLUSION:

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

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

(2) for the overall Site Plan Review, as said applications meet the criteria set forth in section 134-329 of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329.

WRB:JGM:FHM

RECEIVED
By yfigueroa at 9:43 am, Jan 04, 2024

SKA

ARCHITECT + PLANNER

Re: 350 Seabreeze Ave
Palm Beach, Florida 33480
Date: October 2, 2023

SKA Architect+Planner - LETTER OF INTENT
RELATED TO THE NEW CONSTRUCTION OF A TWO STORY SINGLE FAMILY HOME AT 350 SEABREEZE AVE
ARC-23-167 / ZON-24-009

We are pleased to submit the accompanying drawings for the new construction of a two story single family home at 350 Seabreeze Ave. Please note the following:

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

B) ARCOM 18-205 N/A
New construction of a 4,430 sq.ft. Mediterranean style two story single family home. Landscape and hardscape to be included.

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

SPECIAL EXCEPTION W/ SITE PLAN REVIEW: Section 134-893(c): **Construction of a new two-story single-family residence on a lot deficient in width and area requirements within the R-B zoning district.**
New 4,430 sq. ft. Mediterranean style two story single family home (with new landscape and hardscape) on a lot that is 75 feet wide in lieu of the 100 foot width minimum required and a lot area of 9,187.5 sq. ft. in lieu of the 10,000 sq. feet required in the R-B Zoning District.

1. This proposed use, a single family residence, is a permitted use in the R-B Zoning District with special exception approval for a non-conforming lot.
2. The design, location and operation of the proposed residence will not adversely affect public health, safety, welfare or morals.
3. The proposed single family residence will not cause substantial injury to the value of other properties in the neighborhood as there are other residences in this residential district.
4. The proposed single family residence will be compatible with the neighborhood and purpose of the district as it is permitted.
5. The proposed single family residence will comply with all requirements set forth in Article VI of the Zoning Code, if applicable.
6. The proposed single family residence will comply with the comprehensive plan, if applicable.
7. The proposed single family residence will not result in substantial economic, noise, glare, or odor impacts on properties within the district.

249 PERUVIAN AVENUE, SUITE F-2 - PALM BEACH, FL 33480 - 561-655-1116 - FAX 561-832-7828

8. Current ingress and egress, parking, loading areas, automotive and pedestrian safety and convenience and traffic flow will not be impacted as a result of the proposed residence.
9. There are no signs being proposed.
10. Utility service will remain unchanged or be improved, thus there will be no negative impact on health and safety.
11. Refuse and service areas will remain unchanged, thus there will no negative impact on automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
12. N/A – Town serving
13. N-A – No historic/specimen trees
14.The proposed single family residence will not place a greater burden on police or fire protection services as there is currently a residence on the subject property.

SITE PLAN REVIEW 134-329

1. The owners of the property, Justin and Meira Besikof, are in control of the property. A single family residence is a permitted use in the RB Zoning District.
2. The proposed single family residence is the least intense example of development and will not have a negative impact on the neighborhood, which is a residential neighborhood.
3. Ingress, egress, utilities and refuse collection will be via Seabreeze Avenue, which is capable of handling traffic and other such uses in a residential neighborhood.
4. N/A
5. The proposed site plan and landscape plan provides for buffers and screening from neighboring properties.
6. The proposed drainage plan meets the Town of Palm Beach's drainage requirements.
7. The utility hook ups will remain or be improved to meet the current Town of Palm Beach requirements.
8. The recreation facilities are private and will be screened from the neighboring properties by landscaping.
9. N/A
10. N/A
11. The proposed two story residence has been designed to coexist harmoniously with the surrounding structures. It will not present a hindrance on the street or neighborhood.

D) VARIANCES 134-201

Variance 1: 134-2179(b)(2): A variance to provide 0 enclosed garage parking spaces in lieu of the (2) spaces required for a 75' wide lot within the R-B zoning district.

The Criteria for granting the variances is set forth below:

1) The property is located in the R-B Zoning District and is an undersized lot.
2) The applicant was not the cause of the special conditions of the property or residence. The non-conforming width and area is historically the configuration of the land prior to the zoning code making the dimensions non-conforming.
3) The granting of the variances will not confer on the applicant a special privilege that is denied to the neighboring properties; several of the surrounding properties do not contain garages.
4) The hardship, which runs with the land, is that the property is non-conforming in width and area. The design of the house includes a car port for a garage, and the proposed plan includes a concrete driveway for additional parking on the property.

5) The variance requested is the minimum necessary to make reasonable use of the land.
6) The granting of the variance will not be injurious to the neighborhood.

Sincerely,



Daniel Clavijo

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO)—SPECIAL EXCEPTION AND VARIANCES The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3-6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the application. ***[This project shall be deferred to the March 13, 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: February 14, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-105 (ARC-23-123) 1186 N OCEAN WAY (COMBO)—VARIANCES The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Architectural Commission review and approval for the design of a new two-story residence with sitewide landscape and hardscape improvements, requiring setback and separation distance variances for the location of the pool equipment and a variance to exceed allowable chimney height. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. ***[This project shall be deferred to the March 13, 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: February 14, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-113 (ARC-23-145) 123 CHILEAN AVE (COMBO)—SPECIAL EXCEPTION AND VARIANCES The applicant, Robert & Perri Bishop, has filed an application requesting Town Council review and approval for Special Exception to develop a parcel comprised of portions of platted lots which is deficient in minimum required lot width and lot area in the R-B district, and (3) Variances including (1 and 2) to reduce the required east and west side-yard setbacks and (3) to exceed the maximum permitted cubic content ratio (CCR) permitted, in conjunction with a new two-story single-family residence and one-story accessory cabana structure. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the March 13, 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: February 14, 2024

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-092 (ARC-23-052) 300 COLONIAL LN (COMBO)—VARIANCE(S) The applicants, Dragana & Richard Connaughton, have filed an application requesting Town Council review and approval for seven (7) variances including (1-2) to construct an accessory slat house structure in the south rear-yard and west street side-yard setback, (3) to exceed maximum angle of vision, (4) to exceed maximum lot coverage, (5-6) to construct a new-single family residence with reduced one-story and two-story east side-yard setbacks, and (7) to exceed the maximum number of pieces of air-conditioning equipment permitted in the east side-yard setback. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the March 13, 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: February 14, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-076 (ARC-23-104) 1295 S OCEAN BLVD (COMBO) — SPECIAL EXCEPTION(S) AND VARIANCE The applicant, WEMIO LLC (Tom Waller, Chief Operating Officer), has filed an application requesting Town Council review and approval for two (2) special exceptions, (1) for the installation of a new tennis court and (2) for supplemental parking and one (1) variance for reduced tennis enclosure height. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this 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
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

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

SUBJECT: ZON-23-076 (ARC-23-104) 1295 S OCEAN BLVD (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TC

ARC-23-104 (ZON-23-076) 1295 S OCEAN BLVD (COMBO). The applicant, WEMIO LLC (Tom Waller, Chief Operating Officer), has filed an application requesting Architectural Commission review and approval for installation of a clay tennis court with viewing platform along with related hardscape and landscape improvements, including new site entry walls, columns, vehicular gates and supplemental parking area. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-23-076 (ARC-23-104) 1295 S OCEAN BLVD (COMBO)—SPECIAL EXCEPTION(S) & VARIANCE. The applicant, WEMIO LLC (Tom Waller, Chief Operating Officer), has filed an application requesting Town Council review and approval for two (2) special exceptions, (1) for the installation of a new tennis court and (2) for supplemental parking and one (1) variance for reduced tennis enclosure height. The Architectural Commission shall perform design review of the application.

Applicant: WEMIO LLC (Tom Waller, COO)
Professional: Environment Design Group (Dustin Mizell)

HISTORY:
At the JANUARY 24, 2024 ARCOM meeting, the item was presented and approved (7-0). Additionally, ARCOM made a motion and passed (7-0) that the proposed variances **will not** cause negative architectural impacts to the subject property.

THE PROJECT:
The applicant has submitted plans, entitled "Private Residence 1295 S Ocean Blvd Palm Beach" as prepared by **SKA Architect and Planner**, dated December 6, 2023.

The following scope of work is proposed:

- Construction of a clay tennis court, viewing platform, supplemental parking, and related landscape and hardscape improvements on a vacant parcel joined by unity of title to the contiguous parcel opposite South Ocean Boulevard.

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

- SPECIAL EXCEPTION: Sec. 134-790(7): A request for special exception to construct supplemental parking.
- SPECIAL EXCEPTION: Sec. 134-1759(e): A request for special exception to permit the construction of a tennis court.
- VARIANCE 1: Sec. 134-1759(c): A variance to enclose a tennis court with 10' and 4' high fence in lieu of the 10' high fence enclosure required.

The applicant has provided a Letter of Intent outlining ARCOM's decision-making criteria and responses for each criterion.

Site Data			
Zoning District	R-AA	**Future Land Use**	SINGLE-FAMILY
Lot Size	46,011	**Crown of Road**	5.01' NAVD
Lot Depth	470'	**Lot Width**	132.29'
Overall Landscape Open Space	Req'd: 55% (25,306 SF) Prop: 61.9% (28,473 SF)	**Front Yard Landscape Open Space**	Req'd: 45% (3,151 SF) Prop: 73.9% (5,176 SF)
Surrounding Properties / Zoning			
North	1296 S Ocean Blvd | Residence / R-AA		
South	1330 S Ocean Blvd | Residence / R-AA		
East	1295 S Ocean Blvd (Parent Parcel) / R-AA		
West	Lake Worth Lagoon		

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance for the construction of a new tennis court without required minimum fence height, and two (2) Special Exceptions for the construction of a tennis court and to construct supplemental parking.

The applicant is proposing the construction of a tennis court and supplemental parking on a vacant parcel west of S Ocean Blvd and East of the Lake Worth Lagoon. The parcel is joined by unity of title to the contiguous parcel located directly east of the subject parcel. Sec. 134-1756 of the town zoning code states "…an accessory use shall be clearly supplementary and incidental and shall not be separated from the principal use of the lot and shall be located on the same lot as the principal use to which it is subordinate or located on a contiguous lot when a unity of title, acceptable to the town, is provided under the same ownership. For the purpose of this section contiguous shall mean directly across a street or public way or abutting the lot on which the principal structure is located and to which the accessory use is subordinate. If the lot on which the accessory use is located does not abut the property on which the principal use is located, said lot shall not be used in the calculation of lot, yard and bulk regulations."

The scope of work includes the construction of new site walls and vehicular gates along South Ocean Boulevard, a new clay tennis court with a viewing platform, construction of sixteen (16) supplemental parking spaces, new walkways, and new landscaping.

The site will be accessed by one of two vehicular entrances at the north and south which leads directly to the supplemental parking area. The vehicle entrances include 8 ft high vehicular gates which are designed to match and existing vehicular gate across the street at the parent parcel. The proposed site wall along the east side of the property at S Ocean Blvd is also proposed to match the site wall of the parent parcel and will be 6 ft in height with 8 ft columns. The proposed parking material is grass block paver with Chicago brick border. At the north of the parking area, a short path made of Chicago brick takes you to coral steps leading to the raised uncovered coral stone tennis viewing platform. Beyond the platform is the green clay tennis court. The tennis court is located towards the west side of the property and shifted slightly north from center, with a small, raised viewing platform on the east side of the court. Either from the platform steps or the south side of the parking area, Chicago brick paths meander westward to the existing dock on the lagoon. The landscape plan includes new plantings for the new site wall, new landscaping on the interior of the parcel at the parking area and tennis court, and existing plan buffers are proposed to remain along the north and south property line.

The first special exception is required for the construction of sixteen (16) supplemental parking spaces. The code describes supplemental parking as parking facilities provided as special exception which are in addition to the existing required parking set for the schedule of off-street parking regulations. The second special exception is required for the construction of the tennis court. The zoning code permits a tennis court as an accessory use of a parcel with special exception approval by the town council.

A variance is required for the proposed fence around the tennis court. The zoning code requires that tennis courts be enclosed on all sides by a fence with a minimum height of 10 ft. The applicant does propose a 10' high fence on the entire north, south and west sides of the tennis court, however, the fence height drops to 4 ft where it surrounds the viewing platform on the east side of the property.

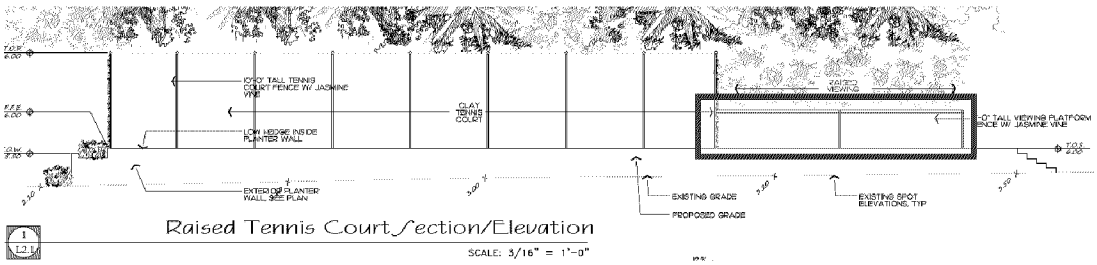


Figure 1. Tennis court fence section looking north. Highlighted area requires variance relief.

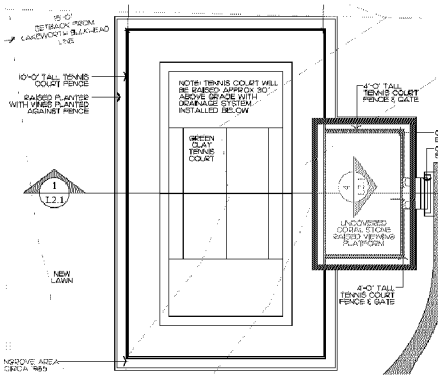


Figure 2: Tennis court in plan view. Highlighted area requires variance.

CONCLUSION:

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

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

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

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

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

(2) for final determination of approval or denial of the (2) Special Exception(s) for development of an undersized parcel in that the approval of said application meets the criteria set forth in Sec.134-229 and finding that approval of the site plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made.

WRB:JGM:BMF

ENVIRONMENT
DESIGN
GROUP

RECEIVED
By yfigueroa at 10:55 am, Dec 08, 2023

Land Planning
Landscape Architecture
Landscape Management

December 7, 2023

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

ATTN: *ARCOM Staff*
Re: 1295 South Ocean Blvd
Town of Palm Beach
ARC-23-104
ZON-23-076

NARRATIVE RESPONSE

ARCHITECTURAL PRESENTATION

a. Technical error on sheet L2.2: Colors for landscape open space/hardscape/structure/water have been added back to the plan.

PUBLIC WORKS

a. 8' x 15' safe sight triangle at driveways has been removed.
b. Estimated Construction Schedule has been added to the truck logistics plan.

If there are any questions regarding this project, please feel free to reach out to our office.

Dustin Mizell, *President*

Environment Design Group

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-006 (ARC-23-161) 129 CHILEAN AVE (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCE(S) The applicant, Ch1129 LLC (George Mykoniatis), has filed an application requesting Town Council review and approval of Special Exception with Site Plan review for development of an existing nonconforming parcel composed of portions of platted lots and (3) variances to (1-2) construct a new single-family residence within required east and west side-yard setbacks and (3) to forgo provision of required garage parking. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project. Motion carried, 7-0.]*

Presenter

ATTACHMENTS:

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

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

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

SUBJECT: ZON-24-006 (ARC-23-161) 129 CHILEAN AVE (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TC

ARC-23-161 (ZON-24-006) 129 CHILEAN AVE (COMBO). The applicant, Ch1129 LLC (George Mykoniatis), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence on an existing non-conforming parcel requiring a special exception with site plan review and (3) variances related to proposed setbacks and garage parking. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval.

ZON-24-006 (ARC-23-161) 129 CHILEAN AVE (COMBO) – SPECIAL EXCEPTION W/SITE PLAN REVIEW & VARIANCE(S). The applicant, Ch1129 LLC (George Mykoniatis), has filed an application requesting Town Council review and approval of Special Exception with Site Plan review for development of an existing nonconforming parcel composed of portions of platted lots and (3) variances to (1-2) construct a new single-family residence within required east and west side-yard setbacks and (3) to forgo provision of required garage parking. The Architectural Commission shall perform design review of the application.

Applicant: CH1129 LLC (George Mykoniatis)
Architecture: Bartholemew & Partners (Kyle Fant) | Environment Design Group (Dustin Mizell)
Legal: Alley, Mass, Rogers & Lindsey, P.A. (M. Timothy Hanlon)

HISTORY:
At the JANUARY 24, 2024 ARCOM meeting, the item was presented and approved (7-0). Additionally, ARCOM made a motion and passed (7-0) that the proposed variances **will not** cause negative architectural impacts to the subject property.

THE PROJECT:
The applicant has submitted plans, entitled "New Residence for the Mykoniatis Family" as prepared by **Bartholemew & Partners**, dated December 7, 2023.

The following scope of work is proposed:

- Construction of a new two-story single-family residence with detached one-story cabana
- Sitewide landscape and hardscape improvements

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

project:

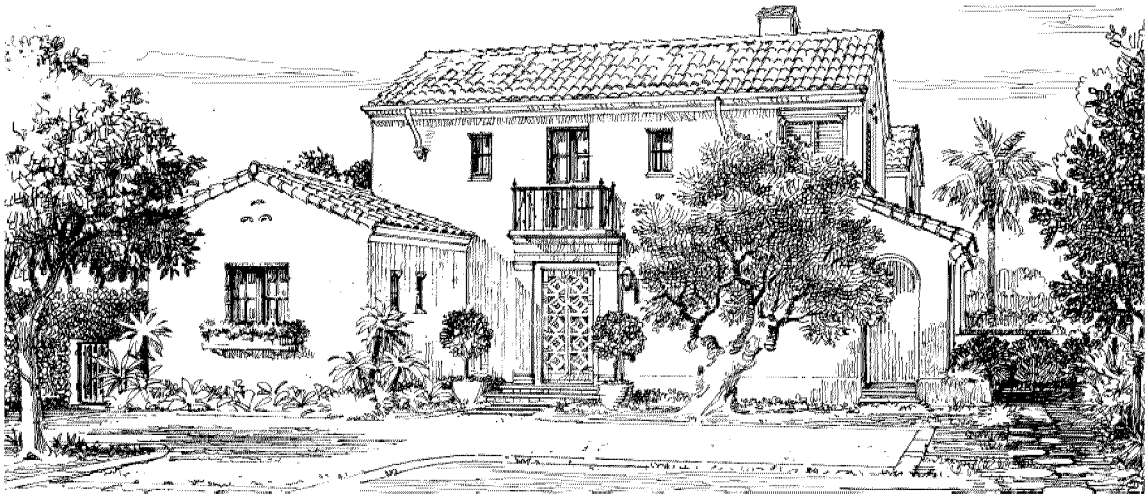
- **SPECIAL EXCEPTION W/ SITE PLAN REVIEW: Sec. 134-893(c):** Special Exception with Site Plan Review to permit the development of an existing nonconforming parcel (composed of portions of platted lots) which is deficient in lot width (65 ft in lieu of 100') and lot area (8,125 sf in lieu of 10,000 sf).
- **VARIANCE 1: Sec. 134-893(b)(7)a.:** A variance for construction in the required west one-story side-yard with a setback of 8.5 ft in lieu of the 12.5 ft minimum setback required.
- **VARIANCE 2: Sec. 134-893(b)(7)a.:** A variance for construction in the required east one-story side-yard setback with a setback of 10.5 ft in lieu of the 12.5 ft minimum setback required.
- **VARIANCE 3: Sec. 134-2179(b)(2):** A variance to forgo the provision of a required one-car garage on a parcel 65' in width.

The applicant has provided a Letter of Intent outlining ARCOM's decision-making criteria and responses for each criterion.

Site Data			
Zoning District	R-B	**Future Land Use**	SINGLE-FAMILY
Lot Size	Required: 10,000 SF Existing: 8,125 SF	**Crown of Road**	11.16' NAVD
Lot Depth	125'	**Lot Width**	65'
Lot Coverage	Permitted: 30% (1,875 SF) Proposed: 29.93% (2,431 SF)	**Enclosed Square Footage**	3,637 SF
Building Height	Permitted: 22' Proposed: 18' – 6"	**Overall Building Height**	Permitted: 30' Proposed: 24'
Finished Floor Elevation	Required: 14.5' NAVD Proposed: 14.5' NAVD	**FEMA Flood Zone**	X
Maximum Fill	Permitted: 1.02' Proposed: 1.02'	**Zero Datum**	12.66' NAVD
Overall Landscape Open Space	Req'd: 45% (3,656 SF) Prop: 46% (3,765 SF)	**Front Yard Landscape Open Space**	Req'd: 40% (650 SF) Prop: 43% (701 SF)
Surrounding Properties / Zoning			
North	124 & 128 Australian Ave | Residence / R-B		
South	130 Chilean Avenue | Residence / R-B		
East	125 Chilean Avenue | Residence / R-B		
West	135 Chilean Avenue | Residence / R-B		

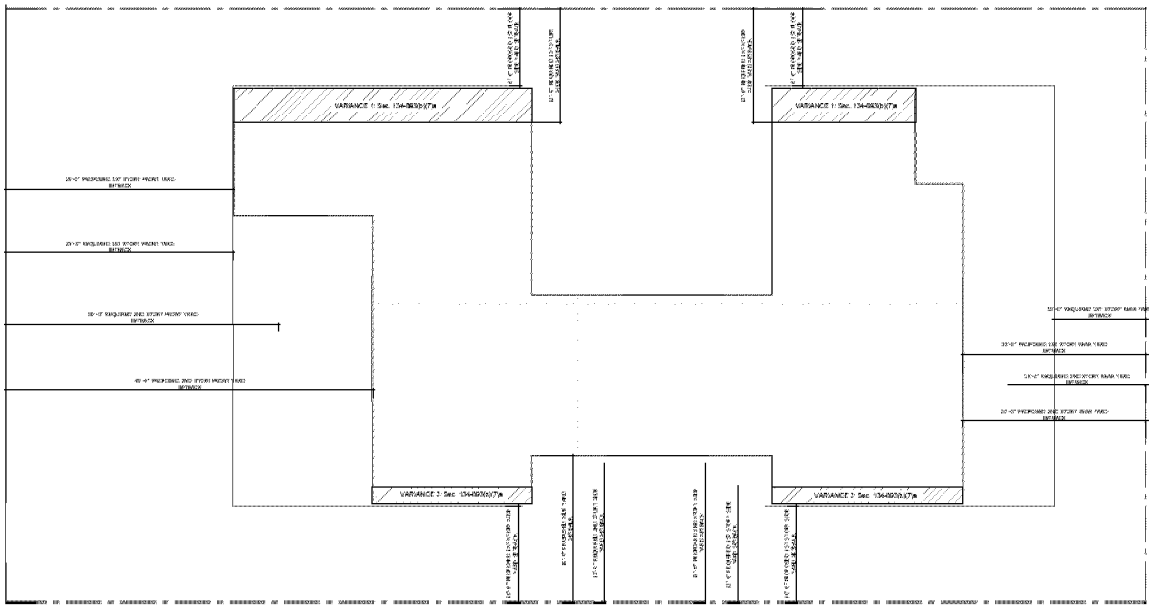
STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires three (3) variances for the construction of the new single-family residence and one (1) Special Exception for the development of a substandard sized lot.



The applicant is proposing the construction of a new two-story residence The structure is a Spanish Colonial style house with Spanish Santa Barabara finish stucco and mission barrel tile roof. Additional details include bronze/black steel 4 lite casement windows and arched doors, stucco vent detailing, copper gutters, wrought iron railing at the balcony above the entry, stucco cornice detailing at the roof line, stucco planter boxes, and painted wood trellises. There is a mix of one- and two-story single-family residences on the north side of this block, however, almost all single-family homes on the other side of the street are two story with very similar massing.

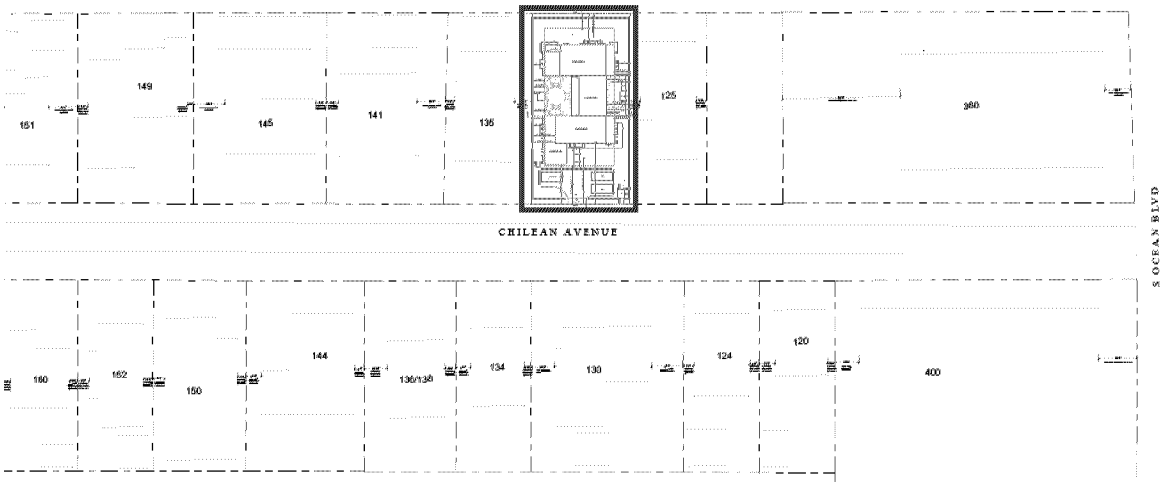
The application as presented requires 3 variances for construction, one for the west side yard setback, one for the east side yard setback, and one to forgo the required provision of a one car garage. The lot is a substandard size for the district (special exception required) at only 65 ft in width. The applicant is proposing a 10.5' one-story east side-yard setback, and a 8.5' one-story west side yard setback. The diagram below highlights the portion of the proposed main structure which violates the setback requirements.



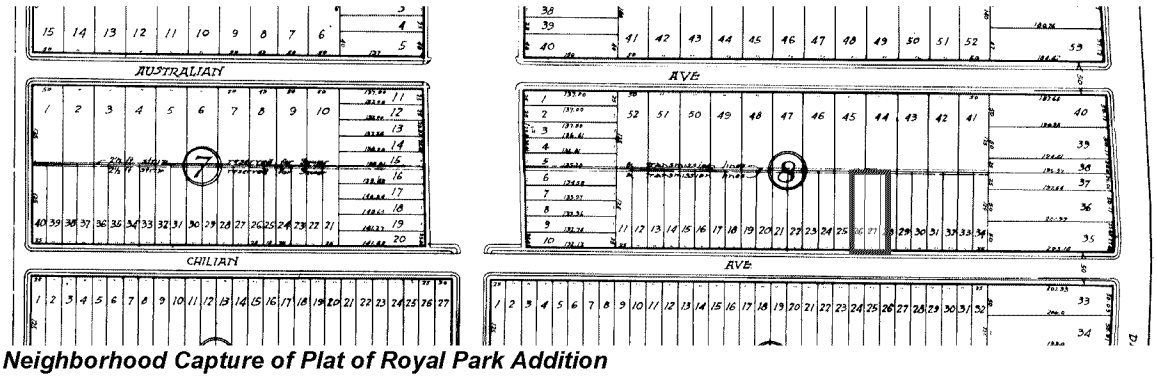
It must be noted that the subject property contains 65' of width frontage (see SE analysis below); as such, this may have led to the applicant's request to encroach on both of the side yards.

Code Section	Required	Proposed	Variance
Variance 1 Sec. 134-893(b)(7)a:	One-Story West Side-Yard Setback of 12.5'	One-Story West Side-Yard Setback of 8.5'	**4'**
Variance 2 Sec.134-893(b)(7)a.	One-Story West Side Yard Setback of 12.5'	One-Story West Side-Yard Setback of 10.5'	**2'**

A **Special Exception** is also requested from the Town Council to permit the development of this lot due to its substandard size, yet it is contextually appropriate for the mix of development pattern on this street. A 100' lot width is required, with only 65' existing. And a lot area of 10,000 sq ft is required, with only 8,125 sq ft available. A lot depth of 100' is required, and this property does exceed this requirement with a 125' lot depth. Additionally, the site was previously improved with a single-family residence. A special exception is required to develop a parcel comprised of portions of platted lots. The property is assembled with the lots 27, 28 & W 15 FT of Lot 29, BLK 8 Plat of Royal Park Addition.



Project Location on Chilean Avenue



Neighborhood Capture of Plat of Royal Park Addition

The Special Exception code section, provision, and amount is provided in the table below:

Code Section	Required	Existing	Exception
Special Exception Sec. 134-893(c):	Lot Width: 100 Ft. Lot Area: 10,000 Sq. Ft.	Lot Width: 65 Ft Lot Area: 8125 Sq Ft	**Lot Width: 35' Deficient** **Lot Area: 1875 Sq. Ft. Deficient**

CONCLUSION:

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

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

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

WRB:JGM:BMF

RECEIVED
By yfigueroa at 2:49 pm, Dec 07, 2023

LETTER OF INTENT

ARC-23-161 and ZON-24-006 is a request for a new single-family residence at 129 Chilean Avenue containing 3,558 square feet of living area with no garage on a lot with a width of 65' and lot area of 8,125 square feet. The required plans and zoning history are submitted with this Application.

Sections 18-205, 134-229 and 134-201. Applicant is requesting architectural approval, special exception with site plan approval and variances to allow construction of a new single-family residence containing 3,558 square feet of living area with no garage on a lot with a width of 65' and lot area of 8,125 square feet. The following zoning relief is requested:

Criteria for ARCOM:

The request meets all of the criteria pursuant to Section 18-205(a) of the Town Code because the new residence is in conformity with good taste, is in harmony with the neighboring properties and is neither too similar or dissimilar as compared to neighboring proportion in the required radius.

Zoning Relief:

1. Section 134-893(c). Special exception and site plan approval to permit the construction of a new single-family residence on a non-conforming lot that is 65' wide in lieu of 100' required and with a lot area of 8,125 square feet in lieu of 10,000 square feet required. The lot is a combination of platted lots.

2. Section 134-893(a)(7). Variance to allow a new single-family residence with a west side yard setback of 8'6" in lieu of 12'6" minimum required. The existing home has a west side yard setback of 2'4".

3. Section 134-893(a)(7). Variance to allow a new single-family residence with an east side yard setback of 10'6" in lieu of 12'6" minimum required. The existing home has an east side yard setback of 2'5".

4. Section 134-2179(b)(2). Request to permit construction of a single-family residence on a lot with a width of 65' with no garage parking spaces in lieu of one garage parking space required.

The special exception should be granted because the proposed home is more conforming than the existing home and better utilizes this very narrow, small lot. This special exception has been granted many times on this street and in this vicinity because many of the lots are non-conforming.

The site plan should be approved because the new proposed home is more conforming than the existing home and will not cause any negative impact on the neighbors or the Town.

The hardship that runs with the property is that the lot is very narrow, small and non-conforming. The owners attempted to renovate the existing home, but the proposed new home is a better, more efficient use of the lot and renovation of the existing home built in 1909 would be extremely difficult and not as efficient a use of the lot.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result. The amount of zoning relief requested is considerably less than with the existing home. The elimination of the garage will not cause hardship to the neighbors because sufficient on-site parking is provided and no off-street parking spaces are being eliminated.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review

1. Single-family residence use is a permitted use under the Town of Palm Beach Zoning Code.
2. The proposed new residence enhances life/safety issues, so that the public's health, safety, welfare and morals will be protected and even enhanced.
3. The proposed new residence will not cause injury to the values of the other properties in the neighborhood as the new home is an upgrade to the neighborhood and is more conforming than the existing home.
4. The proposed new residence will be compatible with the intended purpose of the district in which it is to be located as the office use is consistent with the current use and R-B Zoning District.
5. The proposed use complies with Schedule of District Regulations for the R-B Zoning District.
6. The proposed new residence complies with all elements of the comprehensive plan. No change from the current use is proposed.
7. The proposed new residence will not result in substantial economic, noise, glare or other impact or odor impacts on adjoining properties, and other properties in the district; inasmuch as, the same type of use has existed for many years and it is compatible with adjoining and nearby properties. The current use is not changing and the proposed new home is more conforming than the existing home.
8. Adequate ingress and egress to the property and loading are provided.
9. The Applicant is the fee simple owner and person in control of the subject property.
10. The Applicant intends to continue with the current intended use of the property – a single-family residence in the R-B Zoning District.
11. Ingress and Egress to the subject property will be via Chilean Avenue.

12. See attached elevation plan for proposed construction of the new residence.

Criteria for Special Exceptions

1. The single-family residence use is a permitted use in the R-B 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. The proposed new residence will not adversely impact the public or neighborhood but alternatively will provide enhancement to the building and is more conforming than the existing residence.
3. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located. The proposed new residence will have no negative impact on the value of other properties in the neighborhood and should increase the neighboring property values.
4. The use will be compatible with adjoining development and the intended purpose of the R-B Zoning District in which it is to be located. The proposed new residence will be compatible with the neighborhood as this area is a residential district.
5. The use will comply with yard, other open space, and any special requirements set out in Article VI for the particular use involved. Other than the side yard setbacks (which are being enlarged), the building will comply with all other yard, other open space and any special requirements set forth in Article VI of the Zoning Code.
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. The proposed new residence will not result in substantial economic, noise, glare, or odor impacts on the adjoining properties and properties in the district, as the new residence is more conforming than the existing residence and is more compliant with life/safety codes.
8. 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 proposed new residence will bring the building into compliance with fire/safety code.

Criteria for Authorizing a Variance (Applicable to variance requests # 2, 3 and 4)

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

   The hardship and special conditions applicable to this property are that the building was constructed pursuant to a very different code and is non-compliant with current codes. In

addition, the lot is very narrow (65') and small (8,125 square feet). The setbacks are actually being increased and sufficient on-site parking is provided.

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

   The special conditions existed upon construction of the building and change in zoning code and were not created by the Applicant. The Applicant is proposing to make the residence more compliant and to also greatly enhance the aesthetics of the building.

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

   No special privileges will be conferred on the Applicant if the variances are granted because the proposed number of parking spaces is compliant. In addition, both side yard setbacks are being increased but are slightly non-compliant because of the very narrow lot.

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

   Literal interpretation of the ordinances would deprive Applicant of the right to build a more conforming, safer new home.

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

   The requested relief is the minimum necessary for the requested use because (a) both of the side yard setbacks are being increased, and (b) sufficient on-site parking is provided and no off-site parking is being eliminated.

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

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

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

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

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

N/A

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

   The granting of these variances is in harmony with the intent and purpose of the Zoning Code because the requested new residence is more conforming (setbacks are larger and open space is now compliant) than the existing residence and is an improvement to the neighborhood to improve the aesthetics and update the structure and life/safety features in the residence.

M. Timothy Hanlon, as Attorney/Agent

Date Signed: October 23, 2023

EXHIBIT "A"
Site History

1. None.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-007 (ARC-23-162) 223 SUNSET AVE (COMBO)—SPECIAL EXCEPTION AND VARIANCE The applicant, 223 SUNSET HOLDINGS LLC, has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception for shared on-site parking associated with a change of use from office to residential and a Variance to reduce the overall landscape open space to accommodate a new accessible ramp in the rear of the property. The Architectural Commission shall perform design review of the application.

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Existing Parking Study**
- **Proposed Parking Study**
- **Plans - Landscape**
- **Plans - Architecture**
- **Plans - Architecture**
- **Plans - Architecture**
- **Plans - Architecture**

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

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

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

SUBJECT: ZON-24-007 (ARC-23-162) 223 SUNSET AVE (COMBO)

MEETING: FEBRUARY 14, 2024 TC
FEBRUARY 28, 2024 ARCOM

ZON-24-007 (ARC-23-162) 223 SUNSET AVE (COMBO)—SPECIAL EXCEPTION AND VARIANCE. The applicant, 223 SUNSET HOLDINGS LLC, has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception for shared on-site parking associated with a change of use from office to residential and a Variance to reduce the overall landscape open space to accommodate a new accessible ramp in the rear of the property. The Architectural Commission shall perform design review of the application.

ARC-23-162 (ZON-24-007) 223 SUNSET AVE (COMBO). The applicants, 223 SUNSET HOLDINGS LLC, has filed an application requesting Architectural Commission review and approval for exterior façade alterations, including a new second floor outdoor private residential terrace facing Sunset Avenue, and a new accessibility ramp in the rear of the property eliminating existing landscape open space requiring a variance. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: 223 SUNSET HOLDINGS LLC
Professional: Bartholemew + Partners

HISTORY:
Z-19-00184 approved on April 10, 2019 the following:

- Sec. 134-329, Site Plan Review for the exterior changes to the site
- Sec. 134-2182 (b), a special exception for on-site shared parking in the C TS district
- Sec. 134-1111 (a), Outdoor Seating, a special exception to allow 30 seats on the new covered patio for Trevini Ristorante.
- Sec. 134-1109(a)(18), a variance to allow 7,207 SF of office space on the first floor in lieu of the second floor requirement in the C-TS zoning district, removal of 17 surface parking spaces.
- Sec. 134-2175(a)(3), a parking variance reflecting the difference between parking demand utilizing shared parking (52 spaces) as calculated by Kimley-Horn and Associates in its February 20, 2019 Parking Study and the 47 existing spaces, a variance of 5 spaces

ZON-22-051 approved on May 11, 2022 for the following:

- Special Exception w/ Site Plan Review for the interior renovation of an existing second floor office space in an existing two-story building resulting in an increase of

approximately 950 SF of Gross Leasable Area (GLA). Interior renovation of an existing second-floor office space in an existing two-story building.

- Site plan review to operate a private equity office over 3,000 SF in gross leasable area above the first floor in the C-TS zoning district.
- A variance to provide zero on-site parking spaces in lieu of the four (4) parking spaces that would be required due to the increase of approximately 947 SF.

THE PROJECT:

The applicant has submitted plans, entitled "Renovation for 223 Sunset Avenue", as prepared by **Bartholemew + Partners**, date stamped by the Town, January 16, 2024.

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

- Interior and exterior alterations to 9,911 SF of second floor office space change of use into three (3) residential units, two with outdoor terraces.
  - Unit 201: 3,277 SF
  - Unit 202: 2,268 SF
  - Unit 203: 2,679 SF
- Exterior alterations to the north rear yard to install a new ADA compliant required ramp being added to north side of building (rear) for tenant access and reduce the required overall landscape open space (variance).
- Submittal includes modification to the 2019 SE for shared parking.
- Exterior alterations to the existing second floor terrace and façade fenestration.

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

- **SPECIAL EXCEPTION #1** Sec. 134-2182 (b) for on-site shared parking in the C TS district. This application seeks to modify the 2019 approved SE for on-site shared parking. Please review 134-2182 (c)1-3.

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

- **VARIANCE #1** Sec. 134-1113(11)(b) Reduce LOS from 9.7% to 8.6% where 25% is required.

The applicants have included a detailed Letter of Intent providing a project narrative, comprehensive descriptions of all current requests including required Code relief, and have provided responses to pertinent variance, special exception, and site plan review criteria.

<table>
<tr><th colspan="4">Site Data</th></tr>
<tr><td>Zoning District</td><td>C-TS</td><td>Lot Size (SF)</td><td>26,100SF</td></tr>
<tr><td>Future Land Use</td><td>COMMERCIAL</td><td>Total Building Size (SF)</td><td>+/- 22,500 SF</td></tr>
<tr><td># of Parking Spaces:</td><td>Current: 47 spaces
Proposed: N/C</td><td>Max Density
C-TS 6dua</td><td>3 units on 26,100SF parcel</td></tr>
<tr><td rowspan="2">Landscape Open Space</td><td rowspan="2">Existing: 9.7% (2,520 SF)
Proposed: 8.6% (2,248 SF)
Required: 25% (6,525 SF)
Variance requested</td><td>Existing Uses</td><td>19,313 SF office</td></tr>
<tr><td>Proposed Uses</td><td>9,094 SF of office
3 residences</td></tr>
<tr><td colspan="4">Surrounding Properties / Zoning</td></tr>
</table>

North	One-story commercial / Municipal park / C-TS
South	Two-story mixed use-- Via Flagler / C-TS
East	Surface Parking Lot and Synagogue / C-TS
West	Publix Supermarket / C-TS

STAFF ANALYSIS

The subject property contains an existing two-story office building with a ground floor restaurant and subterranean parking level for 47 cars. The application is for interior and exterior alterations to the existing 9,911 SF of second floor office space and change of use into three (3) residential units, two with outdoor terraces.

The applicant received approval for shared parking for the operation of the 47-car parking garage to share the spaces for the restaurant and 19,000 SF office space. This application seeks to amend that shared parking Special Exception. The proposed re-modifications/new parking variance to account for new decreasing occupancy (Section 134-201a)

- 2019 shared parking was for 19,313 SF and 2,856 SF (103 seat) for 47 spaces.
- 2023 shared parking is for 9094 SF of office and 2,856 SF (103 seat) and 3 residences for 49 spaces.
- Deficiency of 2 spaces. 2019 Z-19-00184 zoning approval for 5 parking spaces.

The parking and traffic analysis has been vetted by the Town's peer review and confired to be a de-intensification of the daily trip generation. The required parking is under the prior variance approval granted by Town Council. Staff is supportive of the request for the modification to the Special Exception.

VARIANCE

The 2022 application received an approval for a variance (Variance # 3) from Sec. 134-1607(1), to permit 16 air conditioning equipment units on the roof at the maximum height of 108" in lieu of the 48" maximum. As part of this application, the design features a new kitchen scrubber in the approximate location of the AC units that also exceeds the height limitation for mechanical projections. The Town's zoning code distinguishes was types of equipment are permitted for what height allowances. This application seeks a height variance from 36" in order to permit a 84" high kitchen scrubber on the roof.

There are two rooftop areas that will become private terraces for two of the units facing Sunset Avenue. Additional exterior changes to the second floor street facing fenestration incudes 4 windows to be replaced with storefront systems with double doors to provide accessibility to proposed outdoor terrace- minor demolition required at south façade. A new ADA compliant required ramp being added to north side of building (rear) for tenant access and wew landscaping proposed at the north side of the building. The installation of the new ramp further reduces the required landscape open space, currently nonconforming, from 9.7%, 2,520 SF to 8.6%, 2,248 SF (variance #1).

CONCLUSION:

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

(1) for final determination of approval or denial of the seven (7) variances by the Town Council, and that the variances **shall** or **shall not** be granted that all the criteria applicable

to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met, subject to any proposed conditions; and

(2) Special Exception for the modification to the approved shared parking.

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. Approval of the project will require two (2) separate motions to be made by the Architectural Commission:

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

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

WRB:JGM

RECEIVED
By yfigueroa at 1:52 pm, Jan 16, 2024

Bartholemew
+ Partners
ARCHITECTURE AND DESIGN
PROGETTO DI ARCHITETTURA

December 27th, 2023

Town of Palm Beach

Planning, Zoning, & Building Department

306 S. County Road, Palm Beach, Florida 33480

Letter of Intent – ARC-23-162 (ZON-24-007)

Project Address: 223 Sunset Avenue, Palm Beach, FL, 33480

The proposed work only pertains to landscape and architectural scope with additional parking information.

The proposed changes include:

- Existing second floor to change program from office to 3 private residential units. The existing parapet roof is becoming accessible private terrace with proposed landscaping for 2 residents.
    - Existing office (interior): 9,940 sq. ft.
    - Proposed residential (interior): 9,940 sq. ft. (no change)
        - Unit 201: 3,277 sq. ft.
        - Unit 202: 2,268 sq. ft.
        - Unit 203: 2,679 sq. ft.
    - Existing parapet roof (potential future terrace): 2,126 sq. ft.
    - Proposed occupiable residential terrace: 2,126 sq. ft. (no change)
- 4 windows to be replaced with storefront systems with double doors to provide accessibility to proposed outdoor terrace- minor demolition required at south façade.
- Relocation of existing vent and A/C on west elevation of proposed roof terrace.
- ADA compliant required ramp being added to north side of building (rear) for tenant access.
- New landscaping proposed at the north side of the building to account for a new ADA compliant proposed ramp- minor demolition of existing site wall required.
    - Landscape open space to decrease and new LOS variance required.
        - Existing LOS = 9.7%, 2,520 SQ. FT.
        - Proposed LOS % = 8.6%, 2,248 SQ. FT.
- Proposed re-modifications/new parking variance to account for new decreasing occupancy (Section 134-201a)
    - 2019 shared parking was for 19,313 SF and 2,856 SF (103 seat) for 47 spaces.
    - 2023 shared parking is for 9094 SF of office and 2,856 SF (103 seat) and 3 residences for 49 spaces.
        - Deficiency of 2 spaces. 2019 Z-19-00184 zoning approval for 5 parking spaces..

Site History:

- June 15, 1954 - New building proposed on site.
- November 27, 1990 - Parking variance and special exception requested due to lack of parking on site.
- July 15, 1991 - Proposed interior renovation with new electrical and plumbing by K.C. Hubbard and Associates.
- December 16, 1998 - Interior partition and electrical revisions.

- December 30, 1998 - Proposed architectural millwork, electrical, mechanical, and plumbing changes to first-floor office space by Lawrence Architectural Group and Michael A. Teele.
- February 9, 1999 - Additions to existing fire alarm.
- August 4, 1999 - Partial exterior demolition to add a new built-in mailbox by The Lawrence Group.
- August 19, 1999 - Interior demolition, proposed new interior partitions, architectural finishes, new electrical, plumbing by The Lawrence Group and Michael A. Teele.
- October 13, 1999 - Use of proposed MC electrical cable approved by Michael A. Teele.
- November 17, 1999 - New interior tenant partition wall.
- December 13, 1999 - Proposed interior partitions, millwork, new electrical, and plumbing to proposed Tenant Space 3.
- February 22, 2000 - New electrical, plumbing, and architectural finish details proposed in tenant space no. 4 by The Lawrence Group and Michael A. Teele.
- September 27, 2000 - Proposed interior millwork and electrical changes within Tenant Space 1 by The Lawrence Architectural Group.
- February 6, 2001 - Riser pipe by Lawrence Architectural Group approved at existing planters for drainage purposes.
- January 16, 2001 - Interior partition revision, electrical panel, and receptacle revisions.
- February 18, 2019 - The existing drainage system will be repaired/rehabilitated, as necessary, to meet the original design capacity of the system. Upon completion of the proposed repairs and assurance that the drainage system is operating at the design capacity, a certification letter will be submitted to the town.
- February 25, 2019 - Proposed use of the quality restaurant, approved traffic study.
- March 6, 2019 - The proposed project is primarily a renovation of the existing space along with the conversion of covered parking to office space for a total of 19,591 sq ft of office space and 3,696 sq ft of restaurant and dining space (106) seats.
- April 10, 2019 - Interior and exterior renovation of an existing office building with an upgrade and expansion of the office portion of the building from 13,699 sq. ft to 15,602 sq. ft. New proposed restaurant (relocation of Trevini) will occupy 2,586 sq. ft. Special exceptions were approved for on-site parking and outdoor dining. Proposed changes by Glidden Spina & Partners, Parker Yanette Design Group, and Wallace Survey Corp.
- September 10, 2014 - Zoning approval variance accepted for real estate space within the first floor.
- September 10, 2014 - Variance approved to allow operations of a real estate management company on the first floor.
- February 19th, 2019- parking analysis conducted by Kimley Horn demonstrating that surrounding roadway network has sufficient capacity for building occupancy and is expected to operate acceptably with proposed site modifications.
- January 5th, 2022- traffic impact analysis conducted for new second floor occupancy.
- May 11, 2022 - Interior renovation of an existing second-floor office space in an existing two-story building. Site plan review to operate a private equity office over 3,000 sq ft in gross leasable area above the first floor in the C-TS zoning district. A variance to provide zero on-site parking spaces in lieu of the four (4) parking spaces that would be required due to the increase of approximately 947 sq ft.
- March 11, 2022 - Interior renovation of an existing second-floor office space in an existing two-story building.
- February 28th, 2022- proposed interior renovation to existing second floor plan.
- July 13, 2022 - Proposed fire sprinklers on the second floor.

Kyle Bartholemew Fant
Architect # AR99255
AIA # 30425933

Kimley»Horn

February 19, 2019

Mr. Ned Grace
223 Sunset Avenue LLC
101 Bradley Place, Suite 200
Palm Beach, FL 33480

RE: ***223 Sunset Avenue - Parking Supply Evaluation***
Palm Beach, Florida
Kimley-Horn # 140595000

Dear Ned:

Kimley-Horn and Associates, Inc. has undertaken the following review and analysis to evaluate the overall parking supply requirements for the proposed modification of the development program at the 223 Sunset Ave site, which is located on the north side of Sunset Avenue between Bradley Place and North County Road in the Town of Palm Beach, Florida. *Figure 1* illustrates the site location, and a site plan is attached for reference. The site currently includes 16,960 square feet of general office use. The proposed modifications to the site will enclose the current existing 1st floor parking lot to create additional office square footage and a portion of the existing office area will be converted to quality restaurant use. The resulting building will have 19,313 square feet of office square footage (net increase of 2,353 square feet) and 2,890 square feet of restaurant use.

Determination of Parking Supply Need

To evaluate the supply requirements for off-street parking for the overall site following redevelopment, a shared parking analysis was undertaken using the methodology and data published by the Urban Land Institute (ULI) in *Shared Parking, Second Edition*. The principle of shared parking can be applied to sites with multiple uses to reflect that the peak parking demand for each individual use may not coincide and therefore some efficiency can be achieved in the supply of parking provided to account for the variation on parking demand over different times of day as well as different times of the year. Following is a summary of the evaluation that was undertaken.

Baseline Parking Ratios

For the initial portion of the analysis, the baseline (unadjusted) parking supply was determined for each use on site using ratios published by ULI in *Shared Parking, Second Edition*. Different ratios are provided for weekday and weekend conditions as well as for employee parking and customer/visitor parking. Table 1 provides a summary of the baseline parking ratios for each use.

Table 1

Baseline Parking Ratio Determination

Use	Size (SF)	User	Weekday		Weekend	
			Ratio	Parking Spaces	Ratio	Parking Spaces
Office	19,313 SF	Visitors	0.3	6	0.03	1
		Employees	3.5	68	0.35	7
Restaurant	2,890 SF	Customers	15.25	44	17	49
		Employees	2.75	8	3	9

Parking Adjustment – Time of Day Variation and Monthly Variation

After the initial determination of the baseline (unadjusted) parking supply, time of day factors were applied to the employee and visitor/customer components of the parking demand for each use using hourly adjustment factors published by ULI in *Shared Parking, Second Edition*. The application of these factors accounts for the fact that the peak demands for the two uses on this site do not coincide. For example, the peak parking demand for the office use occurs in late morning and early afternoon. The peak demand for the restaurant use occurs during evening dinner, around 7:00 PM onward, during which time the office demand is a fraction of its peak demand. Separate calculations have been undertaken for both weekday and weekend conditions. The weekend conditions also account for significantly reduced parking demand for the office use on site during weekend conditions.

Similarly, demand fluctuates for different uses on a month-to-month basis. Monthly adjustment factors published by ULI in *Shared Parking, Second Edition* have also been applied to account for the differences in parking demand on a monthly basis.

Tables that show the hourly variation in parking needs for both weekdays and weekends have been prepared for each month, using the monthly adjustment factors, and are attached to this letter.

Average Demand Determination

To further evaluate the parking requirements for the site, the hour-by-hour total parking requirement was averaged over the course of the day on a weekday and weekend basis. This average calculation was conducted on a month-by-month basis to determine the average anticipated parking requirement for the site during each month of the year. *Table 2* provides a summary of these calculations

Table 2

Average Peak Parking Demand by Month													
	Month												
Time of Week	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Late Dec.
Weekday	62	62	65	64	65	65	64	64	64	65	58	66	30
Weekend	29	29	31	31	32	31	32	32	30	32	25	33	29

For weekday condition, the average of the values listed above is 61 parking spaces. For weekend conditions, the average of the values is 31 parking spaces.

Public Parking Availability

The Town of Palm Beach allows for a reduced number of parking spaces required if public parking is accessible to the site patrons. 223 Sunset Ave is directly situated on a roadway (Sunset Avenue) with available public parallel parking on the north and south side of the street. Therefore, an additional calculation was conducted that applied an 85% adjustment to the calculation above. *Table 3* provides a summary of the reduced average peak parking demand by month.

Table 3

85% of Average Peak Parking Demand by Month													
	Month												
Time of Week	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Late Dec.
Weekday	53	53	55	54	55	55	54	54	54	55	49	56	25
Weekend	24	25	27	26	27	27	27	27	26	27	21	28	25

The weekday average is 52 spaces, and the weekend average is 26 spaces. The parking supply available in the covered parking area provided on site is 47 spaces; therefore, the net variance required for the average weekday parking calculation is 5 parking spaces (52 space average – 47 space supply). *Figure 2* provides a chart representing the parking demand in relation to the parking supply located on the 1st floor of the parking garage.

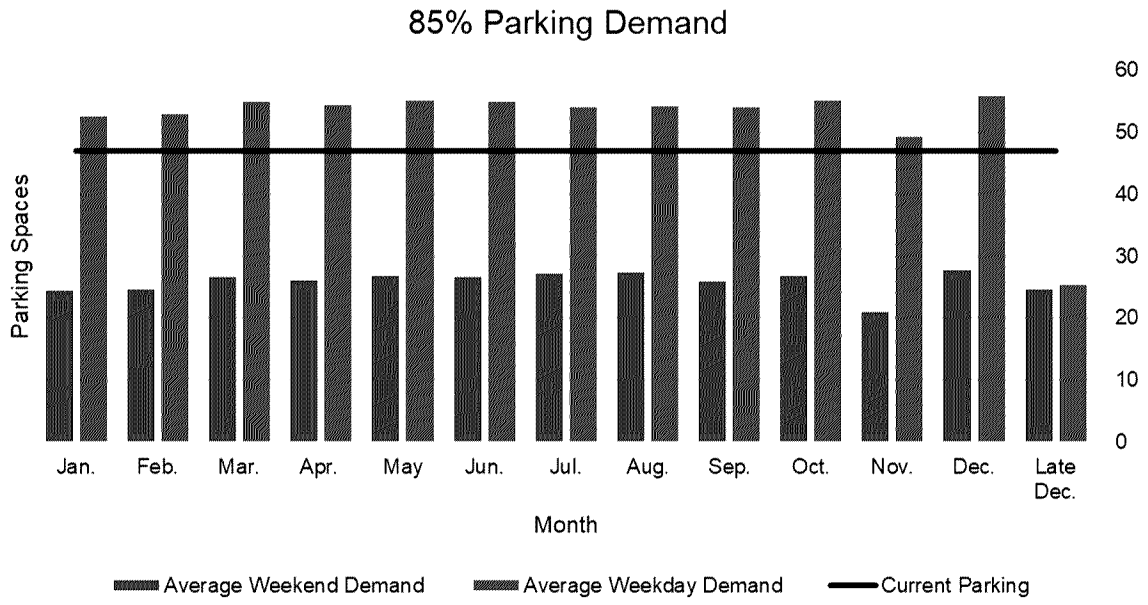


Figure 1

Conclusion

As documented in this evaluation, the average adjusted weekday parking calculation for the site following the proposed redevelopment is 52 parking spaces. A supply of 47 spaces will be provided; therefore, the parking variance required is 5 spaces. Should you have any questions, please contact me via e-mail at chris.heggen@kimley-horn.com or via telephone at (561) 840-0248.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Christopher W. Heggen, P.E.
Transportation Engineer

Florida Registration
Number 58636
Certificate of Authorization
Number 696

CHRISTOPHER W. HEGGEN LICENSE No. 58636 STATE OF FLORIDA PROFESSIONAL ENGINEER

This item has been electronically signed and sealed by Christopher W. Heggen, P.E. using a Digital Signature and date. Printed copies of this document are not considered signed and sealed and the signature must be verified on electronic copies.

Christopher W Heggen
2019.02.19
17:32:17 -05'00'

Attachments

k:\wpb_tpto\1405\140595000 - 223 sunset\parking study\2019-02-18 223 sunset parking study.docx



NORTH

LEGEND

PROJECT SITE

FIGURE 1
SITE LOCATION
223 SUNSET AVENUE

Kimley»Horn

SIMMONS & WHITE
CIVIL & TRAFFIC ENGINEERING

223 SUNSET AVENUE

Palm Beach, FL

SHARED PARKING STUDY

PREPARED FOR:

223 Sunset Holdings, LLC
223 Sunset Avenue
Palm Beach, Florida 33480

JOB NO. 23-150

DATE: 11/29/2023

Bryan G. Kelley, Professional Engineer, State of Florida, License No. 74006 This item has been digitally signed and sealed by Bryan G. Kelley, P.E., on 11/29/2023. Printed Copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.	Bryan Kelley Digitally signed by Bryan Kelley Date: 2023.12.01 09:39:51 -05'00'

2581 Metrocentre Blvd. West, Ste 3 | West Palm Beach, FL 33407
561.478.7848 | simmonsandwhite.com | Certificate of Authorization #3452

TABLE OF CONTENTS

PAGE 3

1.0 SITE DATA
2.0 PURPOSE OF STUDY
3.0 PARKING DATA

PAGE 5

4.0 CONCLUSION

1.0 SITE DATA

The subject parcel is generally located on the north side of Sunset Avenue west of N. County Road in the Town of Palm Beach and contains approximately 0.6 acres. The Property Control Number (PCN) for the subject parcel is 50-43-43-22-31-000-1840.

The site is currently developed with a 19,313 S.F. of office and a 2,890 S.F. restaurant. The proposed site redevelopment consists of converting the second floor office to three residential units. Therefore, the total proposed development is to consist of a 9,094 S.F. office, a 2,890 S.F. restaurant, and 3 residential dwelling units. Site access will remain unchanged and is existing via a full access driveway connection to Sunset Avenue. For additional information concerning site location and layout, please refer to the Site Plan prepared by Bartholemew + Partners.

2.0 PURPOSE OF STUDY

The purpose of this study is to describe the results of the parking analyses for the proposed redevelopment project. Providing the appropriate level and location of parking is important to any successful development and community. While insufficient parking can result in negative impacts on properties, providing too much parking can also have a negative economic impact.

3.0 PARKING DATA

The proposed uses, sizes and code required parking for the proposed development may be summarized as follows:

USE	SIZE	REQUIRED PARKING
Residential	3 Dwelling Units (8 Spaces / 3 DU)	8 Spaces
Office	9,094 S.F. (1 Space / 250 SF)	36 Spaces
Restaurant	128 Seats (estimate) (1 Space / 3 Seats)	43 Spaces

3.0 PARKING DATA (CONT.)

The above calculations based on Town code requirements are provided for informational purposes only. In order to more accurately estimate parking demand for the mixed use project, the latest *ITE Parking Generation, 5th Edition* rates were utilized for the shared parking analysis. The principle behind shared parking reductions is that the pattern of activity for land uses in a mixed-use project are sufficiently different so that the corresponding required parking demands of each activity would not occur simultaneously. The parking analysis was based on the percent utilization rates from the Urban Land Institute's (ULI) *Shared Parking, 3rd Edition* publication as well as the ratio of customer parking to employee parking outlined in the ULI *Shared Parking, 3rd Edition* publication. As previously mentioned, there are a mix of uses currently proposed for the site. These uses have different peak hours of demand in addition to different hours of operation. As shown on the attached table, this report prepared a shared parking analysis for both the weekday and weekend demand from 6:00 A.M. to 11:00 P.M. The ULI *Shared Parking, 3rd Edition* publication allows for parking reductions based on the following factors:

- Time of Day
- Monthly
- Non-Captive
- Mode Adjustment

The time of day adjustment factors were taken directly from the ULI *Shared Parking, 3rd Edition* publication. However, the ULI *Shared Parking, 3rd Edition* publication does not produce standard rates for non-captive and mode adjustment factors. Local and site specific factors as well as professional judgment are to be utilized to determine these adjustment factors.

To be conservative, non-captive and modal adjustment factors were not used. Additionally, eight residential spaces are proposed to be reserved for the multifamily dwelling units. Therefore, no time of day reduction was applied to the resident spaces. However, the Town of Palm Beach Code does allow for a 15% reduction in parking requirements if on-street parking is available adjacent to the site. Since on-street parking is available on both sides of Sunset Avenue, this 15% reduction factor was applied.

The results of the analysis demonstrated that the proposed plan of development will have a maximum parking demand of 42 parking spaces during the weekday and 49 parking spaces during the weekend. The peak parking period occurs from 2:00 to 3:00 P.M. during the weekday and 8:00 to 9:00 P.M. during the weekend. It should be noted that during the majority of the day, the parking demand will be significantly less than peak parking demand of 49 parking spaces. The shared parking calculations based on the ITE *Parking Generation* publication and the Urban Land Institute's *Shared Parking* publication and consistent with standard industry practices are attached to this report.

4.0 CONCLUSION

As demonstrated in this study, the anticipated maximum parking demand for the proposed plan of development is 49 parking spaces. The proposed Site Plan can accommodate 47 parking spaces. Therefore, the site is expected to have a parking deficit of 2 spaces. It be noted the proposed redevelopment converting office space to 3 residential dwelling units results in a reduction in parking demand. The parking study completed by Kimley Horn & Associates, Inc. in 2019 showed a parking deficit of 5 spaces. The parking analysis considered parking rates from the ITE *Parking Generation, 5th Edition* and the Urban Land Institute's (ULI) *Shared Parking, 3rd Edition* publication.

bk: x:/docs/trafficdrainage/sps.23150

SHARED PARKING ANALYSIS
WEEKDAY ANALYSIS

Raw Parking Demand

Use	Intensity (SF or Units)	ITE Rate (per 1000 SF)	Parking Required
Office	9,094	2.39	22
Quality Restaurant	2,890	10.52	30
Residential*	3	N/A	8
TOTAL			**60**

Shared Parking Demand - WEEKDAY

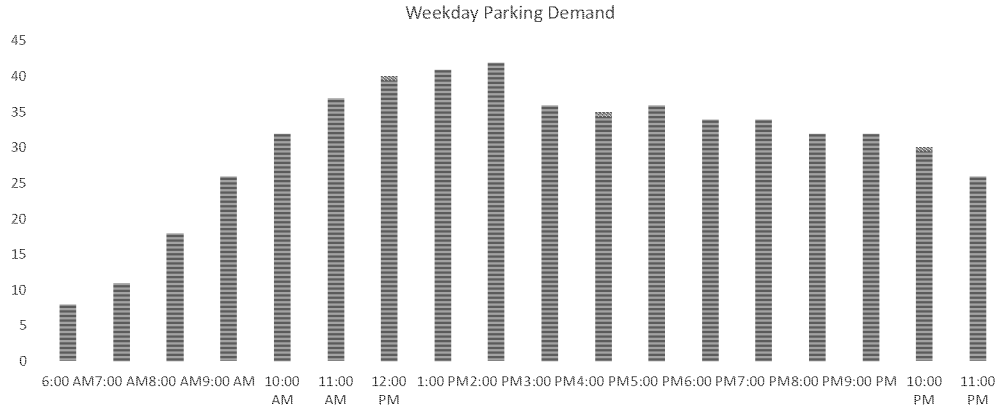
Land Use	Type	Rate	Percentage	Parking Demand	Town On-Street Parking Adjustment	6:00 AM		7:00 AM		8:00 AM		9:00 AM		10:00 AM		11:00 AM		12:00 PM		1:00 PM		2:00 PM	
						%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking
Office	Visitors	0.3	7.9%	2	85%	0%	0	1%	0	20%	0	60%	1	100%	2	45%	1	15%	0	45%	1	95%	2
	Employee	3.5	92.1%	20	85%	3%	1	15%	3	50%	9	90%	15	100%	17	100%	17	85%	14	85%	14	95%	16
Restaurant	Customer	13.25	85.5%	25	85%	0%	0	0%	0	0%	0	0%	0	15%	3	40%	9	75%	16	75%	16	65%	14
	Employee	2.25	14.5%	4	85%	0%	0	20%	1	50%	2	75%	3	90%	3	90%	3	90%	3	90%	3	90%	3
Residential	Resident	Reserved		8	85%	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7
			TOTAL	**59**			**8**		**11**		**18**		**26**		**32**		**37**		**40**		**41**		**42**

Land Use	Type	Rate	`	Parking Demand	Town On-Street Parking Adjustment	3:00 PM		4:00 PM		5:00 PM		6:00 PM		7:00 PM		8:00 PM		9:00 PM		10:00 PM		11:00 PM	
						%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking
Office	Visitors	0.3	7.9%	2	85%	45%	1	15%	0	10%	0	5%	0	2%	0	1%	0	0%	0	0%	0	0%	0
	Employee	3.5	92.1%	20	85%	95%	16	85%	14	60%	10	25%	4	15%	3	5%	1	3%	1	1%	0	0%	0
Restaurant	Customer	13.25	85.5%	26	85%	40%	9	50%	11	75%	16	95%	20	100%	21	100%	21	100%	21	95%	20	75%	16
	Employee	2.25	14.5%	4	85%	75%	3	75%	3	100%	3	100%	3	100%	3	100%	3	100%	3	100%	3	85%	3
Residential	Resident	Reserved		8	85%	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7
			TOTAL	**60**			**36**		**35**		**36**		**34**		**34**		**32**		**32**		**30**		**26**

*Since 8 residential parking spaces are reserved, the residential parking demand was conservatively estimated at 8.

WEEKDAY MAX 42

Time of Day	Parking Demand
6:00 AM	8
7:00 AM	11
8:00 AM	18
9:00 AM	26
10:00 AM	32
11:00 AM	37
12:00 PM	40
1:00 PM	41
2:00 PM	42
3:00 PM	36
4:00 PM	35
5:00 PM	36
6:00 PM	34
7:00 PM	34
8:00 PM	32
9:00 PM	32
10:00 PM	30
11:00 PM	26



SHARED PARKING ANALYSIS

WEEKEND ANALYSIS

Raw Parking Demand

Use	Intensity (SF or Units)	ITE Rate (per 1000 SF)	Parking Required
Office	9,094	0.28	3
Quality Restaurant	2,890	17.00	49
Residential*	3	N/A	8
TOTAL			**60**

Shared Parking Demand - WEEKEND

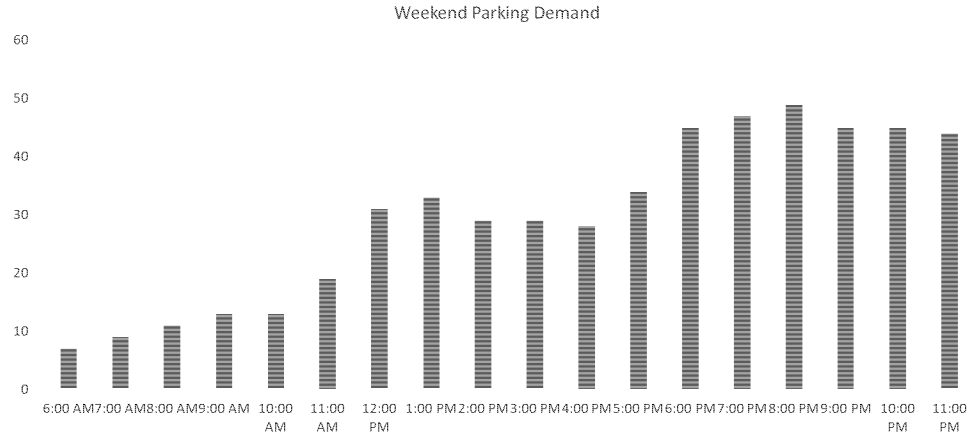
Land Use	Type	Rate	Percentage	Parking Demand	Town On-Street Parking Adjustment	6:00 AM		7:00 AM		8:00 AM		9:00 AM		10:00 AM		11:00 AM		12:00 PM		1:00 PM		2:00 PM	
						%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking
Office	Visitors	0.03	7.9%	0	85%	0%	0	20%	0	60%	0	80%	0	90%	0	100%	0	90%	0	80%	0	60%	0
	Employee	0.35	92.1%	3	85%	0%	0	20%	1	60%	2	80%	2	90%	2	100%	3	90%	2	80%	2	60%	2
Restaurant	Customer	15.25	85.9%	42	85%	0%	0	0%	0	0%	0	0%	0	0%	0	15%	5	50%	18	55%	20	45%	16
	Employee	2.5	14.1%	7	85%	0%	0	20%	1	30%	2	60%	4	75%	4	75%	4	75%	4	75%	4	75%	4
Residential	Resident	Reserved		8	85%	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7
			TOTAL	**60**			**7**		**9**		**11**		**13**		**13**		**19**		**31**		**33**		**29**

Land Use	Type	Rate	Percentage	Parking Demand	Town On-Street Parking Adjustment	3:00 PM		4:00 PM		5:00 PM		6:00 PM		7:00 PM		8:00 PM		9:00 PM		10:00 PM		11:00 PM	
						%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking	%	Adjusted Parking
Office	Visitors	0.03	7.9%	0	85%	40%	0	20%	0	10%	0	5%	0	0%	0	0%	0	0%	0	0%	0	0%	0
	Employee	0.35	92.1%	3	85%	95%	2	20%	1	10%	0	5%	0	0%	0	0%	0	0%	0	0%	0	0%	0
Restaurant	Customer	15.25	85.9%	42	85%	45%	16	45%	16	60%	21	90%	32	95%	34	100%	36	90%	32	90%	32	90%	32
	Employee	2.5	14.1%	7	85%	75%	4	75%	4	100%	6	100%	6	100%	6	100%	6	100%	6	100%	6	85%	5
Residential	Resident	Reserved		8	85%	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7	100%	7
			TOTAL	**60**			**29**		**28**		**34**		**45**		**47**		**49**		**45**		**45**		**44**

*Since 8 residential parking spaces are reserved, the residential parking demand was conservatively estimated at 8.

WEEKEND MAX 49

Time of Day	Parking Demand
6:00 AM	7
7:00 AM	9
8:00 AM	11
9:00 AM	13
10:00 AM	13
11:00 AM	19
12:00 PM	31
1:00 PM	33
2:00 PM	29
3:00 PM	29
4:00 PM	28
5:00 PM	34
6:00 PM	45
7:00 PM	47
8:00 PM	49
9:00 PM	45
10:00 PM	45
11:00 PM	44



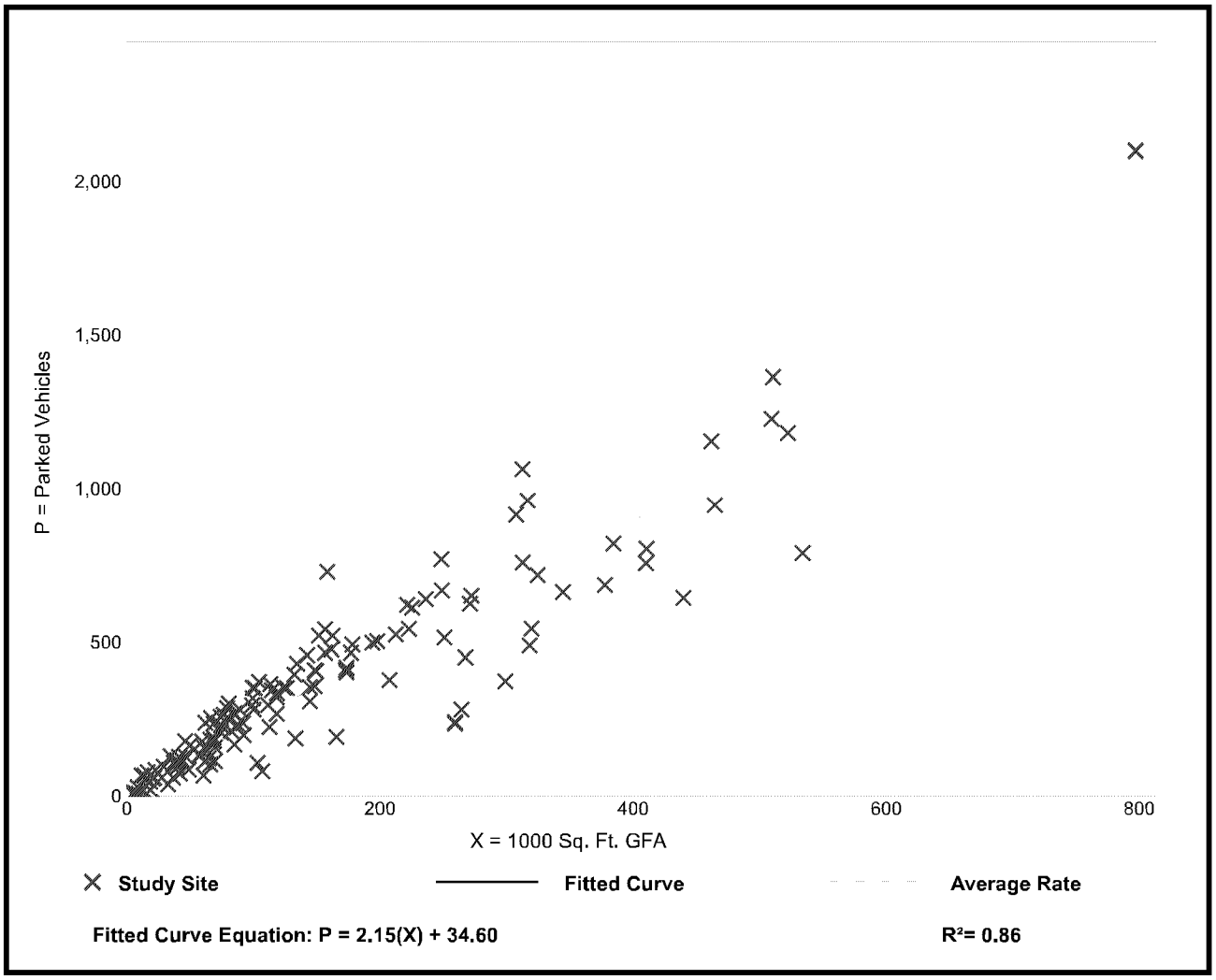
General Office Building
(710)

Peak Period Parking Demand vs: **1000 Sq. Ft. GFA**
On a: **Weekday (Monday - Friday)**
Setting/Location: **General Urban/Suburban**
Number of Studies: 148
Avg. 1000 Sq. Ft. GFA: 145

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.39	0.50 - 5.58	2.30 / 3.30	2.28 - 2.50	0.69 (29%)

Data Plot and Equation



Parking Generation Manual, 6th Edition ● Institute of Transportation Engineers

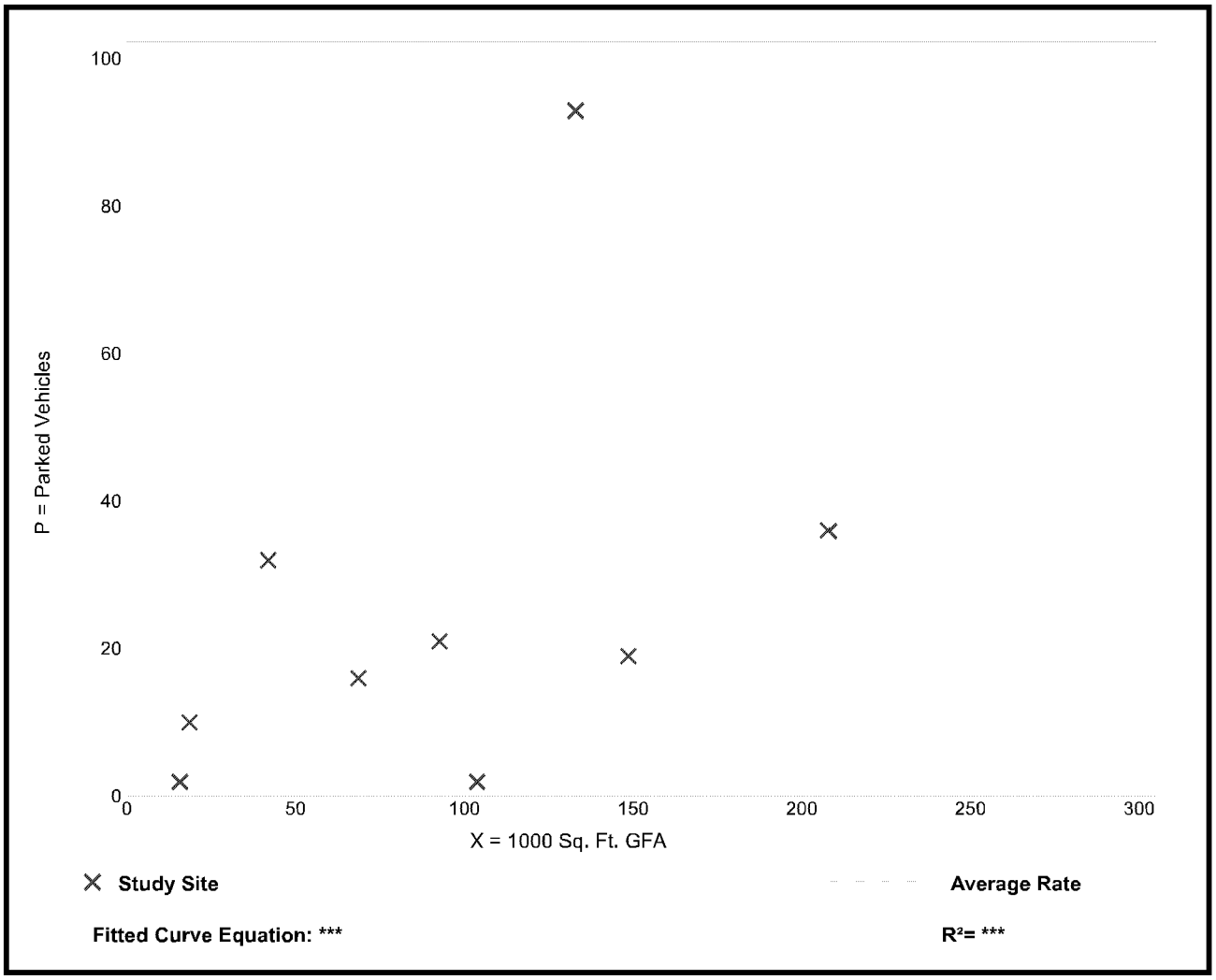
General Office Building
(710)

Peak Period Parking Demand vs: **1000 Sq. Ft. GFA**
On a: **Saturday**
Setting/Location: **General Urban/Suburban**
Number of Studies: 9
Avg. 1000 Sq. Ft. GFA: 92

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.28	0.02 - 0.76	0.14 / 0.73	***	0.25 (89%)

Data Plot and Equation



Parking Generation Manual, 6th Edition ● Institute of Transportation Engineers

Quality Restaurant
(931)

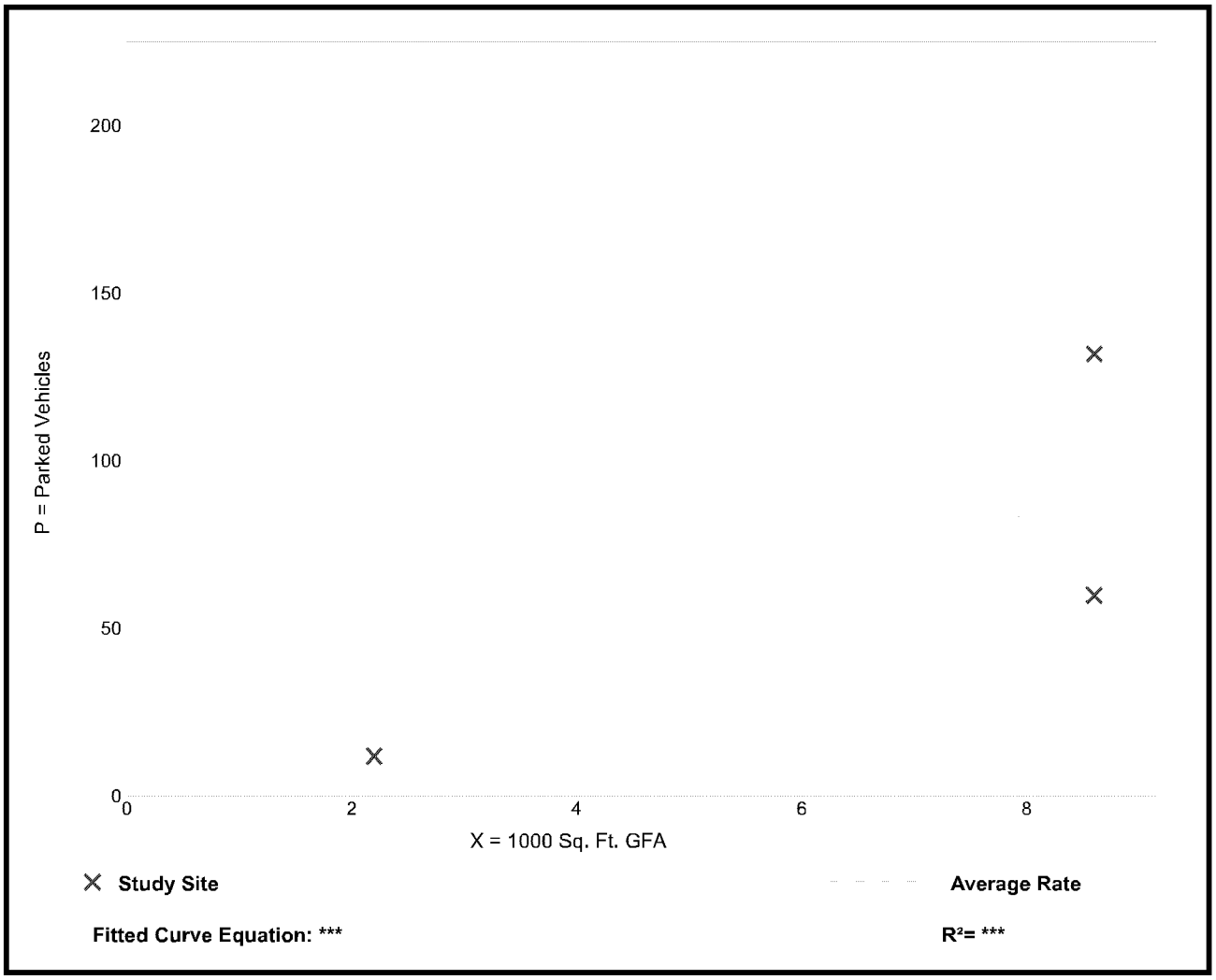
Peak Period Parking Demand vs: **1000 Sq. Ft. GFA**
On a: **Weekday (Monday - Thursday)**
Setting/Location: **General Urban/Suburban**
Number of Studies: 3
Avg. 1000 Sq. Ft. GFA: 6.4

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
10.52	5.46 - 15.35	5.95 / 15.35	***	5.31 (50%)

Data Plot and Equation

Caution – Small Sample Size



Parking Generation Manual, 6th Edition ● Institute of Transportation Engineers

Quality Restaurant
(931)

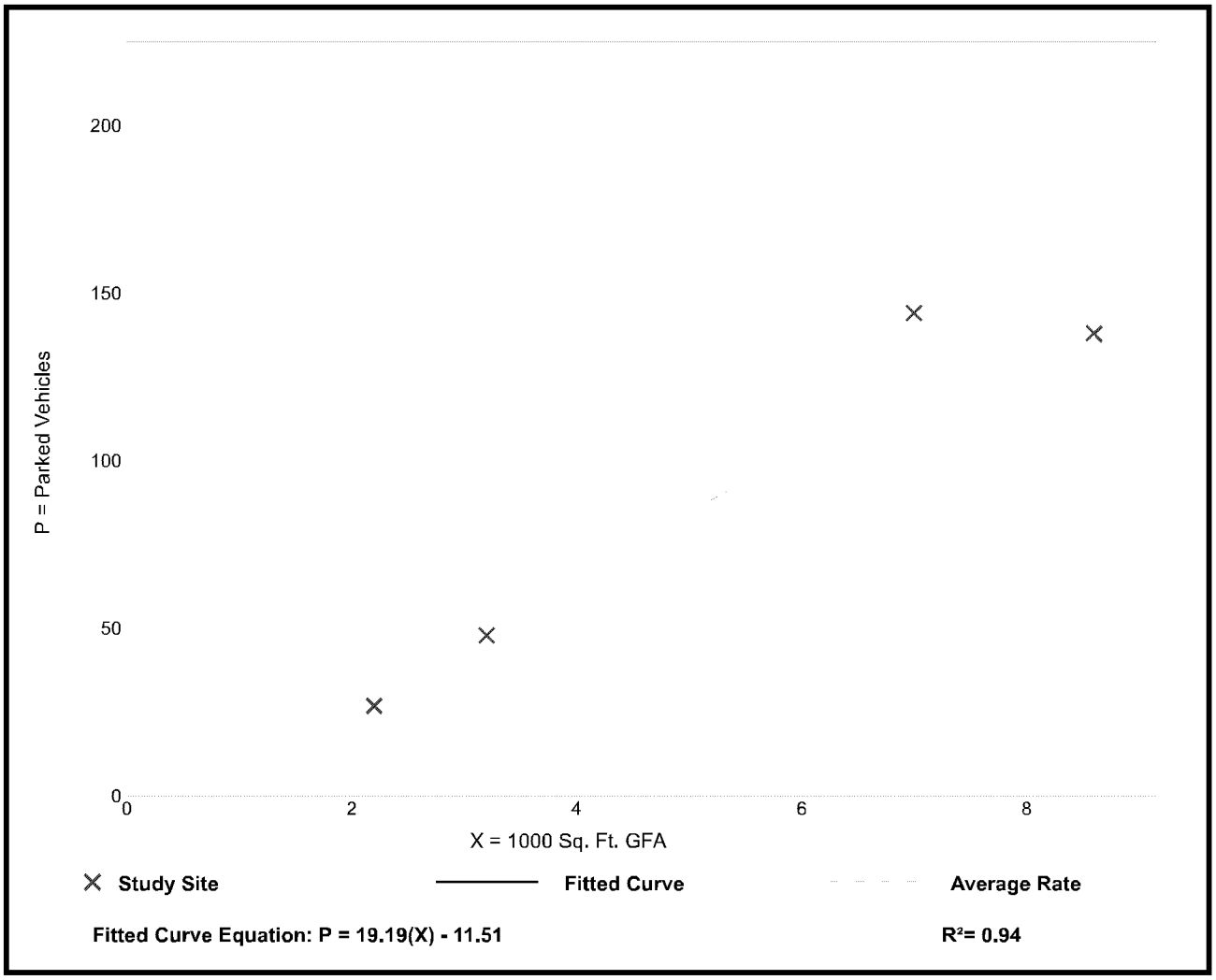
Peak Period Parking Demand vs: **1000 Sq. Ft. GFA**
On a: **Saturday**
Setting/Location: **General Urban/Suburban**
Number of Studies: 4
Avg. 1000 Sq. Ft. GFA: 5.2

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
17.00	12.30 - 20.57	14.05 / 20.57	***	3.17 (19%)

Data Plot and Equation

Caution – Small Sample Size



Parking Generation Manual, 6th Edition ● Institute of Transportation Engineers

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-014 (ARC-24-004) 334 CHILEAN AVE (COMBO) – VARIANCES

The applicant, Overflow Pad Too LLC (Bradley McPherson, Authorized Representative), has filed an application requesting Town Council review and approval for four (4) variances related to modifications to previously approved hardscape and landscape plans for construction of a new residence, including: (1 – 3) variances to exceed maximum site wall heights in the east, west and south yard areas and (4) a variance to provide a reduced pool heater equipment setback. The Architectural Commission shall perform design review of the application.

Presenter

ATTACHMENTS:

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

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

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

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

SUBJECT: ZON-24-014 (ARC-24-004) 334 CHILEAN AVE (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TC

ARC-24-004 (ZON-24-014) 334 CHILEAN AVE (COMBO). The applicant, Overflow Pad Too LLC (Bradley McPherson, Authorized Representative), has filed an application requesting Architectural Commission review and approval for modifications to previously approved hardscape, landscape and site walls with incorporation of new vehicular gates at a previously approved new-single family residence; with variances required to exceed maximum site wall heights and minimum equipment setbacks. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-014 (ARC-24-004) 334 CHILEAN AVE (COMBO) – VARIANCES. The applicant, Overflow Pad Too LLC (Bradley McPherson, Authorized Representative), has filed an application requesting Town Council review and approval for four (4) variances related to modifications to previously approved hardscape and landscape plans for construction of a new residence, including: (1 – 3) variances to exceed maximum site wall heights in the east, west and south yard areas and (4) a variance to provide a reduced pool heater equipment setback. The Architectural Commission shall perform design review of the application.

Applicant: 1350 North Lake Way Acquisitions, LLC
Professional: Nievera Williams Design / Smith and Moore Architects

HISTORY:
An application for a new, two-story single-family residence was approved at the August 25, 2021 Architectural Commission meeting, pursuant to B-050-2021. At the JANUARY 24, 2024 ARCOM meeting, the item was presented and approved (6-1) with the exception of the driveway gates and trash enclosure area. Additionally, ARCOM made a motion and passed (5-2) that the proposed variances **will not** cause negative architectural impacts to the subject property.

THE PROJECT:
The applicant has submitted plans, entitled "Private Residence 334 Chilean Ave", as prepared by Nievera Willaims Design, date stamped by the Town December 08, 2024

The following is the scope of work for the project:

- Revised previously approved driveway layout and material.
- Shift proposed front site wall to the north, 3 ft from property line.
- Addition of gate vehicular and pedestrian gates.
- New refuse area.

- Revised landscape and hardscape for entire site, including the incorporation of artificial turf into the driveway arrival area.

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

- VARIANCE 1: Sec. 134-1669: Variance for a perimeter site wall of 10'-7" in lieu of the 7' maximum wall height permitted, for the west side-yard outdoor shower area.

- VARIANCE 2: Sec. 134-1669: Variance for a perimeter site wall of 8'-4" in lieu of the 7' max height permitted, for the east side-yard generator area.

- VARIANCE 3: Sec. 134-1669: Variance for a site wall of 9' in lieu of the 7' max height permitted, for the south rear-yard pool equipment area.

- VARIANCE 4: Sec. 134-1728(c)(2): Variance for pool heater with 5' rear-yard setback in lieu of 10' minimum pool heater setback required.

Site Data			
Zoning District	R-C	**Lot Size (SF)**	9,379 SF
Future Land Use	MULTI-FAMILY MODERATE DENSITY	**Overall Landscape Open Space**	Required: 45% Prev. Approved: 45.06% Proposed: 45.06%
Front Yard Landscape Open Space	Required: 40% Prev. Approved: 73.65% Proposed: 70.83%	**Perimeter Landscape Open Space**	Required: 50% Proposed: 64.88%
Surrounding Properties / Zoning			
North	325 & 323 CHILEAN AVE | SINGLE-FAMILY / R-C		
South	341 & 333 PERUVIAN AVE / SINGLE FAMILY / R-B		
East	328 CHILEAN AVE | CONDOMINIMUM / R-C		
West	354 CHILEAN AVE (ISLAND HOUSE) | SINGLE FAMILY & COMM. / C-TS		

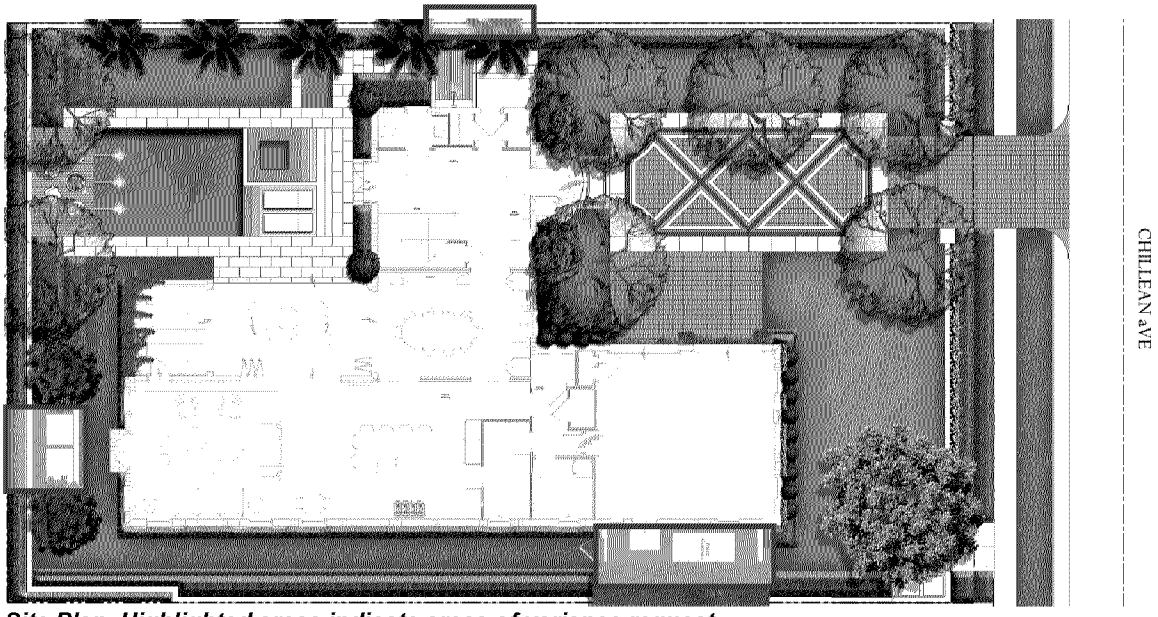
STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires four (4) variances for modifications to the previously approved hardscape and landscape plan.



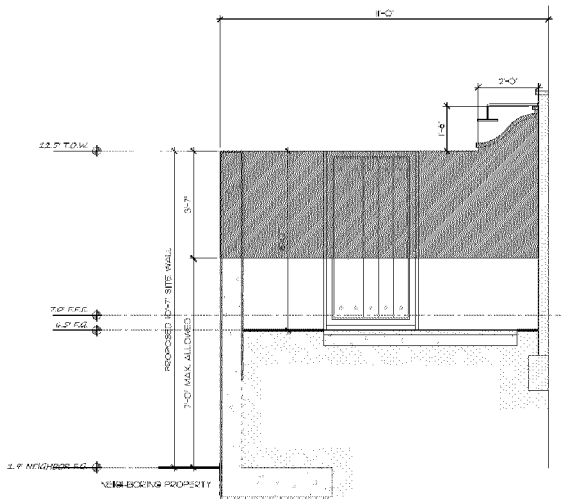
The applicant is proposing modifications to the landscape and hardscape plan for a previously approved new single-family residence. The proposal includes modification to hardscape designs, including the incorporation of artificial turf into the driveway arrival area. Staff notes that Sec. 66-313 allows for the installation of artificial turf as a driveway accent with ARCOM approval. Artificial turf does not count towards required landscape open space requirements.

New opaque cypress wood vehicular and pedestrian gates are proposed on Chilean Avenue with a new refuse bin area. Changes for equipment yard areas are also proposed, with variances required for pool heater setback, and variances required to exceed maximum screening wall height. The original application was approved prior to the Town of Palm Beach adopted an ordinance limiting the amount of fill permitted to be added on a given site, allowing this applicant to make plan modifications under the previously approved code condition. The equipment locations are roughly the same as the previous approval, however, staff hypothesizes that the variances required to screen the equipment were not known or completely realized by the applicant at the time of the original application approval.



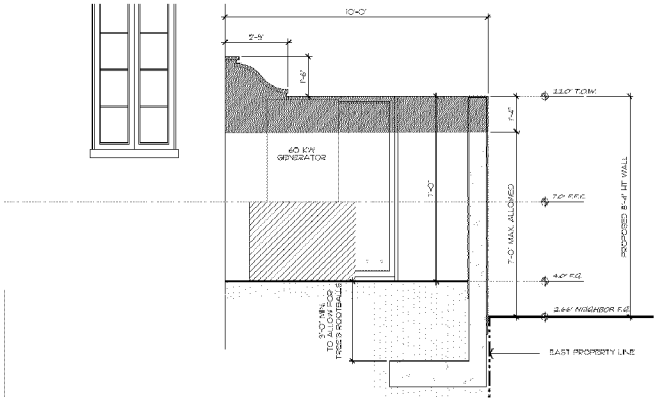
Site Plan. Highlighted areas indicate areas of variance request.

Variance number 1 is for the construction of a site wall in the west side yard with a height of 10' – 7" from lowest grade, in lieu of the 7' maximum wall height permitted.



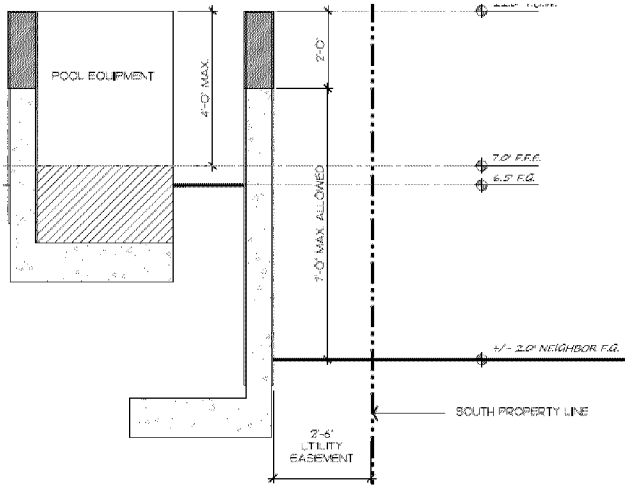
West side yard variance diagram

Variance number 2 is for construction of a site wall in the east side yard that is 8' – 4" in height in lieu of the 7 ft maximum height permitted. This wall height is required to adequately screen the generator installed at minimum FEMA elevation from the property to the east.



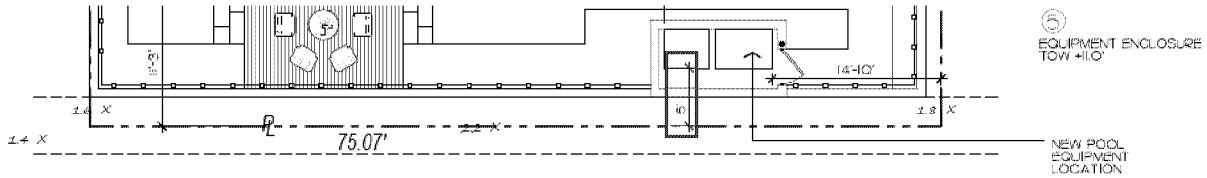
East side yard variance diagram.

Variance number 3 is for construction of a site wall in the south rear yard with a height of 9' in lieu of the 7' maximum permitted. The increased wall height is required to screen the pool equipment located in this area.



South rear yard variance diagram.

Variance number 4 is for a reduced pool heater setback. Pool heaters require a side and rear yard setback of 10', while pool pumps and filters are permitted with a side and rear yard setback of 5'. The applicant is proposing to install pool pump, filter and heater at 5', hence the requested variance.



South rear yard pool heater setback variance.

Code Section	Permitted	Proposed	Variance
Sec. 134-1669	Wall height of 7'.	East site wall height 8'-4" 10'-7"	**3' – 7"**
Sec. 134-1669	Wall height of 7'.	West site wall height 8' 4"".	**1'-4"**
Sec. 134-1669	Wall height of 7'.	South site wall height of 9'.	**2'**
Sec. 134-1728(c)(2)	Pool heater setback of 10'	Pool heater setback of 5'	**5'**

CONCLUSION:

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

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

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

1. for final determination of approval or denial of the (4) variances by the Town Council, and that the variances **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

WRB:JGM:BMF

ENVIRONMENT
DESIGN
GROUP

RECEIVED
By yfigueroa at 10:34 am, Dec 08, 2023

Land Planning
Landscape Architecture
Landscape Management

November 30, 2023

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

ATTN: *ARCOM Staff*
Re: 334 Chilean Rd - Town of Palm Beach
Ref # 22180.00 LA

LETTER OF INTENT

Regarding the application ARC-24-004/ZON-24-014, our current proposal, for improvements to the site, does not include any architectural changes. The proposed improvements are developed in compliance with the Sec. 18-205 as they are 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.

The proposed work only pertains to the hardscape and landscape changes as following:

- Revised previously approved driveway layout and material.
- Shift proposed front site wall (North) 3' away from property line.
- Addition of gate design for vehicular and pedestrian gates along North property line.
- New refuse area.
- Revised landscape for the entire property.

Additionally we are requesting the following variances:

VARIANCE 1: Sec. 134-1669: Variance for a perimeter site wall of 10'-7" in lieu of the 7' max height permitted, for the west yard outdoor shower area.
VARIANCE 2: Sec. 134-1669: Variance for a perimeter site wall of 8'-4" in lieu of the 7' max height permitted, for the east yard generator area.
VARIANCE 3: Sec. 134-1669: Variance for a site wall of 9'-0 in lieu of the 7' max height permitted, for the south yard pool equipment area.
VARIANCE 4: Sec. 134-1728 (c)(2): Variance for pool heater with 5' rear-yard setback in lieu of 10' minimum pool heater setback required.

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

Land Planning
Landscape Architecture
Landscape Management

The variances are requested based on the site special circumstances. The current crown of road is +/-1.51' NAVD, the finish floor elevation of the house is 7.0' NAVD. Due to these circumstances, it is virtually impossible to comply with the equipment screening Town requirements and at the same time be under the 7' height threshold for site wall as per code. The same circumstances prevent us to provide a privacy wall to the proposed outdoor shower. This privacy element is a strong desire from ownership and it was also a condition of approval from our previous site plan modification request A-22-02583 obtained via administrative staff approval.

We are also requesting a variance for the location of the request variance for pool heater 5' setback in lieu of current 10' setback requirement. The lot size is below the 10,000 SF minimum size for the R-C zoning. As such, there is limited space for equipment. We are doing our best effort to comply with the open space requirements, develop the program our client desires, and work with the house footprint that is already in place. We cannot see another location suitable for the placement of this piece of equipment.

If there are any questions regarding this project, please feel free to reach out to our office.

Dustin Mizell, *President*

Environment Design Group

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-020 (COA-24-001) 930 S OCEAN BOULEVARD (COMBO)—VARIANCE(S) The applicant, 930 S Ocean Trust (Maura Ziska, Trustee), has filed an application requesting Town Council review and approval for four (4) variances including (1) the reduction of the west side-yard setback for a building addition (Section 134-843), (2) to exceed maximum separation of pool equipment from swimming pool Sec. 134-1728, (3) to exceed the maximum number of air-conditioning units in the south rear-yard setback Sec. 134-1728, and (4) for pool heaters with a 6' rear yard setback, in lieu of the 10' minimum setback required Sec. 134-1728. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Perservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Landmarks Perservation Commission approved this project. Motion carried, 7-0.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Designation Report**
- **Plans**
- **Plans**
- **Plans**
- **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: Landmarks Preservation Commission and Town Council

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

SUBJECT: COA-24-001 (ZON 24-020) 930 S OCEAN BLVD (COMBO)

MEETING: JANUARY 17, 2024, LPC
FEBRUARY 14, 2024, TOWN COUNCIL

COA-24-001 (ZON 24-020) 930 S OCEAN BLVD (COMBO). The applicant, 930 S Ocean Trust (Maura Ziska, Trustee), has filed an application requesting a Certificate of Appropriateness review and approval for; garage storage and grill addition, removal of balcony, roof replacement, windows and door replacement with metal. Replace main entry and kitchen door with limed cypress. Railing modification, new pool and fountain including modifications to hardscape and landscape with associated mechanical equipment. Town Council shall review the application as it pertains to zoning relief/approval.

ZON 24-020 (COA-24-001) 930 S OCEAN BLVD (COMBO)— VARIANCE(S). The applicant, 930 S Ocean Trust (Maura Ziska, Trustee), has filed an application requesting Town Council review and approval for four (4) variances including (1) the reduction of the west side-yard setback for a building addition (Section 134-843), (2) to exceed maximum separation of pool equipment from swimming pool Sec. 134-1728, (3) to exceed the maximum number of air-conditioning units in the south rear-yard setback Sec. 134-1728, and (4) for pool heaters with a 6' rear yard setback, in lieu of the 10' minimum setback required Sec. 134-1728. The Landmarks Preservation Commission shall perform design review of the application.

Applicant: 930 S Ocean Trust
Professional: Gregory Palmer / Harrison Design
Representative: Maura Ziska

HISTORY:
This 1927 home was designed by Maurice Fatio and built in 1927 in the Romanesque Revival style. Character defining features of the home include the two story massing and distinct use of stone. At the JANUARY 17, 2024 LPC, the Commission approved (7-0) the project. Additionally, a motion was made and approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:
The applicant has submitted plans, entitled "930 South Ocean Blvd Final submittal", as prepared by **Harrison Design**, dated by the Town as received on December 7, 2023.

The applicant is proposing the following scope of work at the subject property:

- Window & Door replacement: Replace the existing painted mahogany doors and windows manufactured by MQ and Oliveri with new bronze units manufactured by Hope's Windows, Inc. which more closely approximate the steel units utilized in the original construction. Change the 2 existing door units on the south elevation of the conservatory back to their original configuration of windows. Change the existing door unit on the west elevation of the conservatory to a window unit to match those on the south and east elevations. Replace existing glass and wrought iron entry doors & transom with a paneled limed cypress entry doors and glass and bronze transom which more closely approximate the entry fenestration of the original construction.
- Exterior gates, railings, and grilles: Replace the existing powder coated steel and aluminum units with new bronze units and simplify the overall design.
- Pool: Replace the existing pool with a smaller pool which is better scaled for the courtyard space.
- Courtyard fountain: Replace the existing fountain with a new rectangular fountain, remove the existing decorative tiles and precast trim and clad the wall with new Fl coral and provide 3 bronze spouts.
- Mechanical enclosure: Utilize the southern 1/3 of the existing southeast courtyard to create a new mechanical enclosure for HVAC equipment, generator, and pool equipment. The new dividing wall to match the height and detailing of the existing walls and the new access gate to be limed cypress planks.
- Hardscape: Replace existing precast pavers at southern courtyards and drives with new Fl coral at the courtyards and cobblestones at the drives. Replace the precast wall caps throughout the property with new Fl coral wall caps.
- Landscape: All existing trees and palms to remain except that 4 Pygmy Date Palms in the courtyard are to be removed and 2 Christmas Palms in the courtyard are to be re-located. Green Island Ficus hedging in east and north yards will be removed and replaced with new Sea Grape hedging.

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

- Variance 1: Section 134-843(a)(8): A variance for a west side-yard setback of 2.8' in lieu of the 15' required, for construction of a one-story building addition.

- Variance 2: Section 134-1728(a)(c): A variance to permit three (3) pieces of air conditioning equipment within the south rear yard setback in lieu of the two (2) pieces of air conditioning equipment maximum permitted.

- Variance 3: Section 134-1728(c): A variance for pool equipment to be separated 56' from the pool waters' edge in lieu of the 25' maximum separation distance permitted, when pool equipment is located within a required rear yard setback.

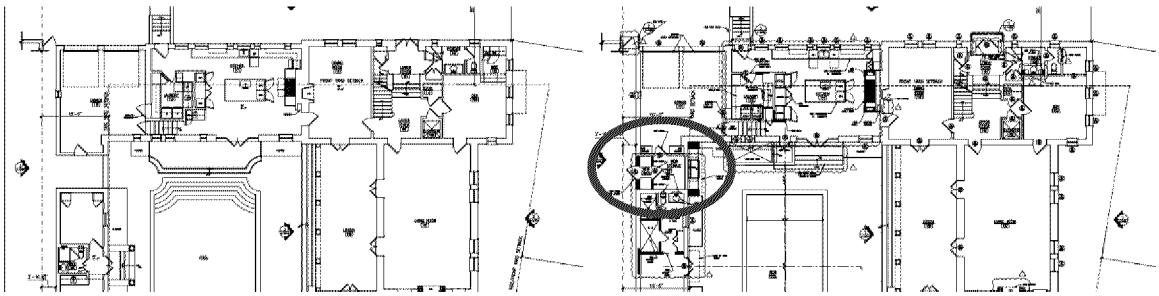
- Variance 4: Section 134-1728(c)(2): A variance for pool heaters with a 6' rear yard setback, in lieu of the 10' minimum setback required.

Site Data			
Zoning District	R-A	**Lot Size**	21,607 SF
Future Land Use	SINGLE FAMILY	**Total Building Size**	7,898 SF
Flood Zone	X	**Designated Landmark *Nat'l Register**	12/11/79
Year of Construction:	1927	**Architect:**	Maurice Fatio
Project			
Lot Coverage	Existing: 25.4% Proposed: N/C Permitted: 25%	**Landscape Open Space (LOS)**	Existing: 46.4% Proposed: 46.4% Required: 5%
Surrounding Properties / Zoning			
North	Single Family home / R-A		
South	Single Family home / R-A		
East	NA / Ocean		
West	Single Family home / R-A		

STAFF ANALYSIS

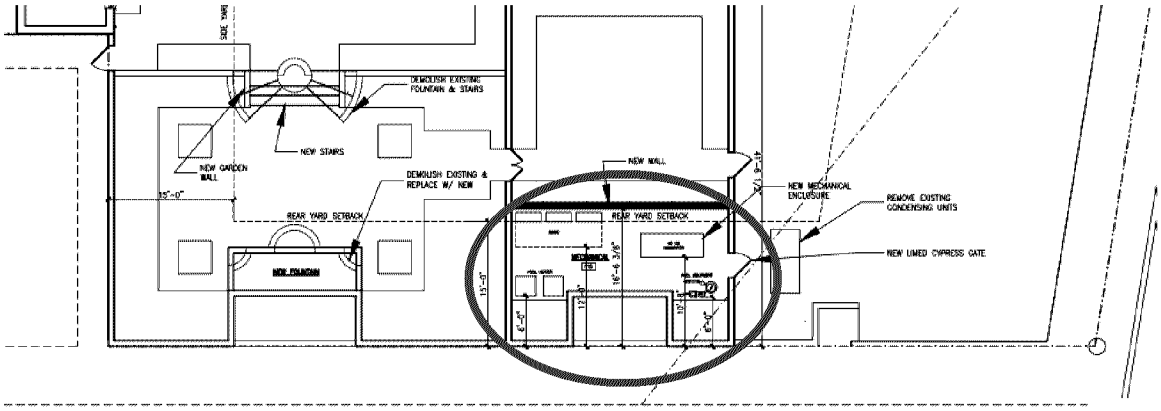
Some architectural changes have been submitted as part of this scope. The applicant has proposed window and door modifications that will more closely resemble the original steel windows, which presents an exciting opportunity to showcase the original elements of the home. The railing, grill and balcony modifications are simpler in design than both the existing and historic. Staff was hopeful the applicant could utilize historical documentation to achieve a replication of the original with these elements as well. The other changes to the pool, fountain, hardscape, and landscape are compatible with the property.

As it pertains to the variance requests (#1), the applicant is proposing to construct a small, one-story addition "connecting" two existing components of the two-story landmarked residence. The two-story primary residence facing north along Via Bellaria. Currently a one-story detached guest house is located behind the primary residence. The applicant is proposing to "infill" approximately 70 SF of new enclosed space that would serve as a connection between the garage and the guesthouse. Both the primary residence and the one-story guesthouse have a nonconforming west side setback of 2.8' that the applicant would like to create a linear extension.

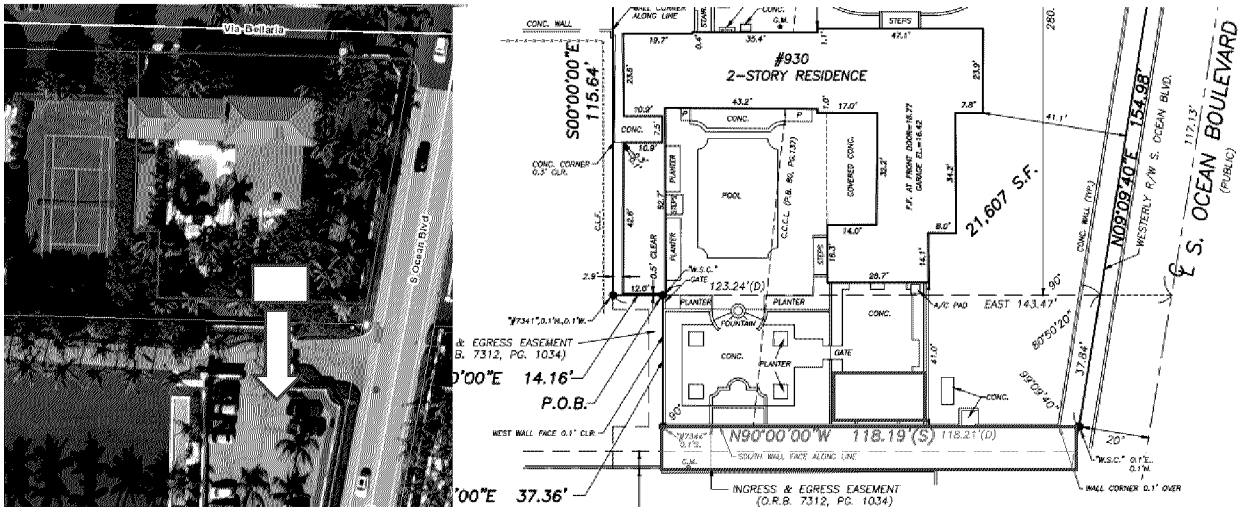


The extension of the nonconforming side setback requires variance relief of 12.2', as the required side setback is 15'.

As it pertains to the variance requests (#2-4), the applicant is seeking to modify the existing concrete yard located in the south side of the site and create a mechanical equipment yard.



The R-A zoning district has a required rear yard setback requirement of 15'. The applicant is proposing to place permit three (3) pieces of air conditioning equipment within the south rear yard setback in lieu of the two (2) pieces of air conditioning equipment maximum permitted. Additionally, the new pool equipment is proposed to be placed within the equipment yard.



Yet when placed within the setback the Code requires the equipment to be spaced no further than 25' to the water's edge of the pool (variance #3). Additionally, the pool heater is proposed to be setback 6' from the south property line instead of the required 10' (variance #4). An existing site wall and planters should serve as adequate buffering for the equipment.

Further, the proposed mechanical equipment yard location is ideal in terms of impact to neighbors—it's proposed siting abuts the western neighbors' property's 15' wide access easement. And the proposed adjacent to the abutting property's vehicular storage area, which should preclude any audible or visual impact upon the neighbor.

CONCLUSION:

The application is presented to the Commission to consider whether all the criteria in section 54-

122 have been met. Approval of the project will require two separate motions to be made by the Commission:

(1) for the overall design of the project in accordance with Sec. 54-122, subject to any imposed conditions.

(2) that the implementation of the proposed variances **will or will not** cause negative architectural impact to the subject property. The variance portion of the application is scheduled for review by Town Council on February 14, 2024.

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

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

WRB: JGM: FHM

RECEIVED
By yfigueroa at 1:02 pm, Dec 07, 2023

November 2, 2023

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480

Dear Members of the Town of Palm Beach Landmark Commission,

Please find this application on behalf of 930 S Ocean Trust (the "Applicant"), the owners of the property located at 930 South Ocean Blvd (collectively the "Property") in the Town of Palm Beach (the "City"). The applicants' are submitting a proposal for minor additions and alterations that we consider to be compatible with and subordinate to the 1927 Romanesque home designed by Maurice Fatio (Landmarked 12/11/1979).

Property Description. The Palm Beach County Property Appraiser's Office identifies the Property with Folio Nos. 50-43-43-35-00-001-0290. The Property is a rectangular shaped lot comprised of approximately 21,607 square feet.

Located in the R-A, Estate Residential Zoning District, the Property is surrounded with similar single-family homes. This residential area has two-story homes with pools, and lush landscaping.

Proposed Development. The scope proposed is articulated below.

Garage storage/trash & grill addition:

Enclose the existing mechanical/trash open air space between the garage and pool cabana for storage and trash enclosure. To the east of this enclosure is proposed a new covered grill area. The proposed addition will be subordinate to the historic principal house and will maintain the proportions and detailing of the existing pool cabana.

Removal of the existing balcony over the conservatory:

Remove the existing balcony and access door over the southeast half of the conservatory and replace with new roofing and a bronze window to more closely approximate the roof line and fenestration of the original construction.

Roof replacement:

Replace the existing machine-made barrel roof tiles with hand-made barrel roof tiles which more closely approximate the reclaimed Cuban roof tiles utilized in the original construction.

Window & Door replacement:

Replace the existing painted mahogany doors and windows manufactured by MQ and Oliveri with new bronze units manufactured by Hope's Windows, Inc. which more closely approximate the steel units utilized in the original construction. Change the 2 existing door units on the south elevation of the conservatory back to their original configuration of windows. Change the existing door unit on the west elevation of the conservatory to a window unit to match those on the south and east elevations. Replace existing glass and wrought iron entry doors & transom with a paneled limed cypress entry doors and glass and bronze transom which more closely approximate the entry fenestration of the original construction.

Exterior gates, railings, and grilles:

Replace the existing powder coated steel and aluminum units with new bronze units and simplify the overall design.

Pool:

Replace the existing pool with a smaller pool which is better scaled for the courtyard space.

Courtyard fountain:

Replace the existing fountain with a new rectangular fountain, remove the existing decorative tiles and precast trim and clad the wall with new Fl coral and provide 3 bronze spouts.

Mechanical enclosure:

Utilize the southern 1/3 of the existing southeast courtyard to create a new mechanical enclosure for HVAC equipment, generator, and pool equipment. The new dividing wall to match the height and detailing of the existing walls and the new access gate to be limed cypress planks.

Hardscape:

Replace existing precast pavers at southern courtyards and drives with new Fl coral at the courtyards and cobblestones at the drives. Replace the precast wall caps throughout the property with new Fl coral wall caps.

Landscape:

All existing trees and palms to remain except that 4 Pygmy Date Palms in the courtyard are to be removed and 2 Christmas Palms in the courtyard are to be re-located. Green Island Ficus hedging in east and north yards will be removed and replaced with new Sea Grape hedging.

Conclusion. The Applicants' goal is to return some of the original detailing which has been lost through previous renovations/additions and to retain the historic fabric where possible and where new fabric is inserted to have it be compatible with the historic.

The Following Variances are being requested as part of this Application:

Variance 1: Section 134-843: Variance request for an addition between the garage and cabana with a 2.9 foot west side yard setback in lieu of the 15 foot minimum required.

Variance 2: Section 134-1728: Variance to allow swimming pool equipment to be in excess of 25 feet from the water's edge.

Variance 3: Section 134-1728: Variance to allow more than 2 pieces of equipment in the southeast yard (3-HVAC units, 60kw generator, pool equipment and 2 pool heaters).

1) The property is located in the R-A Zoning District and the residence was constructed in 1927 and is a Landmarked property and non-conforming to today's code in many aspects as well as being a corner lot.
2) The applicant was not the cause of the special conditions of the property or residence. The non-conformities of the residence and property were existing prior to the applicant owning the property.
3) The granting of the variances will not confer on the applicant a special privilege that is denied to the neighboring properties.
4) The hardship, which runs with the land, is that the residence and property is nonconforming and is situated on a corner.
5) The variances requested are the minimum necessary to make reasonable use of the land considering the opportunity to bring the home up to today's living standards.
6) The granting of the variances will not be injurious to the neighborhood. A renovated single family landmarked residence will be beneficial to the neighborhood.

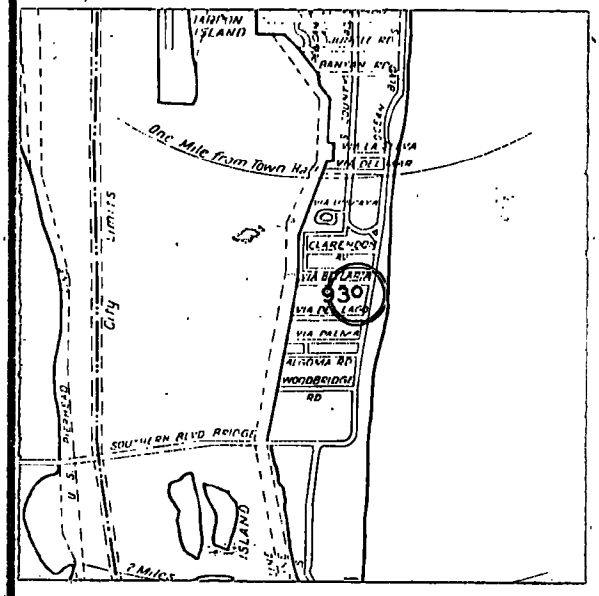
Sincerely,

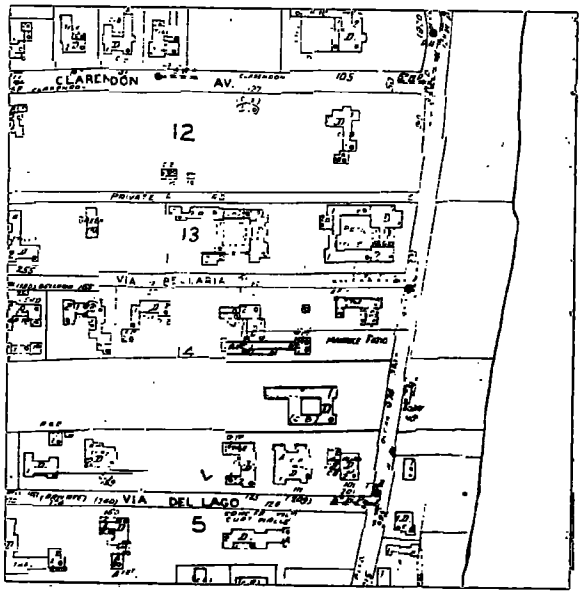


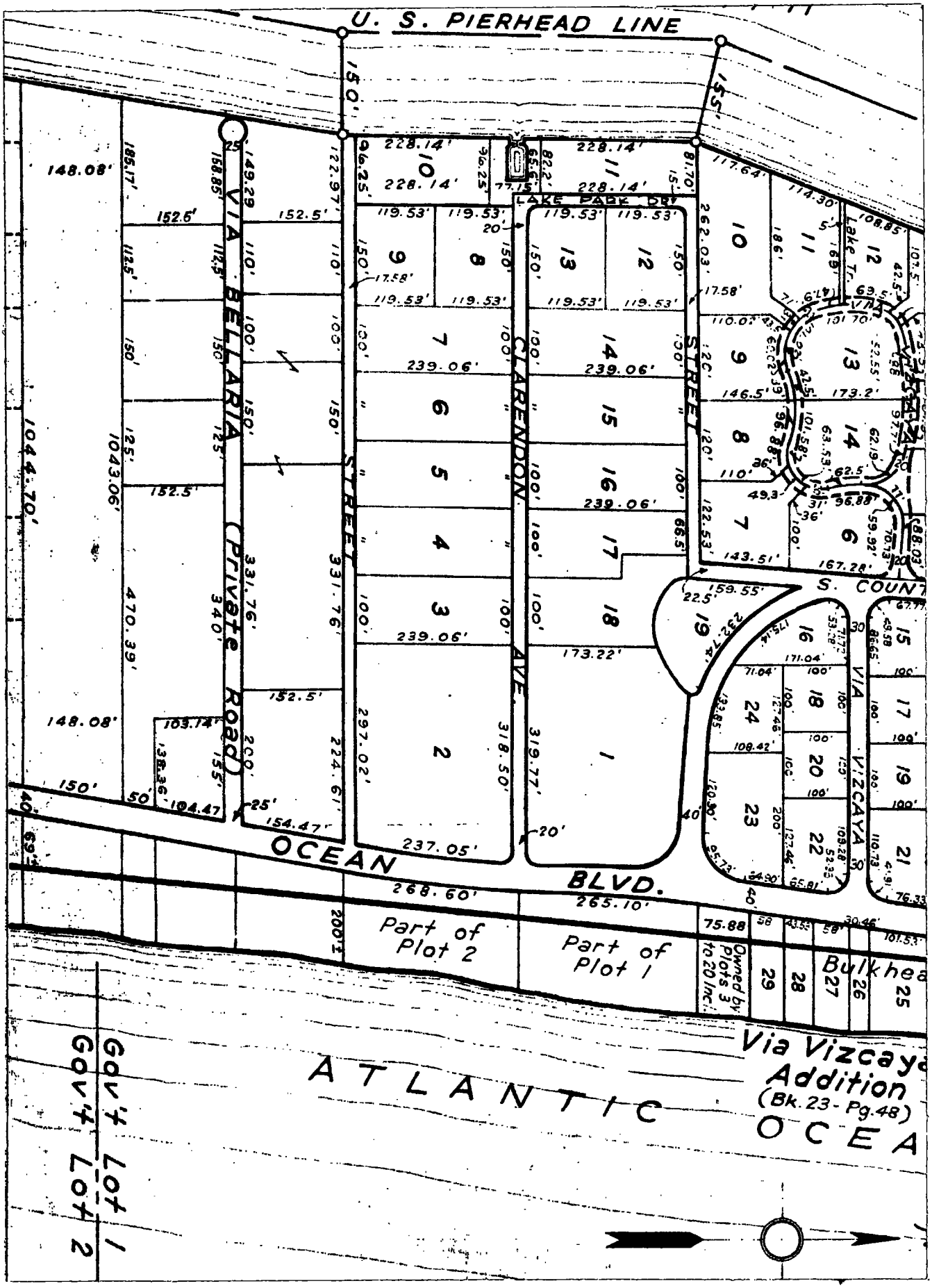
Gregory L. Palmer, AIA
Principal Architect



930 S OCEAN BLVD






U. S. PIERHEAD LINE
VIA BELLARIA (Private Road)
CLARENDON AVE.
STREET
LAKE PARK DR
S. COUNTY
VIA VIZCAYA
OCEAN BLVD.
Part of Plot 2
Part of Plot 1
Owned by Plots 3 to 20 Inc.
Bulkhead
ATLANTIC OCEAN
Via Vizcaya Addition (Bk. 23 - Pg. 48)
Gov't Lot 1
Gov't Lot 2
Lake Tr.
148.08'
1044.70'
1043.06'
470.39'
340'
331.76'
224.61'
297.02'
318.50'
319.77'
237.05'
239.06'
173.22'
228.14'
268.60'
265.10'
154.47'
104.47'
103.74'
152.6'
152.5'
149.29'
158.85'
185.17'
122.97'
96.25'
77.15'
82.2'
65.6'
81.70'
117.64'
114.30'
262.03'
110.0'
146.5'
173.2'
143.51'
167.28'
159.55'
22.5'
232.74'
171.04'
108.42'
75.88'
119.53'
239.06'
173.22'
69'
40'
30'
20'
15'
25'
50'
200'
155'
125'
150'
100'
110'
120'
66.5'

GENERAL INFORMATION

GENERAL INFORMATION

NAME OF STRUCTURE
930 South Ocean Boulevard

ADDRESS OF STRUCTURE
930 South Ocean Boulevard
Palm Beach, Palm Beach County, Florida
33480

LEGAL DESCRIPTION
35-43-43 E. 157 ft. of N. 115.65 ft. of S. 266 ft. Gov. Lot 1 Lying W. of Ocean Boulevard

PRESENT OWNER
New Owner 5/84
~~Ms Marie R. Dunbaugh~~
930 South Ocean Boulevard
Palm Beach, Florida, 33480
George Mann of Toronto, Canada

ARCHITECT
Maurice Fatio

DATE OF CONSTRUCTION
1920's

FUNCTION
Private Residence

ZONING
R-A Estate Residential

PREVIOUS SURVEYS
NRHP Inventory 1972

ARCHITECTURAL DESCRIPTION

930 South Ocean Blvd.

Architectural Description

-Italian Romanesque Residence

-Interest is derived from use of cut coral stone, craftsmanship and simplicity of design.

-General Characteristics:

-Plan is a "T" shape two story structure with principle facade facing ocean and entrance facing side street.

-Roof hipped spanish barrel tile.

-Either sheated or built in cut coral.

-First floor consists of arched openings, second floor rectangular openings.

-Specific Features:

-Decorative iron balcony grills and brackets.

-Casement windows and French doors in wood. First floor casements feature fanlities above within arched openings. The arched windows and arcades create a fluent rhythmic movement along the ground story.

-Two coral chimneys with stone cap coping.

-Important Decorative Elements:

-Ground story arcades of windows.

-Entryway of cut coral for arch is rusticated. Recessed double wood doors carved and painted. Ironwork grill above doors.

-Cornice features stone dentils.

-Stone chair rail banding gives strength to second story proportions.

930 South Ocean Blvd.

Architectural Description (cont'd.)

-Landscape - simple with palms and Australian pines.

-Neighborhood - excellent.

ARCHITECTURAL ANALYSIS

930 South Ocean Blvd.

Architectural Significance

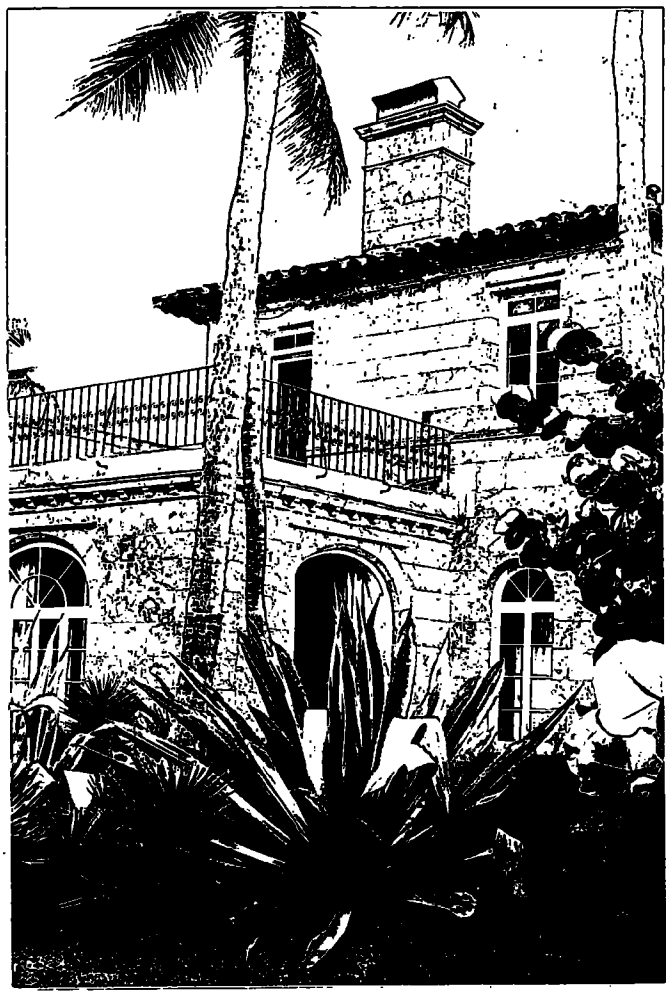
This oceanfront residence, located at 930 South Ocean Blvd., was designed by Maurice Fatio during the 1920's. The structure is a notiable example of the use of cut coral stone expertly crafted. This Romanesque revival style residence is an excellent example of Mr. Fatio's precise detailing which accentuates the simple well proportioned two story masses.

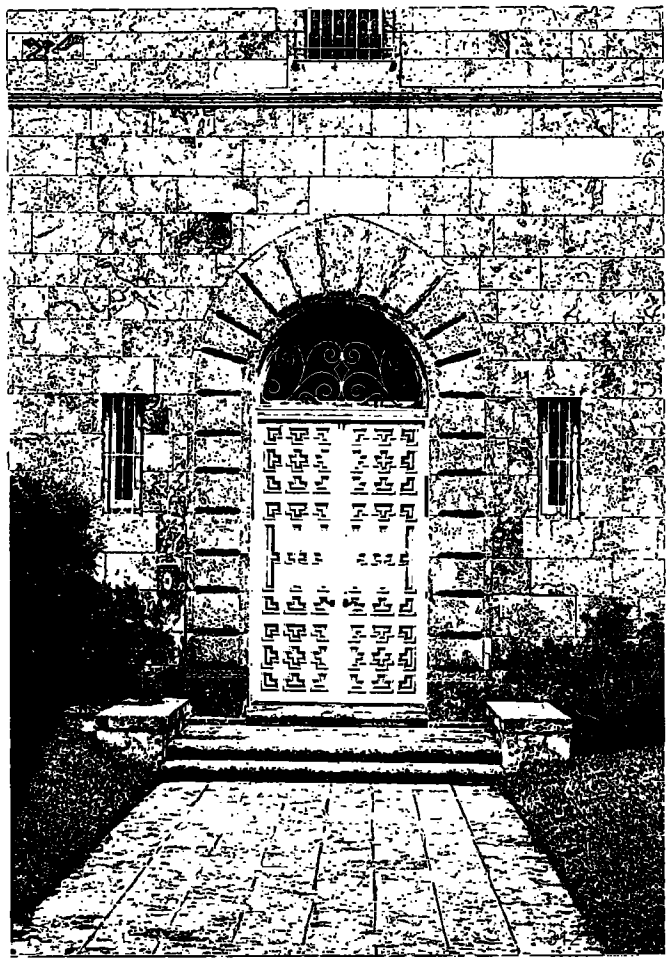
The low hipped barrel tile roof plane, stone cornice and second floor sill height continuous stone banding above first floor window arcades with slender columns are characteristic of Fatio's style. A double set of French doors lead to an oceanfront second floor balcony on decorative brackets which breaks the proportional rhythm of the facade and adds interest to the design in relating the interior to the exterior views. The rusticated arched entrance in cut coral stone is of simple design yet typical of Fatio's attitude toward accentuating the doorways of residences.

The use of one of South Florida's only indigenous building materials of the period - cut coral stone, the precise detailing and excellent craftsmanship of the construction exemplifies Fatio's fondness for the Romanesque style, and is an example of one of Fatio's excellent smaller residences. Above all it exemplifies his love for coral rock, a beautiful building material, for its natural texture, soft color and its adaptability to the tropical climate.

This is a fine house and worthy of distinction by any set of criteria.

PHOTOGRAPHY





930 S.O.B.
Desig File

THIS INSTRUMENT WAS PREPARED BY/
RECORD AND RETURN TO:
JOHN C. RANDOLPH, Esquire
Jones, Foster, Johnston & Stubbs, P.A.
Post Office Box 3475
West Palm Beach, Florida 33402-3475

MAR-24-1993 11:24am 93-087016
ORB 7635 Pg 409

NOTIFICATION OF CERTIFICATE OF APPROPRIATENESS

RE: DESIGNATED LANDMARKED PROPERTIES

WHEREAS, pursuant to the provisions of Ordinance No. 1-79 of the Town of Palm Beach, the Town Council designated the following properties as landmarks:

A. The east 157 feet of the north 115.65 feet of the south 266 feet of Government Lot 1 lying west of Ocean Boulevard in Section 35, Township 43 South, Range 43 East.
Address 930 South Ocean Boulevard (see Official Record Book 3198, Pages 34 through 36, public records of Palm Beach County, Florida);

B. The west 340 feet of the east 497 feet of the north 165 feet of the south 266 feet of Government Lot 1, west of Ocean Boulevard and the east 130.44 feet of the north 49.36 feet of the south 150.36 feet of Government Lot 1, west of Ocean Boulevard, in Section 35, Township 43 South, Range 43, East.
Address 150 Via Bellaria (see Official Record Book 3107, Page 1143 - 1152, public records of Palm Beach County, Florida)

and

WHEREAS, application was made to the Landmarks Preservation Commission of the Town of Palm Beach for a Certificate of Appropriateness so as to redescribe the landmarked properties above referenced; and

WHEREAS, on May 20, 1992, Certificate of Appropriateness No. 24-92 was granted by the Town so as to allow the redescription of the property (copy of Certificate of Appropriateness is attached hereto); and

WHEREAS, pursuant to the granting of the Certificate of Appropriateness the landmarked properties above referenced have been redescribed in Exhibits "A" and "B" attached hereto, each property remaining a designated landmarked property pursuant to the initial designations referenced above.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON 24-021 (COA-24-003) 800 S COUNTY ROAD (COMBO)—VARIANCE(S) The applicant, DesRuisseaux Land Trust (Maura Ziska, Trustee), has filed an application requesting Town Council review and approval for two (2) variances including (1) the reduction of the north side-yard setback for construction of bridge and (2) to exceed maximum lot coverage for construction of bridge. The Landmarks Preservation Commission shall perform a design review of the application. *[Landmarks Perservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 6-0.] [The Landmarks Perservation Commission approved this project. Motion carried, 6-0.]*

Presenter

ATTACHMENTS:

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

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: Landmarks Preservation Commission and Town Council

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

SUBJECT: ZON-24-021 (COA-24-003) 800 SOUTH COUNTY RD (COMBO)

MEETING: JANUARY 17, 2024 LPC
FEBRUARY 14, 2024 TOWN COUNCIL

COA-24-003 (ZON 24-021) 800 S COUNTY ROAD (COMBO). The applicant, DesRuisseaux Land Trust (Maura Ziska, Trustee), has filed an application requesting a Certificate of Appropriateness review and approval for; minor hardscape changes, modification of four doors, change of door style, change of window to French door, addition of an approximately 41SF uncovered bridge between guest/boat house and generator building, on a site with a two-story landmarked building. The Town Council shall review the application as it pertains to zoning relief/approval.

ZON 24-021 (COA-24-003) 800 S COUNTY ROAD (COMBO)—VARIANCE(S). The applicant, DesRuisseaux Land Trust (Maura Ziska, Trustee), has filed an application requesting Town Council review and approval for two (2) variances including (1) the reduction of the north side-yard setback for construction of bridge and (2) to exceed maximum lot coverage for construction of bridge. The Landmarks Preservation Commission shall perform design review of the application.

Applicant: Maura Ziska, representative
Professional: Brasseur & Drobot Architects, P.A.

HISTORY:

The property at 800 South County Road is a designated landmark and significant for its association with Addison Mizner and the eclectic Mediterranean Revival style of architecture with a focus on Moorish and Venetian elements. It was originally built in 1923 for Arthur Claflin. This property previously received approvals for elevating the structure and additions. The applicant has returned for some additional adjustments to windows and doors and a bridge connection.

THE PROJECT:

The applicant has submitted plans, entitled "Hardscape and Exterior Door Alterations and Bridge Addition for Ann Desruisseaux", as prepared by Brasseur & Drobot, received, and dated by the Town as December 7, 2023. This project is also for a tax abatement. At the JANUARY 17, 2024 LPC, the Commission approved (7-0) the project. Additionally, a motion was made and approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

The following is the scope of work for the project:

(1) Minor hardscape changes which will not affect the Landscape Open Space requirement.

(2) The addition of a small 40.94 SF uncovered bridge between the Guest/Boat House and the Old Generator Building which requires (2) variances.
(3) Change of (4) approved wood paneled doors to French doors at the Cabana Bath, Guest/Boat House, and the Old Generator Building.
(4) Change of a Gothic French door to a square topped French door at the Staff Kitchen.
(5) Change of a window to a French door at the second floor of the Guest/Boat House.
(6) Change a single French door to a double French door at His Bath.
(7) Change (3) first floor windows height from 40" tall to 55" tall at the south side of the Guest House Lounge.

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

- VARIANCE 1: Sec. 134-843(a)(8): A variance for a north side-yard setback of approximately 20.5' in lieu of the 30' required, for lots over 60,000SF.

- VARIANCE 2: Sec. 134-1728(a)(11): A variance for lot coverage of approximately 25.43% in lieu of the 25.36% previously approved and the 25% maximum permitted.

Site Data			
Zoning District	R-A	**Lot Size**	62,295 SF
Future Land Use	Residential	**Total Building Size**	22,268 SF
C-O-R	7.44 NAVD	**Flood Zone**	AE 6.0' NAVD
Finished Floor Elevation	9.0' NAVD	**Designated Landmark *Nat'l Register**	12/11/79
Year of Construction:	1923	**Architect:**	Addison Mizner
Project			
Lot Coverage	Existing: 25.36 % Proposed: 25.43% Permitted: 25% ***Variance required***	**Landscape Open Space (LOS)**	Existing: 43.48% Proposed: NC Required: 50%
Surrounding Properties / Zoning			
North	Single Family home / R-A		
South	Single Family home / R-A		
East	Single Family home / R-A		
West	Intracoastal Waterway		

STAFF ANALYSIS

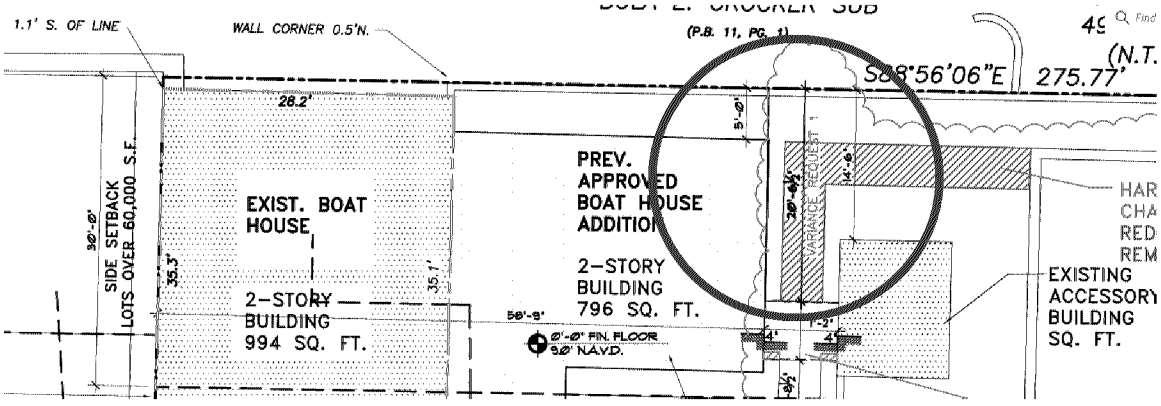
The applicant is seeking a Certificate of Appropriateness and a tax abatement amendment for exterior alterations to a landmarked property. Specifically, fenestration changes and the addition of an uncovered bridge connecting the boat house and generator building. The window and door changes are nominal and in keeping with the existing architectural style. The changes also appear to not adversely impact original elements of the buildings. The proposed bridge requires a variance for its side setback and lot coverage. However, it is only approximately 41 SF, could be removed

in the future and there is another bridge on site. The design of this bridge is simple and does not compete with other architectural elements on site.



Proposed Bridge

As it pertains to VARIANCE 1, to reduce the required side (north) setback by 9.5' in order to construct the elevated walkway in between two detached structures with existing nonconforming setback. The existing landmarked building has a nonconforming north side setback which varies from 1.1' to 5' to 14.5'. This small 7'-2" wide bridge is a negligible element within a greater nonconformity.



As it pertains to VARIANCE 2, to further increase the nonconforming lot coverage. The 41 SF addition will increase the lot coverage by 0.07%. The lot coverage increase is triggered by the elevated walkway, ie bridge. This covered element counts towards the lot coverage. It must be

noted that the applicant has made effort in this area to increase the overall green space by removing some side walkways in this immediate area.

CONCLUSION:

The application is presented to the Commission to consider whether all the criteria in section 54-122 have been met. Approval of the project will require two separate motions to be made by the Commission:

(1) for the overall design of the project in accordance with Sec. 54-122, subject to any imposed conditions.

(2) that the implementation of the proposed variances **will or will not** cause negative architectural impact to the subject property. The variance portion of the application is scheduled for review by Town Council on February 14, 2024.

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

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

WRB: JGM: FHM

RECEIVED
By yfigueroa at 11:49 am, Dec 07, 2023

BRASSEUR & DROBOT ARCHITECTS, P.A.

December 7, 2023

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

Re: COA-24-003 (ZON-24-021) 800 South County Rd, Letter of Intent (Drop Off)

To whom it may concern,

This is a letter of intent for the renovation of a previously approved 20,221 sq. ft., two story residence including the renovation of the original 10,819 S.F. two story residence designed by Addison Mizner in 1923.

The project consists of:

1. Minor hardscape changes which will not affect the Landscape Open Space requirement.
2. The addition of a small 40.94 sq. ft. uncovered bridge between the Guest/Boat House and the Old Generator Building which requires (2) variances:

    1. A variance for a north side yard setback of 20.5 ft. i.l.o. the 30 ft. minimum required for lots over 60,000 sq. ft.
    2. A variance for a lot coverage of 25.43% i.l.o. the 25.36% previously approved and 25% maximum allowed.

3. Change of (4) approved wood paneled doors to French doors at the Cabana Bath, Guest/Boat House, and the Old Generator Building.
4. Change of a Gothic French door to a square topped French door at the Staff Kitchen.
5. Change of a window to a French door at the second floor of the Guest/Boat House.
6. Change a single French door to a double French door at His Bath.
7. Change (3) first floor windows height from 40" tall to 55" tall at the south side of the Guest House Lounge.

The Certificate of Appropriateness application will be submitted on November 20, 2023 for the January 17, 2024 Landmark Preservation Commission meeting.

It is this offices opinion that the request complies with Section 54-122 and Section 54-161 of the Landmark Manual. Materials used will match that which was previously approved by the Landmarks Commission in October of 2020. Stucco, cast stone and wood finishes will match existing. The proposed door and window openings are similar in proportion to existing openings.

AR 94843 - AR 0017698
AA 26001461
224 DATURA STREET, SUITE 311
WEST PALM BEACH, FLORIDA 33401
561.820.8088 FAX 561.820.8089

This office reviewed the archived plans received from the Town of Palm Beach's Archive Department. To the best of our knowledge, Zoning related requests on after January 1979 include:

1931: Alterations were made by the original architect, Addison Mizner. These included the addition of the round stair tower, changing Living Room windows to French doors, and miscellaneous interior renovations that required some minor fenestration changes.

1977: a Pool Cabana was added. The Cabana was constructed in conjunction with the installation of a swimming pool and raised deck at the west edge of the property.

1988: the original French doors and windows were replaced with matching wood units.

1992: a Covered Loggia with open deck above, designed by Michael Johnson, and was added to the southwest corner of the house.

Please let me know if you have any questions. My office number is (561) 820-8088.

Respectfully,

Jason P. Drobot
Architect

AR 94843 - AR 0017698
AA 26001461
224 DATURA STREET, SUITE 311
WEST PALM BEACH, FLORIDA 33401
561.820.8088 FAX 561.820.8089

"LPC PROPERTY FILE FORM"

PROPERTY ADDRESS: GRADE: _____

HISTORIC/COMMON NAME: Casa del Ensuenos Par 5/30/84 Elisabeth P.

NAME OF OWNER: ~~Stuart-Plankinton Enter, Inc.~~ PHONE: MACKINTOSH

ADDRESS OF OWNER: ~~161 W. Wisconsin Ave. Milwaukee, Wi. 53203~~ 806 So. County Road P. B. 71 0

PARCEL NUMBER: 504343 35 DD 00 10 020

LEGAL DESCRIPTION: 35-43-43, So. 200 ft of No. 691.52 feet of Gov. Lot 1, West of County Road (Less So. 151.68 feet of Easterly 137.53 feet)

DESIGNATION STATUS:

DESIGNATION PROCEDURE:

1. Listed as potential property identified for possible consideration: _____ (date)

2. Voluntary Solicitation: _____ (date); Response: Yes _____ (date) No _____ (date) No Response ___

3. Property proposed for designation: By _____; Date: _____

Criteria:

4. Owner notified of proposed designation by Certified Mail: 3/7/79 (date); Delivered: 3/26/79 (date)

5. Date for Public Hearing (after 30 days): 4/23/79 (date); Posted _____ (date)

6. Notice to Bldg. Dept. per Section 9(h): _____ (date); cc: Town Mgr. ___; Town Lawyer ___

7. Objection by Owner: No ___; Yes X; Date: _____; Lawyer: _____

Removal & Comment: Requested we hold off on Recommendation as property was in the Process of being Sold.

8. LPC Hearing: 4/23/79 (date); Recommended ___; Removed ___; Deferred X: 45-day clock _____ (date)

Owner Notified: 11 (date)

Comments:

Rescheduled for hearings 12/19/79 to 1/10/80 to 1/17/80.

9. Recommended to Town Council: 2/27/80 (date); 90-day clock _____ (date) Owners (Tureaud) sent letter of notification 2/11/80

10. Town Council Hearing: 5/22/80 (date); Ratified X; Not Ratified ___; Deferred Action ___;

Owner Notified TC Hearing: 3/14/80

90-day clock waiver ___; Comments:

11. Recorded Office of Deeds (within 30 days of ratification): 6/18/80 (date)

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

FLORIDA MASTER SITE FILE
Site Inventory Form

FDAHRM 802= =
1009= =

Site No. 820= =
Site Name 830= = Survey Date 8011
Address of Site: 800 S County Road Palm Beach, FL 33480 905= =
Instruction for locating W side, S County Road N of Via la Selva 813= =
868= =
Location: Del Mar None metes & bounds description
subdivision name block no. lot no.
County: Palm Beach 808= =
Owner of Site: Name: Mackintosh, Mrs B P
Address: Plankinton Trust, Plankinton Bldg, 161 W Wisconsin Avenue
Milwaukee, Wisc. ~~53203~~ 53201 902= =
Type of Ownership Private 848= = Recording Date 832= =
Recorder:
Name & Title: Kidney, Walter C. (Architectural Historian)
Address: Landmarks Planning, Inc., Allegheny Square West
Pittsburgh, PA 15212 818= =
Condition of Site: Integrity of Site: Original Use Private Residence 838= =

Check One		Check One or More	
☐ Excellent	863= =	☒ Altered	858= =
☒ Good	863= =	☐ Unaltered	858= =
☐ Fair	863= =	☒ Original Site	858= =
☐ Deteriorated	863= =	☐ Restored ( ) (Date:)	858= =
		☐ Moved ( ) (Date:)	858= =

Present Use Private Residence 850= =
Dates: Beginning + 1923 844= =
Culture/Phase American 840= =
Period 20th Century 845= =

916= =
NR Classification Category: Building

Threats to Site:
Check One or More

☐ Zoning (X)	878= =	☐ Transportation (X)	878= =
☐ Development (X)	878= =	☐ Fill (X)	878= =
☐ Deterioration (X)	878= =	☐ Dredge (X)	878= =
☐ Borrowing (X)	878= =		

☐ Other (See Remarks Below): 878= =

910= =
Areas of Significance: Architecture

Significance: This is an Addison Mizner house, highly picturesque in composition and detailing and set beside Lake Worth. Mizner was the best-known Palm Beach architect, and this among his best compositions.

Grade: A

911= =

ARCHITECT Mizner, Addison 872 = =

BUILDER unknown 874 = =

STYLE AND/OR PERIOD Mediterranean Revival 984 = =

PLAN TYPE Irregular; Inaccessible 966 = =

EXTERIOR FABRIC(S) Stucco: Roughcast 854 = =

STRUCTURAL SYSTEM(S) Tile 856 = =

PORCHES S/2 2nd floor balconies, arcaded balustrades and cantilevers of cast stone # W/ similar balcony on S wing; bridge between 2 bldgs. # W/ 942 = =

FOUNDATION: 942 = =

ROOF TYPE: Hip 942 = =

SECONDARY ROOF STRUCTURE(S): None 942 = =

CHIMNEY LOCATION: S/end: exterior # offset: lateral slope 942 = =

WINDOW TYPE: French, 20, wood # Casements, 12, 16, wood # various 942 = =

CHIMNEY: Masonry, Stuccoed 882 = =

ROOF SURFACING: Tile: Barrel 882 = =

ORNAMENT EXTERIOR: Stone: Cast 882 = =

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

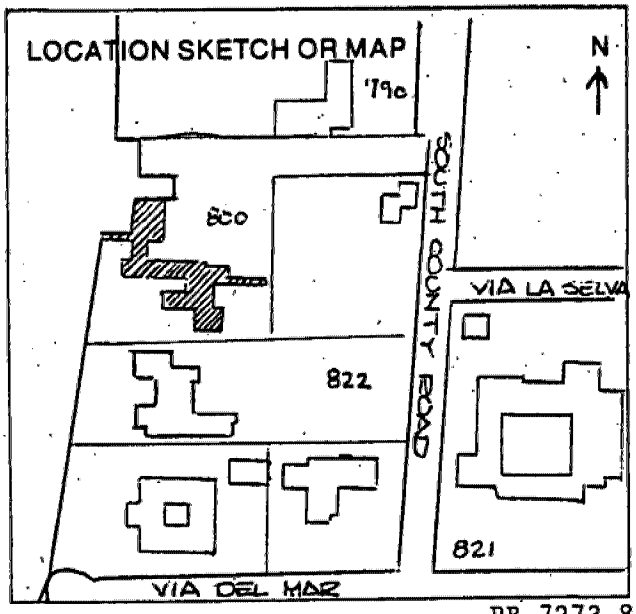
NO. OF DORMERS None 954 = =

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

Latitude and Longitude: 26° 41′ 15″ ° ′ ″ 800 = =

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

LOCATION SKETCH OR MAP



Township	Range	Section

812 = =

UTM Coordinates:

890 = =

Zone Easting Northing

Photographic Records Numbers PB-7273-8-F6 860 = =

Contact Print



plain wo
en cover
walk on
and N si
of patio
balcony,
slab flo
plain ir
railings

Form 10-300
(Rev. 6-72)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY – NOMINATION FORM

(Type all entries – complete applicable sections)

STATE: Florida
COUNTY: PALM BEACH
FOR NPS USE ONLY
ENTRY DATE

SEE INSTRUCTIONS

1. NAME

COMMON:

AND/OR HISTORIC:

2. LOCATION

STREET AND NUMBER: 900 SOUTH COUNTY ROAD

CITY OR TOWN: PALM BEACH — CONGRESSIONAL DISTRICT:

STATE: FLORIDA — CODE — COUNTY: PALM BEACH — CODE

3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP		STATUS	ACCESSIBLE TO THE PUBLIC
☐ District ☑ Building	☐ Public	Public Acquisition:	☑ Occupied	Yes:
☐ Site ☐ Structure	☑ Private	☐ In Process	☐ Unoccupied	☐ Restricted
☐ Object	☐ Both	☐ Being Considered	☐ Preservation work in progress	☐ Unrestricted
				☐ No

PRESENT USE *(Check One or More as Appropriate)*

☐ Agricultural	☐ Government	☐ Park	☐ Transportation	☐ Comments
☐ Commercial	☐ Industrial	☑ Private Residence	☐ Other *(Specify)*	
☐ Educational	☐ Military	☐ Religious		
☐ Entertainment	☐ Museum	☐ Scientific		

4. OWNER OF PROPERTY

OWNER'S NAME: ALEXANDER PULASKI

STREET AND NUMBER: 900 SOUTH COUNTY ROAD

CITY OR TOWN: PALM BEACH — STATE: FLORIDA — CODE

5. LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC: WEST PALM BEACH, FLORIDA COURTHOUSE

STREET AND NUMBER:

CITY OR TOWN: PALM BEACH — STATE: FLORIDA — CODE

6. REPRESENTATION IN EXISTING SURVEYS

TITLE OF SURVEY: ARCHITECTURAL SURVEY OF PALM BEACH, FLORIDA

DATE OF SURVEY: ☑ Federal ☐ State ☐ County ☑ Local

DEPOSITORY FOR SURVEY RECORDS:

STREET AND NUMBER: 900 SOUTH COUNTY ROAD

CITY OR TOWN: PALM BEACH — STATE: FLORIDA — CODE

STATE: FLORIDA
COUNTY: PALM BEACH
FOR NPS USE ONLY
ENTRY NUMBER
DATE

7. DESCRIPTION

CONDITION	(Check One)					
	☐ Excellent	☒ Good	☐ Fair	☐ Deteriorated	☐ Ruins	☐ Unexposed
	(Check One)		(Check One)			
	☐ Altered	☐ Unaltered	☐ Moved	☒ Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (*If known*) PHYSICAL APPEARANCE

ARCHITECT - ADDISON MIZNER

BARREL TILE ROOF WITH EXPOSED CARVED WOOD RAFTERS, CAST STONE BALCONIES AND WINDOW SILLS, FRENCH DOORS ON LAKE SIDE OPENING TO TERRACES AND BALCONIES, CASEMENT WINDOWS. CHIMNEYS WITH TILE WIND CAPS.

TWO STOREYS.

HOUSE ORIGINALLY ON SHORE LINE. LAND LATER FILLED IN TO BULKHEAD LINE. GONDOLA TYPE CANAL DIVIDES HOUSE NORTH AND SOUTH AT ARCH SPANNING THE TWO BUILDINGS WITH ROOFED OVERPASS.

SEE INSTRUCTIONS

8. SIGNIFICANCE

PERIOD *(Check One or More as Appropriate)*

- ☐ Pre-Columbian
- ☐ 15th Century
- ☐ 16th Century
- ☐ 17th Century
- ☐ 18th Century
- ☐ 19th Century
- ☑ 20th Century

SPECIFIC DATE(S) *(If Applicable and Known)*

AREAS OF SIGNIFICANCE *(Check One or More as Appropriate)*

- ☐ Aboriginal
- ☐ Prehistoric
- ☐ Historic
- ☐ Agriculture
- ☑ Architecture
- ☐ Art
- ☐ Commerce
- ☐ Communications
- ☐ Conservation
- ☐ Education
- ☐ Engineering
- ☐ Industry
- ☐ Invention
- ☐ Landscape Architecture
- ☐ Literature
- ☐ Military
- ☐ Music
- ☐ Political
- ☐ Religion/Philosophy
- ☐ Science
- ☐ Sculpture
- ☐ Social/Humanitarian
- ☐ Theater
- ☐ Transportation
- ☐ Urban Planning
- ☐ Other *(Specify)*

STATEMENT OF SIGNIFICANCE

ARCHITECTURE OF ADDISON MIZNER.

SEE INSTRUCTIONS

9. MAJOR BIBLIOGRAPHICAL REFERENCE

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY						OR	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES					
CORNER	LATITUDE			LONGITUDE				LATITUDE			LONGITUDE	
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
NW	°	'	"	°	'	"		°	'	"	°	'	"
NE	°	'	"	°	'	"							
SE	°	'	"	°	'	"							
SW	°	'	"	°	'	"							

APPROXIMATE ACREAGE OF NOMINATED PROPERTY:

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE: BARBARA D. HOFFSTOT AND ROBERT H. LOWE

ORGANIZATION

DATE July 1972

STREET AND NUMBER: 422 SOUTH COUNTY ROAD

CITY OR TOWN: PALM BEACH STATE FLORIDA CODE

12. STATE LIAISON OFFICER CERTIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National ☐ State ☐ Local ☐

Name _____

Title _____

Date _____

NATIONAL REGISTER VERIFICATION

I hereby certify that this property is included in the National Register.

_____

Director, Office of Archeology and Historic Preservation

Date _____

ATTEST:

_____

Keeper of The National Register

Date _____

SEE INSTRUCTIONS

GPO 931-894

Form 10-301
(July 1969)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY MAP FORM

(Type all entries - attach to or enclose with map)

STATE	FLORIDA
COUNTY	PALM BEACH
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

SEE INSTRUCTIONS

1. NAME

COMMON:

AND/OR HISTORIC:

2. LOCATION

STREET AND NUMBER: 800 SOUTH COUNTY ROAD

CITY OR TOWN: PALM BEACH

STATE: FLORIDA	CODE	COUNTY: PALM BEACH	CODE

3. MAP REFERENCE

SOURCE:

SCALE:

DATE:

4. REQUIREMENTS

TO BE INCLUDED ON ALL MAPS

1. Property broundaries where required.
2. North arrow.
3. Latitude and longitude reference.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM

(Type all entries - attach to or enclose with photograph)

STATE	FLORIDA
COUNTY	PALM BEACH
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

SEE INSTRUCTIONS

1. NAME

COMMON:

AND/OR HISTORIC:

2. LOCATION

STREET AND NUMBER: 800 SOUTH COUNTY ROAD

CITY OR TOWN: PALM BEACH

STATE: FLORIDA	CODE	COUNTY: PALM BEACH	CODE

3. PHOTO REFERENCE

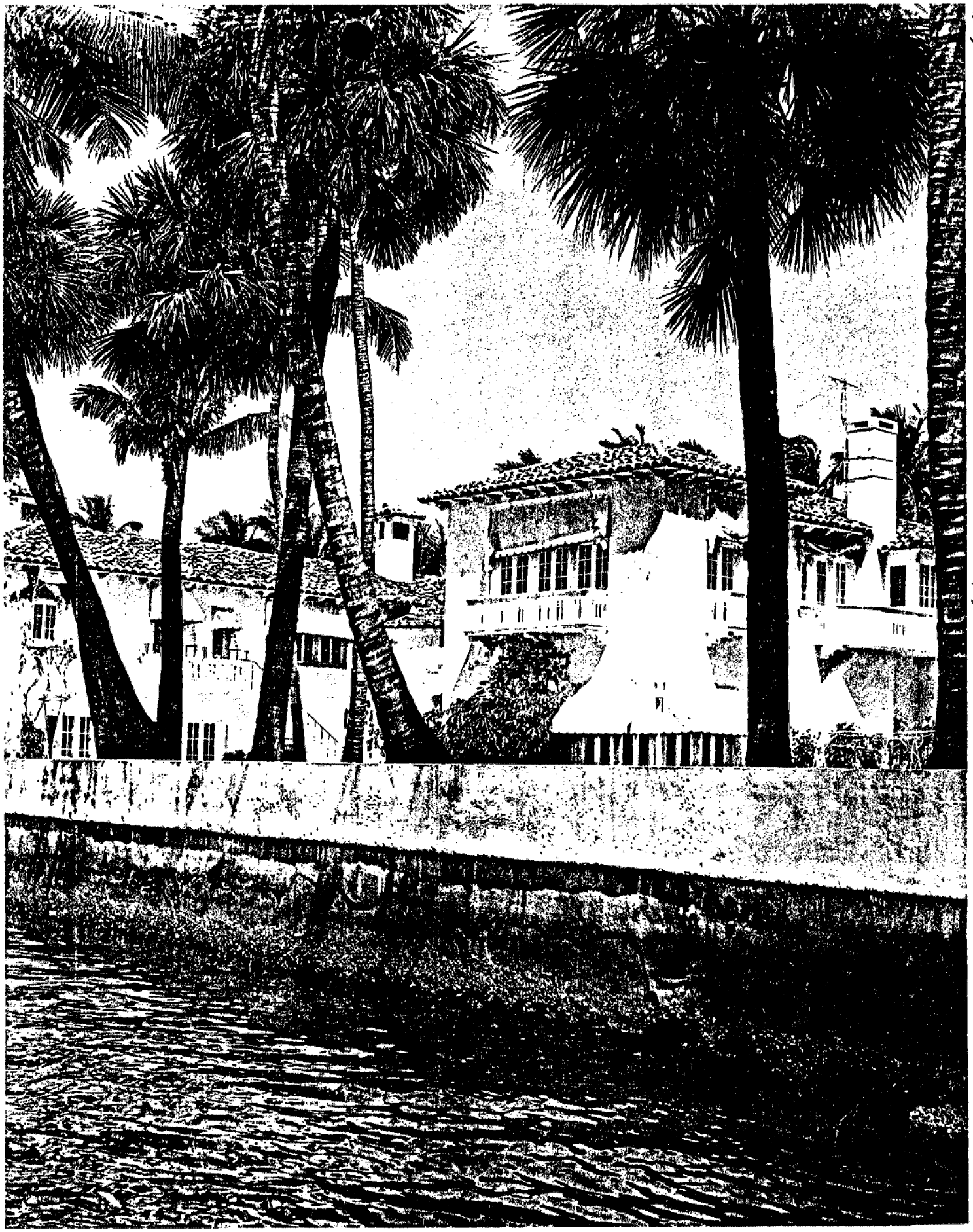
PHOTO CREDIT: [illegible]

DATE OF PHOTO:

NEGATIVE FILED AT: 800 SOUTH COUNTY ROAD, PALM BEACH

4. IDENTIFICATION

DESCRIBE VIEW, DIRECTION, ETC.



1. Check weep holes
2. finish entry Corridor Roof on pointed ends should have tile
3. Missing extension ladder
4. Broken window
5. Window Column
6. Clean Roof
7. Clean Grounds

Anstis Ornstein Associates, Architects & Planners, Inc.

RECEIVED
APR 13 1988
STEEL WINDOW INSTITUTE

12 April 1988

H. David Faust, Esq.
Northbridge Centre I
Suite 1200
515 N. Flagler Drive
West Palm Beach, FL 33401-4307

RE: Janet & Peter Tigges Residence
800 South County Road
Palm Beach, Florida

Dear David:

On Friday, April 8, 1988, I visited the Tigges residence and examined the roof and several other exterior features of the house. Peter Tigges and I climbed to the roof of the master suite and observed the following:

1. Barrel tile were being installed.

2. The pan tile (bottom tile which is laid flat on the roof with its curvature turned upward) was observed to be Alparreta made in the Dominican Republic. (I have a sample.)

3. The cover tile (top tile) were observed to be Altusa Mission made in Venezuela by Altusa (I have a sample).

4. The roof was prepared with a #90 felt mopped over a #30 felt which was tin tagged to the deck. I did not actually observe the #30 felt except at the chimney caps, however, Peter said that he had seen the material being installed.

5. The weather lap on the #90 was approximately 4" which is acceptable, however, there was no evidence of head nailing of the #90.

6. Sighting down the cover tile (top tile) there were no nails evident attaching the tile to roof deck.

7. The exposed row of pan tile was not nailed and in fact we very easily lifted a couple of pan tile from their mortar bed.

8. Tile in the valleys of other areas of roof that were visible from where we were standing was very irregular and broken. They were not installed in a clean, straight, workmen-like manner.

9. The cricket behind the chimney at the master wing should be copper as should all the valleys. I was not able to determine that the valleys were copper flashed.

10. The roof over the bridge connecting the master suite to the garage apartment was not installed correctly in that at the point where the roof of the bridge extends below the eave (overhang) of the adjacent garage apartment roof was left untiled with the #90 felt left exposed. This area should be properly tiled.

11. There was no evidence that the tile were being wetted before they are installed. Dry tile will "suck" water from the mortar and prevent proper bonding between mortar and tile.

12. All visible flashing was copper.

13. At the south side of the roof over the main entry the counter flashing stands out clear from the wall by 3/4" at the top, 1-1/2 + at the bottom. The lower (visible) end of this counter flashing is open.

14. The stucco at the counter flashing at the south chimney is cracking away and must be patched.

15. The closure at the soffit/roof intersection at the south side of the corridor to the south bedroom is done in pine. This should be pecky cypress to match the soffit and outlookers.

16. There is an apparent difference in color range between the two tile manufacturers that is visible from the ground.

17. The roof over the round stair should be retiled and have the tile layed radially down the slope from center point or the intersection of conical roof and the wall intersect.

18. Roofing tile was being delivered to the job and being placed directly on the roof from the delivery truck by East Coast Supply. The truck's license plate was - Florida, Orange County, FH 5049.

Relative to the above stated observations I have the following concerns:

A. Verification should be obtained that the #30 felt is installed correctly and that the #90 felt is properly head nailed.

H. David Faust, Esq.
RE: Janet & Peter Tigges Residence
12 April 1988

B. The roofing tile (both pans and covers) should all be from the same manufacturer and of compatible color blend.

C. The pan tile should be nailed at every tile with the nail being driven through roofing cement for a seal.

D. The cover tile should be nailed into a pressure treated 2 x 4 which has been bedded in roofing cement prior to nailing to the deck. It would also be acceptable for the tile to be nailed with long (gutter) spikes through a dollop of roofing cement.

E. Verification should be obtained of the existence of the proper copper valley flashing.

F. Tile is being installed without wetting and this will create problems with the mortar to tile bond.

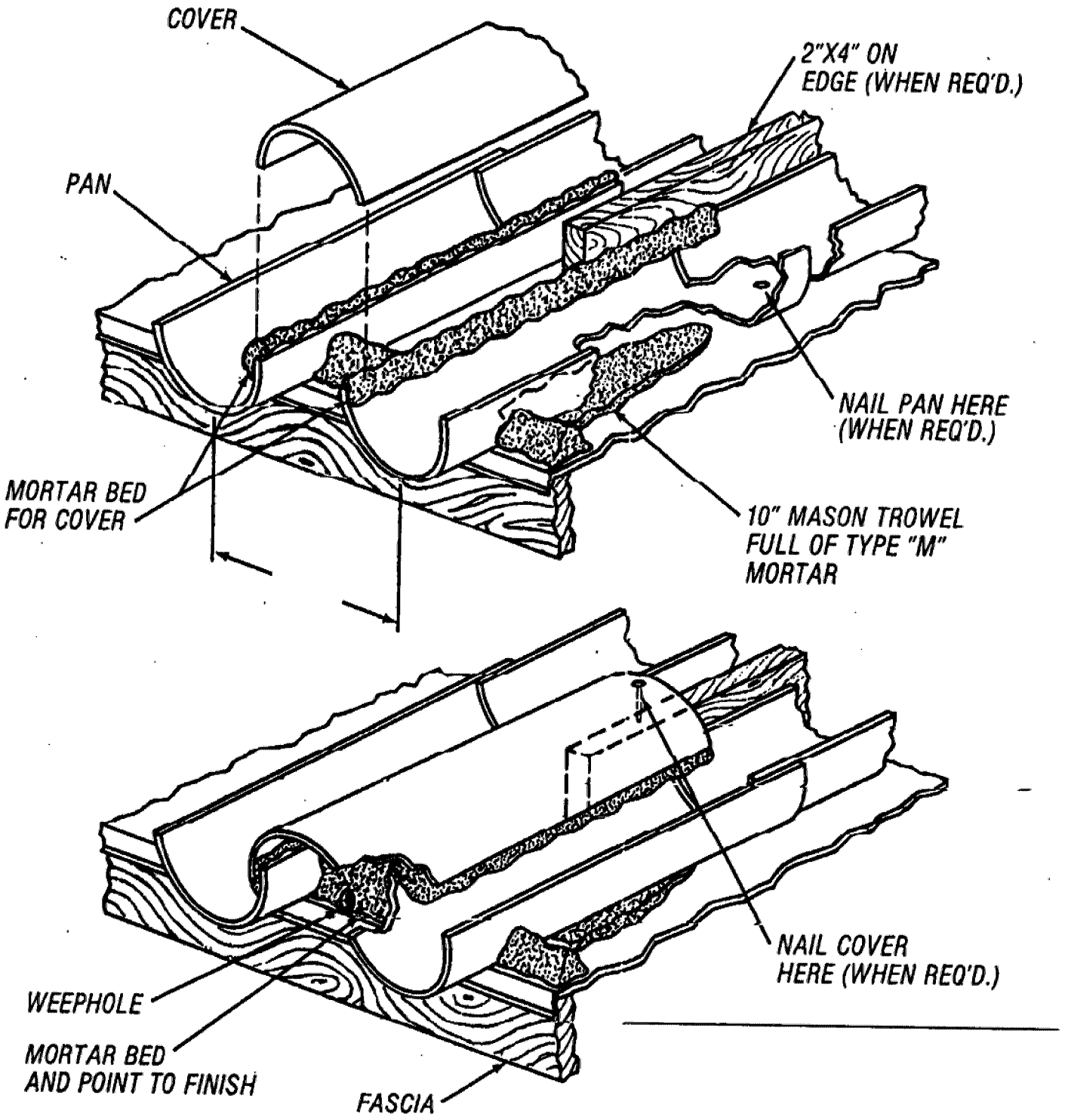
G. The code requires that all starter course tile must be nailed with hot dipped galvanized nails and every 3rd tile in every fifth row must be nailed. Tile is required to be wetted before laying in mortar with a 2" head lap and 1-1/2" side lap. These requirements are in the local amendments section 107.1.2 and 107.1.3.

H. Tile manufacturers specifications for installation frequently require more nailing than that required by code as minimum. For instance Gory (see attached excerpt from Gory Specification) required all tile on pitches greater than 7 in 12 to be nailed. I offer this as an example of what one manufacturer requires for propose installation of their product. Others have similar requirements. I would comment however, that I am not certain of the roof slope but it would not surprise me that it was in the range of 7 in 12 . In any event the start tile should be nailed.

My main concern with the roofing that I could observe is that the system is not mechanically attached to the deck and that the tile are not properly bonded to one another. The tile and perhaps the #90 (if it is not head nailed) are subject to slippage and perhaps tile can fall from the roof.

Gory Roof Tile

Technical Data



29. TILE AND MORTAR PLACEMENT-BARREL TILE

4) Preformed Metal (Closed Valley): Miter tiles at center water diverter.

h) Cut tile to accommodate roof penetrations. After tile is laid, fill voids with mortar and finish to match tile surface.

i) Apply sealer to point-up mortar and other surfaces as required.

j) Gables: (rolled) or (straight) SELECT ONE

1) Rolled Gable: Drill the trim tiles to facilitate nailing at the gable. Tiles are rolled over the edge in such a manner as to make contact with the field tile and gable fascia board.

2) Straight (flush) Gable: Fill space between tiles and deck with mortar and finish flush with metal edge.

k) Hip and Ridge Treatment: (Barrel Tile) or (Spanish "S" cuts) SELECT ONE

1) After completion of field tile installation, set hip and ridge caps in a continuous bed of mortar (lapping 2-1/2"). Fill voids with mortar and finish to match tile surface. (Optional: use pressure treated nailer boards to accommodate nailing hip and ridge tile in addition to mortar.)

l) Cut tile to accommodate roof penetrations. After tile is laid, fill voids with mortar and finish to match tile surface.

m) Apply sealer to point-up mortar and other surfaces as required.

D. Barrel Tile

1. Marking Off:

a) Chalk horizontal and vertical lines on the underlayment to guide tile application.

b) Allow 18" (horizontal line) for first course less an allowance for an overhang.

c) Allow 15-1/2" (horizontal line) for each row thereafter.

d) Rolled Gable: Allow 11" spacing between gable and first vertical line (center line for pans) then 13-1/2" between succeeding lines.

2. Installation:

a) Stack tiles on roof to facilitate application and minimize tile movement. Covers should be stacked with the wide end toward the eave and pans with the narrow end toward eave.

b) Place a full 10" mason's trowel of Type "M" mortar horizontally at the eave line to elevate the butt end of the first tile course to attain proper slope.

c) A full trowel of mortar is then placed on the vertical (center) line. This should be approximately within 3" to 4" from the head of the tile.

d) Press each pan into the mortar firmly leaving a 1/2" elevation between tile and deck at the eave and allowing the head to rest solidly against the deck.

e) For roof pitches greater then 5" in 12" but less than 7" in 12", nail the bottom three courses with one nail in addition to the mortar.

f) For roof pitches of 7" in 12" and greater, all tiles must be nailed in addition to the mortar.

g) Lay succeeding courses of pan tiles in the same manner. The bed of mortar should make contact with the head of the lower course tile and the underside of the tile being laid.

h) When nailing is required as above, 2" X 4" pressure treated nailer boards placed on edge are installed to receive covers.

i) Place a 2" string of mortar along the inside edges of the pan tiles. Set cover tiles into mortar and press firmly so cover rests against pans.

j) Fill voids between pan and cover and finish to desired appearance.

k) After eave covers are set, fill the remaining space under the covers and pans with mortar and smooth to form a neat eave closure. Position weepholes at the deck to provide proper drainage of any moisture accumulation under the tiles.

l) Valley Treatment:

1) Roll Metal (Open Valley): Miter tiles which meet at the valleys to form a straight border, with enough room to accept two 2" X 6"(s) placed on edge together in the valley. Fill voids with mortar and finish to match tile surface.

m) Rolled Gable: Drill the trim tiles to facilitate nailing at the gable. Tiles are rolled over the edge in such a manner as to make contact with the field tile and gable fascia board. Fill voids with mortar and finish to match tile surface.

n) After completion of field tile installation, set the hip and ridge tiles in a continuous bed of mortar (lapping 2-1/2"). Fill voids with mortar and finish to match tile surface. (Optional: use pressure treated nailer boards to accomodate nailing hip and ridge tiles in addition to mortar.)

o) Cut tile to accommodate roof penetrations. After tile is laid, fill voids with mortar to match tile surface.

p) Apply sealer to point-up mortar and other surfaces as required.

3.04 ADJUST AND CLEAN:

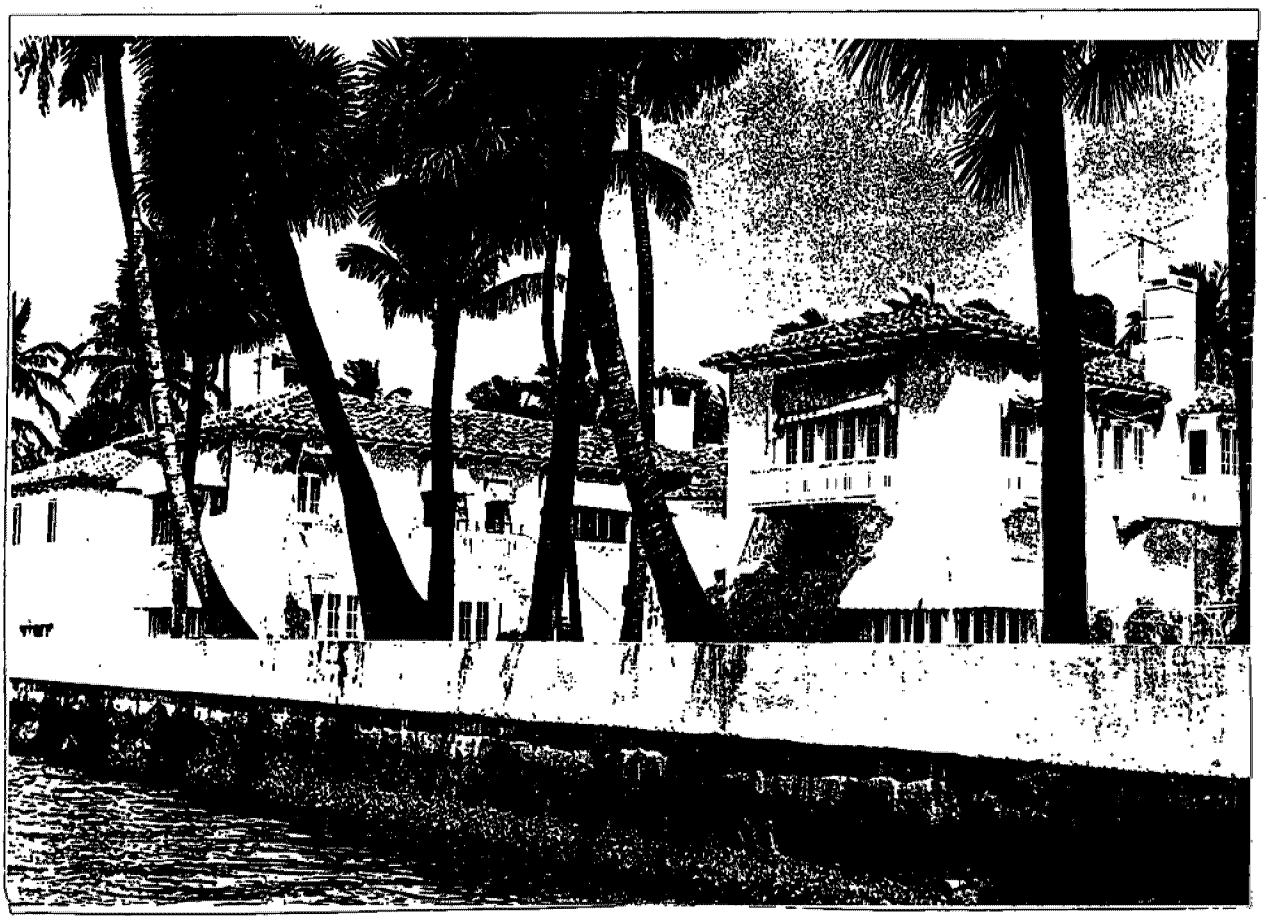
A. Damaged Tile Replacement:

1. Remove damaged tile and nails.

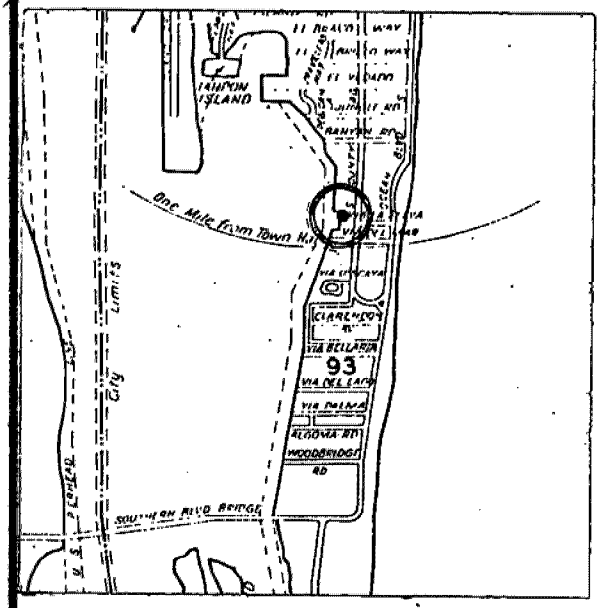
2. Seal nail penetrations with plastic cement.

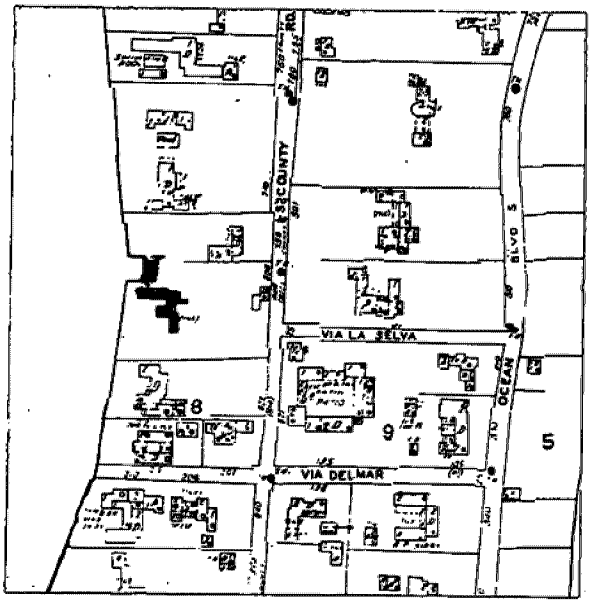
3. Apply 3/8" wide bead of adhesive 2" in length along underside of butt end of replacement tile.

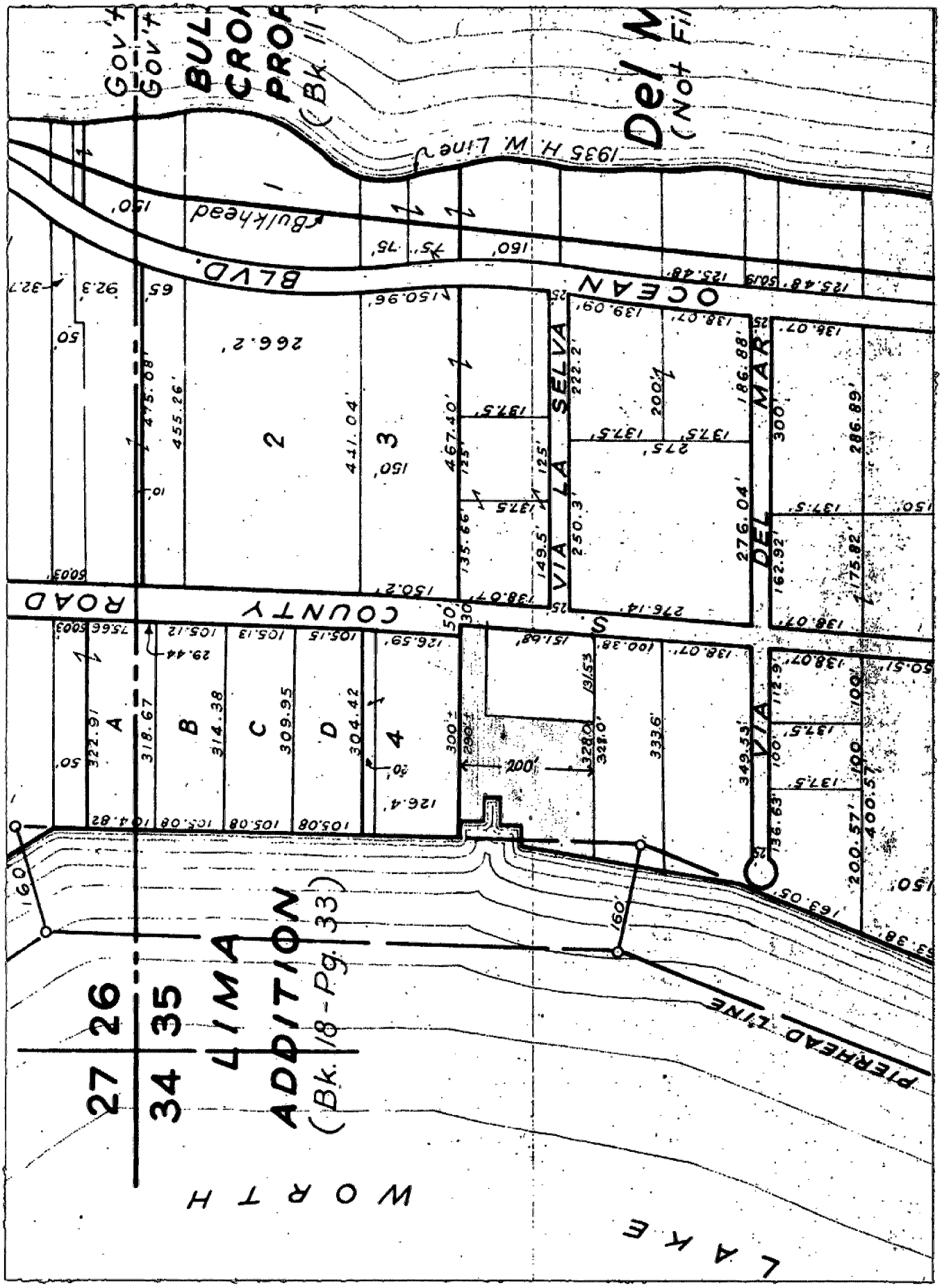
TC Development Review Meeting Backup 2-14-2024 Doc 1 of 37



800 S COUNTY RD






Gov't
Gov't
BULKHEAD
CROSS
PROP
(Bk. 11
1935 H. W. Line
Del M
(Not Fi
Bulkhead
150'
75'
75'
160'
BLVD.
OCEAN
125.48'
50.9
125.48'
32.7
92.3
65'
50'
266.2'
150.96'
475.08'
455.26'
10'
2
41.04'
3
150'
467.40'
735.66'
149.5'
125'
137.5'
138.07'
150.2'
VIA LA SELVA
222.2'
200'
139.09'
138.07'
186.88'
DEL MAR
300'
286.89'
137.5'
275'
250.3'
276.04'
162.92'
1175.82'
276.14'
COUNTY ROAD
50'
30'
S
75.66
500.3'
105.12
105.13
105.15
126.59'
29.44'
151.68'
100.38'
138.07'
50.51'
322.91
A
318.67
B
314.38
C
309.95
D
304.42
4
20'
300'±
290'±
200'
328.0'
333.6'
349.53'
VIA
112.9'
100'
137.5'
126.4'
105.08
105.08
104.82
136.63'
400.57'
163.05'
160'
PIERHEAD LINE
27
26
34
35
LIMA
ADDITION
(Bk. 18 - Pg. 33)
WORTH
LAKE

GENERAL INFORMATION

GENERAL INFORMATION

NAME OF STRUCTURE
Arthur B. Claflin Residence

ADDRESS OF STRUCTURE
800 South County Road
Palm Beach, Palm Beach County, Florida
33480

LEGAL DESCRIPTION
35-43-43 S. 200 ft. of N. 691.52 ft. of Gov. Lot 1 W. of County Road, less S. 151.68 ft. of Ely 131.53 ft.

PRESENT OWNER
Mrs E.P. Mackintosh
Plankinton Trust, Plankinton Building
161 West Wisconsin Avenue
Milwalkee, Wis. 53203

ARCHITECT
Addison Mizner

DATE OF CONSTRUCTION
1923

FUNCTION
Private Residence

ZONING
R-A Estate Residential

PREVIOUS SURVEYS
NRHP Inventory 1972

ARCHITECTURAL DESCRIPTION

800 South County Road

Architectural Description

This structure at 800 South County Road, originally designed for Arthur B. Claflin by Addison Mizner in 1923, is a prime example of eclectic Medeterranean architecture.

The building is two stories and rambls across the site, from approximately the center of the property to the shore of Lake Worth. Expressed as bold masses, this rather large structure is still not imposing. Stucco is the major exterior finish material and clay barrel tile is used exclusively on the hipped roofs.

Window forms are varied but typically casement windows are used. Windows at the outside perimeter of the structure have virtually no ornament while those at the courtyard elevations are richly and decoratively detailed. These window motifs range from simple arched lintels with engaged columns at either side to cast stone reliefs in a Moorish style with decorative insets.

Addison Mizner has once again employed several of his design principles in creating this structure. The most evident is the opposition of the strong massing of the overall structure with the fine detailing and intimate scale of the enclosed and semi-enclosed courtyards. It is in these courtyards, where the scale is smaller, that colors, forms, textures, materials, shape, shade, shadow and view are exploited to their fullest. Brick paving contrasts with the smooth stucco surface of the walls and relates directly to the roof tile above. Window forms and ornament are used as focal elements, as are stairways and balconies with decorative wrought iron railings.

Planting is extensive and aids in establishing an overall feeling of tropical living. The overall composition of structure to site, solid to void, mass to detail and material to material make this one of the prime examples of the architecture of Addison Mizner. Closely related in concept to 450 Worth Avenue, the "Casa de Leoni", these structures are definately two of a kind.

800 South County Road

Architectural Analysis

Originally the Arthur Claflin residence, this home designed by Addison Mizner in 1923 is a unique example of the architecture of Mizner.

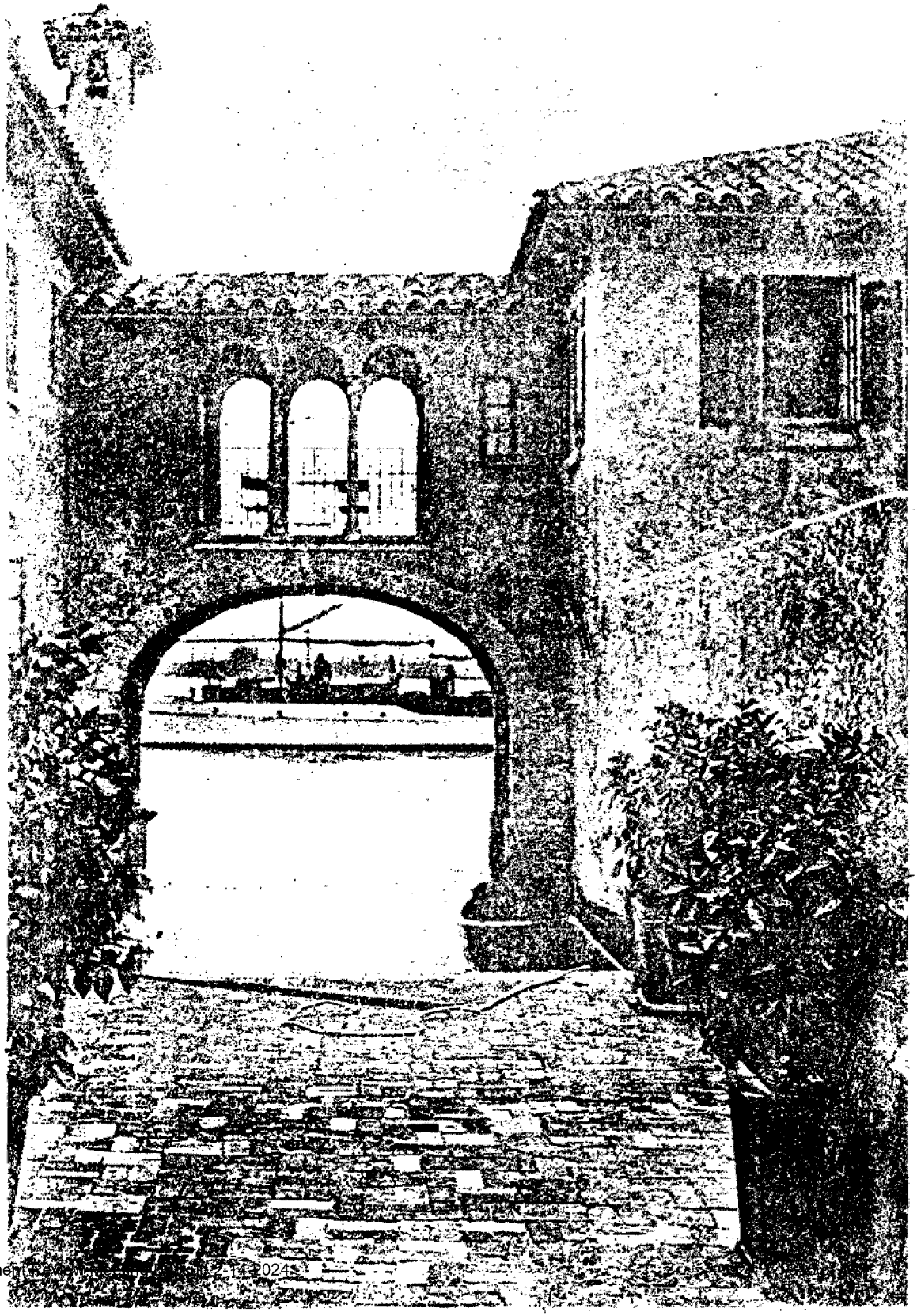
This two story stucco structure is located directly on Lake Worth and its facade on the lakefront is a series of three block masses and open courtyards. The architectural composition is unified in height and through the use of similar materials on both the wall and roof planes. Hipped clay barrel tile roofs with overhanging cypress beams are typical throughout. Although this is a large structure, it maintains a low profile on its site. This profile is emphasized horizontally but has several chimney masses which give vertical interest.

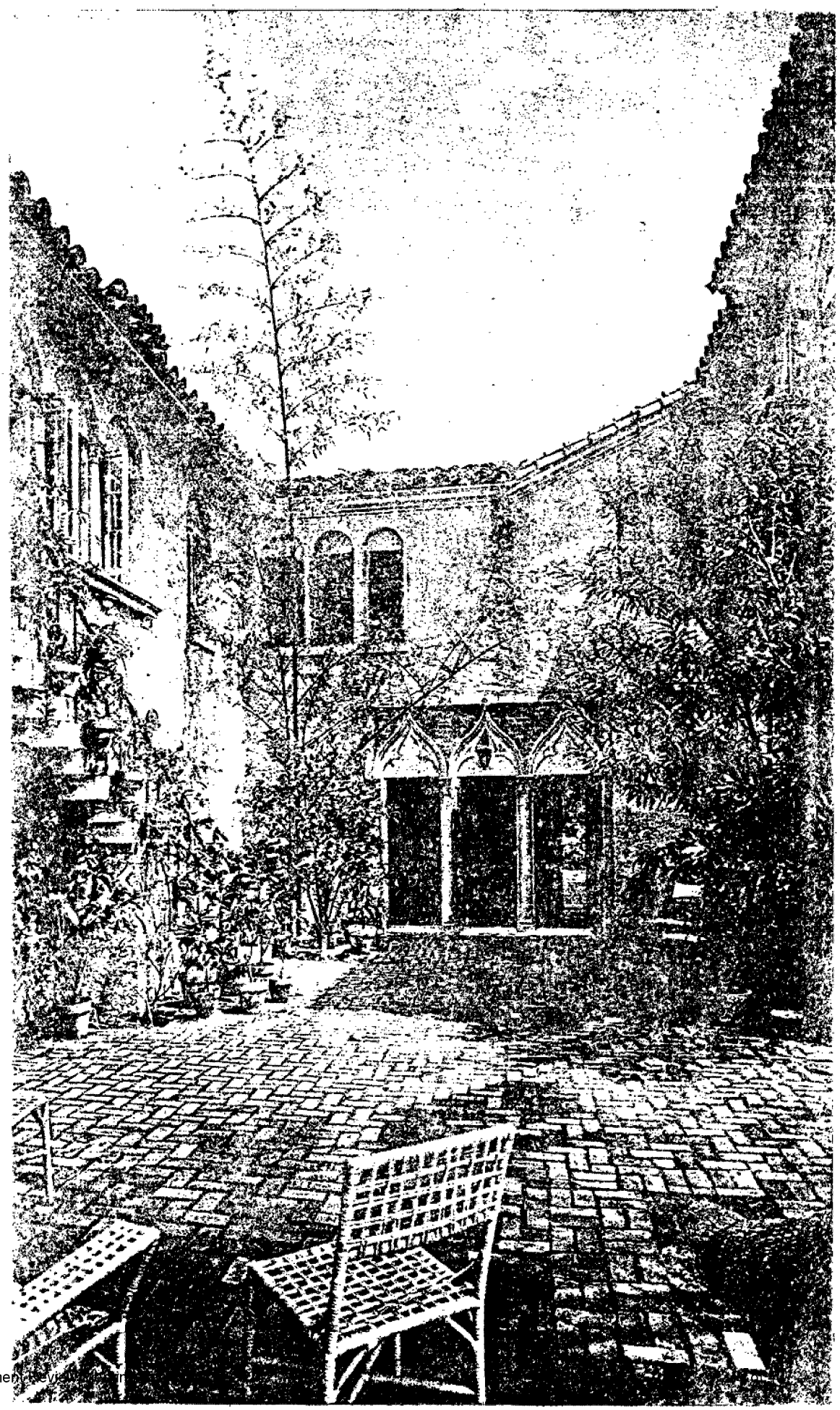
The fenestration of the structure is both very organized, in some places, and random in others, at the same time. Window forms range from rectangular to arched and afford both wide ranging views to the lake and intimate views to the inner courtyards. It is in these inner courtyard areas that intimate scale spaces with finely detailed elements are used to contrast the bold massing of the overall composition. Several areas have Venetian decorative elements at the window and door surrounds which add focal points at key locations. Wrought iron work at balcony and stair railings further adds to the visual richness within the courts.

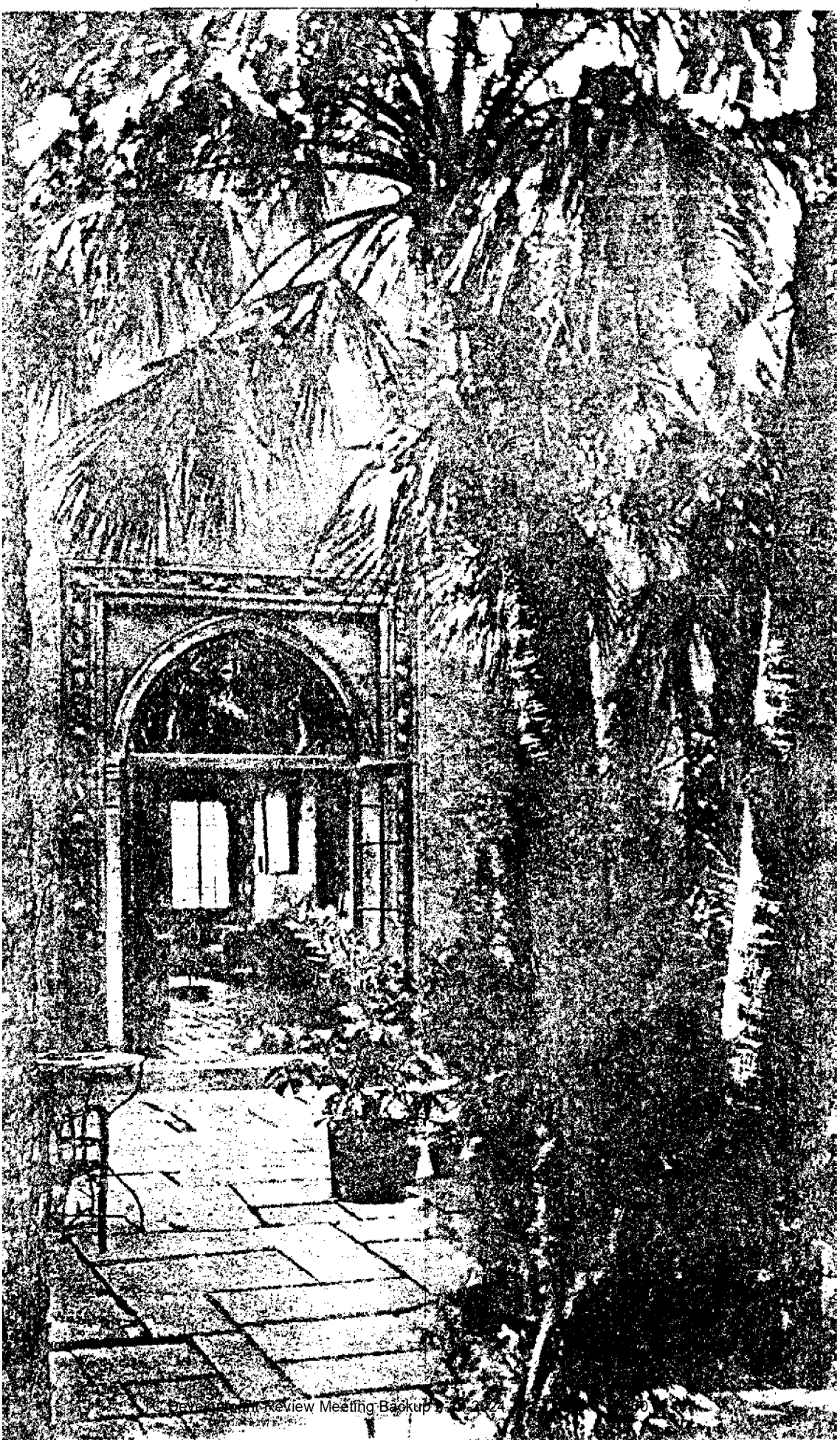
The bold massing, simple use of materials and overall architectural concepts of Addison Mizner make this structure a prime example of eclectic Medeterranean design with Venetian overtones.

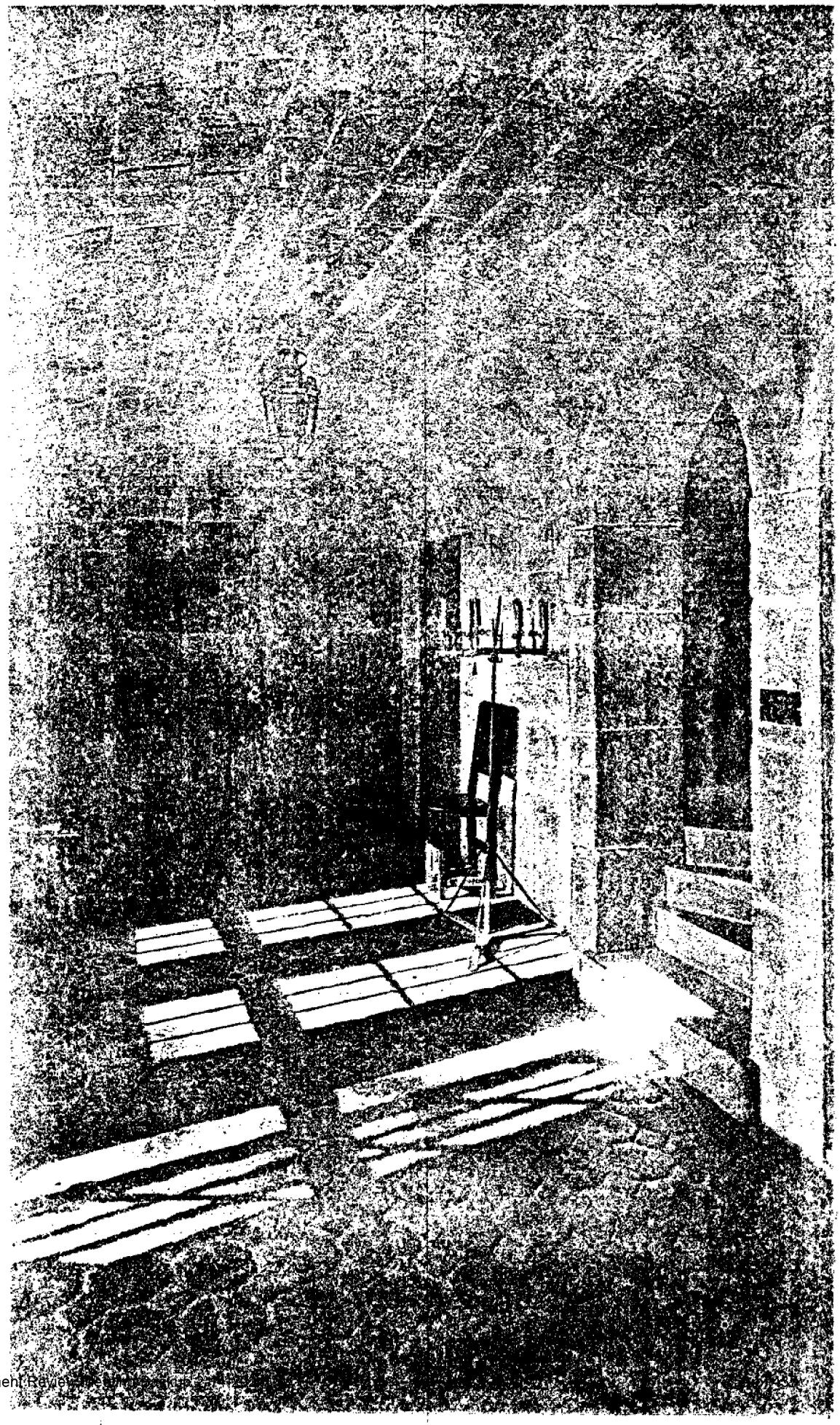
Curiously, this and the much smaller Casa de Leoni, are Mizner's only designs which place the house directly on the water. He does it so well here that one wonders why he designed so few this way.

PHOTOGRAPHY









TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Development Review - New 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 shall be deferred to the March 13, 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: February 14, 2024

Section of Agenda

Time Extensions, Waivers, & Three Strike Matters

Agenda Title

Waiver of Town Code Section 24-199, For Construction Work Hour Extension at **140 N County Rd**

Presenter

ATTACHMENTS:

- **Memorandum Dated January 30, 2024, From Wayne Bergman, Director of Planning, Zoning, & Building**

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 42-199, For Extended Working Hours at 140 N. County Road – Bank of America

Date: January 30, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the interior renovation of the Bank of America, 140 N. County Road. Staff does not support the proposed work hours or days, as the request seeks evening, nighttime, and weekend work. If approved, staff recommends that it be conditioned upon the letter from Jeff "JB" Wolff, Senior Project Manager for Marand Builders, which summarizes his request.

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

GENERAL INFORMATION

The applicant is requesting to renovate the interior of the space at 140 N. County Road. The code (Chapter 42) requires all construction work to start no earlier than 8:00 am and stop no later than 5:00 pm, Monday through Friday, with no weekend work, during the Winter months; and during the Summer months, work only from 8:00 am to 6:00 pm, Monday through Friday, with Saturday work limited to interior quiet work from 9:00 am to 5:00 pm. The applicant is requesting work from 5:00 pm through 6:00 am Monday through Friday, and all-day Saturday and Sunday.

Ordinance 03-2018, adopted by the Town Council on February 13, 2018, and modified numerous times, list the construction working hours in the Town as follows:

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

(b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of

5:00 p.m., except Saturday, Sunday and observed town holidays, and the days before and after Thanksgiving, when all construction and lawn maintenance work, other than as excepted in section 42-230, is prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Beginning on May 1 until the Monday preceding Thanksgiving, work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and town observed holidays, when all construction and lawn maintenance work is restricted or prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Construction work is permissible on Saturdays from May 1 through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature and limited to indoor activity, with the exception of quiet lawn maintenance work and tree trimming); material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restrictions due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending October 31, except Sundays and legal holidays, when all construction work is prohibited. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30 a.m. and are restricted from conducting any kind of site activity prior to 8:00 a.m. during the weekdays. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 8:30 a.m. and are restricted from conducting any kind of site activity prior to 9:00 a.m. on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.

(c) Exceptions.
(1) It shall be within the discretion of the town council when in its opinion the operation of any of the prohibited machinery or appliances mentioned in subsection 42-198(a) shall not be overly offensive to the residents or inhabitants of the town in the vicinity of the equipment's operation to grant an exception to this section.
(2) The operation of equipment relating to essential services of the town and equipment operating during emergency conditions shall be exempted from subsection (a).
(3) At the discretion of the director of planning, zoning and building, or his representative, emergency work for nontown related essential services may be authorized at any time during the year.
(4) Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on the Monday preceding Thanksgiving and ending on April 30, for multi-family properties, south of Sloan's Curve which are not located on Ibis Isle, that have an association board that approves of Saturday work hours, and a copy of a letter indicating the Saturday work hours have been approved by the association board is on record with the town.
(5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein."

Also, Mr. Wolff's letter indicates that the proposed work would not exceed 62 dB's when measured outside of the building. This would be compliant with the Area 2 regulations during the daytime, but any work approved in the evening or at night would be limited to 58 dB's. See Section 42-227 & 228 below:

Sec. 42-227. - Geographic sections.

The criteria listed in section 42-226 shall be applicable to the following geographical areas of the town:

(1) *Area 1.* From the northerly corporate limits southerly to Wells Road.

(2) *Area 2.* From Wells Road southerly to Worth Avenue.

(3) *Area 3.* From Worth Avenue southerly to Sloan's Curve.

(4) *Area 4.* From Sloan's Curve southerly to the southerly corporate limits.

(Code 1982, § 12-47(b))

Sec. 42-228. - Nonvehicular noise.

In the use of a sound level meter, the following criteria shall be used for determining a violation of the town's ordinances relating to the maximum permissible emissions of noise levels emanating from other than motor vehicles, with the exception of lawn maintenance equipment.

EXPAND

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

"Night" as used hereinabove is defined as the hours between 7:00 p.m. and 9:00 a.m.

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

Attachments – Letter (undated) and Schedule from Jeff "JB" Wolff, Marand Builders

MARAND
BUILDERS

Rec'd 1/29/24

Wayne Bergman
Director/Building Official
Town of Palm Beach
360 S County Rd.
Palm Beach, Fl. 33480

Re: Bank of America
140 N County Rd.
Palm Beach, Fl. 33480

Dear Mr. Bergman,

I hope this message finds you well. Marand Builders has been contracted to complete the upcoming interior renovation to the Bank of America retail branch located at 140 N. County rd. in the Town of Palm Beach. Since the existing branch needs to stay open during standard business hours to accommodate the township on the island, we have identified a critical need to request permission for work to be conducted outside of standard working hours as prescribed by the document "Working Hours for Construction" by the Town of Palm Beach. After assessing the project timeline, and the bank's standard hours, we are asking the Town of Palm Beach to allow work to commence after the bank closes and terminate work each morning before the bank reopens. Since the bank hours are 9am to 4pm Monday through Friday, construction could commence at 5pm and end at 6 am Monday through Friday and utilize the weekends full time. This would allow our team to accelerate the original duration from 33 weeks to 29 weeks to ensure timely completion without compromising quality or safety standards.

The proposed after-hours work would be conducted in strict accordance with local regulations and noise ordinances. We understand the importance of minimizing disruptions to residents and the community in the surrounding areas and are committed to implementing appropriate measures to assure neighboring properties are not affected visually and audibly by our work:

- All renovations to the bank will be interior work.
- Work vehicles will not be seen by passersby- arrangements have been made for vehicles to remain parked in the adjacent closed parking garage located at 220 Sunrise Ave when on site.
- All work to be within the building envelope shall be no louder than 90 decibels with an average decrease of 28 decibels transmitted from interior to exterior with windows closed that equates to ~62 decibels or less outside. Note: ~62 decibels are equivalent to a conversation or a dishwasher.
- The nearest residence is approximately 200' away from the property.

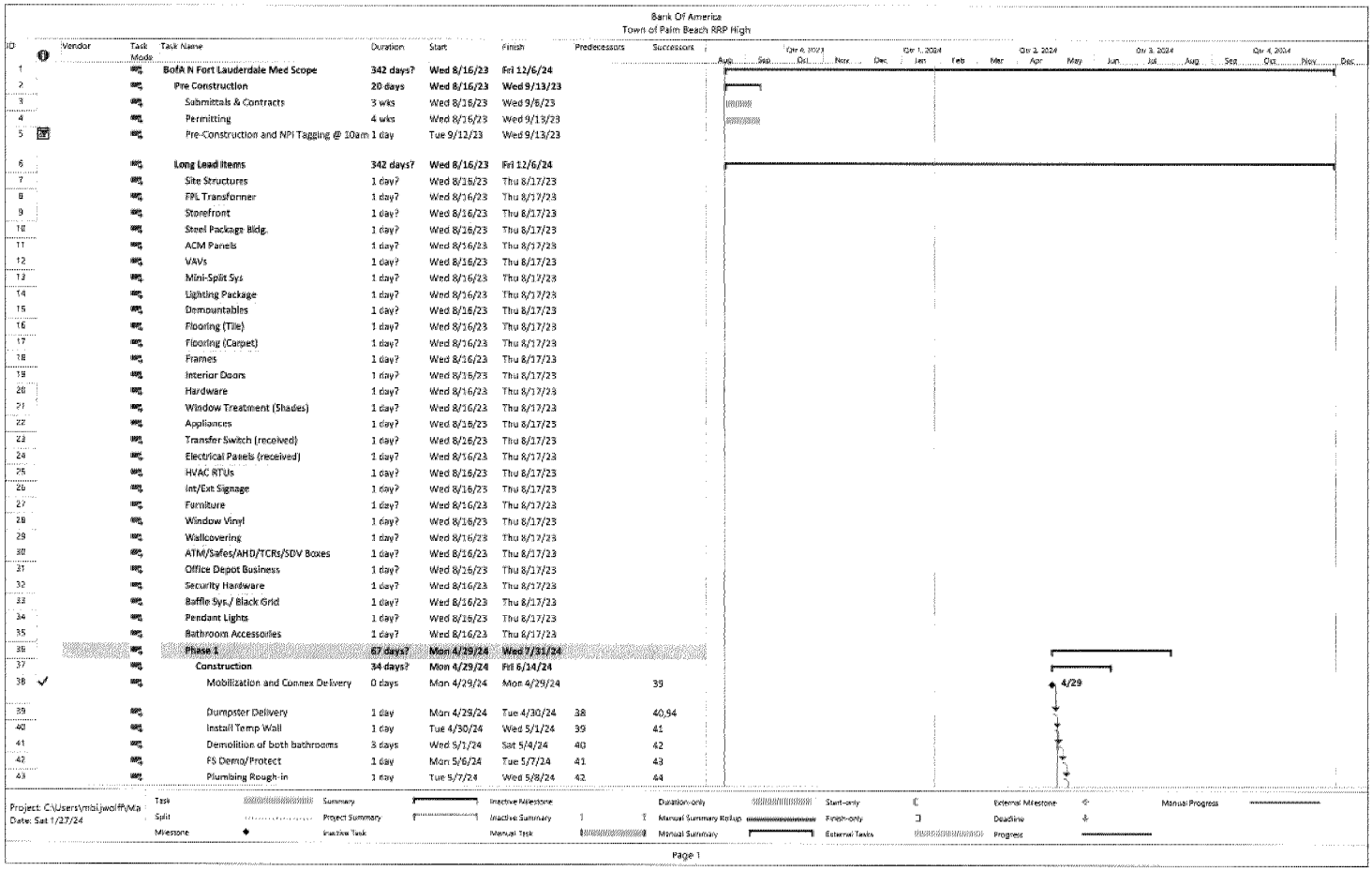
Regarding our abutting tenant, I have spoken with Amy Dittami, the landlords representative, Tremont LLC, about our request for afterhours work. I explained that once a Town council meeting has been arranged, I will be sending a letter to her regarding the request and timing when the Town meeting will occur and will provide that same letter to the Town Council Staff to ensure conveyance of the information required.

MARAND
BUILDERS

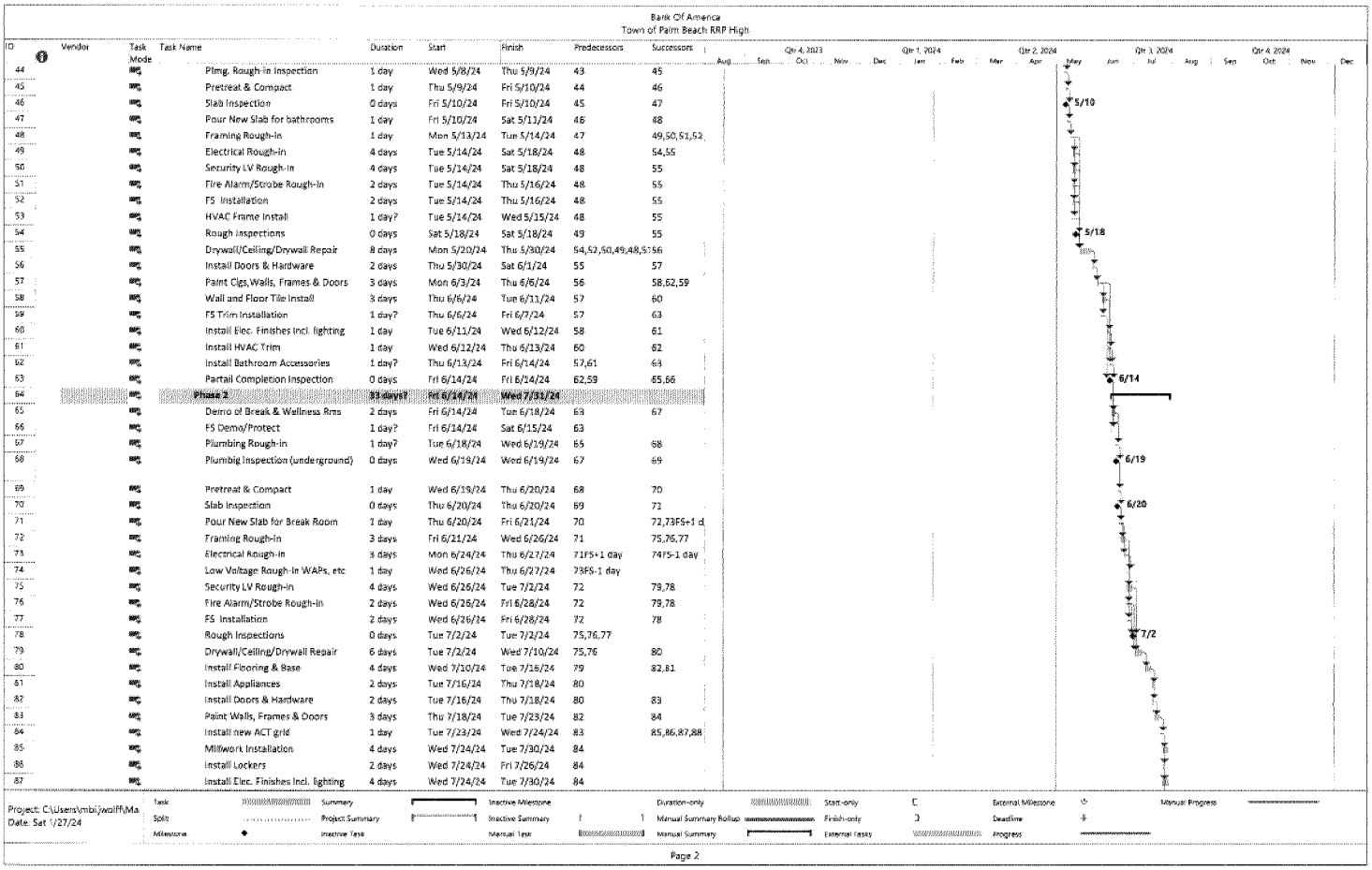
As requested, I have attached the 29 week project schedule for your review. The proposed commencement would be 4/29/2024 to 11/15/2024, substantial completion.

My team and I look forward to the opportunity to address any inquiries you or the council members may have regarding this matter. Your consideration of our request is greatly appreciated, we remain fully accessible to engage in further discussions or address any additional concerns that may arise. We appreciate your attention to this important issue.

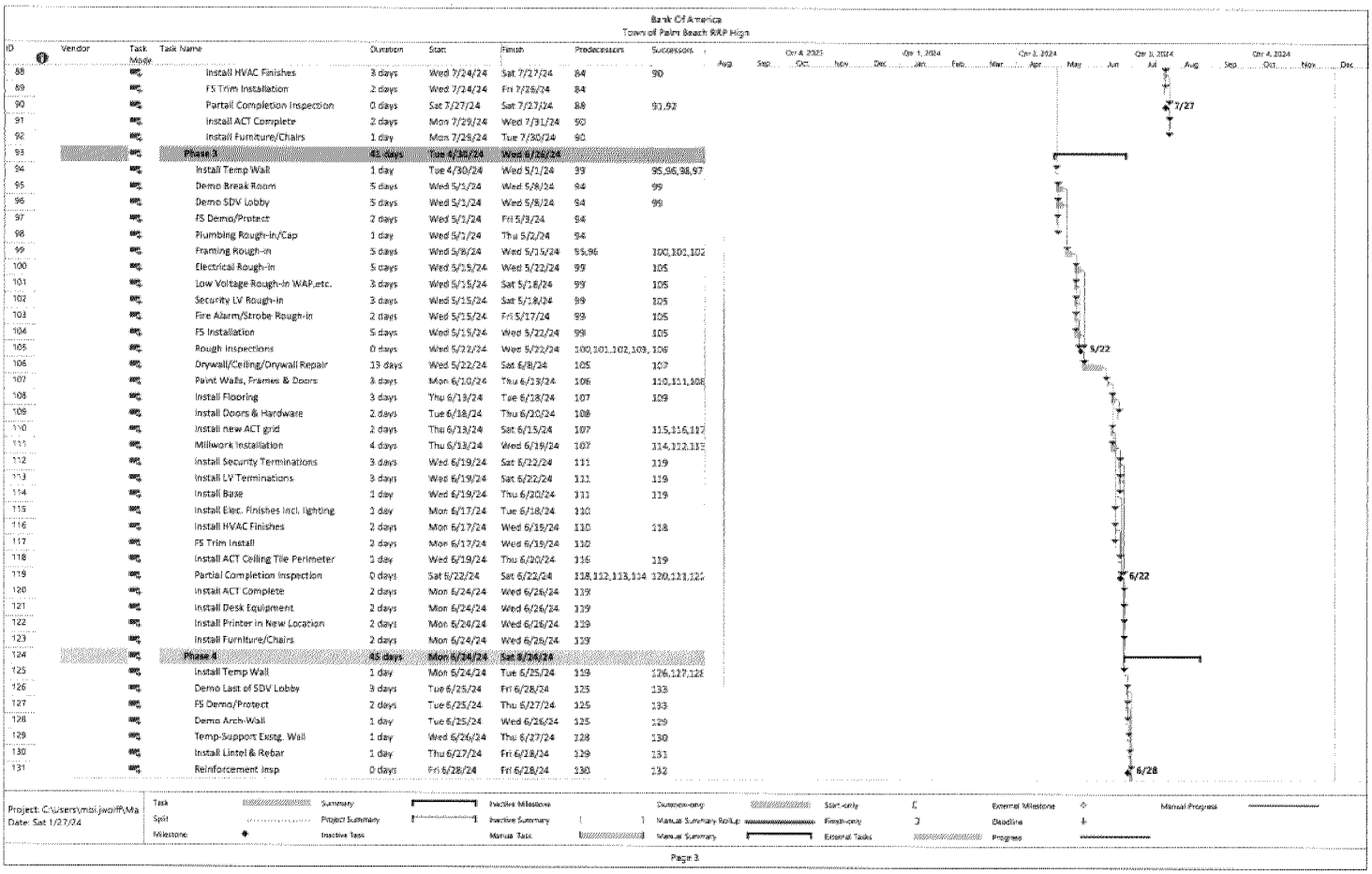
Best regards,
Jeff "JB" Wolff
Senior Project Manger
Jwolff@marandbuilders.com
954-295-0446



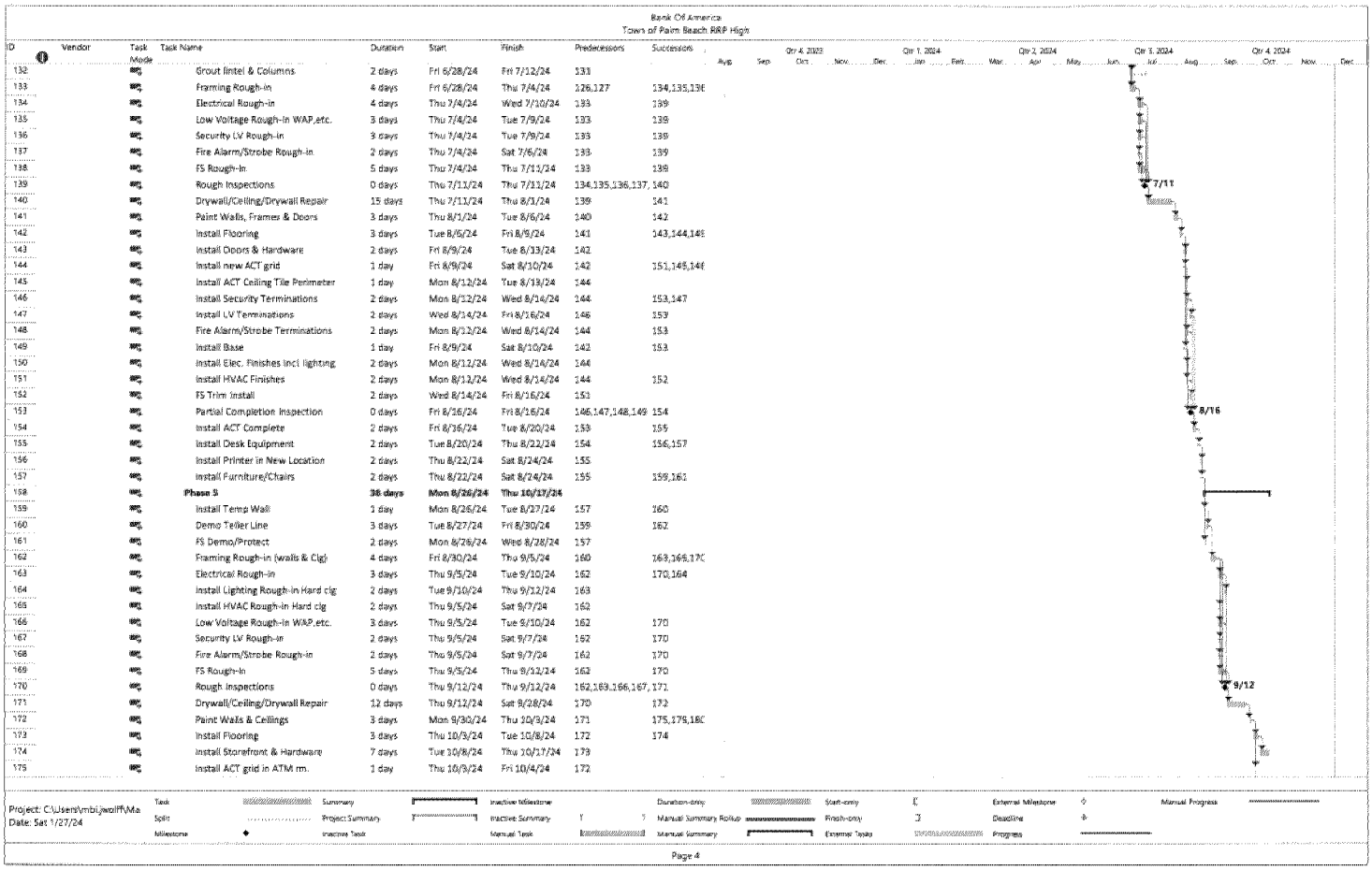
ID	Vendor	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Successors
1			**BofA N Fort Lauderdale Med Scope**	**342 days?**	**Wed 8/16/23**	**Fri 12/6/24**		
2			**Pre Construction**	**20 days**	**Wed 8/16/23**	**Wed 9/13/23**		
3			Submittals & Contracts	3 wks	Wed 8/16/23	Wed 9/6/23		
4			Permitting	4 wks	Wed 8/16/23	Wed 9/13/23		
5			Pre-Construction and NPI Tagging @ 10am	1 day	Tue 9/12/23	Wed 9/13/23		
6			**Long Lead Items**	**342 days?**	**Wed 8/16/23**	**Fri 12/6/24**		
7			Site Structures	1 day?	Wed 8/16/23	Thu 8/17/23		
8			FPL Transformer	1 day?	Wed 8/16/23	Thu 8/17/23		
9			Storefront	1 day?	Wed 8/16/23	Thu 8/17/23		
10			Steel Package Bldg.	1 day?	Wed 8/16/23	Thu 8/17/23		
11			ACM Panels	1 day?	Wed 8/16/23	Thu 8/17/23		
12			VAVs	1 day?	Wed 8/16/23	Thu 8/17/23		
13			Mini-Split Sys	1 day?	Wed 8/16/23	Thu 8/17/23		
14			Lighting Package	1 day?	Wed 8/16/23	Thu 8/17/23		
15			Demountables	1 day?	Wed 8/16/23	Thu 8/17/23		
16			Flooring (Tile)	1 day?	Wed 8/16/23	Thu 8/17/23		
17			Flooring (Carpet)	1 day?	Wed 8/16/23	Thu 8/17/23		
18			Frames	1 day?	Wed 8/16/23	Thu 8/17/23		
19			Interior Doors	1 day?	Wed 8/16/23	Thu 8/17/23		
20			Hardware	1 day?	Wed 8/16/23	Thu 8/17/23		
21			Window Treatment (Shades)	1 day?	Wed 8/16/23	Thu 8/17/23		
22			Appliances	1 day?	Wed 8/16/23	Thu 8/17/23		
23			Transfer Switch (received)	1 day?	Wed 8/16/23	Thu 8/17/23		
24			Electrical Panels (received)	1 day?	Wed 8/16/23	Thu 8/17/23		
25			HVAC RTUs	1 day?	Wed 8/16/23	Thu 8/17/23		
26			Int/Ext Signage	1 day?	Wed 8/16/23	Thu 8/17/23		
27			Furniture	1 day?	Wed 8/16/23	Thu 8/17/23		
28			Window Vinyl	1 day?	Wed 8/16/23	Thu 8/17/23		
29			Wallcovering	1 day?	Wed 8/16/23	Thu 8/17/23		
30			ATM/Safes/AHD/TCRs/SDV Boxes	1 day?	Wed 8/16/23	Thu 8/17/23		
31			Office Depot Business	1 day?	Wed 8/16/23	Thu 8/17/23		
32			Security Hardware	1 day?	Wed 8/16/23	Thu 8/17/23		
33			Baffle Sys./ Black Grid	1 day?	Wed 8/16/23	Thu 8/17/23		
34			Pendant Lights	1 day?	Wed 8/16/23	Thu 8/17/23		
35			Bathroom Accessories	1 day?	Wed 8/16/23	Thu 8/17/23		
36			**Phase 1**	**67 days?**	**Mon 4/29/24**	**Wed 7/31/24**		
37			**Construction**	**34 days?**	**Mon 4/29/24**	**Fri 6/14/24**		
38	✓		Mobilization and Connex Delivery	0 days	Mon 4/29/24	Mon 4/29/24	39	
39			Dumpster Delivery	1 day	Mon 4/29/24	Tue 4/30/24	38	40,94
40			Install Temp Wall	1 day	Tue 4/30/24	Wed 5/1/24	39	41
41			Demolition of both bathrooms	3 days	Wed 5/1/24	Sat 5/4/24	40	42
42			FS Demo/Protect	1 day	Mon 5/6/24	Tue 5/7/24	41	43
43			Plumbing Rough-in	1 day	Tue 5/7/24	Wed 5/8/24	42	44



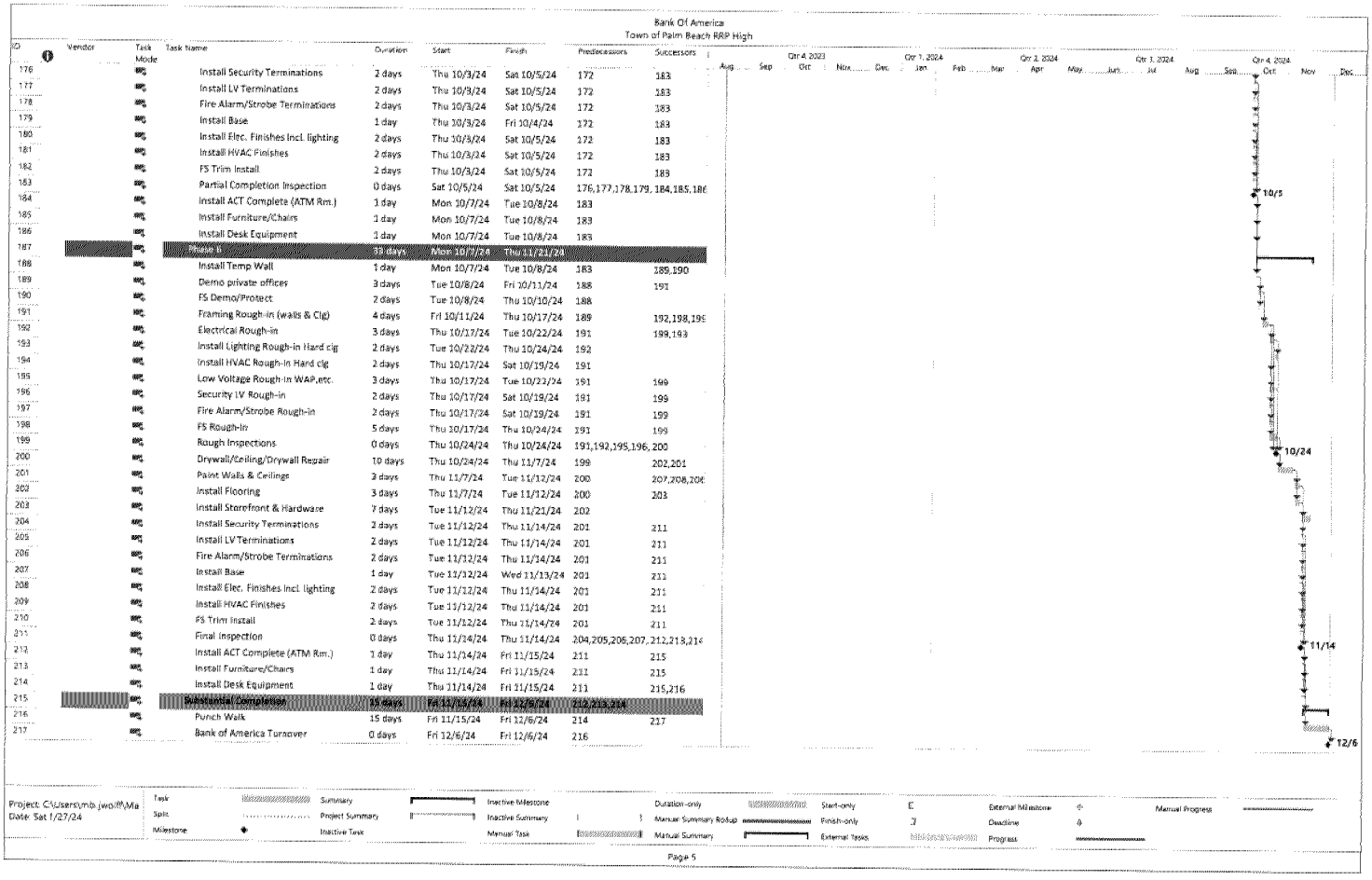
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44			Plmg. Rough-in Inspection	1 day	Wed 5/8/24	Thu 5/9/24	43	45
45			Pretreat & Compact	1 day	Thu 5/9/24	Fri 5/10/24	44	46
46			Slab Inspection	0 days	Fri 5/10/24	Fri 5/10/24	45	47
47			Pour New Slab for bathrooms	1 day	Fri 5/10/24	Sat 5/11/24	46	48
48			Framing Rough-in	1 day	Mon 5/13/24	Tue 5/14/24	47	49,50,51,52
49			Electrical Rough-in	4 days	Tue 5/14/24	Sat 5/18/24	48	54,55
50			Security LV Rough-in	4 days	Tue 5/14/24	Sat 5/18/24	48	55
51			Fire Alarm/Strobe Rough-in	2 days	Tue 5/14/24	Thu 5/16/24	48	55
52			FS Installation	2 days	Tue 5/14/24	Thu 5/16/24	48	55
53			HVAC Frame Install	1 day?	Tue 5/14/24	Wed 5/15/24	48	55
54			Rough Inspections	0 days	Sat 5/18/24	Sat 5/18/24	49	55
55			Drywall/Ceiling/Drywall Repair	8 days	Mon 5/20/24	Thu 5/30/24	54,52,50,49,48,5166	
56			Install Doors & Hardware	2 days	Thu 5/30/24	Sat 6/1/24	55	57
57			Paint Clgs,Walls, Frames & Doors	3 days	Mon 6/3/24	Thu 6/6/24	56	58,62,59
58			Wall and Floor Tile Install	3 days	Thu 6/6/24	Tue 6/11/24	57	60
59			FS Trim Installation	1 day?	Thu 6/6/24	Fri 6/7/24	57	63
60			Install Elec. Finishes Incl. lighting	1 day	Tue 6/11/24	Wed 6/12/24	58	61
61			Install HVAC Trim	1 day	Wed 6/12/24	Thu 6/13/24	60	62
62			Install Bathroom Accessories	1 day?	Thu 6/13/24	Fri 6/14/24	57,61	63
63			Partail Completion Inspection	0 days	Fri 6/14/24	Fri 6/14/24	62,59	65,66
64			**Phase 2**	**33 days?**	**Fri 6/14/24**	**Wed 7/31/24**		
65			Demo of Break & Wellness Rms	2 days	Fri 6/14/24	Tue 6/18/24	63	67
66			FS Demo/Protect	1 day?	Fri 6/14/24	Sat 6/15/24	63	
67			Plumbing Rough-in	1 day?	Tue 6/18/24	Wed 6/19/24	65	68
68			Plumbig Inspection (underground)	0 days	Wed 6/19/24	Wed 6/19/24	67	69
69			Pretreat & Compact	1 day	Wed 6/19/24	Thu 6/20/24	68	70
70			Slab Inspection	0 days	Thu 6/20/24	Thu 6/20/24	69	71
71			Pour New Slab for Break Room	1 day	Thu 6/20/24	Fri 6/21/24	70	72,73FS+1 d
72			Framing Rough-in	3 days	Fri 6/21/24	Wed 6/26/24	71	75,76,77
73			Electrical Rough-in	3 days	Mon 6/24/24	Thu 6/27/24	71FS+1 day	74FS-1 day
74			Low Voltage Rough-in WAPs, etc	1 day	Wed 6/26/24	Thu 6/27/24	73FS-1 day	
75			Security LV Rough-in	4 days	Wed 6/26/24	Tue 7/2/24	72	79,78
76			Fire Alarm/Strobe Rough-in	2 days	Wed 6/26/24	Fri 6/28/24	72	79,78
77			FS Installation	2 days	Wed 6/26/24	Fri 6/28/24	72	78
78			Rough Inspections	0 days	Tue 7/2/24	Tue 7/2/24	75,76,77	
79			Drywall/Ceiling/Drywall Repair	6 days	Tue 7/2/24	Wed 7/10/24	75,76	80
80			Install Flooring & Base	4 days	Wed 7/10/24	Tue 7/16/24	79	82,81
81			Install Appliances	2 days	Tue 7/16/24	Thu 7/18/24	80	
82			Install Doors & Hardware	2 days	Tue 7/16/24	Thu 7/18/24	80	83
83			Paint Walls, Frames & Doors	3 days	Thu 7/18/24	Tue 7/23/24	82	84
84			Install new ACT grid	1 day	Tue 7/23/24	Wed 7/24/24	83	85,86,87,88
85			Millwork Installation	4 days	Wed 7/24/24	Tue 7/30/24	84	
86			Install Lockers	2 days	Wed 7/24/24	Fri 7/26/24	84	
87			Install Elec. Finishes Incl. lighting	4 days	Wed 7/24/24	Tue 7/30/24	84	



ID	Vendor	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Successors
88			Install HVAC Finishes	3 days	Wed 7/24/24	Sat 7/27/24	84	90
89			FS Trim Installation	2 days	Wed 7/24/24	Fri 7/26/24	84	
90			Partial Completion Inspection	0 days	Sat 7/27/24	Sat 7/27/24	88	91,92
91			Install ACT Complete	2 days	Mon 7/29/24	Wed 7/31/24	90	
92			Install Furniture/Chairs	1 day	Mon 7/29/24	Tue 7/30/24	90	
93			**Phase 3**	45 days	Tue 4/30/24	Wed 6/26/24		
94			Install Temp Wall	1 day	Tue 4/30/24	Wed 5/1/24	39	95,96,98,97
95			Demo Break Room	5 days	Wed 5/1/24	Wed 5/8/24	94	99
96			Demo SDV Lobby	5 days	Wed 5/1/24	Wed 5/8/24	94	99
97			FS Demo/Protect	2 days	Wed 5/1/24	Fri 5/3/24	94	
98			Plumbing Rough-in/Cap	1 day	Wed 5/1/24	Thu 5/2/24	94	
99			Framing Rough-in	5 days	Wed 5/8/24	Wed 5/15/24	95,96	100,101,102
100			Electrical Rough-in	5 days	Wed 5/15/24	Wed 5/22/24	99	105
101			Low Voltage Rough-in WAP,etc.	3 days	Wed 5/15/24	Sat 5/18/24	99	105
102			Security LV Rough-in	3 days	Wed 5/15/24	Sat 5/18/24	99	105
103			Fire Alarm/Strobe Rough-in	2 days	Wed 5/15/24	Fri 5/17/24	99	105
104			FS Installation	5 days	Wed 5/15/24	Wed 5/22/24	99	105
105			Rough Inspections	0 days	Wed 5/22/24	Wed 5/22/24	100,101,102,103,	106
106			Drywall/Ceiling/Drywall Repair	13 days	Wed 5/22/24	Sat 6/8/24	105	107
107			Paint Walls, Frames & Doors	8 days	Mon 6/10/24	Thu 6/13/24	106	110,111,108
108			Install Flooring	3 days	Thu 6/13/24	Tue 6/18/24	107	109
109			Install Doors & Hardware	2 days	Tue 6/18/24	Thu 6/20/24	108	
110			Install new ACT grid	2 days	Thu 6/13/24	Sat 6/15/24	107	115,116,117
111			Millwork Installation	4 days	Thu 6/13/24	Wed 6/19/24	107	114,112,113
112			Install Security Terminations	3 days	Wed 6/19/24	Sat 6/22/24	111	119
113			Install LV Terminations	3 days	Wed 6/19/24	Sat 6/22/24	111	119
114			Install Base	1 day	Wed 6/19/24	Thu 6/20/24	111	119
115			Install Elec. Finishes Incl. lighting	1 day	Mon 6/17/24	Tue 6/18/24	110	
116			Install HVAC Finishes	2 days	Mon 6/17/24	Wed 6/19/24	110	118
117			FS Trim Install	2 days	Mon 6/17/24	Wed 6/19/24	110	
118			Install ACT Ceiling Tile Perimeter	1 day	Wed 6/19/24	Thu 6/20/24	116	119
119			Partial Completion Inspection	0 days	Sat 6/22/24	Sat 6/22/24	118,112,113,114	120,121,122
120			Install ACT Complete	2 days	Mon 6/24/24	Wed 6/26/24	119	
121			Install Desk Equipment	2 days	Mon 6/24/24	Wed 6/26/24	119	
122			Install Printer in New Location	2 days	Mon 6/24/24	Wed 6/26/24	119	
123			Install Furniture/Chairs	2 days	Mon 6/24/24	Wed 6/26/24	119	
124			**Phase 4**	45 days	Mon 6/24/24	Sat 8/24/24		
125			Install Temp Wall	1 day	Mon 6/24/24	Tue 6/25/24	119	126,127,128
126			Demo Last of SDV Lobby	3 days	Tue 6/25/24	Fri 6/28/24	125	133
127			FS Demo/Protect	2 days	Tue 6/25/24	Thu 6/27/24	125	133
128			Demo Arch-Wall	1 day	Tue 6/25/24	Wed 6/26/24	125	129
129			Temp-Support Existg. Wall	1 day	Wed 6/26/24	Thu 6/27/24	128	130
130			Install Lintel & Rebar	1 day	Thu 6/27/24	Fri 6/28/24	129	131
131			Reinforcement Insp	0 days	Fri 6/28/24	Fri 6/28/24	130	132



ID	Vendor	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Successors
132			Grout lintel & Columns	2 days	Fri 6/28/24	Fri 7/12/24	131	
133			Framing Rough-in	4 days	Fri 6/28/24	Thu 7/4/24	126,127	134,135,136
134			Electrical Rough-in	4 days	Thu 7/4/24	Wed 7/10/24	133	139
135			Low Voltage Rough-in WAP,etc.	3 days	Thu 7/4/24	Tue 7/9/24	133	139
136			Security LV Rough-in	3 days	Thu 7/4/24	Tue 7/9/24	133	139
137			Fire Alarm/Strobe Rough-in	2 days	Thu 7/4/24	Sat 7/6/24	133	139
138			FS Rough-in	5 days	Thu 7/4/24	Thu 7/11/24	133	139
139			Rough Inspections	0 days	Thu 7/11/24	Thu 7/11/24	134,135,136,137,	140
140			Drywall/Ceiling/Drywall Repair	15 days	Thu 7/11/24	Thu 8/1/24	139	141
141			Paint Walls, Frames & Doors	3 days	Thu 8/1/24	Tue 8/6/24	140	142
142			Install Flooring	3 days	Tue 8/6/24	Fri 8/9/24	141	143,144,145
143			Install Doors & Hardware	2 days	Fri 8/9/24	Tue 8/13/24	142	
144			Install new ACT grid	1 day	Fri 8/9/24	Sat 8/10/24	142	151,145,146
145			Install ACT Ceiling Tile Perimeter	1 day	Mon 8/12/24	Tue 8/13/24	144	
146			Install Security Terminations	2 days	Mon 8/12/24	Wed 8/14/24	144	153,147
147			Install LV Terminations	2 days	Wed 8/14/24	Fri 8/16/24	146	153
148			Fire Alarm/Strobe Terminations	2 days	Mon 8/12/24	Wed 8/14/24	144	153
149			Install Base	1 day	Fri 8/9/24	Sat 8/10/24	142	153
150			Install Elec. Finishes incl lighting	2 days	Mon 8/12/24	Wed 8/14/24	144	
151			Install HVAC Finishes	2 days	Mon 8/12/24	Wed 8/14/24	144	152
152			FS Trim Install	2 days	Wed 8/14/24	Fri 8/16/24	151	
153			Partial Completion Inspection	0 days	Fri 8/16/24	Fri 8/16/24	146,147,148,149	154
154			Install ACT Complete	2 days	Fri 8/16/24	Tue 8/20/24	153	155
155			Install Desk Equipment	2 days	Tue 8/20/24	Thu 8/22/24	154	156,157
156			Install Printer in New Location	2 days	Thu 8/22/24	Sat 8/24/24	155	
157			Install Furniture/Chairs	2 days	Thu 8/22/24	Sat 8/24/24	155	159,161
158			**Phase 5**	**38 days**	**Mon 8/26/24**	**Thu 10/17/24**		
159			Install Temp Wall	1 day	Mon 8/26/24	Tue 8/27/24	157	160
160			Demo Teller Line	3 days	Tue 8/27/24	Fri 8/30/24	159	162
161			FS Demo/Protect	2 days	Mon 8/26/24	Wed 8/28/24	157	
162			Framing Rough-in (walls & Clg)	4 days	Fri 8/30/24	Thu 9/5/24	160	163,166,170
163			Electrical Rough-in	3 days	Thu 9/5/24	Tue 9/10/24	162	170,164
164			Install Lighting Rough-in Hard clg	2 days	Tue 9/10/24	Thu 9/12/24	163	
165			Install HVAC Rough-in Hard clg	2 days	Thu 9/5/24	Sat 9/7/24	162	
166			Low Voltage Rough-in WAP,etc.	3 days	Thu 9/5/24	Tue 9/10/24	162	170
167			Security LV Rough-in	2 days	Thu 9/5/24	Sat 9/7/24	162	170
168			Fire Alarm/Strobe Rough-in	2 days	Thu 9/5/24	Sat 9/7/24	162	170
169			FS Rough-in	5 days	Thu 9/5/24	Thu 9/12/24	162	170
170			Rough Inspections	0 days	Thu 9/12/24	Thu 9/12/24	162,163,166,167,	171
171			Drywall/Ceiling/Drywall Repair	12 days	Thu 9/12/24	Sat 9/28/24	170	172
172			Paint Walls & Ceilings	3 days	Mon 9/30/24	Thu 10/3/24	171	175,179,180
173			Install Flooring	3 days	Thu 10/3/24	Tue 10/8/24	172	174
174			Install Storefront & Hardware	7 days	Tue 10/8/24	Thu 10/17/24	173	
175			Install ACT grid in ATM rm.	1 day	Thu 10/3/24	Fri 10/4/24	172	



ID	Vendor	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Successors
176			Install Security Terminations	2 days	Thu 10/3/24	Sat 10/5/24	172	183
177			Install LV Terminations	2 days	Thu 10/3/24	Sat 10/5/24	172	183
178			Fire Alarm/Strobe Terminations	2 days	Thu 10/3/24	Sat 10/5/24	172	183
179			Install Base	1 day	Thu 10/3/24	Fri 10/4/24	172	183
180			Install Elec. Finishes Incl. lighting	2 days	Thu 10/3/24	Sat 10/5/24	172	183
181			Install HVAC Finishes	2 days	Thu 10/3/24	Sat 10/5/24	172	183
182			FS Trim Install	2 days	Thu 10/3/24	Sat 10/5/24	172	183
183			Partial Completion Inspection	0 days	Sat 10/5/24	Sat 10/5/24	176,177,178,179,	184,185,186
184			Install ACT Complete (ATM Rm.)	1 day	Mon 10/7/24	Tue 10/8/24	183	
185			Install Furniture/Chairs	1 day	Mon 10/7/24	Tue 10/8/24	183	
186			Install Desk Equipment	1 day	Mon 10/7/24	Tue 10/8/24	183	
187			Phase II	33 days	Mon 10/7/24	Thu 11/21/24		
188			Install Temp Wall	1 day	Mon 10/7/24	Tue 10/8/24	183	189,190
189			Demo private offices	3 days	Tue 10/8/24	Fri 10/11/24	188	191
190			FS Demo/Protect	2 days	Tue 10/8/24	Thu 10/10/24	188	
191			Framing Rough-in (walls & Clg)	4 days	Fri 10/11/24	Thu 10/17/24	189	192,198,19
192			Electrical Rough-in	3 days	Thu 10/17/24	Tue 10/22/24	191	199,193
193			Install Lighting Rough-in Hard clg	2 days	Tue 10/22/24	Thu 10/24/24	192	
194			Install HVAC Rough-in Hard clg	2 days	Thu 10/17/24	Sat 10/19/24	191	
195			Low Voltage Rough-in WAP,etc.	3 days	Thu 10/17/24	Tue 10/22/24	191	199
196			Security LV Rough-in	2 days	Thu 10/17/24	Sat 10/19/24	191	199
197			Fire Alarm/Strobe Rough-in	2 days	Thu 10/17/24	Sat 10/19/24	191	199
198			FS Rough-in	5 days	Thu 10/17/24	Thu 10/24/24	191	199
199			Rough Inspections	0 days	Thu 10/24/24	Thu 10/24/24	191,192,195,196,	200
200			Drywall/Ceiling/Drywall Repair	10 days	Thu 10/24/24	Thu 11/7/24	199	202,201
201			Paint Walls & Ceilings	3 days	Thu 11/7/24	Tue 11/12/24	200	207,208,20
202			Install Flooring	3 days	Thu 11/7/24	Tue 11/12/24	200	203
203			Install Storefront & Hardware	7 days	Tue 11/12/24	Thu 11/21/24	202	
204			Install Security Terminations	2 days	Tue 11/12/24	Thu 11/14/24	201	211
205			Install LV Terminations	2 days	Tue 11/12/24	Thu 11/14/24	201	211
206			Fire Alarm/Strobe Terminations	2 days	Tue 11/12/24	Thu 11/14/24	201	211
207			Install Base	1 day	Tue 11/12/24	Wed 11/13/24	201	211
208			Install Elec. Finishes Incl. lighting	2 days	Tue 11/12/24	Thu 11/14/24	201	211
209			Install HVAC Finishes	2 days	Tue 11/12/24	Thu 11/14/24	201	211
210			FS Trim Install	2 days	Tue 11/12/24	Thu 11/14/24	201	211
211			Final Inspection	0 days	Thu 11/14/24	Thu 11/14/24	204,205,206,207,	212,213,21
212			Install ACT Complete (ATM Rm.)	1 day	Thu 11/14/24	Fri 11/15/24	211	215
213			Install Furniture/Chairs	1 day	Thu 11/14/24	Fri 11/15/24	211	215
214			Install Desk Equipment	1 day	Thu 11/14/24	Fri 11/15/24	211	215,216
215			Substantial Completion	15 days	Fri 11/15/24	Fri 12/6/24	212,213,214	
216			Punch Walk	15 days	Fri 11/15/24	Fri 12/6/24	214	217
217			Bank of America Turnover	0 days	Fri 12/6/24	Fri 12/6/24	216	

Code Enforcement Department & Planning, Zoning & Building Department
Town of Palm Beach
345 South County Road
Palm Beach, FL 33480
(561) 227-7080

Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
(561) 838-5431
www.townofpalmbeach.com

WORKING HOURS for CONSTRUCTION and LAWN MAINTENANCE

WORTH AVENUE HOURS - May 1 thru October 31 only

- **Monday thru Saturday** - Work allowed 8:00AM to 8:00PM ONLY.
- **Weekdays** - Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30AM and are restricted from conducting any kind of site activity prior to 8:00AM during weekdays.
- **Saturdays** - Workers are prohibited from arriving at construction and lawn maintenance sites prior to 8:30AM and are restricted from conducting any kind of site activity prior to 9:00AM on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.
- **Sundays and legal holidays - WORK NOT PERMITTED! ALL construction work is prohibited!**

SUMMER HOURS - May 1 until the Sunday preceding Thanksgiving

- **Monday thru Friday** - Work allowed 8:00AM to 6:00PM. Heavy equipment or other outdoor construction-related and lawn maintenance noise shall not be permitted before 9:00AM.
- **Weekdays** - Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30AM and are restricted from conducting any kind of site activity prior to 8:00AM during weekdays.
- **Saturdays** - 9:00AM to 5:00PM. Quiet interior work only & quiet lawn maintenance and tree trimming. Workers are prohibited from arriving at construction and lawn maintenance sites prior to **8:30AM** and are restricted from conducting any kind of site activity prior to 9:00AM on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.
- **Saturdays** - The following activities are **prohibited**:
  - Material deliveries
  - Concrete pours/Concrete sawing
  - Demolition/Razing of buildings (except non-mechanized cleanup)
  - The operation of any heavy equipment or machinery
- **Sundays and legal holidays and Town-observed holidays - WORK NOT PERMITTED! ALL construction work is prohibited!**

WINTER HOURS - Beginning the Monday preceding Thanksgiving thru April 30

- **Monday thru Friday** - 8:00AM to 5:00PM. With quiet interior work only from 8:00AM To 9:00AM. NO heavy equipment or other outdoor construction-related and lawn maintenance noise is permitted before 9:00AM. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30AM and are restricted from conducting any kind of site activity prior to 8:00AM during weekdays.
- **Saturdays, Sundays, legal holidays, and Town-observed holidays including the Friday immediately after Thanksgiving, ALL CONSTRUCTION WORK IS PROHIBITED!**
- **For multi-family properties, south of Sloan's Curve which are not located on Ibis Isle,** that have an association board that approves of **Saturday** work hours, and a copy of the letter indicating the Saturday work hours have been approved by the association board is on record with the Town. Saturdays - QUIET INTERIOR WORK between 9:00AM to 5:00PM.

LAWN MAINTENANCE Section 2. 42-230 Lawn Maintenance

(a) Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 (as stated above) and all gas and electric powered lawn maintenance equipment, including leaf blowers, shall be subject to the same restrictions as heavy equipment as described in said section. **However, lawn maintenance equipment may be used on the Wednesday immediately preceding Thanksgiving and on the Friday immediately following Thanksgiving from 9:00 a.m. to 5:00 p.m. with quiet work only (no gas or electric powered lawn maintenance equipment or leaf blowers) from 1:00 p.m. to 5:00 p.m. on the Friday immediately following Thanksgiving. ±±± ALL GAS-POWERED LEAF BLOWERS ARE PROHIBITED IN THE TOWN.**

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Time Extensions, Waivers, & Three Strike Matters

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **236 Phipps Plaza**

Presenter

ATTACHMENTS:

- **Memorandum & Backup Dated: December 31, 2023, From Wayne Bergman, Planning, Zoning, & Building Director**

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 236 Phipps Plaza

Date: December 31, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor BCC Residential LLC (Scott A. Butler, Vice President) regarding a time extension in which to complete renovations of a landmarked building located at 236 Phipps Plaza and to extend the permit duration until March 31, 2024.

GENERAL INFORMATION

236 Phipps Plaza is listed as a five-unit multifamily residence. Permits were issued on October 8, 2019, the Town Council granted a six-month time extension to the project in July of 2023, and the permit was set to expire on December 31, 2023. A short administrative extension was granted to allow the contractor to notify the neighbors and make the application to appear before the Town Council in February , based upon the new regulations.

BCC Residential LLC explain in their letter of December 28, 2023, that all materials are now delivered and that work remains only on the lower level.

Staff has no objection to the requests.

Attachments: Letter from Scott A. Butler, Vice President of BCC Residential LLC
Construction Schedule
Copy of the Memo from June 22, 2023
Permit Summary for the Property
Property Appraiser Details for the Property

BCC
RESIDENTIAL

December 28, 2023

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

RE: Permit Extension Request B19-81597
236 Phipps Plaza

To Whom it May Concern,

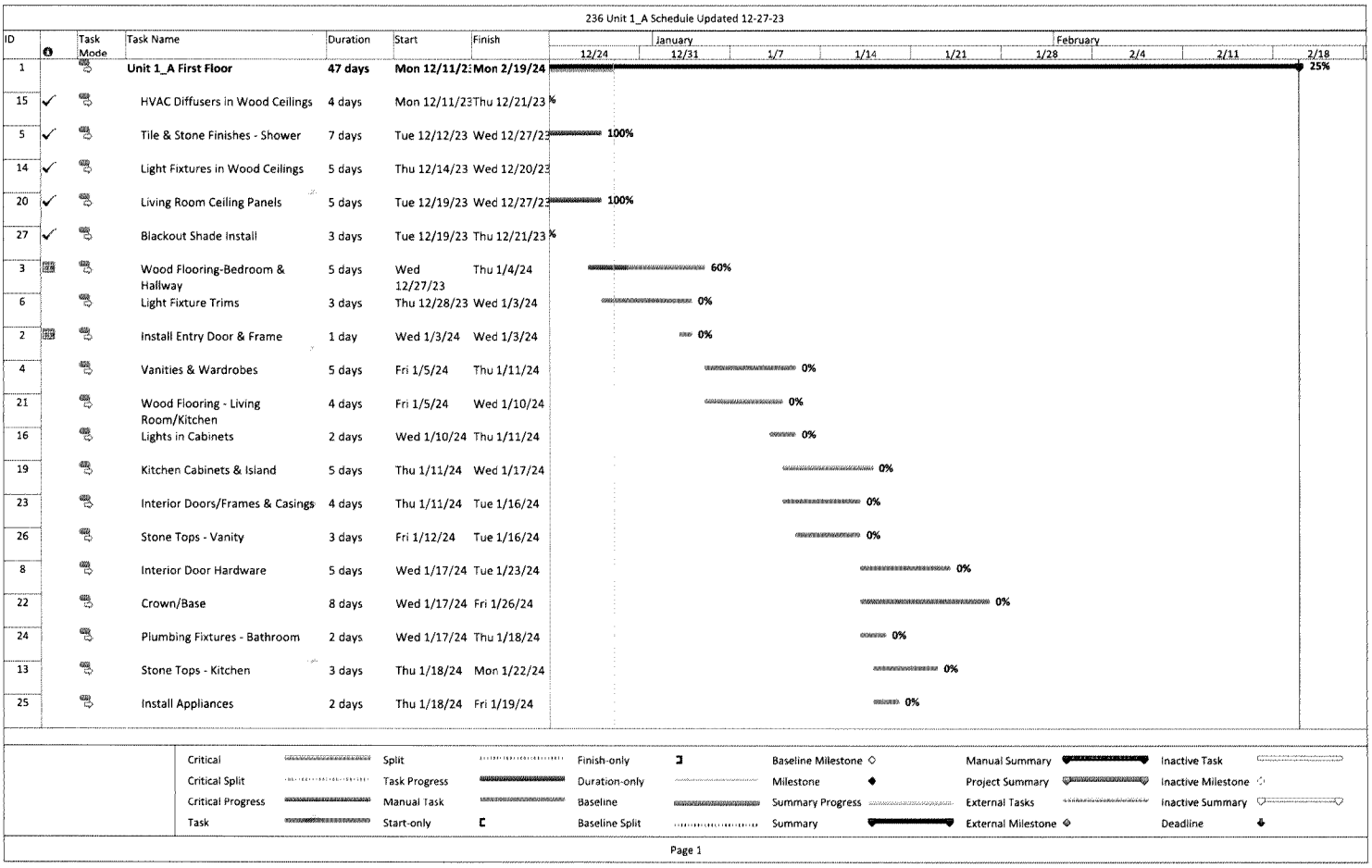
Please accept this letter as our formal request to extend the allotted construction time for the above referenced project. The site logistics as well as the finishes being fabricated overseas have resulted in extended project duration. The materials are all now in a local warehouse, 2 upper floors are completed and lower floor is wrapping up.

We expect to complete the balance of work on the 1st floor by the end February or early March and request an extension thru March 31, 2024 to ensure no additional extensions are required.

If this request requires Town Council approval, we hope you are able to add us to the February Agenda to avoid further delays.

Sincerely,
BCC Residential, LLC

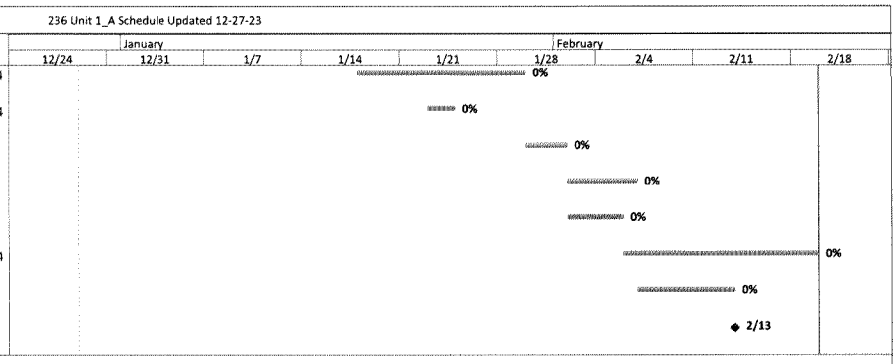
Scott A. Butler
Vice-President



ID	Task Mode	Task Name	Duration	Start	Finish
1		**Unit 1_A First Floor**	**47 days**	**Mon 12/11/23**	**Mon 2/19/24**
15		HVAC Diffusers in Wood Ceilings	4 days	Mon 12/11/23	Thu 12/21/23
5		Tile & Stone Finishes - Shower	7 days	Tue 12/12/23	Wed 12/27/23
14		Light Fixtures in Wood Ceilings	5 days	Thu 12/14/23	Wed 12/20/23
20		Living Room Ceiling Panels	5 days	Tue 12/19/23	Wed 12/27/23
27		Blackout Shade Install	3 days	Tue 12/19/23	Thu 12/21/23
3		Wood Flooring-Bedroom & Hallway	5 days	Wed 12/27/23	Thu 1/4/24
6		Light Fixture Trims	3 days	Thu 12/28/23	Wed 1/3/24
2		Install Entry Door & Frame	1 day	Wed 1/3/24	Wed 1/3/24
4		Vanities & Wardrobes	5 days	Fri 1/5/24	Thu 1/11/24
21		Wood Flooring - Living Room/Kitchen	4 days	Fri 1/5/24	Wed 1/10/24
16		Lights in Cabinets	2 days	Wed 1/10/24	Thu 1/11/24
19		Kitchen Cabinets & Island	5 days	Thu 1/11/24	Wed 1/17/24
23		Interior Doors/Frames & Casings	4 days	Thu 1/11/24	Tue 1/16/24
26		Stone Tops - Vanity	3 days	Fri 1/12/24	Tue 1/16/24
8		Interior Door Hardware	5 days	Wed 1/17/24	Tue 1/23/24
22		Crown/Base	8 days	Wed 1/17/24	Fri 1/26/24
24		Plumbing Fixtures - Bathroom	2 days	Wed 1/17/24	Thu 1/18/24
13		Stone Tops - Kitchen	3 days	Thu 1/18/24	Mon 1/22/24
25		Install Appliances	2 days	Thu 1/18/24	Fri 1/19/24

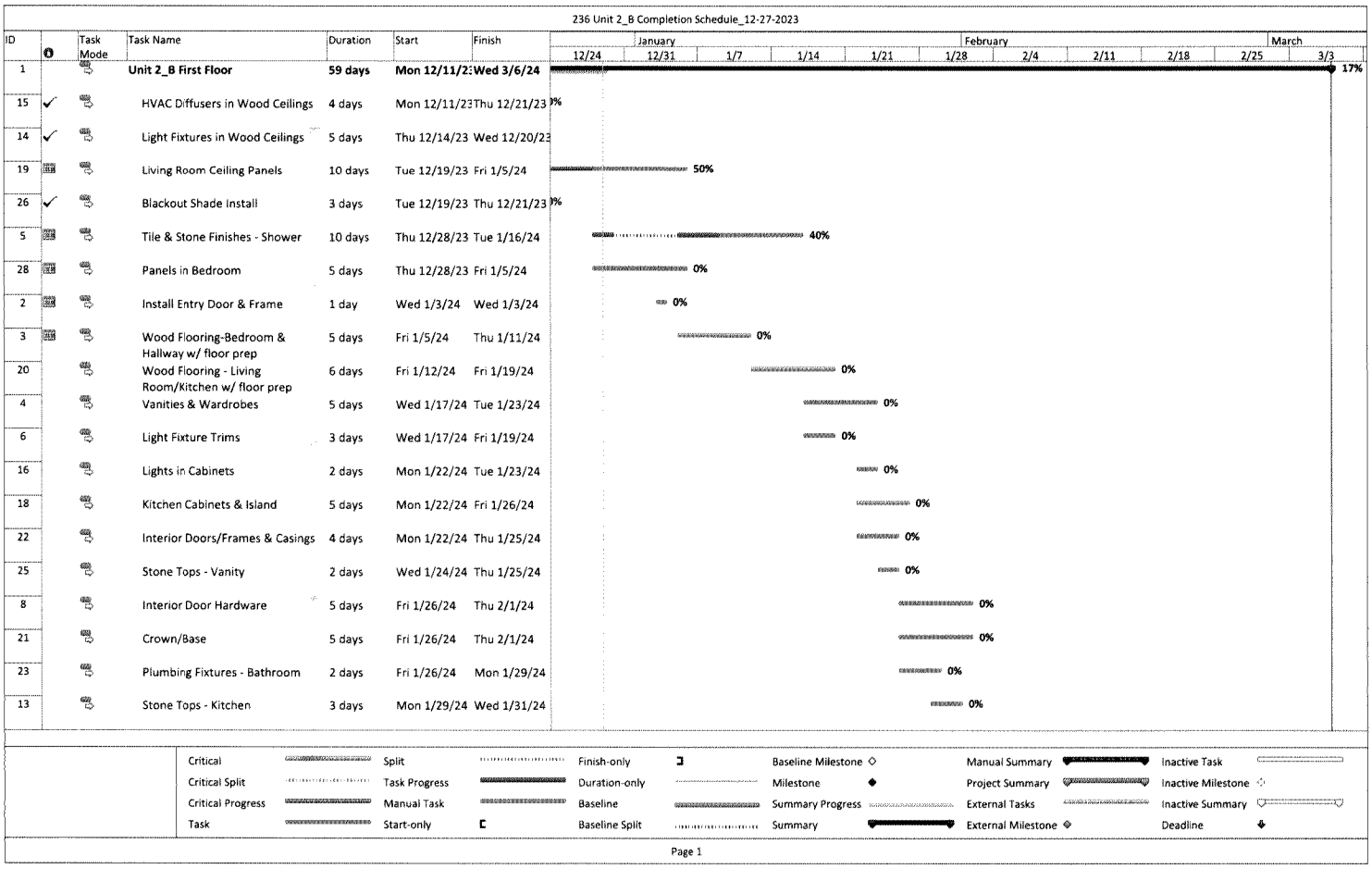
236 Unit 1_A Schedule Updated 12-27-23

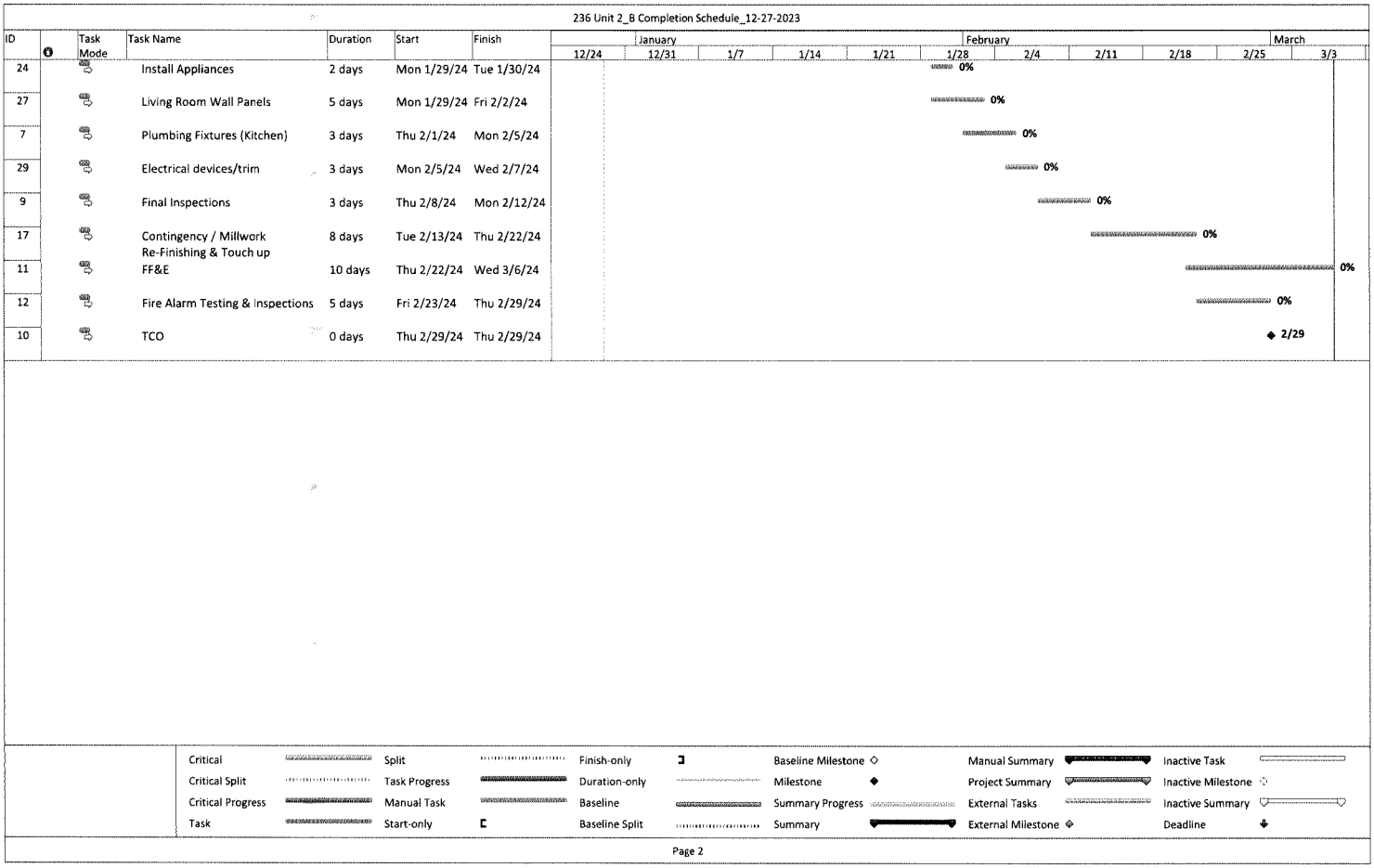
ID	Task Mode	Task Name	Duration	Start	Finish
28		Living Room Wall Panels	8 days	Thu 1/18/24	Mon 1/29/24
7		Plumbing Fixtures (Kitchen)	2 days	Tue 1/23/24	Wed 1/24/24
17		Trim out Devices	3 days	Tue 1/30/24	Thu 2/1/24
9		Final Inspections	3 days	Fri 2/2/24	Tue 2/6/24
12		Fire Alarm Testing & Inspections	2 days	Fri 2/2/24	Mon 2/5/24
11		FF&E	10 days	Tue 2/6/24	Mon 2/19/24
18		Contingency / Millwork Re-Finishing & Touchup	5 days	Wed 2/7/24	Tue 2/13/24
10		TCO	0 days	Tue 2/13/24	Tue 2/13/24



Critical
Split
Finish-only
Baseline Milestone
Manual Summary
Inactive Task
Critical Split
Task Progress
Duration-only
Milestone
Project Summary
Inactive Milestone
Critical Progress
Manual Task
Baseline
Summary Progress
External Tasks
Inactive Summary
Task
Start-only
Baseline Split
Summary
External Milestone
Deadline

Page 2


236 Unit 2_B Completion Schedule_12-27-2023
ID
Task Mode
Task Name
Duration
Start
Finish
January
February
March
12/24
12/31
1/7
1/14
1/21
1/28
2/4
2/11
2/18
2/25
3/3
1 Unit 2_B First Floor 59 days Mon 12/11/23 Wed 3/6/24 17%
15 HVAC Diffusers in Wood Ceilings 4 days Mon 12/11/23 Thu 12/21/23 0%
14 Light Fixtures in Wood Ceilings 5 days Thu 12/14/23 Wed 12/20/23
19 Living Room Ceiling Panels 10 days Tue 12/19/23 Fri 1/5/24 50%
26 Blackout Shade Install 3 days Tue 12/19/23 Thu 12/21/23 0%
5 Tile & Stone Finishes - Shower 10 days Thu 12/28/23 Tue 1/16/24 40%
28 Panels in Bedroom 5 days Thu 12/28/23 Fri 1/5/24 0%
2 Install Entry Door & Frame 1 day Wed 1/3/24 Wed 1/3/24 0%
3 Wood Flooring-Bedroom & Hallway w/ floor prep 5 days Fri 1/5/24 Thu 1/11/24 0%
20 Wood Flooring - Living Room/Kitchen w/ floor prep 6 days Fri 1/12/24 Fri 1/19/24 0%
4 Vanities & Wardrobes 5 days Wed 1/17/24 Tue 1/23/24 0%
6 Light Fixture Trims 3 days Wed 1/17/24 Fri 1/19/24 0%
16 Lights in Cabinets 2 days Mon 1/22/24 Tue 1/23/24 0%
18 Kitchen Cabinets & Island 5 days Mon 1/22/24 Fri 1/26/24 0%
22 Interior Doors/Frames & Casings 4 days Mon 1/22/24 Thu 1/25/24 0%
25 Stone Tops - Vanity 2 days Wed 1/24/24 Thu 1/25/24 0%
8 Interior Door Hardware 5 days Fri 1/26/24 Thu 2/1/24 0%
21 Crown/Base 5 days Fri 1/26/24 Thu 2/1/24 0%
23 Plumbing Fixtures - Bathroom 2 days Fri 1/26/24 Mon 1/29/24 0%
13 Stone Tops - Kitchen 3 days Mon 1/29/24 Wed 1/31/24 0%
Critical
Critical Split
Critical Progress
Task
Split
Task Progress
Manual Task
Start-only
Finish-only
Duration-only
Baseline
Baseline Split
Baseline Milestone
Milestone
Summary Progress
Summary
Manual Summary
Project Summary
External Tasks
External Milestone
Inactive Task
Inactive Milestone
Inactive Summary
Deadline
Page 1


236 Unit 2_B Completion Schedule_12-27-2023
ID
Task Mode
Task Name
Duration
Start
Finish
January
February
March
12/24
12/31
1/7
1/14
1/21
1/28
2/4
2/11
2/18
2/25
3/3
24 Install Appliances 2 days Mon 1/29/24 Tue 1/30/24 0%
27 Living Room Wall Panels 5 days Mon 1/29/24 Fri 2/2/24 0%
7 Plumbing Fixtures (Kitchen) 3 days Thu 2/1/24 Mon 2/5/24 0%
29 Electrical devices/trim 3 days Mon 2/5/24 Wed 2/7/24 0%
9 Final Inspections 3 days Thu 2/8/24 Mon 2/12/24 0%
17 Contingency / Millwork Re-Finishing & Touch up 8 days Tue 2/13/24 Thu 2/22/24 0%
11 FF&E 10 days Thu 2/22/24 Wed 3/6/24 0%
12 Fire Alarm Testing & Inspections 5 days Fri 2/23/24 Thu 2/29/24 0%
10 TCO 0 days Thu 2/29/24 Thu 2/29/24 2/29
Critical
Critical Split
Critical Progress
Task
Split
Task Progress
Manual Task
Start-only
Finish-only
Duration-only
Baseline
Baseline Split
Baseline Milestone
Milestone
Summary Progress
Summary
Manual Summary
Project Summary
External Tasks
External Milestone
Inactive Task
Inactive Milestone
Inactive Summary
Deadline
Page 2

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): 2/14/2024 (unless 1/10/24 is still possible)
- Deadline for submittal of request/backup must be received by: _____
  (Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: _____
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-19-81597 Exp. Date: 12/31/2023

Job Address: 236 Phipps Plaza

Length of time extension being requested: (in days) 90

Proposed completion date if requested time extension is granted: ~~2/29/2024~~ 3/31/2024
(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# : 19-81597 Job Value $ 60,000

Permit# : 21-87670 Job Value $ 1,532,700

Permit# : _____ Job Value $ 4,301,539

Permit# : _____ Job Value $ _____

Valuation of work remaining to complete the project: $ 231,309 (as of 12/31/2023)
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 2,313.09
(attach a copy of the receipt for payment)

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

_____
OWNER SIGNATURE DATE

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

Scott Butler 12/28/23
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this _____ day of _____

20_____, By _____

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

_____
Printed Name of Notary

_____
Signature of Notary

SEAL:

NOTARY TO CONTRACTOR

STATE OF Florida
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 28th day of December

20 23 , By Scott Butler

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

Juan Gil
Printed Name of Notary

JG
Signature of Notary

SEAL:

JUAN GIL
Notary Public - State of Florida
Commission # HH 405965
My Comm. Expires Jun 4, 2027
Bonded through National Notary Assn.

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 12, 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 236 & 238 Phipps Plaza

Date: June 22, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor BCC Residential LLC (Scott A. Butler, Vice President) regarding a time extension in which to complete renovations of a landmarked building located at 236 & 238 Phipps Plaza and to extend the permit duration until December 31, 2023 – about six months from today.

GENERAL INFORMATION

The properties are separate parcels and have separate ownership, but both addresses are in the same building and being renovated at the same time and by the same contractor. 238 Phipps Plaza is listed as a single-family residence and 236 Phipps Plaza is listed as a five-unit multifamily residence. Two separate sets of permits were required for this renovation [since there are two different parcels]. Permits were issued on October 8, 2019, and will expire on August 30, 2023.

BCC Residential LLC explain in their letters of June 21, 2023, that structural deficiencies were discovered that required extensive repairs, which extended this project. Finishes were fabricated overseas, and owner revisions are also reasons for the time extension requests.

Staff has no objection to the requests.

Attachments: Letter from Scott A. Butler, Vice President of BCC Residential LLC
Permit Summary for the Properties
Property Appraiser Details for the Properties

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-23-02101	b-r03	416532	FEE CHARGE	FEE CHARGE PERMIT FOR 1% FEE OF REMAINING JOB COST FOR TIME EXTENSION REQUEST		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	12/29/2023		12/29/2023	pending
B-23-02099	b-r05	416532	R-PERMIT UPDATE-CORRECTION/CHANGE IN VALUE ONLY	*****PRIVATE PROVIDER***** PERMIT UPDATE - FINAL VALUATION		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	12/28/2023	12/29/2023	12/28/2023	final
B-23-01941	b-r03		FEE CHARGE	ADDRESS CHANGE REQUEST		236 PHIPPS PLZ	605770		DICKENSON LAW PA	12/6/2023	12/6/2023	12/6/2023	final
B-23-01894	b-r01	416532	R-REVISION	*****PRIVATE PROVIDER***** REVISON OTHER: FIRE ALARM SHOP DRAWINGS		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	12/1/2023	12/5/2023	12/1/2023	final
U-23-14847	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/17/2023	11/21/2023	2/19/2024	issued
U-23-14683	u-p02	416532	U-USE OF/WORK IN ROW	DELIVERY WITH BOOM TRUCK TO 2ND FLOOR UNLOAD MARBLE SLABS, THEN FLY TO 2ND FLOOR WITH BOOM TRUCK CRANE		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/3/2023	11/8/2023	2/6/2024	final
U-23-14588	u-p02	416532	U-USE OF/WORK IN ROW	DELIVERY WITH BOOM TRUCK TO 2ND FLOOR UNLOAD RAILINGS & APPLIANCES, THEN FLY TO 2ND FLOOR WITH BOOM TRUCK CRANE.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	10/26/2023	10/31/2023	1/29/2024	final
U-23-14576	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	10/25/2023	10/31/2023	1/29/2024	final
U-23-14468	u-p02	416532	U-USE OF/WORK IN ROW	ASPHALT PATCHING		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	10/16/2023	10/31/2023	1/29/2024	final
U-23-14343	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF ROW FOR CONCRETE CURB DEMO AND REPAI		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	10/4/2023	10/5/2023	1/3/2024	final
U-23-14282	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	9/28/2023	9/29/2023	12/28/2023	final
L-23-00850	l-l01	416532	L-LPC STAFF APPROVAL	*****PRIVATE PROVIDER***** LANDMARKS- REIVSED HARDSCAPE & LANDSCAPE LAY OUT AT NORTH SIDE OF PROPERTY. NO REDUCTION IN LANDSCAPE OPEN SPACE. NEW FABRIC AWNING ON REAR YARD SECOND FLOOR EXISTING PORCH.		236 PHIPPS PLZ	605989		SPINA O'ROURKE & PARTNERS	9/15/2023		9/9/2024	canceled
U-23-14160	u-p03	416532	U-EXCAVATION IN ROW	*****PRIVATE PROVIDER***** WATER SERVICE FROM PHIPPS PLAZA PARK TO BUILDINGS INCLUDING ASPHALT CUTTING AND PATCHING		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	9/15/2023	9/20/2023	3/18/2024	issued
U-23-13968	u-p01	416532	U-DEWATERING	DEWATERING IN ROW FOR WATERLINE INSTALLATION		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/30/2023	9/1/2023	10/31/2023	final
B-23-00711	b-r03	455801	FEE CHARGE	*****PRIVATE PROVIDER***** NOT REQUIRED PER PB		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/18/2023	8/18/2023	8/18/2023	final
U-23-13799	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/16/2023	8/24/2023	11/22/2023	final
U-23-13735	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- WATER SERVICE FROM PHIPPS PLAZA PARK TO BUILDINGS INCLUDING ASPHALT CUTTING AND PATCHING		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/11/2023		11/9/2023	canceled
U-23-13736	u-p03	416532	U-EXCAVATION IN ROW	*****PRIVATE PROVIDER***** WATER SERVICE FROM PHIPPS PLAZA PARK TO BUILDINGS INCLUDING ASPHALT CUTTING AND PATCHING		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/11/2023	8/17/2023	2/13/2024	issued
U-23-13737	u-p07	416532	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	*****PRIVATE PROVIDER***** WATER SERVICE FROM PHIPPS PLAZA PARK TO BUILDINGS INCLUDING ASPHALT CUTTING AND PATCHING		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/11/2023		11/9/2023	canceled
U-23-13487	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	7/19/2023	7/26/2023	10/24/2023	final
U-23-13216	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	6/20/2023	6/26/2023	9/24/2023	final
U-23-13063	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	5/25/2023	6/1/2023	8/30/2023	final
U-23-13025	u-p03		U-EXCAVATION IN ROW	EXCAVATE- INSTALL 7 FEET OF 1 - 1/4" PE GAS SERVICE TO SERVE ADDRESS ABOVE		236 PHIPPS PLZ	500056		FLORIDA PUBLIC UTILITIES COMPA	5/19/2023	5/25/2023	11/21/2023	issued
U-23-12759	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	4/19/2023	4/21/2023	7/20/2023	final
U-23-12572	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	3/21/2023	3/24/2023	6/22/2023	final
B-23-98272	b-r01	416532	R-REVISION	*****PRIVATE PROVIDER***** REVISION OTHER- DRAINAGE FEASIBILITY REPORT		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	3/8/2023		3/8/2023	pending
B-23-98185	b-r03		FEE CHARGE	ZONING VERIFICATION LETTER REQUEST		236 PHIPPS PLZ	606786		COZEN O'CONNOR	2/28/2023	2/28/2023	2/28/2023	final
U-23-12400	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- TRASH TRUCK LOADING, MATERIAL DELIVERY /HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK, LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	2/13/2023	2/24/2023	5/25/2023	final
L-23-00711	l-l01		L-LPC STAFF APPROVAL	LANDMARKS- (2) ADDITIONAL WINDOWS ON SOUTH SIDE OF BUILDING; RELOCATED HVAC EQUIPMENT, COURTYARD FOUNTAIN WITH WATER HEATERS ON BACK; BUILDING COLOR CHANGED TO WHITE WITH CURRENTYLY APPROVED BLUE DOORS.		236 PHIPPS PLZ	605989		SPINA O'ROURKE & PARTNERS	1/27/2023	3/9/2023	1/22/2024	final
U-23-12297	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF - TRASH TRUCK LOADING, MATERIAL DELIVERY / HANDLING. SCREENING TO BE SET UP DURING TRASH TRUCK LOADING OR WHILE WORKING IN ROW, BUT NOT REQUIRED FOR REGULAR MATERIAL DELIVERIES		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	1/20/2023	2/14/2023	5/15/2023	final
U-23-12253	u-p03		U-EXCAVATION IN ROW	WED 1/18-FRI 1/20/23: NO LANE CLOSURE-REAR EASEMENT LANDSCAPE AREA-REMOVE 1 LATERALS AND INSTALL THREE 6" PVC LATERALS AT SAME LINE, GRADE & ELEVATION TO WHAT WAS EXISTING-DENSITIES-BACKFILL-NO ASPHALT PATCH REQ.		236 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	1/12/2023	1/18/2023	7/30/2023	issued
U-23-12254	u-p07		U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	WED 1/18-FRI 1/20/23: NO LANE CLOSURE-REAR EASEMENT LANDSCAPE AREA-REMOVE 1 LATERALS AND INSTALL THREE 6" PVC LATERALS AT SAME LINE, GRADE & ELEVATION TO WHAT WAS EXISTING-DENSITIES-BACKFILL-NO ASPHALT PATCH REQ.		236 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	1/12/2023	1/18/2023	5/1/2023	issued
B-22-97640	b-r01	416532	R-REVISION	*****PRIVATE PROVIDER***** REVISION OTHER: FIRE ALARM SHOP DWGS & PRODUCT DATA		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	12/28/2022	1/6/2023	12/28/2022	final

Count: 55

Table is Empty

TC Development Review Meeting Backup 2-14-2024

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
B-22-97608	b-r01	416532	R-REVISION	*****PRIVATE PROVIDER***** REVISION OTHER: SUBMITTING FIRE SPRINKLER DRAWINGS AND HEAD CUT SHEETS.		236 PHIPPS PLZ	535670		SOUTHERN FIRE PROTECTION OF P	12/22/2022	1/3/2023	12/22/2022	final
U-22-12139	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF - DUMP TRUCK LOADING DELIVERY/HANDLING CONCRETE POUR/ PUMP SET UP, ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	12/19/2022	1/5/2023	4/5/2023	final
U-22-11942	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF - DUMP TRUCK LOADING DELIVERY/HANDLING CONCRETE POUR/ PUMP SET UP, ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/21/2022	12/16/2022	3/16/2023	final
U-22-11617	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/ HANDLING CONCRETE POUR/PUMP SET UP. ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	10/18/2022	11/7/2022	2/5/2023	final
U-22-11251	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/ HANDLING CONCRETE POUR/PUMP SET UP. ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	9/16/2022	9/19/2022	12/18/2022	final
B-22-96210	b-r01	416532	R-REVISION	*****PRIVATE PROVIDER***** REVISION BUILING - ADDITIONAL PRODUCT APPROVALS - ALUMINUM MULLION FOR LOWEN WINDOW ATTACHMENT		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/26/2022	8/30/2022	8/26/2022	final
B-22-95990	b-r01	416532	R-REVISION	*****PRIVATE PROVIDER***** REVISION BUILDING: UPDATED PRODUCT APPROVALS- WINDOWS & DOORS (CHANGED MANUFACTURERS).		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/15/2022	8/18/2022	8/15/2022	final
U-22-10840	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/ HANDLING CONCRETE POUR/ PUMP SET UP. ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/10/2022	8/15/2022	11/13/2022	final
U-22-10743	u-p07		U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	TWO SEWER SERVICE CONNECTIONS TIE INTO EXISTING SEWER MAIN FOR NEW SERVICE CONNCETIONS.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/3/2022	8/12/2022	11/10/2022	issued
U-22-10006	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/ HANDLING CONCRETE POUR, PUMP SET UP, ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	5/16/2022	5/17/2022	8/15/2022	final
U-22-09749	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/ HANDLING, CONCRETE POUR/PUMP SET UP. ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	4/18/2022	4/27/2022	7/26/2022	final
U-22-09536	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/ HANDLING, CONCRETE POUR/PUMP SET UP, ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	3/17/2022	3/20/2022	6/18/2022	final
U-22-09260	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** DUMP TRUCK LOADING, MATERIAL DELIVERY / HANDLING CONCRETE POUR / PUMP SET UP - ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	1/21/2022	1/27/2022	4/27/2022	final
B-21-92435	b-b06		B-COMMERCIAL ALTERATION	REMOVE DAMAGED HANDRAIL AND REPLACE W/NEW. WE WILL BE DOING THE SAME SPEC'S.		236 PHIPPS PLZ	602494		BLUE COAST ALUMINUM INC	12/13/2021	12/15/2021	7/20/2022	final
U-21-08875	u-p02	416532	U-USE OF/WORK IN ROW	ROW DUMP TRUCK LOADING, MATERIALS DELIVERY/HANDLING CONCRETE POUR/ PUMP SET UP.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/15/2021	11/23/2021	2/21/2022	final
F-21-03584	f-f01	416532	F-FIRE RESCUE STANDARD	*****PRIVATE PROVIDER***** FIRE HYDRANT FLOW TEST		236 PHIPPS PLZ	535670		SOUTHERN FIRE PROTECTION OF P	10/15/2021	10/18/2021	10/13/2022	final
U-21-08385	u-p02	416532	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** ROW DUMP TRUCK LOADING, MATERIAL DELIVERY/HANDLING CONCRETE POUR/PUMP SET UP.		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	9/27/2021	9/28/2021	12/27/2021	final
B-21-90497	b-r02	416532	R-CHANGE OF CONTRACTOR/QUALIFIER	*****PRIVATE PROVIDER***** CHANGE OF CONTRACTOR		236 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/2/2021	8/2/2021	8/2/2021	final
B-21-87670	b-r04	416532	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	*****PRIVATE PROVIDER***** PERMIT UPDATE CHANGE IN PLANS AND VALUE FOR INTERIOR AND EXTERIOR RENOVATION		236 PHIPPS PLZ	501979		HEDRICK BROTHERS CONST CO INC	2/26/2021	4/8/2021	10/5/2021	final
Z-20-00309	z-01		Z-DEVELOPMENT REVIEW PERMIT	Section 134-942(4): Request for a modification to the existing multi-family site plan (4 units) to allow applicant to undertake a renovation of a 3 story nonconforming landmarked residence located in the R-C Zoning District in Phipps Plaza. Modifications include: Removal of existing 70 SF non-conforming bike storage shed; Removal of existing exterior stair leading from second floor to third floor; New balconies (3) with corbel and railing details to match existing exterior stair; New infill and enclosure of existing 38 SF second floor covered porch; New infill and enclosure of exiting 134 SF third floor covered porch (variance requested); New spa in existing ground level courtyard ; New spa equipment (1) in housing at ground level (variance requested); New 6' tall ac units (3) at ground level (variance requested) ; New elevator within existing building footprint; Revised interior floor plans. The variances being requested are as follows: 1) Section 134-948(8): To allow the enclosure of a porch on the existing nonconforming third floor of a three story building in lieu of the two-story building maximum allowed in the R-C Zoning District. 2) 134-1728(0): to allow the three (3) air-conditioning units in a required rear setback to be 6 feet in height in lieu of the 4 foot maximum allowed. 3) 134-1728(a): to allow three (3) air-conditioning units in a required setback where only maximum of two are allowed. 4) 134-1728(a): to allow the west two (2) air-conditioning units to be 9 inches and 3 feet, respectively, from the rear property line in lieu of the 5 foot minimum required. 5) 134-1728(a): to allow the east air-conditioning unit and pool equipment to be 1 inch from the east side property line in lieu of the 5 foot minimum required. 6) 134-1728(a): to allow the east air-conditioning unit and pool equipment to be 9 inches and 3 feet from the rear property line, respectively, in lieu of the 5 foot minimum required. 7) 134-1729: to allow the proposed spa pump and filter equipment to be 9 inches from the rear property line in lieu of the five foot minimum setback required.		236 PHIPPS PLZ	602091		KOCHMAN AND ZISKA	11/13/2020		11/8/2021	pending

Count: 55

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-19-81597	b-b02		B-RESIDENTIAL ALTERATION	*****PRIVATE PROVIDER*****TC EXTENDED UNTIL 12/31/2023) SELECTIVE INTERIOR AND EXTERIOR DEMOLITION		236 PHIPPS PLZ	501979		HEDRICK BROTHERS CONST CO INC	9/30/2019	10/8/2019	12/31/2023	issued
B-13-31289	b-e02		E-ELECTRICAL COM STANDARD	PUT UP NEW LANTERNS PER PLAN		236 PHIPPS PLZ	600944		ELI'S ELECTRIC CORP	4/10/2013	4/16/2013	10/13/2013	final

Count: 55

Filter is Empty

TC Development Review Meeting Backup 2-14-2024

Property Detail

Parcel Control Number:	50-43-43-22-10-000-0102	Location Address:	236 PHIPPS PLZ		
Owners:	236 PHIPPS PLAZA PROPERTIES PARTNERS LLC				
Mailing Address:	230 ROYAL PALM WAY STE 411,PALM BEACH FL 33480 4340				
Last Sale:	JAN-2022	Book/Page#:	33289 / 1285	Price:	$1,547,600
Property Use Code:	0800 - MULTIFAMILY < 5 UNITS	Zoning:	R-C - MEDIUM DENSITY RESIDENTIAL (50-PALM BEACH)		
Legal Description:	PL OF PHIPPS PLAZA WLY 50.86 FT OF LT J	Total SF:	5176	Acres	0.0674

2023 Values (Current)

Improvement Value	$838,380
Land Value	$3,474,969
Total Market Value	$4,313,349
Assessed Value	$4,313,349
Exemption Amount	$0
Taxable Value	$4,313,349

All values are as of January 1st each year.

2023 Taxes

Ad Valorem	$64,755
Non Ad Valorem	$1,962
Total Tax	$66,717

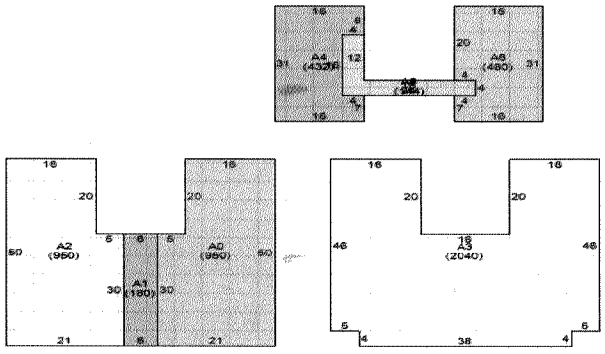
2023 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 1)



Subarea and Square Footage (Building 1)

Description	Area Sq. Footage
FUS Finished Upper Story	432
BAS Base Area	950
FUS Finished Upper Story	144
FUS Finished Upper Story	480
FUS Finished Upper Story	2040
FOP Finished Open Porch	180
BAS Base Area	950
Total Square Footage :	5176
Total Area Under Air :	4996

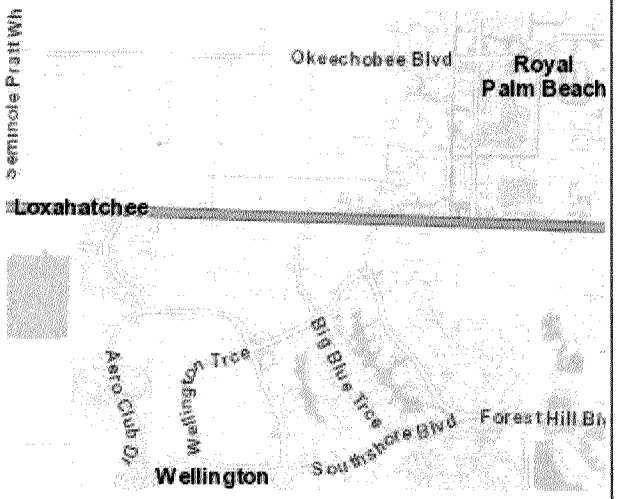
Extra Features

Description	Year Built	Unit
No Extra Feature Available		

Structural Details (Building 1)

Description	
1. Exterior Wall 1	WSF: BRICK
2. Year Built	1925
3. Air Condition Desc.	HTG & AC
4. Heat Type	FORCED AIR DUCT
5. Heat Fuel	ELECTRIC
6. Bed Rooms	0
7. Full Baths	5
8. Half Baths	1
9. Exterior Wall 2	NONE
10. Roof Structure	GABLE/HIP
11. Roof Cover	CLAY/BERMUDA TILE
12. Interior Wall 1	PLASTER
13. Interior Wall 2	N/A
14. Floor Type 1	CERAMIC/QUARRY TILE
15. Floor Type 2	N/A
16. Stories	2

MAP



TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Time Extensions, Waivers, & Three Strike Matters

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **238 Phipps Plaza**

Presenter

ATTACHMENTS:

- **Memorandum & Backup Dated: January 16, 2024, From Wayne Bergman, Planning, Zoning, & Building Director**

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 238 Phipps Plaza

Date: January 16, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor BCC Residential LLC (Scott A. Butler, Vice President) regarding a time extension in which to complete renovations of a landmarked building located at 238 Phipps Plaza and to extend the permit duration until July 31, 2024.

GENERAL INFORMATION

238 Phipps Plaza is listed as a single-family residence. Permits were issued on October 8, 2019, the Town Council granted a six-month time extension to the project in July of 2023, and the permit was set to expire on December 31, 2023. A short administrative extension was granted to allow the contractor to notify the neighbors and make the application to appear before the Town Council in February, based upon the new regulations.

BCC Residential LLC explain in their letter of January 3, 2023, that the exterior work is wrapping up and only interior work will remain.

Staff has no objection to the requests.

Attachments: Letter from Scott A. Butler, Vice President of BCC Residential LLC
Construction Schedule
Copy of the Memo from June 22, 2023
Permit Summary for the Property
Property Appraiser Details for the Property

BCC
RESIDENTIAL

January 3, 2024

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

RE: Permit Extension Request B19-81598
238 Phipps Plaza

To Whom it May Concern,

Please accept this letter as our formal request to extend the allotted construction time for the above referenced project. The site logistics have been challenging and this project has been used to facilitate the construction and material deliveries of the adjacent project. This along with significant design changes have caused this project to be delayed. The design changes are complete and the area is no longer being utilized by the adjacent site.

The exterior of the building is completed and the front entry landscaping & hardscape improvements should be completed in February leaving only interiors.

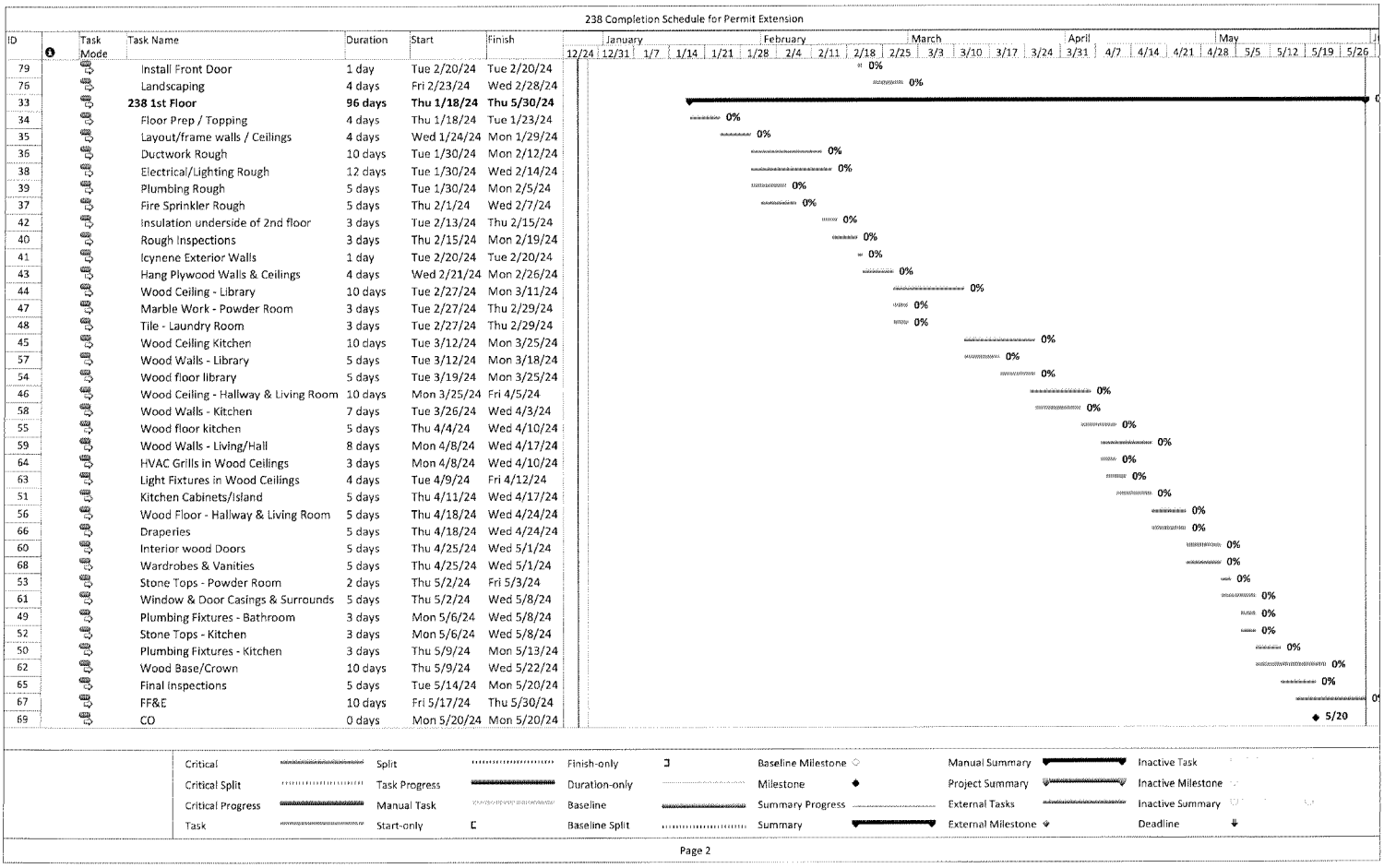
We expect to complete the project by early summer and request a permit extension thru July 31, 2024.

If this request requires Town Council approval, we hope you are able to add us to the February Agenda to avoid further delays.

Sincerely,
BCC Residential, LLC

Scott Butler

Scott A. Butler
Vice-President



ID	Task Mode	Task Name	Duration	Start	Finish
79		Install Front Door	1 day	Tue 2/20/24	Tue 2/20/24
76		Landscaping	4 days	Fri 2/23/24	Wed 2/28/24
33		**238 1st Floor**	**96 days**	**Thu 1/18/24**	**Thu 5/30/24**
34		Floor Prep / Topping	4 days	Thu 1/18/24	Tue 1/23/24
35		Layout/frame walls / Ceilings	4 days	Wed 1/24/24	Mon 1/29/24
36		Ductwork Rough	10 days	Tue 1/30/24	Mon 2/12/24
38		Electrical/Lighting Rough	12 days	Tue 1/30/24	Wed 2/14/24
39		Plumbing Rough	5 days	Tue 1/30/24	Mon 2/5/24
37		Fire Sprinkler Rough	5 days	Thu 2/1/24	Wed 2/7/24
42		Insulation underside of 2nd floor	3 days	Tue 2/13/24	Thu 2/15/24
40		Rough Inspections	3 days	Thu 2/15/24	Mon 2/19/24
41		Icynene Exterior Walls	1 day	Tue 2/20/24	Tue 2/20/24
43		Hang Plywood Walls & Ceilings	4 days	Wed 2/21/24	Mon 2/26/24
44		Wood Ceiling - Library	10 days	Tue 2/27/24	Mon 3/11/24
47		Marble Work - Powder Room	3 days	Tue 2/27/24	Thu 2/29/24
48		Tile - Laundry Room	3 days	Tue 2/27/24	Thu 2/29/24
45		Wood Ceiling Kitchen	10 days	Tue 3/12/24	Mon 3/25/24
57		Wood Walls - Library	5 days	Tue 3/12/24	Mon 3/18/24
54		Wood floor library	5 days	Tue 3/19/24	Mon 3/25/24
46		Wood Ceiling - Hallway & Living Room	10 days	Mon 3/25/24	Fri 4/5/24
58		Wood Walls - Kitchen	7 days	Tue 3/26/24	Wed 4/3/24
55		Wood floor kitchen	5 days	Thu 4/4/24	Wed 4/10/24
59		Wood Walls - Living/Hall	8 days	Mon 4/8/24	Wed 4/17/24
64		HVAC Grills in Wood Ceilings	3 days	Mon 4/8/24	Wed 4/10/24
63		Light Fixtures in Wood Ceilings	4 days	Tue 4/9/24	Fri 4/12/24
51		Kitchen Cabinets/Island	5 days	Thu 4/11/24	Wed 4/17/24
56		Wood Floor - Hallway & Living Room	5 days	Thu 4/18/24	Wed 4/24/24
66		Draperies	5 days	Thu 4/18/24	Wed 4/24/24
60		Interior wood Doors	5 days	Thu 4/25/24	Wed 5/1/24
68		Wardrobes & Vanities	5 days	Thu 4/25/24	Wed 5/1/24
53		Stone Tops - Powder Room	2 days	Thu 5/2/24	Fri 5/3/24
61		Window & Door Casings & Surrounds	5 days	Thu 5/2/24	Wed 5/8/24
49		Plumbing Fixtures - Bathroom	3 days	Mon 5/6/24	Wed 5/8/24
52		Stone Tops - Kitchen	3 days	Mon 5/6/24	Wed 5/8/24
50		Plumbing Fixtures - Kitchen	3 days	Thu 5/9/24	Mon 5/13/24
62		Wood Base/Crown	10 days	Thu 5/9/24	Wed 5/22/24
65		Final Inspections	5 days	Tue 5/14/24	Mon 5/20/24
67		FF&E	10 days	Fri 5/17/24	Thu 5/30/24
69		CO	0 days	Mon 5/20/24	Mon 5/20/24

Page 2

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): 2/14/2024 (unless 1/10/24 is still possible)
- Deadline for submittal of request/backup must be received by: _____
  (Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: _____
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-19-81598 Exp. Date: 12/31/2023

Job Address: 238 Phipps Plaza

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

Proposed completion date if requested time extension is granted: 6/30/2024
(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# : 19-81598 Job Value $ 60,000

Permit# : 21-87669 Job Value $ 583,375

Permit# : _____ Job Value $ 1,492,287

Permit# : _____ Job Value $ _____

Valuation of work remaining to complete the project: $ 525,000 (as of 12/31/2023)
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 5,250
(attach a copy of the receipt for payment)

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

OWNER SIGNATURE 12/29/23 DATE

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

Scott A Butler 1/2/2024
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me

this 29th day of DECEMBER

2023, By JOSH FRANJ

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

SCOTT BUTLER
Printed Name of Notary

Scott A Butler
Signature of Notary

SEAL:

SCOTT A BUTLER
NOTARY PUBLIC
STATE OF FLORIDA
NO. HH201532
MY COMMISSION EXPIRES JAN. 04, 2026

NOTARY TO CONTRACTOR

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me

this 2nd day of JANUARY

2024, By SCOTT A. BUTLER

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

JOHN G. VOSS
Printed Name of Notary

Signature of Notary

SEAL:

JOHN G. VOSS
MY COMMISSION # HH 323787
EXPIRES: October 19, 2026

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 12, 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 236 & 238 Phipps Plaza

Date: June 22, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor BCC Residential LLC (Scott A. Butler, Vice President) regarding a time extension in which to complete renovations of a landmarked building located at 236 & 238 Phipps Plaza and to extend the permit duration until December 31, 2023 – about six months from today.

GENERAL INFORMATION

The properties are separate parcels and have separate ownership, but both addresses are in the same building and being renovated at the same time and by the same contractor. 238 Phipps Plaza is listed as a single-family residence and 236 Phipps Plaza is listed as a five-unit multifamily residence. Two separate sets of permits were required for this renovation [since there are two different parcels]. Permits were issued on October 8, 2019, and will expire on August 30, 2023.

BCC Residential LLC explain in their letters of June 21, 2023, that structural deficiencies were discovered that required extensive repairs, which extended this project. Finishes were fabricated overseas, and owner revisions are also reasons for the time extension requests.

Staff has no objection to the requests.

Attachments: Letter from Scott A. Butler, Vice President of BCC Residential LLC
Permit Summary for the Properties
Property Appraiser Details for the Properties

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-24-02106	b-r05	416533	R-PERMIT UPDATE-CORRECTION/CHANGE IN V ALUE ONLY	*****PRIVATE PROVIDER***** (TC EXENDED UNTIL 12/31/2023) PERMIT UPDATE CH ANGE IN VALUE		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	1/3/2024	1/3/2024	1/3/2024	final
B-24-02107	b-r03	416533	FEE CHARGE	FEE CHARGE PERMIT FOR 1% FEE OF REMAINING JOB COST FOR TIME EXTENSION RE QUEST		238 PHIPPS PLZ	501979		HEDRICK BROTHERS CONST CO INC	1/3/2024	1/3/2024	1/3/2024	final
U-23-14844	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/17/2023	11/21/2023	11/21/2023	issued
U-23-14845	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/17/2023	11/21/2023	11/21/2023	issued
U-23-14846	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/17/2023	11/21/2023	11/21/2023	issued
U-23-13796	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/16/2023	8/24/2023	8/24/2023	final
U-23-13797	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/16/2023	8/24/2023	8/24/2023	final
U-23-13798	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/16/2023	8/24/2023	8/24/2023	final
F-23-03609	f-f01		F-FIRE RESCUE STANDARD	PERFORM FIRE HYDRANT FLOW TEST		238 PHIPPS PLZ	535670		SOUTHERN FIRE PROTECTION OF P	6/27/2023	6/28/2023	6/22/2024	issued
U-23-13021	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING: 05/24/2023 THRU 08/22// 2023 PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	5/18/2023	5/25/2023	5/25/2023	final
U-23-13022	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING: 05/24/2023 THRU 08/22// 2023 PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	5/18/2023	5/25/2023	5/25/2023	final
U-23-13023	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING: 05/24/2023 THRU 08/22// 2023 PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	5/18/2023	5/25/2023	5/25/2023	final
U-23-12397	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING: 02/18/2023 THRU 05/17/2 023 PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	2/13/2023	2/24/2023	2/24/2023	final
U-23-12398	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING: 02/18/2023 THRU 05/17/2 023 PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	2/13/2023	2/24/2023	2/24/2023	final
U-23-12399	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING: 02/18/2023 THRU 05/17/2 023 PARKING ATTENDANT - KEVIN BUTLER 561-602-1916		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	2/13/2023	2/24/2023	2/24/2023	final
U-23-12279	u-p03		U-EXCAVATION IN ROW	WED- 1/18/2023-FRI 01/20/2023 - NO LANE CLOSURE- REAR EASEMENT LANDSCAPE AREA- REMOVE 1 LATERAL AND INSTALL ONE 6" PVC LATERALS AT SAME LINE. GRADE & ELEVATION TO WHAT WAS EXISTING- DENSITIES- BACKFILL NO ASPHALT PATCH REQ.		238 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	1/18/2023	1/18/2023	7/30/2023	issued
U-23-12280	u-p07		U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	WED- 1/18/2023-FRI 01/20/2023 - NO LANE CLOSURE- REAR EASEMENT LANDSCAPE AREA- REMOVE 1 LATERAL AND INSTALL ONE 6" PVC LATERALS AT SAME LINE. GRADE & ELEVATION TO WHAT WAS EXISTING- DENSITIES- BACKFILL NO ASPHALT PATCH REQ.		238 PHIPPS PLZ	542582		S MACDONALD CONTRACTING LLC	1/18/2023	1/18/2023	5/1/2023	issued
B-22-97641	b-r01	416533	R-REVISION	*****PRIVATE PROVIDER***** REVISION OTHER - SUBMITTING FIRE SPRINKLER DRA WINGS AND HEAD CUT SHEETS		238 PHIPPS PLZ	535670		SOUTHERN FIRE PROTECTION OF P	12/28/2022	1/3/2023	12/28/2022	final
U-22-11883	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING: 11/18 THRU 2/17 PARKING ATTENDANT - SEAN WRAY - (914) 888-6474		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/14/2022	11/18/2022	11/18/2022	final
U-22-11884	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING: 11/18 THRU 2/17 PARKING ATTENDANT - SEAN WRAY - (914) 888-6474		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/14/2022	11/18/2022	11/18/2022	final
U-22-11885	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING: 11/18 THRU 2/17 PARKING ATTENDANT - SEAN WRAY - (914) 888-6474		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/14/2022	11/18/2022	11/18/2022	final
B-22-96211	b-r01	416533	R-REVISION	*****PRIVATE PROVIDER***** REVISION BUILING - ADDITIONAL PRODUCT APPROVAL S - ALUMINUM MULLION FOR LOWEN WINDOW ATTACHMENT		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/26/2022		8/26/2022	pending
B-22-95988	b-r01	416533	R-REVISION	*****PRIVATE PROVIDER***** REVISION BULIDING: UPDATED PRODUCT APPROVALS- WINDOWS & DOORS (CHANGED MANUFACTURERS)		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/15/2022	8/18/2022	8/15/2022	final
U-22-10838	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/10/2022	8/15/2022	8/15/2022	final
U-22-10841	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/10/2022	8/15/2022	8/15/2022	final
U-22-10842	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/10/2022	8/15/2022	8/15/2022	final
U-22-09953	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CCONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	5/10/2022	5/13/2022	5/13/2022	final
U-22-09954	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CCONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	5/10/2022	5/13/2022	5/13/2022	final
U-22-09955	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CCONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	5/10/2022	5/13/2022	5/13/2022	final
U-22-09449	u-p03		U-EXCAVATION IN ROW	EXCAVATE IN ROW		238 PHIPPS PLZ	505500		WM D ADEIMY JR INC	2/23/2022	2/24/2022	8/28/2022	issued
U-22-09350	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	2/8/2022	2/10/2022	2/10/2022	final
U-22-09351	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	2/8/2022	2/10/2022	2/10/2022	final
U-22-09352	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	2/8/2022	2/10/2022	2/10/2022	final
U-21-08879	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/15/2021	11/23/2021	11/23/2021	final
U-21-08880	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/15/2021	11/23/2021	11/23/2021	final
U-21-08881	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	11/15/2021	11/23/2021	11/23/2021	final
U-21-07960	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER****CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/4/2021	8/17/2021	8/17/2021	final
U-21-07961	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER****CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/4/2021	8/17/2021	8/17/2021	final
U-21-07962	u-p05	416533	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER****CONSTRUCTION PARKING		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/4/2021	8/17/2021	8/17/2021	final
B-21-90498	b-r02	416533	R-CHANGE OF CONTRACTOR/QUALIFIER	*****PRIVATE PROVIDER***** CHANGE OF CONTRACTOR		238 PHIPPS PLZ	606120		BCC RESIDENTIAL LLC	8/2/2021	8/2/2021	8/2/2021	final

Count: 47

TC Development Review Meeting Backup 2-14-2024

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
B-21-87669	b-r04	416533	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	*****PRIVATE PROVIDER***** PERMIT UPDATE CHANGE IN PLANS AND VALUE FOR INTERIOR AND EXTERIOR RENOVATION		238 PHIPPS PLZ	501979		HEDRICK BROTHERS CONST CO INC	2/26/2021	4/8/2021	10/5/2021	final
B-19-81598	b-b02		B-RESIDENTIAL ALTERATION	*****PRIVATE PROVIDER***** (TC EXENDED UNTIL 12/31/2023) SELECTIVE INTERIOR AND EXTERIOR DEMOLITION OWNER LISTED AS PHIPPS PLAZA PROPERTIES PARTNERS LLC		238 PHIPPS PLZ	501979		HEDRICK BROTHERS CONST CO INC	9/30/2019	10/8/2019	2/20/2024	issued
B-11-16990	b-p07		P-REPLACEMENT	REPLACE EXISTING 3/4" BACKFLOW DEVICE		238 PHIPPS PLZ	602226		GENERAL HOME SOLUTIONS IN	5/16/2011	5/17/2011	11/13/2011	final
X-08-37348	legacy		X-LEGACY PERMIT	RE-ROOF WITH (2) PIECE BARRELL TILE.MATCH EXISTING MATERIAL TILE.		238 PHIPPS PLZ	599999		INACTIVE	9/17/2008	9/17/2008	10/2/2008	final
X-07-27062	legacy		X-LEGACY PERMIT	HARDWIRE NEW WATER HEATER		238 PHIPPS PLZ	537669		LIFESTYLES ELECTRICAL SERVIC	1/4/2007	1/4/2007	10/2/2008	final
X-06-26938	legacy		X-LEGACY PERMIT	REPLACE EXISTING ELECTRIC WATER HEATER IN ATTIC		238 PHIPPS PLZ	602226		GENERAL HOME SOLUTIONS IN	12/20/2006	12/20/2006	10/2/2008	final
X-05-13839	legacy		X-LEGACY PERMIT	EMERGENCY REPLACEMENT OF METER CAN		238 PHIPPS PLZ	541080		MALONE ELECTRICAL SOLUTIONS LLC	1/19/2005	1/19/2005	10/2/2008	final

Count: 47

Print as Page

TC Development Review Meeting Backup 2-14-2024

Property Detail

Parcel Control Number:	50-43-43-22-10-000-0101	Location Address:	238 PHIPPS PLZ		
Owners:	PHIPPS PLAZA PROPERTIES PARTNERS LLC				
Mailing Address:	230 ROYAL PALM WAY,PALM BEACH FL 33480 4303				
Last Sale:	JUN-2017	Book/Page#:	29227 / 1316	Price:	$1,950,000
Property Use Code:	0100 - SINGLE FAMILY	Zoning:	R-C - MEDIUM DENSITY RESIDENTIAL (50-PALM BEACH)		
Legal Description:	PL OF PHIPPS PLAZA LT J /LESS WLY 50.86 FT/	Total SF:	2020	Acres	0.0395

2023 Values (Current)

Improvement Value	$647,458
Land Value	$2,781,982
Total Market Value	$3,429,440
Assessed Value	$2,035,938
Exemption Amount	$0
Taxable Value	$2,035,938

All values are as of January 1st each year.

2023 Taxes

Ad Valorem	$39,563
Non Ad Valorem	$800
Total Tax	$40,363

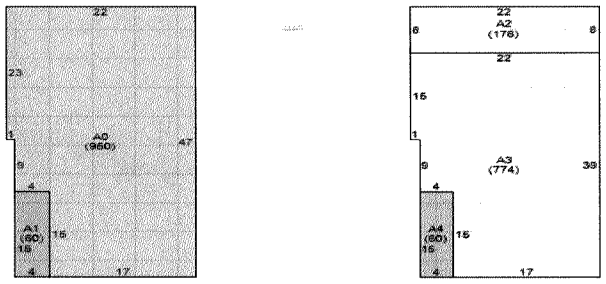
2023 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 1)



Subarea and Square Footage (Building 1)

Description	Area Sq. Footage
UST Unfinished Storage	60
BAS Base Area	950
UST Unfinished Storage	60
UOP Unfinished Open Porch	176
FUS Finished Upper Story	774
Total Square Footage :	2020
Total Area Under Air :	1724

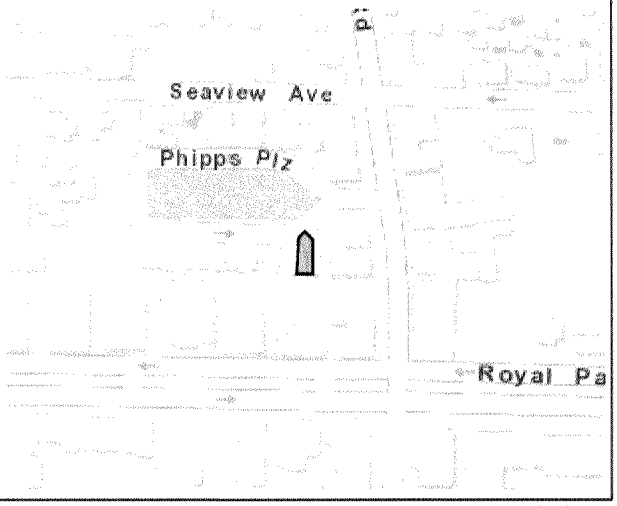
Extra Features

Description	Year Built	Unit
No Extra Feature Available		

Structural Details (Building 1)

Description	
1. Exterior Wall 1	WSF: BRICK
2. Year Built	1925
3. Air Condition Desc.	HTG & AC
4. Heat Type	FORCED AIR DUCT
5. Heat Fuel	ELECTRIC
6. Bed Rooms	0
7. Full Baths	0
8. Half Baths	0
9. Roof Structure	WOOD TRUSS
10. Roof Cover	CLAY/BERMUDA TILE
11. Interior Wall 1	PLASTER
12. Interior Wall 2	N/A
13. Floor Type 1	CERAMIC/QUARRY TILE
14. Floor Type 2	CONCRETE FINISHED
15. Stories	2

MAP



Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA 1/16/2024

Owner: PHIPPS PLAZA PROPERTIES PARTNERS LLC PCN: 50434322100000101 1 of 1

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Time Extensions, Waivers, & Three Strike Matters

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **205 Via Tortuga**

Presenter

ATTACHMENTS:

- **Memorandum & Backup Dated: January 17, 2024, From Wayne Bergman, Planning, Zoning, & Building Director**

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 205 Via Tortuga

Date: January 17, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Bruce A. Malasky with Malasky Homes, Inc. regarding a time extension in which to complete construction of a new two-story home and pool at 205 Via Tortuga and to extend the permit by one month – until March 15, 2024.

GENERAL INFORMATION

The current owner is 205 Via Tortuga LLC, who purchased the property in October of 2020. The building permit was issued in June of 2021, has a duration of 30 months, and technically expired on December 10, 2023. The contractor explains in his letter dated January 10, 2024, that the time extension is based on the Town-mandate of a fire sprinkler system and labor shortages. The attached construction schedule shows the new timeline has all work completed by March 15, 2024.

The contractor appears to have complied with all new requirements for neighbor notice. Staff extended the permit for 30 days and has no issue with the request.

Attachments: Letter from Bruce A. Malasky, with Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

MALASKY HOMES, INC.
1300 North Florida Mango road
Suite 15
West Palm Beach, FL 33409
561-471-8600 CBC-058217

January 10, 2024

Mr. Wayne Bergman
Director
Town of Palm Beach Building, Planning and Zoning

And

Ms. Deborah Moody
Office Manager
Town of Palm Beach Building, Planning and Zoning
360 south County Road
Palm Beach, FL 33480

Re: 205 Via Tortuga
Master Permit # B-21-88002

Dear Mr. Bergman and Ms. Moody:

Malasky Homes, Inc. is requesting a thirty (30) day extension for the above referenced permit from the date of Town Councils February 14, 2024 development revue meeting.

Malsky Homes, Inc. would have made a timelier application for a permit extension, however, I, the undersigned was not familiar with the Towns extension process or requirements.

The primary reason for our delay is two fold:

1: The size of the house required a fire sprinkler system. This requirement was written as a proviso in the plans by plan review. I did not discover the proviso until the day before we were ready to start hanging drywall. In fact, we had passed all of our pre-drywall inspections with no mention of fire sprinkler system, requirement. It took approximately three months to design, permit and install fire sprinkler system.

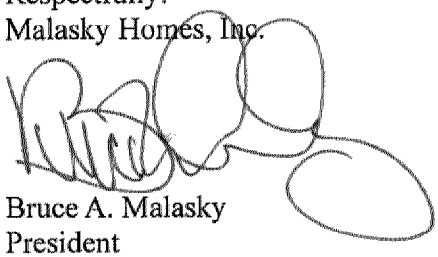
2. We have experienced significant labor shortages across all trades during the past twelve (12) months, primarily due to the new State of Florida laws to crack down on unauthorized Aliens.

As of todays date the vast majority of the work of incomplete work is inside and "quire work." The incomplete exterior work is installation of sod, aluminum site gates, aluminum pergola and painting the exterior. Accordingly, Malasky Homes, Inc. will continue to mitigate nuisance to neighbors using the Towns generally required procedures (i.e. Green construction fence around site until all landscape is installed; park construction vehicles parking on site only, flag man outside to monitor and direct traffic,)

Our Gantt chart work to be completed is attached, as a separate electronic file.

Your cooperation is appreciated in advance.

Respectfully:
Malasky Homes, Inc.

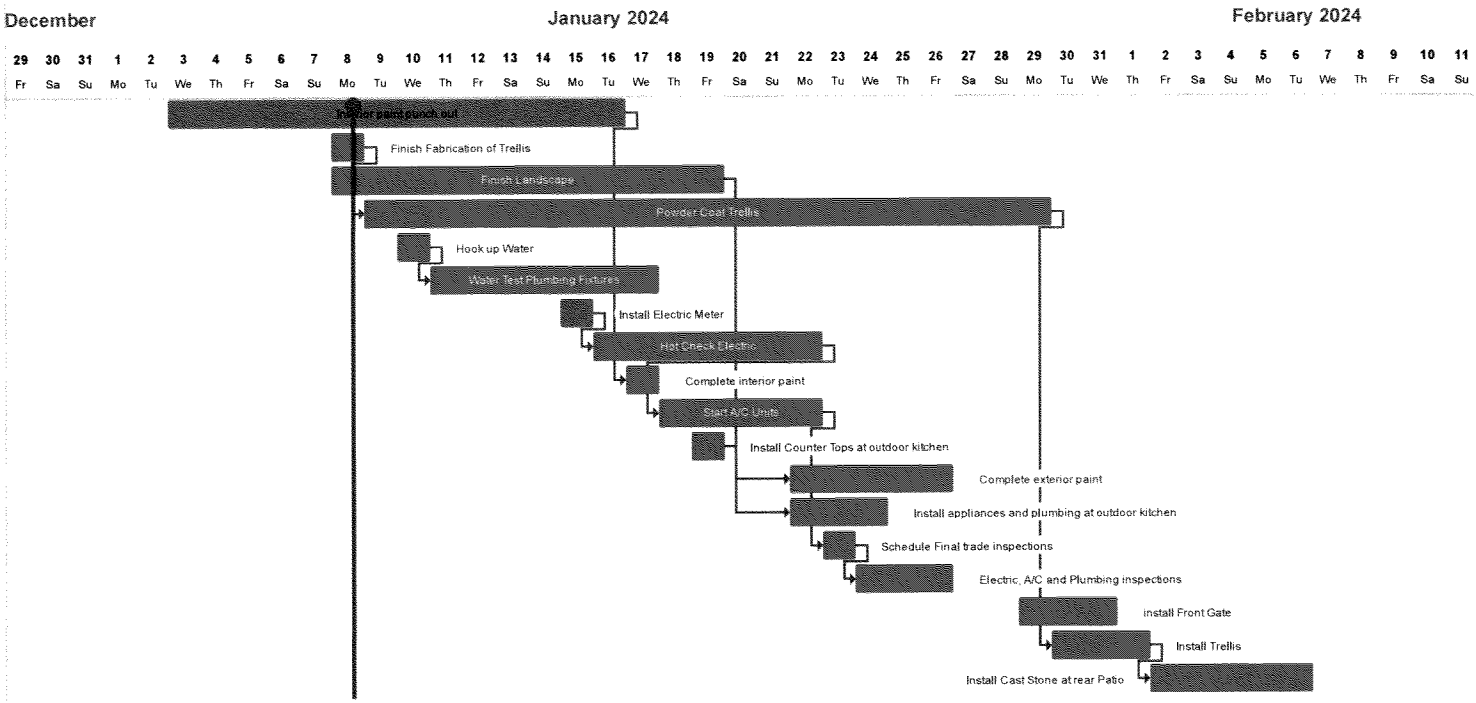


Bruce A. Malasky
President

Buildertrend

Schedule - Gantt - 205 Via Tortuga

Title	Start	Workdays
Interior paint punch out	Jan 3, 2024	10 days
Finish Fabrication of Trellis	Jan 8, 2024	1 day
Finish Landscape	Jan 8, 2024	10 days
Powder Coat Trellis	Jan 9, 2024	15 days
Hook up Water	Jan 10, 2024	1 day
Water Test Plumbing Fixtures	Jan 11, 2024	5 days
Install Electric Meter	Jan 15, 2024	1 day
Hot Check Electric	Jan 16, 2024	5 days
Complete interior paint	Jan 17, 2024	1 day
Start A/C Units	Jan 18, 2024	3 days
Install Counter Tops at outdoor kitchen	Jan 19, 2024	1 day
Complete exterior paint	Jan 22, 2024	5 days
Install appliances and plumbing at outdoor kitchen	Jan 22, 2024	3 days
Schedule Final trade inspections	Jan 23, 2024	1 day
Electric, A/C and Plumbing inspections	Jan 24, 2024	3 days
install Front Gate	Jan 29, 2024	3 days
Install Trellis	Jan 30, 2024	3 days
Install Cast Stone at rear Patio	Feb 2, 2024	3 days



Malasky Homes, Inc.
1300 North Florida Mango Road
Suite 15
West Palm Beach, FL 33409
561-471-8600
CBC-058217

January 11, 2024

Neighbors Name
Neighbors Mailing Address

Re: 205 Via Tortuga Project

Dear Neighbor:

You are receiving this notice because your property is within 300 Ft. of 205 Via Tortuga. Malasky Homes, Inc. has requested to be on the upcoming February 14, 2024, Town Council agenda to request a time extension of thirty (30) days for the Building Permit associated with 205 Via Tortuga. Said permit extension will be through March 15, 2024.

As of the date of this mailing most of the incomplete work is inside and "quiet work." The incomplete exterior work is installation of sod, aluminum site gates, aluminum pergola and painting the exterior. Accordingly, Malasky Homes, Inc. will continue to mitigate nuisance to neighbors using the Towns generally required procedures (i.e. green construction fence around site until all landscape is installed; park construction vehicles parking on site only, flag man outside to monitor and direct traffic,)

The Town of Palm Beach Town Council will consider this application on February 14, 2024. This notice is being sent to you in conformance with Town of Palm Beach requirements.

Sincerely,

Bruce A. Malasky, President
Malasky Homes, Inc.

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): February 14, 2024
- Deadline for submittal of request/backup must be received by: JANUAR 15, 2024
  (Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: JANURY 29, 2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-88602 Exp. Date: 12/11/23

Job Address: 205 VIA TORTUGA

Length of time extension being requested: (in days) 30 DAYS

Proposed completion date if requested time extension is granted: MARCH 15, 2024
(Must attach completion schedule)

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Permit# : B-21-87208 Job Value $ 306,000

Permit# : B-21-88002 Job Value $ 6,200,000

Permit# : B-21-87209 Job Value $ 45,000

Permit# : B-23-01855 Job Value $ 2,847,755

Valuation of work remaining to complete the project: $ 140,000
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 1,400
(attach a copy of the receipt for payment)

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

OWNER SIGNATURE DATE 1/3/24

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

CONTRACTOR SIGNATURE DATE 1/3/24

NOTARY TO OWNER

STATE OF
COUNTY OF Palm Bch

Sworn to (or affirmed) and subscribed before me

this 10th day of JAN

20 24, By Bruce A Malasky

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

Tammy A. Murphy
Printed Name of Notary

Tammy A Murphy
Signature of Notary

SEAL:

TAMMY A. MURPHY
Commission # HH 464940
Expires December 2, 2027

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF Palm Bch

Sworn to (or affirmed) and subscribed before me

this 10th day of JAN

20 24, By Bruce A. Malasky

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

Tammy A. Murphy
Printed Name of Notary

Tammy A Murphy
Signature of Notary

SEAL:

TAMMY A. MURPHY
Commission # HH 464940
Expires December 2, 2027

Town of Palm Beach

TC Development Review Meeting Backup 2-14-2024

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
B-24-02172	b-r03	430896	FEE CHARGE	TIME EXTENSION		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/10/2024	1/10/2024	1/10/2024	final
B-23-01855	b-r05	430896	R-PERMIT UPDATE-CORRECTION/CHANGE IN VALUE ONLY	PERMIT UPDATE CORRECTION CHANGE IN VALUE ONLY		205 VIA TORTUGA	537697		MALASKY HOMES INC	11/28/2023	11/28/2023	11/28/2023	final
U-23-14719	u-p03		U-EXCAVATION IN ROW	EXCAVATE- INSTALL 1.25" PE GAS SERVICE BY DIRECTIONAL BORE AND CONNECT TO EXISTING 2" PE GAS MAIN.		205 VIA TORTUGA	540925		GAS SYSTEMS TECHNOLOGY INC	11/7/2023	11/16/2023	5/14/2024	issued
U-23-14333	u-p02	430896	U-USE OF/WORK IN ROW	STONE DELIVERY		205 VIA TORTUGA	537697		MALASKY HOMES INC	10/3/2023	10/6/2023	1/4/2024	issued
U-23-12234	u-p02	430896	U-USE OF/WORK IN ROW	TILE DELIVERY 10AM-12PM		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/10/2023	1/17/2023	4/17/2023	issued
U-22-12160	u-p02	430896	U-USE OF/WORK IN ROW	USE OF ROW FOR STONE DELIVERY OFF LOADING WITH MOFIT CAST STONE DELIVERY - WORK FROM VIA TORTUGA - 20-FOOT TRUCK DATE: 1/4 BETWEEN 10 AM TO NOON		205 VIA TORTUGA	537697		MALASKY HOMES INC	12/27/2022	1/3/2023	4/3/2023	issued
U-22-11912	u-p02	430896	U-USE OF/WORK IN ROW	CAST STONE DELIVERY - WORK FROM VIA TORTUGA DATE: 11/28 BETWEEN 10 AM TO NOON		205 VIA TORTUGA	537697		MALASKY HOMES INC	11/15/2022	11/23/2022	2/21/2023	issued
U-22-11607	u-p02	430896	U-USE OF/WORK IN ROW	USE OF- DELIVERY OF STONE		205 VIA TORTUGA	537697		MALASKY HOMES INC	10/18/2022	10/25/2022	1/23/2023	issued
U-22-11364	u-p02	430896	U-USE OF/WORK IN ROW	DELIVERIES OF STONE		205 VIA TORTUGA	537697		MALASKY HOMES INC	9/27/2022	9/30/2022	12/29/2022	issued
U-22-11291	u-p02	430896	U-USE OF/WORK IN ROW	USE OF- CONCRETE POUR		205 VIA TORTUGA	537697		MALASKY HOMES INC	9/19/2022	9/20/2022	12/19/2022	issued
U-22-11109	u-p02	430896	U-USE OF/WORK IN ROW	CONCRETE POUR W/ PUMP SCHEDULED DATE 9/7		205 VIA TORTUGA	537697		MALASKY HOMES INC	9/1/2022	9/7/2022	12/6/2022	final
B-22-95660	b-r04	430896	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE CHANGE IN PLANS AND VALUE: PROVIDE FIRE SPRINLER TO NEW 2 STORY RESIDENCE.		205 VIA TORTUGA	601222		BROTHERS FIRE PROCTECTION INC	7/21/2022	8/2/2022	1/29/2023	final
B-22-95574	b-m01		M-MECHANICAL	(SEE PERMIT CONDITIONS) WINE CELLAR REFRIGERATION		205 VIA TORTUGA	606477		DOUBLE O REFRIGERATION INC	7/15/2022	9/2/2022	4/3/2023	issued
F-22-03595	f-f01	430896	F-FIRE RESCUE STANDARD	FLOW TEST HYDRANT		205 VIA TORTUGA	601222		BROTHERS FIRE PROCTECTION INC	7/7/2022	7/12/2022	7/7/2023	final
A-22-02281	a-a01	430896	A-ARCOM STAFF APPROVAL	ARCOM- LANDSCAPE REVISIONS- ADDITONAL LANDSCAPE TO SCREEN BUFFERS AND PROVIDE PRIVACY. ADDED BRAZILIAN BEAUTY LEAF TREES ON NORTH SIDE, ADDED 3 MORE GREEN BUTTONWOOD, CHANGED PERIMETER HEDGE TO SMALL LEAF CLUSEA A		205 VIA TORTUGA	605973		AGT LAND PA	4/11/2022	4/22/2022	4/6/2023	final
U-22-09584	u-p02	430896	U-USE OF/WORK IN ROW	USE OF ROW FOR DELIVERY OF ROOF TIME		205 VIA TORTUGA	600026		MICHAEL KEVIN WALSH ROOFING I	3/25/2022	3/31/2022	6/29/2022	issued
B-22-93491	b-r01	430896	R-REVISION	REVISION- BUILDING- ROOF TRUSS REPAIRS.		205 VIA TORTUGA	537697		MALASKY HOMES INC	3/2/2022		3/2/2022	pending
B-22-93030	b-r01	430896	R-REVISION	REVISION- BUILDING WINDOW & ROOFING NOA'S		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/25/2022	1/27/2022	1/25/2022	final
B-22-92886	b-r01	430896	R-REVISION	REVISION BUILDING - TRUSS DRAWINGS		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/20/2022	1/24/2022	1/20/2022	final
U-21-08578	u-p01	430896	U-DEWATERING	DEWATERING		205 VIA TORTUGA	537697		MALASKY HOMES INC	10/15/2021	10/21/2021	12/20/2021	final
B-21-91200	b-r01	430896	R-REVISION	REVISION- OTHER - POOL REVISION.		205 VIA TORTUGA	537697		MALASKY HOMES INC	9/16/2021	10/1/2021	9/16/2021	final
B-21-89540	b-r01	429118	R-REVISION	REVISION OTHER - SITE WALL / DRAINAGE MOVED DRAINAGE PIPES OUT OF LANDSCAPE EASEMENT		205 VIA TORTUGA	537697		MALASKY HOMES INC	6/9/2021	6/23/2021	6/9/2021	final
A-21-01672	a-a01	430896	A-ARCOM STAFF APPROVAL	ARCOM- TREE REMOVAL OF DISEASED FICUS TREES, GENERATOR LOCATION AND SCREENING, LANDSCAPE REVISIONS DUE TO TREE REMOVAL AND GENERATOR LOCATION.		205 VIA TORTUGA	605973		AGT LAND PA	5/14/2021	5/21/2021	5/9/2022	final
B-21-89019	b-e01		E-ELECTRICAL	INSTALL TEMP POLE FOR CONSTRUCTION		205 VIA TORTUGA	603735		RAZORBACK ELECTRIC INC	5/14/2021	5/21/2021	6/15/2024	issued
U-21-07359	u-p02		U-USE OF/WORK IN ROW	CLOSE SIDEWALK-RELOCATE (7) 30'FT ARECA PALMS		205 VIA TORTUGA	604457		GREENSCAPE DESIGN INC	5/13/2021	5/24/2021	8/22/2021	final
A-21-01602	a-a01		A-ARCOM STAFF APPROVAL	REPLACEMENT/SIDE OF WINDOWS		205 VIA TORTUGA	601454		SMITH AND MOORE ARCHITECTS INC	4/16/2021		4/11/2022	final
B-21-88002	b-b01		B-RESIDENTIAL NEW CONSTRUCTION/ADDITIO	CONSTRUCTION OF NEW RESIDENCE AND SWIMMING POOL		205 VIA TORTUGA	537697		MALASKY HOMES INC	3/22/2021	6/11/2021	6/17/2024	issued
B-21-88003	b-f01	430896	F-FLOOD PLAIN DEVELOPMENT	FLOOD PLAIN DEVELOPMENT		205 VIA TORTUGA	537697		MALASKY HOMES INC	3/22/2021	6/11/2021	12/8/2021	issued
B-21-87208	b-b13	430896	B-FOUNDATION ONLY	FOUNDATION		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/13/2021	2/5/2021	8/17/2022	final
B-21-87209	b-s11	430896	S-SITE WORK/DRAINAGE	SUB-DRAINAGE		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/13/2021	2/5/2021	8/10/2022	issued
F-20-03574	f-f01		F-FIRE RESCUE STANDARD	FLOW HYDRANT TEST		205 VIA TORTUGA	601222		BROTHERS FIRE PROCTECTION INC	11/25/2020	12/1/2020	11/26/2021	final
B-20-86422	b-d02		D-DEMOLITION	TOTAL DEMOLITION OF SINGLE FMAILY RESIDENCE		205 VIA TORTUGA	601031		THE BG GROUP LLC	10/26/2020	11/5/2020	8/23/2021	final
U-20-06342	u-p02	427246	U-USE OF/WORK IN ROW	USE OF- UNLOAD EXCAVATOR FOR DEMO OWNER LISTED AS 205 VIA TORTUGA LLC		205 VIA TORTUGA	601031		THE BG GROUP LLC	10/26/2020	11/12/2020	2/10/2021	canceled
B-20-86110	b-p01		P-PLUMBING	WATER CAP OFF FOR DEMO		205 VIA TORTUGA	604015		MAINSTREAM PLUMBING INC	10/5/2020	10/7/2020	4/27/2021	final
U-20-06155	u-p07	426467	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	SEWER CAP OFF FOR DEMO		205 VIA TORTUGA	604015		MAINSTREAM PLUMBING INC	10/5/2020	10/14/2020	1/12/2021	issued
Z-19-00197	z-01		Z-DEVELOPMENT REVIEW PERMIT	Special Exception with Site Plan Review to allow the construction of a new 13,523 square foot, two story single family residence on a lot that is 77 feet in width in lieu of the 100 foot minimum required R-B Zoning District. The following variance is being requested in conjunction with this application: 1) Allow the pool cabana to be separated from the main house by 19.25 feet in lieu of the 25 foot minimum separation require		205 VIA TORTUGA	602091		KOCHMAN AND ZISKA	4/5/2019		3/30/2020	pending
X-08-33655	legacy		X-LEGACY PERMIT	TENT PERMIT:INST. 2/1/08;USE 2/3/07;REMOVE 2/4/08 SIZE (1) 25X60.COLOR WHITE . 60 GSTS.NO DECORAIONS*		205 VIA TORTUGA	601610		TENTLOGIX INC	1/29/2008	1/29/2008	10/2/2008	final

Count: 37

Filter is Empty

Property Detail

Parcel Control Number:	50-43-43-14-29-000-0180	Location Address:	205 VIA TORTUGA		
Owners:	205 VIA TORTUGA LLC				
Mailing Address:	1300 N FLORIDA MANGO RD STE 15,WEST PALM BEACH FL 33409				
Last Sale:	OCT-2020	Book/Page#:	31851 / 1876	Price:	$9,403,675
Property Use Code:	0000 - VACANT	Zoning:	R-B - LOW DENSITY RESIDENTIAL (50-PALM BEACH)		
Legal Description:	PHIPPS ESTATES LT 18 & PT OF PAR H LYG N OF & ADJ TO	Total SF:	0	Acres	0.8250

2023 Values (Current)

Improvement Value	$0
Land Value	$17,249,310
Total Market Value	$17,249,310
Assessed Value	$8,798,309
Exemption Amount	$0
Taxable Value	$8,798,309

All values are as of January 1st each year.

2023 Taxes

Ad Valorem	$186,654
Non Ad Valorem	$0
Total Tax	$186,654

2023 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 0)

No Image Found

Subarea and Square Footage (Building 0)

Description	Area	Sq. Footage

Extra Features

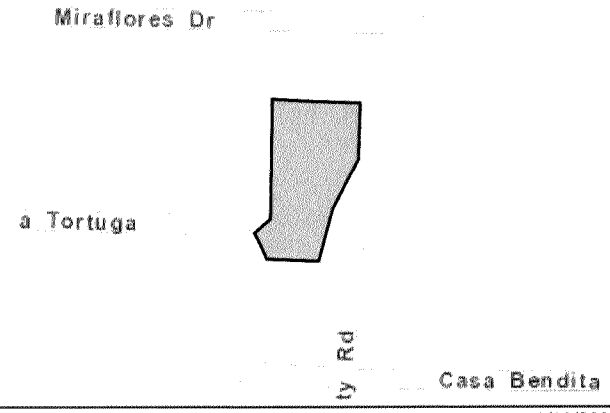
Description	Year Built	Unit

No Extra Feature Available

Structural Details (Building 0)

Description

MAP



Owner: 205 VIA TORTUGA LLC PCN: 50434314290000180 1 of 1

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Time Extensions, Waivers, & Three Strike Matters

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **212 Australian Avenue**

Presenter

ATTACHMENTS:

- **Memorandum & Backup Dated: February 2, 2024, From Wayne Bergman, Planning, Zoning, & Building Director**

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 212 Australian Avenue

Date: February 2, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor BCC Residential LLC (Scott A. Butler, Vice President) regarding a time extension in which to complete renovations of a landmarked home at 212 Australian Avenue and to extend the permit duration until September 30, 2024 – about seven months from today.

GENERAL INFORMATION

The property is owned by Watel Sybille Trust. The property was purchased in March of 2021. Work began in September of 2021. Based upon the size of the home, the permits were originally valid for 16 months. The master permit expired on November 13, 2022. The Town Council heard and approved a request from Mr. Butler on February 15, 2023, to approve a permit extension for one additional year. That permit extension expires February 14, 2024.

BCC Residential LLC explains in their letter of January 12, 2024, that there have been several changes to finishes and materials, long lead times on materials, and owner-driven changes to work already underway. There were also site modifications that involved Arcom staff-level review and building permit revisions. They are requesting a seven-month extension to complete the work.

Staff has no objection to the request.

Attachments: Letter from Scott A. Butler, Vice President of BCC Residential LLC, w/ Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property
Staff Memo from the February 15, 2023, Town Council Meeting

BCC RESIDENTIAL

January 12, 2024

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

RE: Permit Extension Request, B21-90764 – 212 Australian Ave, Palm Beach

To Whom it May Concern,

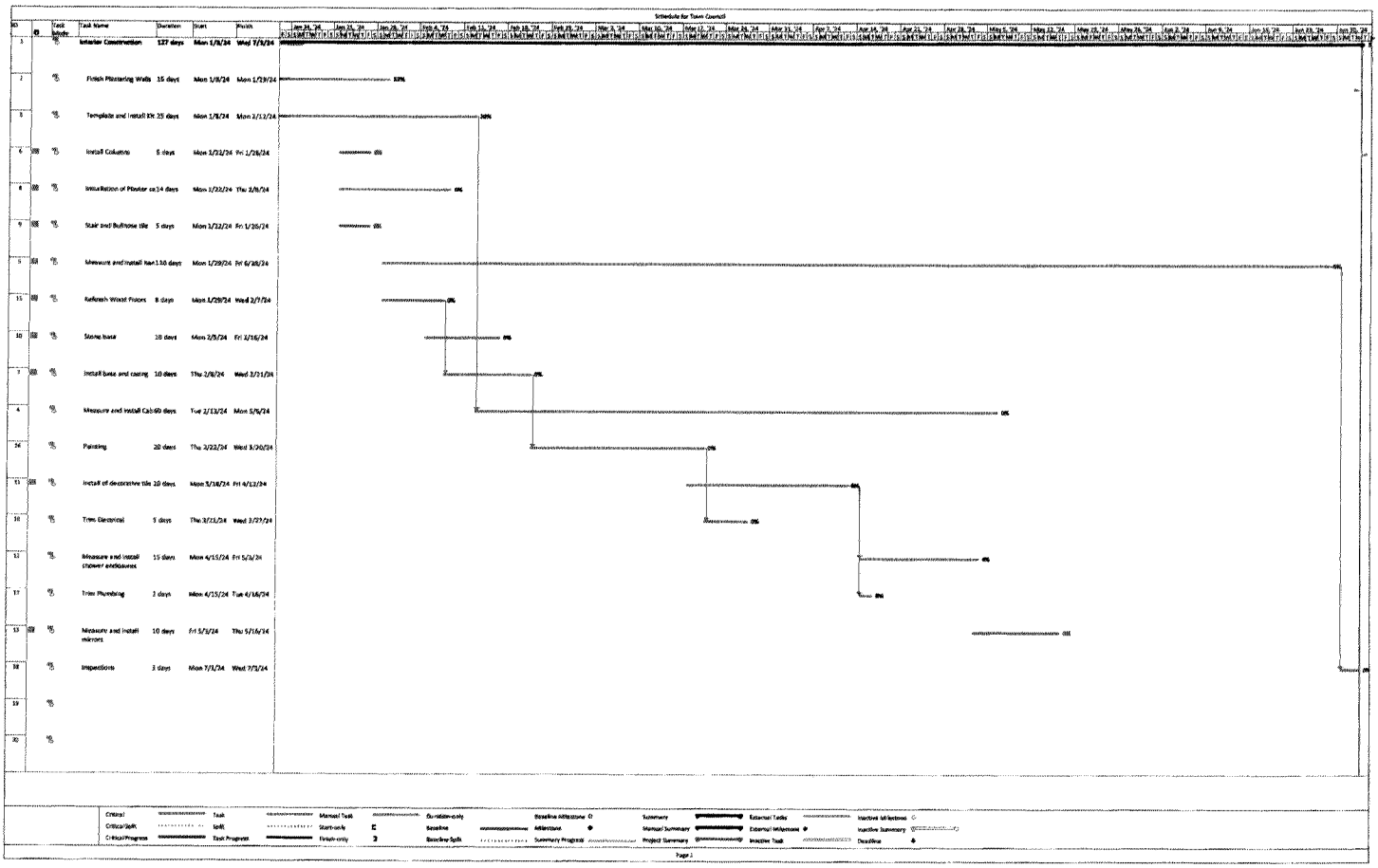
Please accept this letter as our formal request to extend the allotted construction time for the above referenced project. There have been several changes to finishes and many selections included long lead times and changes to work already in place. In addition, they added pool and patio modifications which required staff approvals. These are changes that are beyond the contractor's control.

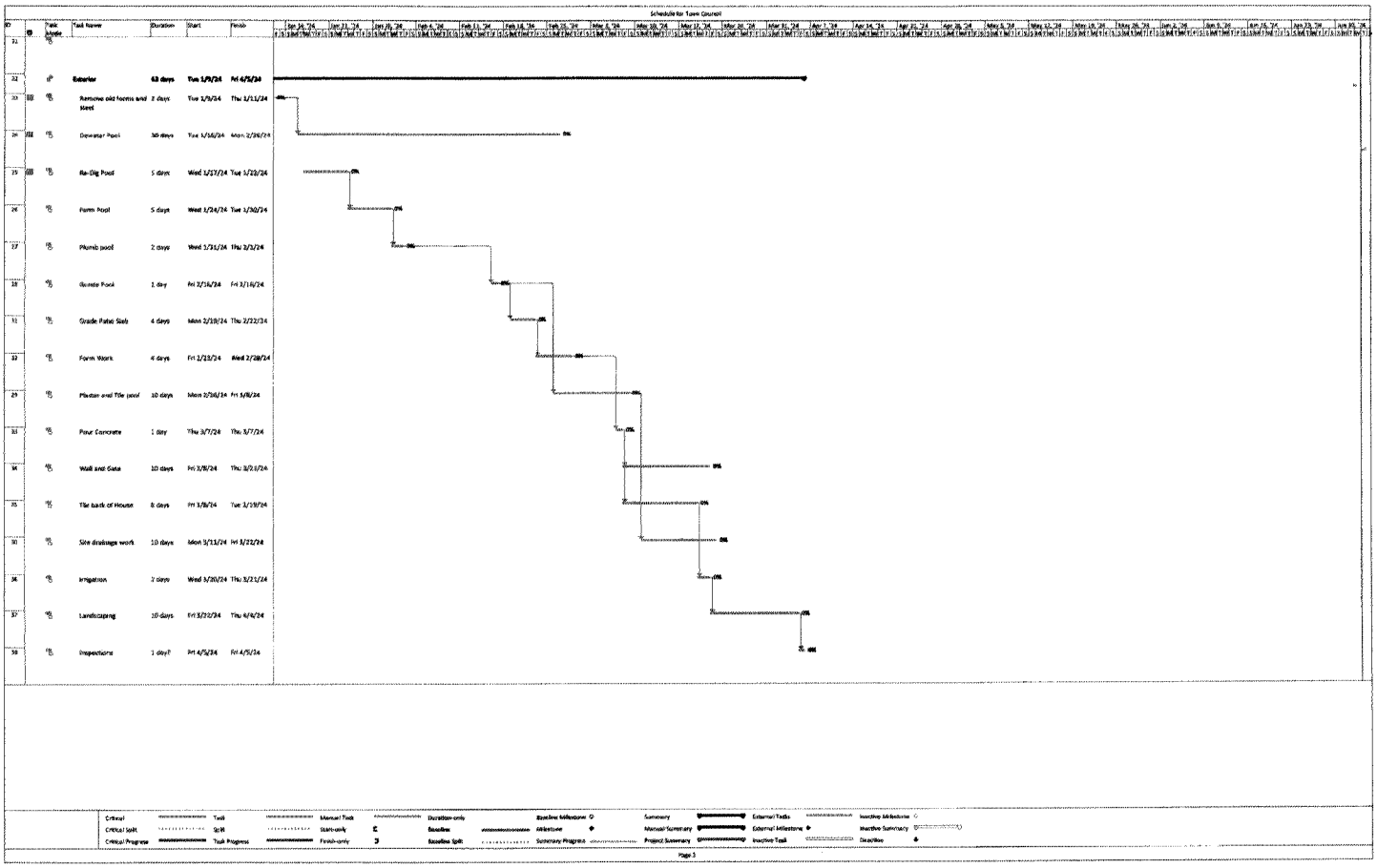
Therefore, we are requesting the permit be extended until 9/30/2024 to allow us to complete the project including the swimming pool and patio changes.

We would like to be added to the February Agenda to present this request.

Sincerely,
BCC Residential, LLC

Scott A. Butler
Manager


Schedule for Town Council
Interior Construction 127 days Mon 1/8/24 Wed 7/3/24
Finish Plastering Walls 15 days Mon 1/8/24 Mon 1/29/24
Template and Install RH 25 days Mon 1/8/24 Mon 2/12/24
Install Columns 5 days Mon 1/22/24 Fri 1/26/24
Installation of Plaster ca 14 days Mon 1/22/24 Thu 2/8/24
Stair and Bullnose tile 5 days Mon 1/22/24 Fri 1/26/24
Measure and Install Ran 110 days Mon 1/29/24 Fri 6/28/24
Refinish Wood Floors 8 days Mon 1/29/24 Wed 2/7/24
Stone base 10 days Mon 2/5/24 Fri 2/16/24
Install base and casing 10 days Thu 2/8/24 Wed 2/21/24
Measure and Install Cab 90 days Tue 2/13/24 Mon 5/6/24
Painting 20 days Thu 2/22/24 Wed 3/20/24
Install of decorative tile 20 days Mon 3/18/24 Fri 4/12/24
Trim Electrical 5 days Thu 3/21/24 Wed 3/27/24
Measure and Install shower enclosures 15 days Mon 4/15/24 Fri 5/3/24
Trim Plumbing 1 days Mon 4/15/24 Tue 4/16/24
Measure and Install mirrors 10 days Fri 5/3/24 Thu 5/16/24
Inspections 1 days Mon 7/1/24 Wed 7/3/24
Page 1


Schedule for Town Council
Task Name
Duration
Start
Finish
Exterior 63 days Tue 1/9/24 Fri 4/5/24
Remove old tiems and steel 3 days Tue 1/9/24 Thu 1/11/24
Dewater Pool 30 days Tue 1/16/24 Mon 2/26/24
Re-Dig Pool 5 days Wed 1/17/24 Tue 1/23/24
Form Pool 5 days Wed 1/24/24 Tue 1/30/24
Plumb pool 2 days Wed 1/31/24 Thu 2/1/24
Gunite Pool 1 day Fri 2/16/24 Fri 2/16/24
Grade Patio Slab 4 days Mon 2/19/24 Thu 2/22/24
Form Work 4 days Fri 2/23/24 Wed 2/28/24
Plaster and Tile pool 10 days Mon 2/26/24 Fri 3/8/24
Pour Concrete 1 day Thu 3/7/24 Thu 3/7/24
Wall and Gate 10 days Fri 3/8/24 Thu 3/21/24
Tile back of House 8 days Fri 3/8/24 Tue 3/19/24
Site drainage work 10 days Mon 3/11/24 Fri 3/22/24
Irrigation 2 days Wed 3/20/24 Thu 3/21/24
Landscaping 10 days Fri 3/22/24 Thu 4/4/24
Inspections 1 day? Fri 4/5/24 Fri 4/5/24
Critical
Critical Split
Critical Progress
Task
Split
Task Progress
Manual Task
Start-only
Finish-only
Duration-only
Baseline
Baseline Split
Baseline Milestone
Milestone
Summary Progress
Summary
Manual Summary
Project Summary
External Tasks
External Milestone
Inactive Task
Inactive Milestone
Inactive Summary
Deadline
Page 3

UNITED STATES POSTAL SERVICE®

Certificate Of Mailir

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mail
This form may be used for domestic and international mail

From:
BCC RESIDENTIAL
1807 GEORGIA AVE
WEST PALM BEACH, FL 33405

To:
216 AUSTRALIAN AVE, LLC
51 CHERRY VALLEY ROAD
GREENWICH, CT 06831-3009

PS Form **3817**, April 2007 PSN 7530-02-000-9065

U.S. POSTAGE PAID
WEST PALM BEACH, FL
33416
JAN 12, 24
AMOUNT
$1.95
R2304W121623-77

0000

UNITED STATES POSTAL SERVICE®

Certificate Of Mailin

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailin
This form may be used for domestic and international mail

From:
BCC RESIDENTIAL LLC
1807 GEORGIA AVE
WEST PALM BEACH, FL 33405

To:
TMCC SC REALTY OWNER
LOVE REALTY BUDGET SUITE
C/O PO BOX 28
WHITE PLAINS, NY 10605-0028

PS Form **3817**, April 2007 PSN 7530-02-000-9065

U.S. POSTAGE PAID
WEST PALM BEACH, FL
33416
JAN 12, 24
AMOUNT
$1.95
R2304W121623-77

0000

BCC
RESIDENTIAL

January 10, 2024

216 Australian Ave, LLC
51 Cherry Valley Road
Greenwich, CT 06831-3009

To whom it may concern,

This letter is to inform you that, BCC Residential LLC, is applying for extension of the building permit. We will be going before the Board, February 14th, 2024.

The Town of Palm Beach puts a time limit on all residential projects. In dealing with historic renovations, problems arise that are beyond the control of the contractor.

Please let this letter serve as notice that we will be petitioning for an extension.

Sincerely,

Scott A. Butler
BCC Residential, LLC

BCC
RESIDENTIAL

January 10, 2024

Three 50 Realty Corp
Love Realty Gedney Station
C/O PO Box 28
White Plains, NY 10605-0028

To whom it may concern,

This letter is to inform you that, BCC Residential LLC, is applying for extension of the building permit. We will be going before the Board, February 14th, 2024.

The Town of Palm Beach puts a time limit on all residential projects. In dealing with historic renovations, problems arise that are beyond the control of the contractor.

Please let this letter serve as notice that we will be petitioning for an extension.

Sincerely,

Scott A. Butler
BCC Residential, LLC

B-24-0 2233

TOWN OF PALM BEACH

Planning, Zoning and Building

RECEIVED
JAN 17 2024
Town of Palm Beach
PZB Dept

BUILDING PERMIT TIME EXTENSION REQUEST

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. √ Provide a detailed letter explaining the reasons why a time extension is being requested.
2. √ Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. √ Provide nuisance mitigation measures.
4. √ Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. √ Include a copy of the above notification 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): February 14, 2024
- Deadline for submittal of request/backup must be received by: 1/31/2024
  (Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: 1/19/2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-90764 Exp. Date: 2-14-24

Job Address: 212 Australian Avenue

Length of time extension being requested: (in days) Oct 2024

Proposed completion date if requested time extension is granted:
(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-21-90764 Job Value $ 500,000

Permit# : B-22-93127 Job Value $ 16,000

Permit# : B-23-01050 Job Value $ 77,000

Permit# : TBD B24-02232 Job Value $ 400,000

Valuation of work remaining to complete the project: $ 200,000
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 2,000
(attach a copy of the receipt for payment)

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

INated 01/16/2024
OWNER SIGNATURE DATE

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

Scott Butler 1/16/24
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 16th day of January

20 24, By Sylvie Nater

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

John G. Voss
Printed Name of Notary

Signature of Notary

SEAL:

JOHN G. VOSS
MY COMMISSION # HH 323787
EXPIRES: October 19, 2026

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 16th day of January

20 24, By Scott Butler

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

John G. Voss
Printed Name of Notary

Signature of Notary

SEAL:

JOHN G. VOSS
MY COMMISSION # HH 323787
EXPIRES: October 19, 2026

Permit Browse
Town of Palm Beach

TC Development Review Meeting Backup 2-14-2024

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
U-24-15363	u-p01	436317	U-DEWATERING	*****PRIVATE PROVIDER***** DEWATERING POOL		212 AUSTRALIAN AVE	536303		ROYAL PALM POOLS LLC	1/31/2024	2/1/2024	4/1/2024	issued
B-24-02232	b-r05	436317	R-PERMIT UPDATE-CORRECTION/CHANGE IN VALUE ONLY	*****PRIVATE PROVIDER***** PERMIT UPDATE- VALUE ONLY		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/17/2024	1/17/2024	1/17/2024	final
B-24-02233	b-r03	436317	FEE CHARGE	*****PRIVATE PROVIDER***** BUILDING PERMIT TIME EXTENSIONS REQUEST		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/17/2024	1/17/2024	1/17/2024	final
U-24-15126	u-p05	436317	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Chris Graves - (561) 679-4115		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/4/2024	1/10/2024	1/10/2024	issued
U-23-15084	u-p01	436317	U-DEWATERING	*****PRIVATE PROVIDER***** DEWATERING POOL		212 AUSTRALIAN AVE	536303		ROYAL PALM POOLS LLC	12/21/2023	1/10/2024	3/10/2024	issued
U-23-14775	u-p01	436317	U-DEWATERING	*****PRIVATE PROVIDER***** DEWATERING- DRAIN POOL		212 AUSTRALIAN AVE	536303		ROYAL PALM POOLS LLC	11/13/2023	11/15/2023	1/14/2024	issued
U-23-14419	u-p05	436317	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Chris Graves - (561) 679-4115		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	10/10/2023	10/12/2023	10/12/2023	issued
B-23-01050	b-r05	436317	R-PERMIT UPDATE-CORRECTION/CHANGE IN VALUE ONLY	*****PRIVATE PROVIDER***** VALUE UPDATE FOR REVISIONS B-22-95960 & B-23-98651		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	9/13/2023	9/13/2023	9/13/2023	final
U-23-13345	u-p05	436317	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Chris Graves - (561) 679-4115		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	7/6/2023	7/13/2023	7/13/2023	final
L-23-00795	l-l01	436317	L-LPC STAFF APPROVAL	*****PRIVATE PROVIDER***** LANDMARKS- NEW POOL EQUIPMENT REPLACE EXISTING AND TO REMAIN IN SAME LOCATION WITH A NEW CONCRETE PAD TO COMPLY WITH FEMA HEIGHT, GENERATOR TO REMAIN, LATTICE TO REMAIN, PORTE COCHERE TO		212 AUSTRALIAN AVE	602935		MP DESIGN&ARCHITECTURE INC	7/3/2023	8/7/2023	6/27/2024	final
L-23-00763	l-l01		L-LPC STAFF APPROVAL	STAFF APPROVAL FOR A NEW POOL LAYOUT TO BE REDUCED TO 29' X 8' (PREV 29' X 10') AND POOL EQUIPMENT AND GENERATOR TO REMAIN IN EXISTING LOCAITON, INCLUDING NEW 7' HIGH GENERATOR ENCLOSURE ON EAST SIDE AND EXISTING LATTICE ON NORTH SIDE AS WELL AS NEW PROPOSAL OF TWO 10" DIAMETER SKYLIGHTS ON FLAT ROOF. ADDITIONALLY NEW OPEN LANDSCAPE AND PERIMETER CALCULATIONS H		212 AUSTRALIAN AVE	602935		MP DESIGN&ARCHITECTURE INC	5/4/2023		4/28/2024	canceled
U-23-12771	u-p02	436317	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF ROW FOR MATERIAL DELIVERY		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	4/20/2023	4/25/2023	7/24/2023	issued
B-23-98739	b-r03	451974	FEE CHARGE	OK TO REFUND FROM PMC		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	4/11/2023	4/11/2023	4/11/2023	final
U-23-12673	u-p05	436317	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Chris Graves - (561) 679-4115		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	4/7/2023	4/11/2023	4/11/2023	final
U-23-12674	u-p05	436317	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Chris Graves - (561) 679-4115		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	4/7/2023		4/7/2023	canceled
B-23-98651	b-r01	436317	R-REVISION	*****PRIVATE PROVIDER***** REVISION BUILDING: ROOFING SKYLIGHTS		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	4/6/2023		4/6/2023	pending
B-23-98044	b-r03	450038	FEE CHARGE	PARKING PASSES DENIED PER PB. REFUND		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	2/14/2023	2/14/2023	2/14/2023	final
B-23-97750	b-r03	446543	FEE CHARGE	PW CANCEL REFUND PER PB		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/12/2023	1/12/2023	1/12/2023	final
U-23-12204	u-p05	436317	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Chris Graves - (561) 679-4115		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/6/2023	1/18/2023	1/18/2023	final
U-23-12205	u-p05	436317	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/6/2023		1/6/2023	canceled
U-23-12206	u-p05	436317	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/6/2023		1/6/2023	canceled
U-22-11967	u-p02	436317	U-USE OF/WORK IN ROW	USE OF- MATERIAL HANDLING. DUMP TRUCK LOADING. ALL WILL BE DURING WORKING HOURS ONLY AND AREA WILL BE CLEANED UP AT THE END OF EACH DAY. DATE 12/1 WINDOW 11 AM TO 1 PM		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	11/28/2022	11/30/2022	2/28/2023	issued
L-22-00646	l-l01	436317	L-LPC STAFF APPROVAL	LANDMARKS- PROPOSED NEW POOL AND RELOCATION OF EXISTING GENERATOR AND POOL EQUIPMENT. PROPOSED GENERATOR AND POOL EQUIPMENT ENCLOSURE.		212 AUSTRALIAN AVE	602935		MP DESIGN&ARCHITECTURE INC	8/31/2022	12/2/2022	8/26/2023	final
U-22-10996	u-p02	436317	U-USE OF/WORK IN ROW	USE OF- MATERIAL HANDLING. DUMP TRUCK LOADING. ALL WILL BE DURING WORKING HOURS ONLY AND AREA WILL BE CLEANED UP AT THE END OF EACH DAY.,		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	8/22/2022		11/20/2022	canceled
B-22-95960	b-r01	436317	R-REVISION	REVISION- BUILDING- NEW POOL, PLUMBING AND EQUIPMENT FOR NEW POOL		212 AUSTRALIAN AVE	536303		ROYAL PALM POOLS LLC	8/12/2022	1/29/2024	8/12/2022	final
U-22-10007	u-p02	436317	U-USE OF/WORK IN ROW	USE OF- MATERIAL HANDLING. DUMP TRUCK LOADING/UNLOADING, PORTABLE BATCH PLANT, ALL WILL BE DURING WORKING HOURS ONLY, AND AREA WILL BE CLEANED UP AT THE END OF THE DAY.		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	5/16/2022	6/1/2022	8/30/2022	issued
B-22-94213	b-r01	436317	R-REVISION	REVISION BUILDING FOUNDATION UPGRADES - CONCRETE PILES.		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	4/20/2022	4/27/2022	4/20/2022	final
L-22-00578	l-l01	436317	L-LPC STAFF APPROVAL	LANDMARKS- MODIFYING NORTH AND SOUTH PORTE COCHERE OPENING TO MATCH EXISTING PORTE COCHERE OPENING ON EAST SIDE OF PROPERTY.		212 AUSTRALIAN AVE	602935		MP DESIGN&ARCHITECTURE INC	3/31/2022		3/26/2023	canceled
B-22-93127	b-r04	436317	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE CHANGE IN PLANS AND VALUE - INTERIOR WALL FOUNDATION - STRUCTURAL REINFORCEMENTS		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	2/1/2022	2/7/2022	8/6/2022	final
U-22-09236	u-p06	436317	U-DELIVERY PERMIT (2-HR LIMIT) LOAD/UNLOAD	DELIVERY -PICKING UP LUMBERING BY HAND		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/19/2022	1/19/2022	1/26/2022	final
U-22-09237	u-p06	436317	U-DELIVERY PERMIT (2-HR LIMIT) LOAD/UNLOAD	DELIVERY- DELIVERING LUMBER BY HAND		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/19/2022	1/19/2022	1/26/2022	final
U-22-09225	u-p06	436317	U-DELIVERY PERMIT (2-HR LIMIT) LOAD/UNLOAD	DELIVERY PERMIT- BOX TRUCK BY HAND DELIVERING LUMBER		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	1/18/2022	1/18/2022	1/25/2022	final
B-21-92224	b-r03	439152	FEE CHARGE	REFUND FROM PMC ACCOUNT DENIED CAN'T GIVE 3 MONTHS		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	12/3/2021	12/3/2021	12/3/2021	final

Count: 59

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-21-09013	u-p02		U-USE OF/WORK IN ROW	USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/HANDLING.		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	12/2/2021	12/2/2021	3/2/2022	issued
U-21-08963	u-p02	436317	U-USE OF/WORK IN ROW	USE OF ROW FOR DUMP TRUCK MATERIAL DELIVERY / HANDLING - ALL WILL BE DURI NG WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	11/24/2021		2/22/2022	canceled
L-21-00498	l-l01		L-LPC STAFF APPROVAL	STAFF APPROVAL FOR ADDITION OF TWO NEW IMPACT RESISTANT WINDOWS (PREVI OUSLY REMOVED ON LAST RENOVATION) AT WEST SIDE OF PROPERTY AND ADDITION OF ONE IMPACT RESISTANT DOOR AS WELL AS A 6SF WROUGHT IRON BALCONY AT S OUTH SIDE INMATER BATHROOM. ALL TO MATCH EXISTING COLOR VARIATIONS, SIZE		212 AUSTRALIAN AVE	602935		MP DESIGN&ARCHITECTURE IN C	10/14/2021	11/4/2021	10/9/2022	final
U-21-08574	u-p02	436317	U-USE OF/WORK IN ROW	USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/HANDLING, ALL WILL BE DURIN G WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY.		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	10/14/2021	10/22/2021	1/20/2022	canceled
B-21-90764	b-b02		B-RESIDENTIAL ALTERATION	*****PRIVATE PROVIDER***** (SEE PERMIT CONDITIONS) INTERIOR RENOVATIONS OF SINGLE FAMILY RESIDENCE.		212 AUSTRALIAN AVE	606120		BCC RESIDENTIAL LLC	8/18/2021	9/2/2021	2/14/2024	issued
B-20-85225	b-r01	422656	R-REVISION	OWNER LISTED AS HALEY SITE PLAN: STRUCTURAL DETAIL FOR GENERATOR SLAB		212 AUSTRALIAN AVE	535132		TIM GIVENS BLDG & REMODELI NG I	8/4/2020	8/6/2020	8/4/2020	final
U-20-05750	u-p02	422656	U-USE OF/WORK IN ROW	OWNER LISTED AS HALEY CONCRETE TRUCK TO BE LOCATED IN FRONT OF HOUSE TO POUR CONCRETE AT GENE RATOR PAD		212 AUSTRALIAN AVE	535132		TIM GIVENS BLDG & REMODELI NG I	8/4/2020	8/5/2020	11/3/2020	final
B-20-84453	b-s05		S-GENERATOR	SUPERVISION OF GENERATOR INSTALL. SUPPLY AND INSTALL OF SCREENING AND STR UCTURAL SLAB. SLAB DETAIL AND SCREEN TO BE SUBMITTED AS A REVISION PRIOR T O WORK STARTING.		212 AUSTRALIAN AVE	535132		TIM GIVENS BLDG & REMODELI NG I	6/12/2020	6/23/2020	7/6/2021	final
B-19-80582	b-m01		M-MECHANICAL	EXACT C/O OF 2 EXISTING 3.5 TON AC SYSTEM CARRIER (2) 24APB660 (2) FV4CNB006 10KW		212 AUSTRALIAN AVE	500920		JOHN C CASSIDY AIR CONDITIO NIN	7/25/2019	7/31/2019	2/2/2020	final
X-07-15884	legacy		X-LEGACY PERMIT	UPDATE FOR REACTIVATION		212 AUSTRALIAN AVE	599999		INACTIVE	3/6/2007	3/6/2007	10/2/2008	final
X-06-23610	legacy		X-LEGACY PERMIT	POOL & SPA		212 AUSTRALIAN AVE	500990		BARROW POOLS INC	6/29/2006	6/29/2006	10/2/2008	final
X-06-23611	legacy		X-LEGACY PERMIT	POOL/SPA PIPING:2 MAIN DR,1SURF SKIM,1VAC LN,6 IN- LET LINES,POOL HEATER, FIL L LINE		212 AUSTRALIAN AVE	500990		BARROW POOLS INC	6/29/2006	6/29/2006	10/2/2008	final
X-06-23613	legacy		X-LEGACY PERMIT	POOL HOOK-UP		212 AUSTRALIAN AVE	500435		MONTEGO ELECTRIC	6/29/2006	6/29/2006	10/2/2008	final
X-06-22860	legacy		X-LEGACY PERMIT	INSTALL INTERIOR/EXTERIOR GAS LINES FROM METER (FPU) TO POOL. HEATER, FIREP LACE, COOKTOPS, WATER*		212 AUSTRALIAN AVE	599999		INACTIVE	5/30/2006	5/30/2006	10/2/2008	final
X-06-22438	legacy		X-LEGACY PERMIT	RE-ROOF: ALTUSA CLAY BARREL TILE/MODIFIED (EXISTING ROOF: BARREL TILE/FLAT)		212 AUSTRALIAN AVE	536742		RELIABLE ROOFING & GUTTERS INC	5/10/2006	5/10/2006	10/2/2008	final
X-06-21776	legacy		X-LEGACY PERMIT	REWORK EXISTING 2 BATHROOMS, NEW M. BATH & POWDER RM, LAUNDRY ROOM I NSTALL, 1 RELOCATED KITCHEN/ADDN		212 AUSTRALIAN AVE	535588		RIM TUBBS INC	4/3/2006	4/3/2006	10/2/2008	final
X-06-21777	legacy		X-LEGACY PERMIT	2 A/C SYSTEMS & ANY EXHAUST SYSTEMS		212 AUSTRALIAN AVE	500403		DAVIS A/C SERVICE INC	4/3/2006	4/3/2006	10/2/2008	final
X-06-21786	legacy		X-LEGACY PERMIT	REWIRE EXISTING RESIDENCE & ADDITION W/NEW U.G. SERVICE		212 AUSTRALIAN AVE	500435		MONTEGO ELECTRIC	4/3/2006	4/3/2006	10/2/2008	final
X-06-21641	legacy		X-LEGACY PERMIT	ADD/REMODEL/ALTER: 472SF 2STY/1186SF REMODEL W/ POOL		212 AUSTRALIAN AVE	599999		INACTIVE	3/23/2006	3/23/2006	10/2/2008	final
X-05-20370	legacy		X-LEGACY PERMIT	INSTALL NEW SERVICE		212 AUSTRALIAN AVE	500435		MONTEGO ELECTRIC	12/20/2005	12/20/2005	10/2/2008	final
X-05-20128	legacy		X-LEGACY PERMIT	NEW STRUCTURE SITE WALL		212 AUSTRALIAN AVE	599999		INACTIVE	12/2/2005	12/2/2005	10/2/2008	final
X-05-18813	legacy		X-LEGACY PERMIT	INSTALL UFER GROUND		212 AUSTRALIAN AVE	500435		MONTEGO ELECTRIC	9/16/2005	9/16/2005	10/2/2008	final
X-05-15883	legacy		X-LEGACY PERMIT	UPDATE FOR FOUNDATION EXISTING & NEW ADDITION		212 AUSTRALIAN AVE	599999		INACTIVE	9/6/2005	9/6/2005	10/2/2008	final
X-05-16082	legacy		X-LEGACY PERMIT	DISCONNECT WATER TO HOUSE, PROVIDE HOSE BIBB, DISCONNECT SANITARY & CAP OFF FOR FUTURE HOOK UP		212 AUSTRALIAN AVE	535588		RIM TUBBS INC	5/12/2005	5/12/2005	10/2/2008	final
X-05-16089	legacy		X-LEGACY PERMIT	DICONNECT EXISTING SERVICE & PROVIDE TEMPORARY SERVICE FOR CONSTRUCTION USE		212 AUSTRALIAN AVE	500435		MONTEGO ELECTRIC	5/12/2005	5/12/2005	10/2/2008	final
X-05-15882	legacy		X-LEGACY PERMIT	RAISE STRUCTURE		212 AUSTRALIAN AVE	599999		INACTIVE	5/6/2005	5/6/2005	10/2/2008	final

Count: 59

Time is Eastern

TC Development Review Meeting Backup 2-14-2024

Property Detail

Location Address : 212 AUSTRALIAN AVE
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-23-05-007-0100
Subdivision : ROYAL PARK ADD TO P B IN
Official Records Book/Page : 32282 / 80
Sale Date : MAR-2021
Legal Description : ROYAL PARK ADD LT 10 BLK 7

Owner Information

Owner(s)

WATEL SYBILLE
WATEL SYBILLE TR
SYBILLE WATEL TR TITL HLDR

Mailing Address

212 AUSTRALIAN AVE
PALM BEACH FL 33480 4626

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAR-2021	$3,800,000	32282 / 00080	WARRANTY DEED	WATEL SYBILLE
JUN-2019	$2,827,379	30715 / 01929	DEED OF TRUST	HALEY JOHN F JR &
JUN-2016	$10	28459 / 00789	WARRANTY DEED	LISA T WAHLESTEDT TRUST
AUG-2015	$10	27907 / 00453	QUIT CLAIM	WAHLESTEDT LISA T
SEP-2004	$1,175,000	17604 / 01809	WARRANTY DEED	WAHLESTEDT LISA T &
DEC-1986	$100	05239 / 00675	WARRANTY DEED	
JAN-1972	$54,000	02073 / 00990		

Exemption Information

Applicant/Owner(s)	Year	Detail
WATEL SYBILLE	2024	HOMESTEAD
WATEL SYBILLE	2024	ADDITIONAL HOMESTEAD

Property Information

Number of Units : 1
***Total Square Feet :** 3314
Acres : 0.1435
Property Use Code : 0100—SINGLE FAMILY
Zoning : R-C—MEDIUM DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$2,061,619	$2,046,021	$872,699	$1,017,681	$965,061
Land Value	$3,412,500	$2,871,550	$2,062,500	$2,100,000	$1,900,000
Total Market Value	$5,474,119	$4,917,571	$2,935,199	$3,117,681	$2,865,061

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$5,409,328	$4,917,571	$2,935,199	$3,117,681	$2,601,526
Exemption Amount	$0	$0	$0	$50,000	$0
Taxable Value	$5,409,328	$4,917,571	$2,935,199	$3,067,681	$2,601,526

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	$81,626	$76,198	$47,624	$50,773	$45,535
NON AD VALOREM	$188	$184	$178	$916	$917
TOTAL TAX	$81,814	$76,382	$47,802	$51,690	$46,452

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 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 212 Australian Avenue

Date: February 6, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor BCC Residential LLC (Scott A. Butler, Vice President) regarding a time extension in which to complete renovations of a landmarked home at 212 Australian Avenue and to extend the permit duration until February, 2024 – one year from today.

GENERAL INFORMATION

The property is owned by Watel Sybille Trust. The property was purchased in March of 2021. Work began in September of 2021. Based upon the size of the home, the permits were originally valid for 16 months. The master permit expired on November 13, 2022.

BCC Residential LLC explains in their letter of February 3, 2023 that structural defects with the foundation and shell of the building were discovered. An engineer was hired and designed site-specific repairs, and the repairs commenced. The corrective work is now complete. They are requesting a one-year extension complete the work. A construction schedule maps out the timeline of the remaining construction tasks for the project.

Staff has no objection to the request.

Attachments: Letter from Scott A. Butler, Vice President of BCC Residential LLC, w/ Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Time Extensions, Waivers, & Three Strike Matters

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **1540 S Ocean Blvd.**

Presenter

ATTACHMENTS:

- **Memorandum & Backup Dated: February 1, 2024, From Wayne Bergman, Planning, Zoning, & Building Director**

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

SEAGATECAPITAL
CONSTRUCTION

Rec'd 1/19/24

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 1/20/24. There was a Unity of Title that was done when the owner acquired the neighboring property during construction and the Guest House property was added. The Main House is 90% completed and we are working on exterior site work including irrigation, landscaping and reflection pool. The 2 years would have been sufficient time for completion except for the additional time during the basement construction and constrained site conditions as well as the added Guest House and associated site work. Although the Guest House has a permit expiration date of 3/28/25 we anticipate being completed 9 months early.

We are respectfully requesting a 3-month extension to April 20, 2024.

Thank you,

Joshua McAlees
Principal

561.623.1046
400 Village Square Crossing, Suite 3 | Palm Beach Gardens, FL 33410
CGC-1531232

SEAGATECAPITAL
CONSTRUCTION

Re: 1540 S Ocean Blvd., Building Permit B-21-91998 (Main House)
Nuisance Mitigation Measures

To mitigate any construction nuisance to our neighbors during our permit extension work we will continue to maintain the perimeter temporary site fencing and/or permanent site wall that is currently being constructed. We will continue to monitor the street in front of the property to maintain a clean appearance for our neighbors.

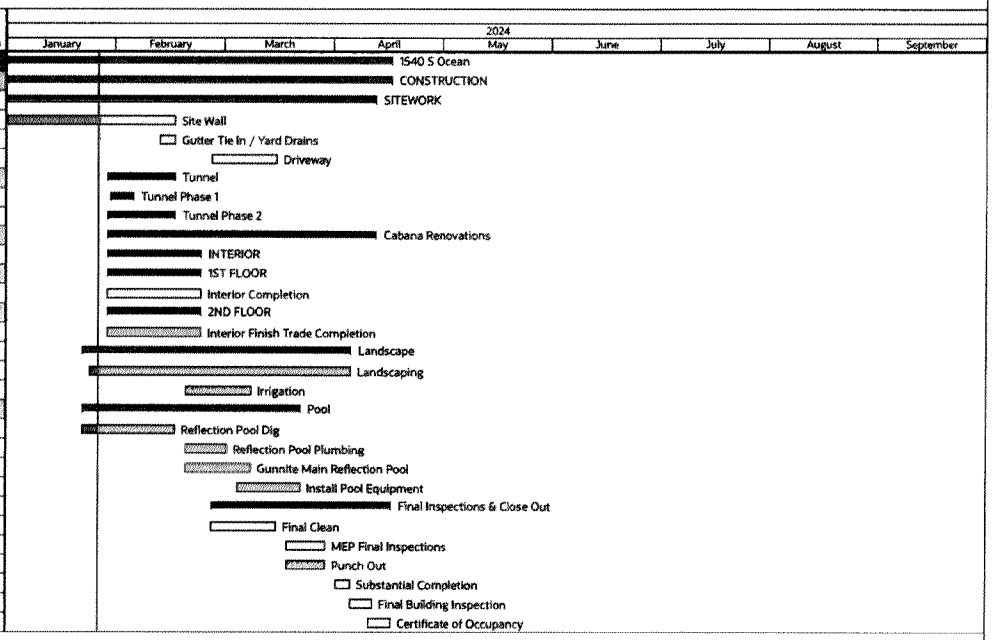
Thank you,

Joshua McAlees
Principal

561.623.1046
400 Village Square Crossing, Suite 3 | Palm Beach Gardens, FL 33410
CGC-1531232

Main House Completion Schedule
1540 S Ocean Blvd
Palm Beach, FL

	Name	Pla... Du...	Start	Finish
1	1540 S Ocean	155d	07-Sep-23 A	16-Apr-24
2	CONSTRUCTION	155d	07-Sep-23 A	16-Apr-24
3	SITEWORK	153d	07-Sep-23 A	12-Apr-24
4	Site Wall	20d	07-Sep-23 A	16-Feb-24
5	Gutter Tie In / Yard Drains	5d	12-Feb-24 C	16-Feb-24
6	Driveway	15d	26-Feb-24 C	15-Mar-24
7	Tunnel	15d	29-Jan-24	16-Feb-24
8	Tunnel Phase 1	5d	30-Jan-24	05-Feb-24
9	Tunnel Phase 2	15d	29-Jan-24	16-Feb-24
10	Cabana Renovations	55d	29-Jan-24	12-Apr-24
11	INTERIOR	20d	29-Jan-24	23-Feb-24
12	1ST FLOOR	20d	29-Jan-24	23-Feb-24
13	Interior Completion	20d	29-Jan-24	23-Feb-24
14	2ND FLOOR	20d	29-Jan-24	23-Feb-24
15	Interior Finish Trade Complet...	20d	29-Jan-24	23-Feb-24
16	Landscape	85d	22-Jan-24 A	05-Apr-24
17	Landscaping	10d	24-Jan-24 A	05-Apr-24
18	Irrigation	15d	19-Feb-24	08-Mar-24
19	Pool	85d	22-Jan-24 A	22-Mar-24
20	Reflection Pool Dig	4d	22-Jan-24 A	16-Feb-24
21	Reflection Pool Plumbing	10d	19-Feb-24	01-Mar-24
22	Gunnite Main Reflection Pool	15d	19-Feb-24	08-Mar-24
23	Install Pool Equipment	15d	04-Mar-24	22-Mar-24
24	Final Inspections & Close Out	37d	26-Feb-24	16-Apr-24
25	Final Clean	15d	26-Feb-24 C	15-Mar-24
26	MEP Final Inspections	10d	18-Mar-24	29-Mar-24
27	Punch Out	10d	18-Mar-24	29-Mar-24
28	Substantial Completion	5d	01-Apr-24	05-Apr-24
29	Final Building Inspection	5d	05-Apr-24	11-Apr-24
30	Certificate of Occupancy	5d	10-Apr-24	16-Apr-24



1/1

SEAGATECAPITAL CONSTRUCTION

SEAGATECAPITAL
CONSTRUCTION

NOTICE

Notice Date: January 19, 2024

To: Property Owner Within 300 feet of 1540 S Ocean Blvd.

Re: 1540 S Ocean blvd., Building Permit B-21-91998 (Main House)

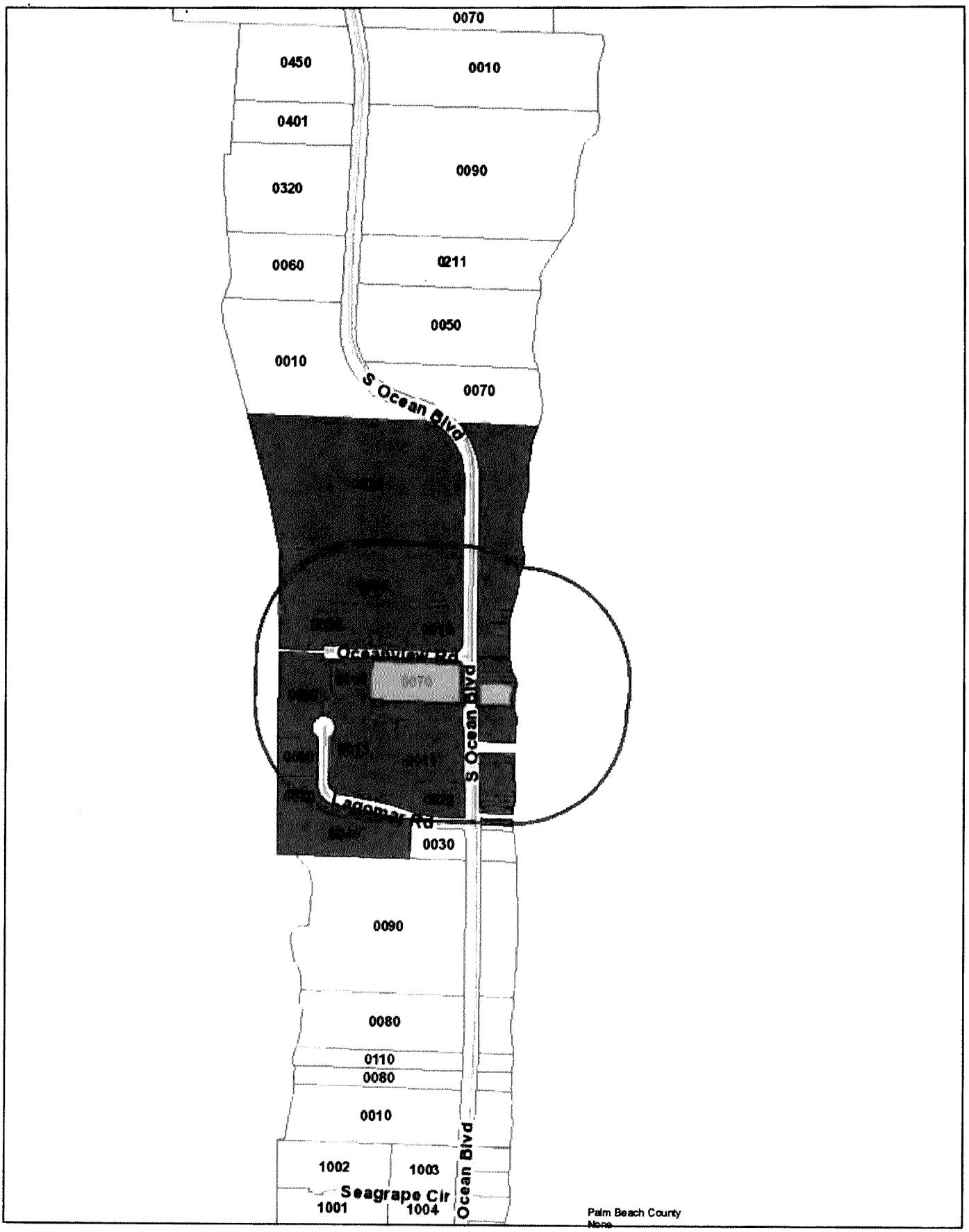
Please be advised that we are requesting to be heard at the Town Council meeting on February 14, 2024 for an extension of time to our Main House building permit. The current permit expiration date is January 20, 2024. We are nearing completion of the Main House construction and currently working on interior finishes, sitework and landscaping. We are requesting a 3-month extension to April 20, 2024.

Thank you,

Joshua McAlees
Principal

561.623.1046
400 Village Square Crossing, Suite 3 | Palm Beach Gardens, FL 33410
CGC-1531232

50-43-44-02-02-000-0070



January 18, 2024

1:4,514

0 0.0375 0.075 0.15 mi

TOWN OF PALM BEACH

Planning, Zoning and Building

RECEIVED
JAN 2 6 2024
TOWN OF PALM BEACH
PZB DEPARTMENT

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): 2/14/2024
- Deadline for submittal of request/backup must be received by: 1/29/2024
  (Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: 1/19/2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-91998 Exp. Date: 1/20/2024

Job Address: 1540 S Ocean Blvd

Length of time extension being requested: (in days) 91

Proposed completion date if requested time extension is granted: 4/20/2024
(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: $ 400,000
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 4,000
(attach a copy of the receipt for payment)

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

1/24/24
OWNER SIGNATURE DATE

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

1/24/24
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF Fl
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 26 day of January

20 24, By Steve Kirsch

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

Susanne Barba
Printed Name of Notary

Signature of Notary

SUSANNE BARBA
MY COMMISSION # HH 256449
EXPIRES: June 10, 2026

NOTARY TO CONTRACTOR

STATE OF Fl
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me

this 26 day of January

20 24, By Garett Grave

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

Susanne Barba
Printed Name of Notary

Signature of Notary

SUSANNE BARBA
MY COMMISSION # HH 256449
EXPIRES: June 10, 2026

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
B-24-02325	b-r03	438809	FEE CHARGE	*****PRIVATE PROVIDER***** EXTENSION REQUEST		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	1/26/2024		1/26/2024	pending
U-24-15332	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- HAUL FILL TO EASTSIDE OF S OCEAN TO BACK FILL STAIRS 1PM-3PM		1540 S OCEAN BLV D	606523		MURRAY LOGAN CONSTRUCTION LLC	1/26/2024	2/1/2024	5/1/2024	issued
U-24-15257	u-p02	438809	U-USE OF/WORK IN ROW	TEMPORARY LOAD UP OF CONSTRUCTION EQUIP (MOBILE CRANE) 1-3PM		1540 S OCEAN BLV D	606523		MURRAY LOGAN CONSTRUCTION LLC	1/18/2024	1/23/2024	4/22/2024	issued
B-24-02229	b-f01	457180	F-FLOOD PLAIN DEVELOPMENT	*****PRIVATE PROVIDER ***** FLOOD PLAIN FOR CABANA		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	1/17/2024	1/23/2024	7/21/2024	issued
U-24-15240	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	1/17/2024	1/18/2024	1/18/2024	issued
U-24-15241	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	1/17/2024	1/18/2024	1/18/2024	issued
U-24-15242	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	1/17/2024	1/18/2024	1/18/2024	issued
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 BLV D	602243		DAILEY JANSSEN ARCHITECTS PA	12/11/2023	12/11/2023	12/5/2024	final
U-23-14946	u-p02	438809	U-USE OF/WORK IN ROW	TEMPORARY LOAD OR UNLOAD 9-11AM CONSTRUCTION MATERIAL. MATERIAL OBSTRUCTION OF OCEAN VIEW ROAD. SEE ATTACHED		1540 S OCEAN BLV D	606523		MURRAY LOGAN CONSTRUCTION LLC	12/4/2023	12/7/2023	3/6/2024	issued
U-23-14816	u-p02	438809	U-USE OF/WORK IN ROW	MATERIAL DROP OFF & REMOVAL		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	11/15/2023	11/21/2023	2/19/2024	issued
U-23-14648	u-p02		U-USE OF/WORK IN ROW	FRI 11/10 @ 9AM: SINGLE LANE CLOSURE - MOB IN EQUIMPENT NO ROOM ONSITE TO OFFLOAD - WILL PULL SEPARATE PERMIT TO DE-MOB		1540 S OCEAN BLV D	542582		S MACDONALD CONTRACTING LLC	11/1/2023	11/6/2023	2/12/2024	issued
U-23-14649	u-p02		U-USE OF/WORK IN ROW	FRI 11/17 @ 3PM: SINGLE LANE CLOSURE - DE-MOB EQUIPMENT NO ROOM ONSITE TO PICK UP		1540 S OCEAN BLV D	542582		S MACDONALD CONTRACTING LLC	11/1/2023	11/6/2023	2/4/2024	issued
U-23-14554	u-p02	438809	U-USE OF/WORK IN ROW	REMOVAL OF EQUIPMENT FROM SITE (CRANE, HEAVY EQUIPMENT)		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/24/2023	10/27/2023	1/25/2024	issued
U-23-14511	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- DELIVERY OF MATERIAL AND REMOVAL OF DEBRIS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/19/2023	10/25/2023	1/23/2024	issued
B-23-01177	b-r04	438809	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	*****PRIVATE PROVIDER ***** PERMIT UPDATE- RENOVATION OF EXISTING CABANA AND ADDITION OF NEW POOL		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/25/2023	1/23/2024	7/21/2024	final
U-23-14244	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/25/2023	9/28/2023	9/28/2023	final
U-23-14245	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/25/2023	9/28/2023	9/28/2023	final
U-23-14246	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/25/2023	9/28/2023	9/28/2023	final
U-23-14247	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- MATERIAL DELIVERY AND DROP OFF		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/25/2023	9/28/2023	12/27/2023	issued
U-23-14177	u-p02	438809	U-USE OF/WORK IN ROW	OFF LOADING OF MATERIALS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/18/2023	9/22/2023	12/21/2023	issued
U-23-14178	u-p02	438809	U-USE OF/WORK IN ROW	OFF LOADING OF MATERIAL		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/18/2023	9/22/2023	12/21/2023	issued
U-23-13982	u-p02	438809	U-USE OF/WORK IN ROW	STAGE EQUIPMENT FOR POOL DIG		1540 S OCEAN BLV D	603883		TOP NOTCH POOL SERVICE LLC	8/31/2023	9/8/2023	12/7/2023	issued
U-23-13983	u-p01	438809	U-DEWATERING	DEWATERING FOR NEW POOL CONSTRUCTION		1540 S OCEAN BLV D	603883		TOP NOTCH POOL SERVICE LLC	8/31/2023	9/11/2023	11/10/2023	issued
U-23-14002	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- MATERIAL DROP OFF		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/31/2023	9/11/2023	12/10/2023	issued
U-23-14006	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- MATERIAL DELIVERIES		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/31/2023	9/11/2023	12/10/2023	issued
U-23-14008	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- MATERIALS DELIVERY		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/31/2023	9/11/2023	12/10/2023	issued
U-23-13958	u-p02	438809	U-USE OF/WORK IN ROW	CONSTRUCTION OF TUNNEL - TRAFFIC SWITCH - ROAD BY-PASS DETOUR FDOT CONSTRUCTION AGREEMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/29/2023	9/1/2023	11/30/2023	issued
U-23-13915	u-p02	438809	U-USE OF/WORK IN ROW	MATERIAL DELIVERY		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/25/2023	8/31/2023	12/10/2023	issued
U-23-13916	u-p02	438809	U-USE OF/WORK IN ROW	MATERIAL DELIVERY		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/25/2023	9/1/2023	12/10/2023	issued
U-23-13756	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- DELIVERY OF MATERIALS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/14/2023	8/24/2023	11/22/2023	issued
U-23-13757	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- DELIVERY OF MATERIAL		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/14/2023	8/24/2023	11/22/2023	issued
U-23-13647	u-p02	438809	U-USE OF/WORK IN ROW	OFFLOADING OF EQUIPMENT CLEANING OF PART OF TOILET		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/4/2023	8/11/2023	11/9/2023	issued
U-23-13648	u-p02	438809	U-USE OF/WORK IN ROW	OFF LOADING OF EQUIPMENT LANDSCAPE REMOVAL		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/4/2023	8/11/2023	11/9/2023	issued
U-23-13617	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- DELIVERY OF CONCRETE FOR 1ST FLOOR SLAB MATERIAL DROP OFF		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/1/2023	8/8/2023	11/6/2023	issued
U-23-13618	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- MATERIAL DELIVERY FLAGGERS WILL BE PRESENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/1/2023	8/8/2023	11/6/2023	issued
U-23-13518	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- MATERIAL DELIVERIES		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/24/2023	1/8/2024	4/7/2024	issued

Count: 167

Filter = False

Permit Browse
Town of Palm Beach

TC Development Review Meeting Backup 2-14-2024

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
U-23-13519	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF - MATERIAL DELIVIERIES FLAGGER WILL BE PRESENT, CONCRETE POUR		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/24/2023	1/8/2024	4/7/2024	final
B-23-00345	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BULDING: STRUCTURAL MECHANICAL: MEPS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/21/2023		7/21/2023	pending
U-23-13506	u-p02	438809	U-USE OF/WORK IN ROW	CONSTRUCTION OF TUNNEL - TRAFFIC SWITCH - ROAD BY-PASS DETOUR FDOT CONSTRUCTION AGREEMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/21/2023	1/8/2024	4/7/2024	final
U-23-13469	u-p02	438809	U-USE OF/WORK IN ROW	MATERIAL LOADING/UNLOADING CONCRETE POUR ON 7/21 FLAGGER WILL BE PRESENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/19/2023	1/8/2024	4/7/2024	final
U-23-13470	u-p02	438809	U-USE OF/WORK IN ROW	REMOVAL AND DELIVERY OF MATERIALS FLAGGER WILL BE PRESENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/19/2023	1/8/2024	4/7/2024	final
U-23-13383	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- OFFLOADING OF TILE FLAGGERS WILL PRESENT.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/10/2023	7/12/2023	10/10/2023	issued
U-23-13333	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- DROP OFF AND PICK UP OF MATERIALS. FLAGGERS WILL BE ON SITE.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/3/2023	7/3/2023	10/1/2023	issued
B-23-99912	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BUILDING: NEW POOL/SPA AND WATER FOUNTAIN FEATURE CONSTRUCTION		1540 S OCEAN BLV D	603883		TOP NOTCH POOL SERVICE LLC	6/29/2023	9/12/2023	6/29/2023	final
U-23-13286	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/27/2023	7/3/2023	7/3/2023	final
U-23-13287	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/27/2023	7/3/2023	7/3/2023	final
U-23-13288	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/27/2023	7/3/2023	7/3/2023	final
B-23-99801	b-r03		FEE CHARGE	DEP LETTER		1540 S OCEAN BLV D	601066		ISIMINGER & STUBBS ENGINEERING	6/21/2023	6/21/2023	6/21/2023	final
U-23-13192	u-p02	438809	U-USE OF/WORK IN ROW	MATERIAL DROP OFF. CONCRETE POUR. WILL HAVE FLAGGERS.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/14/2023	6/16/2023	9/14/2023	issued
U-23-13193	u-p02	438809	U-USE OF/WORK IN ROW	REMOVE OF MATERIAL FROM SITE WILL HAVE FLAGGERS.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/14/2023	6/16/2023	9/14/2023	issued
U-23-13135	u-p02	438809	U-USE OF/WORK IN ROW	CONSTRUCTION OF TUNNEL - TRAFFIC SWITCH - ROAD BY-PASS DETOUR FDOT CONSTRUCTION AGREEMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/7/2023	7/3/2023	10/1/2023	issued
U-23-13101	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- CONCRETE POUR AND EQUIPMENT DROP OFF. WILL HAVE FLAGMEN.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/1/2023	6/2/2023	8/31/2023	issued
U-23-13102	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- PICK UP MATERIALS AND EQUIPMENT. WILL HAVE FLAGMEN ON SITE. CONCRETE POUR, DIRT REMOVAL.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/1/2023	6/2/2023	8/31/2023	issued
U-23-13067	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR MATERIAL DROP OFF WILL UTILIZE FLAGMAN		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	5/26/2023	6/2/2023	8/31/2023	issued
U-23-13045	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF - DROPPING OF FOF MACHINERY		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/23/2023	5/25/2023	8/23/2023	issued
U-23-13003	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- MATERIAL DELIVERY WLL NOT BLOCK LANE		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/17/2023	5/25/2023	8/23/2023	issued
U-23-12901	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- UNLOADING OF GENERATOR BEING DELIVERED		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/8/2023	5/10/2023	8/8/2023	issued
U-23-12897	u-p02	450778	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR MOBILIZATION OF GIKEN MACHINE AND INSTALL OF SHEET PILES		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/5/2023	5/17/2023	8/15/2023	issued
U-23-12884	u-p02	438809	U-USE OF/WORK IN ROW	SINGLE FAMILY HOUSE DELIVER OF TILE (3) PALLETS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/4/2023	5/9/2023	10/1/2023	issued
U-23-12625	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- PICK UP EQUIPMENT WILL NOT BLOCK ROAD 10:00AM- 12:00PM		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/30/2023	4/3/2023	10/1/2023	issued
U-23-12591	u-p02	438809	U-USE OF/WORK IN ROW	DROPPING OFF EQUIPMENT BRIEFLY WILL NOT BLOCK ROAD		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/23/2023	3/24/2023	6/22/2023	issued
U-23-12593	u-p02	438809	U-USE OF/WORK IN ROW	DROP OFF EQUPIMENT WILL NOT BLOCK ROAD		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/23/2023	3/24/2023	6/22/2023	issued
U-23-12594	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/23/2023	3/24/2023	3/24/2023	final
U-23-12595	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/23/2023	3/24/2023	3/24/2023	final
U-23-12596	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/23/2023	3/24/2023	3/24/2023	final
B-23-98383	b-r03	450778	FEE CHARGE	*****PRIVATE PROVIDER ***** KITCHEN AGREEMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/17/2023	3/27/2023	3/17/2023	final
B-23-98297	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION SITE PLAN: CIVIL PLANS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/9/2023	3/30/2023	3/9/2023	final
B-23-98037	b-b01	438809	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	*****PRIVATE PROVIDER ***** (SEE PERMIT CONDITIONS) NEW GUEST HOUSE ADDITION		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/13/2023	3/28/2023	4/24/2024	issued
U-23-12323	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- DROP OFF EQUIPMENT AND/OR PICK UP EQUIPMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	1/27/2023		4/27/2023	canceled
U-22-12145	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW TO BACK ONTO PROPERTY TO PICK UP EQUIOPMENT WILL NOT BLOCK TRAFFIC		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	12/21/2022	1/5/2023	4/5/2023	final
U-22-12114	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF - BACK IN TO PICK UP SCAFFOLDING. WILL NOT BLOCK TRAFFIC		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	12/15/2022	12/27/2022	3/27/2023	final
B-22-97530	b-r03	438809	FEE CHARGE	UNITY OF TITLE AGREEMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	12/14/2022	12/14/2022	12/14/2022	final

Count: 167

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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-22-12091	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF - SINGLE FAMILY HOUSE, BACKING IN DUMP TRUCK FOR STONE DELIVERY. WILL NOT BLOCK TRAFFIC.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	12/13/2022	12/27/2022	3/27/2023	final
U-22-12044	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	12/7/2022	12/12/2022	12/12/2022	final
U-22-12045	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	12/7/2022	12/12/2022	12/12/2022	final
U-22-12046	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING David Lischinski - (561) 789-3533		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	12/7/2022	12/12/2022	12/12/2022	final
U-22-12011	u-p02	438809	U-USE OF/WORK IN ROW	DELIVERY OF TRUSSES & PLYWOOD ONLY NEED TO BACK INTO PROPERTY		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	12/2/2022	12/12/2022	3/12/2023	issued
U-22-11994	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF - CONCRETE TRUCK, FLAGMEN TO BACKUP TRUCK DURATION (5-10MINS TO BACKUP THE TRUCK). SHAWN FLYOD 561-408-0432		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	11/30/2022	12/1/2022	3/1/2023	issued
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 BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	11/21/2022	2/2/2023	8/1/2023	final
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 BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	11/3/2022		11/3/2022	pending
B-22-97011	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION- BUILDING- MAKING CHANGES TO SECOND FLOOR WALLS AND BEAMS.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/24/2022	10/26/2022	10/24/2022	final
U-22-11643	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROWFOR CONCRETE TRUCK DATES: 10/24 THRU 10/26		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/19/2022	10/21/2022	1/19/2023	issued
U-22-11644	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROWFOR CONCRETE TRUCK DATES: 11/08 THRU 11/10		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/19/2022	10/21/2022	1/19/2023	issued
U-22-11645	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROWFOR CONCRETE TRUCK DATES: 11/14 THRU 11/16		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/19/2022	10/21/2022	1/19/2023	issued
U-22-11646	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/19/2022	10/21/2022	10/21/2022	final
U-22-11647	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/19/2022	10/21/2022	10/21/2022	final
U-22-11648	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	10/19/2022	10/21/2022	10/21/2022	final
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 BLV D	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 BLV D	542582		S MACDONALD CONTRACTING LLC	9/29/2022	10/11/2022	1/18/2023	issued
B-22-96653	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION ELECTRICAL - RELOCATING ELECTRICAL PANELS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/27/2022	3/7/2023	9/27/2022	final
U-22-11325	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/23/2022	9/26/2022	9/26/2022	final
U-22-11326	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/23/2022	9/26/2022	9/26/2022	final
B-22-96553	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BUILDING - ADJUSTING COLUMNS & BEAMS IN CABANA BEDROOM		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	9/20/2022	9/21/2022	9/20/2022	final
U-22-11053	u-p03	438809	U-EXCAVATION IN ROW	***** PRIVATE PROVIDER ***** INSTALLATION OF PRECAST BEACH ACCESS TUNNEL.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/25/2022	9/2/2022	3/1/2023	issued
U-22-11025	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/24/2022	8/26/2022	8/26/2022	final
U-22-11029	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/24/2022	8/26/2022	8/26/2022	final
U-22-11032	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR SCHEDULED BETWEEN 8/29 THRU 8/31		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/24/2022	8/26/2022	11/24/2022	issued
U-22-11033	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR SCHEDULED BETWEEN 9/09 THRU 9/13		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/24/2022	8/26/2022	11/24/2022	issued
U-22-11034	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR SCHEDULED BETWEEN 9/23 THRU 9/27		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/24/2022	8/26/2022	11/24/2022	issued
U-22-11012	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- INSTALLATION OF PRECAST BEACH ACCESS TUNNEL.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/23/2022	9/2/2022	12/1/2022	issued
U-22-10873	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/11/2022	8/18/2022	8/18/2022	final
B-22-95911	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BUILDING CORRECTIONS ON GRADE BEAM DESIGN.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/8/2022	8/11/2022	8/8/2022	final
B-22-95813	b-r01	438809	R-REVISION	*****PRIVATE PROVIDER ***** REVISION BUILDING: ADJUSTING GRADE BEAMS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	8/2/2022	8/8/2022	8/2/2022	final
U-22-10685	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	7/29/2022	8/2/2022	10/31/2022	issued
U-22-10686	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	7/29/2022	8/2/2022	10/31/2022	issued
U-22-10687	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	7/29/2022	8/2/2022	10/31/2022	issued
U-22-10688	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	7/29/2022	8/2/2022	10/31/2022	issued

Count: 167

Filter : Empty

TC Development Review Meeting Backup 2-14-2024

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
U-22-10689	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	7/29/2022	8/2/2022	10/31/2022	issued
U-22-10690	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	7/29/2022	8/2/2022	10/31/2022	issued
U-22-10692	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	7/29/2022	8/2/2022	10/31/2022	issued
U-22-10672	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** FOR FENCE REPAIR		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/28/2022	7/28/2022	10/26/2022	issued
U-22-10617	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/22/2022	7/28/2022	7/28/2022	final
U-22-10618	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/22/2022	7/28/2022	7/28/2022	final
U-22-10486	u-p02	438809	U-USE OF/WORK IN ROW	NEW HOUSE POUR CONCRETE		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/12/2022	7/18/2022	10/16/2022	issued
U-22-10487	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	7/12/2022	7/18/2022	7/18/2022	final
U-22-10497	u-p02		U-USE OF/WORK IN ROW	USE OF ROW FOR UNLOADING EQUIPMENT IN ROW DUE TO LIMITED ACCESS		1540 S OCEAN BLV D	542582		S MACDONALD CONTRACTING LLC	7/12/2022	7/18/2022	1/15/2023	issued
U-22-10498	u-p02		U-USE OF/WORK IN ROW	USE OF ROW FOR UNLOADING EQUIPMENT IN ROW DUE TO LIMITED ACCESS		1540 S OCEAN BLV D	542582		S MACDONALD CONTRACTING LLC	7/12/2022	7/18/2022	1/15/2023	issued
U-22-10325	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE TRUCK		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/23/2022	7/6/2022	10/4/2022	issued
U-22-10326	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	6/23/2022	7/1/2022	7/1/2022	final
U-22-10092	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/26/2022	5/31/2022	5/31/2022	final
U-22-10093	u-p02	438809	U-USE OF/WORK IN ROW	WORK IN ROW - CONCRETE POUR		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/26/2022	6/1/2022	8/30/2022	issued
U-22-10094	u-p02	438809	U-USE OF/WORK IN ROW	WORK IN ROW - CONCRETE POUR		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/26/2022	6/1/2022	8/30/2022	issued
U-22-10095	u-p02	438809	U-USE OF/WORK IN ROW	WORK IN ROW - BOOM TRUCK FOR CONCRETE POUR		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/26/2022	6/1/2022	8/30/2022	issued
U-22-10058	u-p05	438809	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/23/2022	5/31/2022	5/31/2022	final
U-22-10022	u-p01	438809	U-DEWATERING	*****PRIVATE PROVIDER ***** (SEE PERMIT CONDITIONS) DEWATERING PERMIT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/17/2022	5/18/2022	7/17/2022	final
U-22-09967	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER *****CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/11/2022	5/16/2022	5/16/2022	final
B-22-94560	b-r03		FEE CHARGE	DEP LETTER		1540 S OCEAN BLV D	601066		ISIMINGER & STUBBS ENGINEERING	5/10/2022	5/10/2022	5/10/2022	final
U-22-09946	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF- WORK IN ROW- CONCRETE POUR. GRADE BEAMS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	5/9/2022	5/14/2022	8/12/2022	issued
U-22-09815	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR WORK IN ROW FOR CONCRETE POUR		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/26/2022	4/29/2022	7/28/2022	issued
U-22-09805	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER *****CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/25/2022	4/29/2022	4/29/2022	final
U-22-09806	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER *****CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/25/2022	4/29/2022	4/29/2022	final
B-22-94184	b-r03	438809	FEE CHARGE	*****PRIVATE PROVIDER *****ELECTRICAL RELEASE AGREEMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/18/2022	4/18/2022	4/18/2022	final
U-22-09696	u-p02		U-USE OF/WORK IN ROW	INCORRECT APPLICANT		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	4/12/2022		7/11/2022	canceled
U-22-09697	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR DELIVERY OF EQUIPMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/12/2022	4/18/2022	7/17/2022	issued
U-22-09698	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR PICK UP OF EQUIPMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/12/2022	4/18/2022	7/17/2022	issued
U-22-09699	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR CONCRETE POUR DURING PILE INSTALL		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/12/2022	4/18/2022	7/17/2022	issued
U-22-09700	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR MACHINE DELIVERY		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/12/2022	4/18/2022	7/17/2022	issued
U-22-09703	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR MACHINE PICK UP		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/12/2022	4/18/2022	7/17/2022	issued
U-22-09642	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/1/2022	4/13/2022	4/13/2022	final
U-22-09643	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** DELIVERY OF EQUIPMENT		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/1/2022	4/13/2022	7/12/2022	final
U-22-09644	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW - FRANGIBLE FOOTER POUR		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	4/1/2022	4/13/2022	7/12/2022	final
U-22-09561	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/22/2022	3/29/2022	3/29/2022	final
U-22-09562	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/22/2022	3/29/2022	3/29/2022	final

Count: 167

Filter is Empty

TC Development Review Meeting Backup 2-14-2024

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
U-22-09511	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** WORK IN RIGHT OF WAY - BASEMENT WALLS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/10/2022	3/16/2022	6/14/2022	final
U-22-09512	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING.		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/10/2022	3/16/2022	3/16/2022	final
U-22-09494	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** USE OF ROW FOR GRADE BEAMS		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	3/7/2022	3/10/2022	6/8/2022	final
U-22-09430	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/22/2022	2/25/2022	2/25/2022	final
U-22-09431	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/22/2022	2/25/2022	2/25/2022	final
B-22-93256	b-r02	438809	R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR PER ATTACHED LETTER		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/10/2022	2/10/2022	2/10/2022	final
U-22-09360	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** CONSTRUCTION PARKING		1540 S OCEAN BLV D	606293		SEAGATE CAPITAL CONSTRUCTION LLC	2/10/2022	2/16/2022	2/16/2022	final
U-22-09345	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** WORK IN ROW - DELIVERY OF PILE MACHINE. (30 MIN)		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	2/7/2022	2/9/2022	5/10/2022	final
U-22-09346	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** WORK IN ROW PICK UP PILE MACHINE 30 MIN		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	2/7/2022	2/9/2022	5/10/2022	final
U-22-09348	u-p02	438809	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER ***** WORK IN ROW CONCRETE WORKS FOR PILES 4 TRUCKS FOR 13 PILES, 45 MIN SPACING.		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	2/7/2022	2/9/2022	5/10/2022	final
U-22-09308	u-p01		U-DEWATERING	DEWATERING PERMIT - WATER FROM SITE DEWATERING TO BE PLUMBED TO EXISTING STORM SEWER DRAIN		1540 S OCEAN BLV D	606318		GRIFFIN DEWATERING CORP	2/1/2022	2/4/2022	4/5/2022	final
U-22-09253	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** PARKING PASSES		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	1/21/2022	1/26/2022	1/26/2022	final
U-22-09254	u-p05	438809	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER ***** PARKING PASSES		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	1/21/2022	1/26/2022	1/26/2022	final
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 BLV D	602243		DAILEY JANSSEN ARCHITECTS PA	11/22/2021	11/23/2021	11/17/2022	final
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.		1540 S OCEAN BLV D	602564		CAPITAL CONSTRUCTION & DEVELOP	11/10/2021	1/20/2022	4/24/2024	issued
U-21-08799	u-p02	436780	U-USE OF/WORK IN ROW	ROW - PICK UP EXCAVATOR		1540 S OCEAN BLV D	605393		RAPID REMOVAL INC	11/5/2021	11/17/2021	2/15/2022	issued
U-21-08651	u-p02	436780	U-USE OF/WORK IN ROW	ROW - DROP OFF OF EXCAVATOR.		1540 S OCEAN BLV D	605393		RAPID REMOVAL INC	10/22/2021	10/28/2021	1/26/2022	issued
B-21-91006	b-d02		D-DEMOLITION	(SEE PERMIT CONDITIONS) DEMOLITION OF MAIN HOUSE, POOL AND HARDSCAPE		1540 S OCEAN BLV D	605393		RAPID REMOVAL INC	9/1/2021	9/21/2021	8/8/2022	final
U-21-08097	u-p02		U-USE OF/WORK IN ROW	ROW - SEWER CAP OFF		1540 S OCEAN BLV D	605393		RAPID REMOVAL INC	8/20/2021	9/2/2021	12/1/2021	final
U-21-08098	u-p07		U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	ROW - SEWER CAP OFF		1540 S OCEAN BLV D	605393		RAPID REMOVAL INC	8/20/2021	8/30/2021	11/29/2021	issued
B-21-90505	b-r03		FEE CHARGE	DEP LETTER		1540 S OCEAN BLV D	601066		ISIMINGER & STUBBS ENGINEERING	8/2/2021	4/25/2023	4/25/2023	final
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 BLV D	602091		KOCHMAN AND ZISKA	4/15/2021		4/10/2022	pending
B-17-65427	b-m04		M-REPLACEMENT	REPLACE EXISTING AC WITH RUUD 4TON 15 SEER		1540 S OCEAN BLV D	601142		JUPITER TEQUESTA A/C & HEATING	7/6/2017	7/13/2017	8/10/2021	final
X-03-06663	legacy		X-LEGACY PERMIT	RAIN SENSOR		1540 S OCEAN BLV D	503850		SUPERIOR SPRINKLER SYSTEMS INC	12/9/2003	12/9/2003	10/2/2008	final

Count: 167

Filter is Empty

TC Development Review Meeting Backup 2-14-2024

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

Town Council Meeting Development Review on: February 14, 2024

Section of Agenda

Time Extensions, Waivers, & Three Strike Matters

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension for **1118 N Lake Way**

Presenter

ATTACHMENTS:

- **Memorandum & Backup Dated: February 1, 2024, From Wayne Bergman, Planning, Zoning, & Building Director**

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 1118 N. Lake Way

Date: February 1, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Michael M. Eison, President of Eison Construction Company, Inc. regarding a time extension in which to complete construction of a new two-story home at 1118 N. Lake Way and to extend the permit by two additional months – until April 12, 2024.

GENERAL INFORMATION

The current owner is Edith F. Schaeffer Trust, who purchased the property in May of 2020. The building permit was issued in August of 2021, has a duration of 24 months, and technically expired in August of 2023. The contractor explains in his letters, dated January 25 and January 29, 2024, that the time extension is based on labor shortages, supply chain issues, and design coordination challenges. Mr. Eison also mentions how they will control construction traffic for the remaining months. The attached construction schedule shows the new timeline has all work completed by mid-April 2024.

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

Attachments: Letter from Michael M. Eison, with Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

EISON CONSTRUCTION
COMPANY, INC.

January 25, 2024

Town of Palm Beach
Planning, Zoning, & Building Dept.
Attn. Mr. Wayne Bergman
360 South County Road
Palm Beach, FL 33480

Re: 1118 North Lake Way
Permit No. B-21-91124

Dear Mr. Bergman,

Please use this letter to accompany a permit time extension request for the project referenced above. Due to labor shortages, supply chain issues (particularly trusses), and some design coordination challenges, we need a little more time to complete this project. Along with this letter, a schedule is enclosed to show what is left and when the work is expected to be complete.

Thank you for your assistance in this matter.

Sincerely,

Michael M. Eison
President

1335 Old Dixie Hwy, Unit 9 • Lake Park, FL 33403 • 561.855.4581 • Fax 561.855.4591 • www.eisonconstruction.com

EISON CONSTRUCTION
COMPANY, INC.

January 29, 2024

Town of Palm Beach
Planning, Zoning, & Building Dept.
Attn. Mr. Wayne Bergman
360 South County Road
Palm Beach, FL 33480

Re: 1118 North Lake Way
Permit No. B-21-91124

Dear Mr. Bergman,

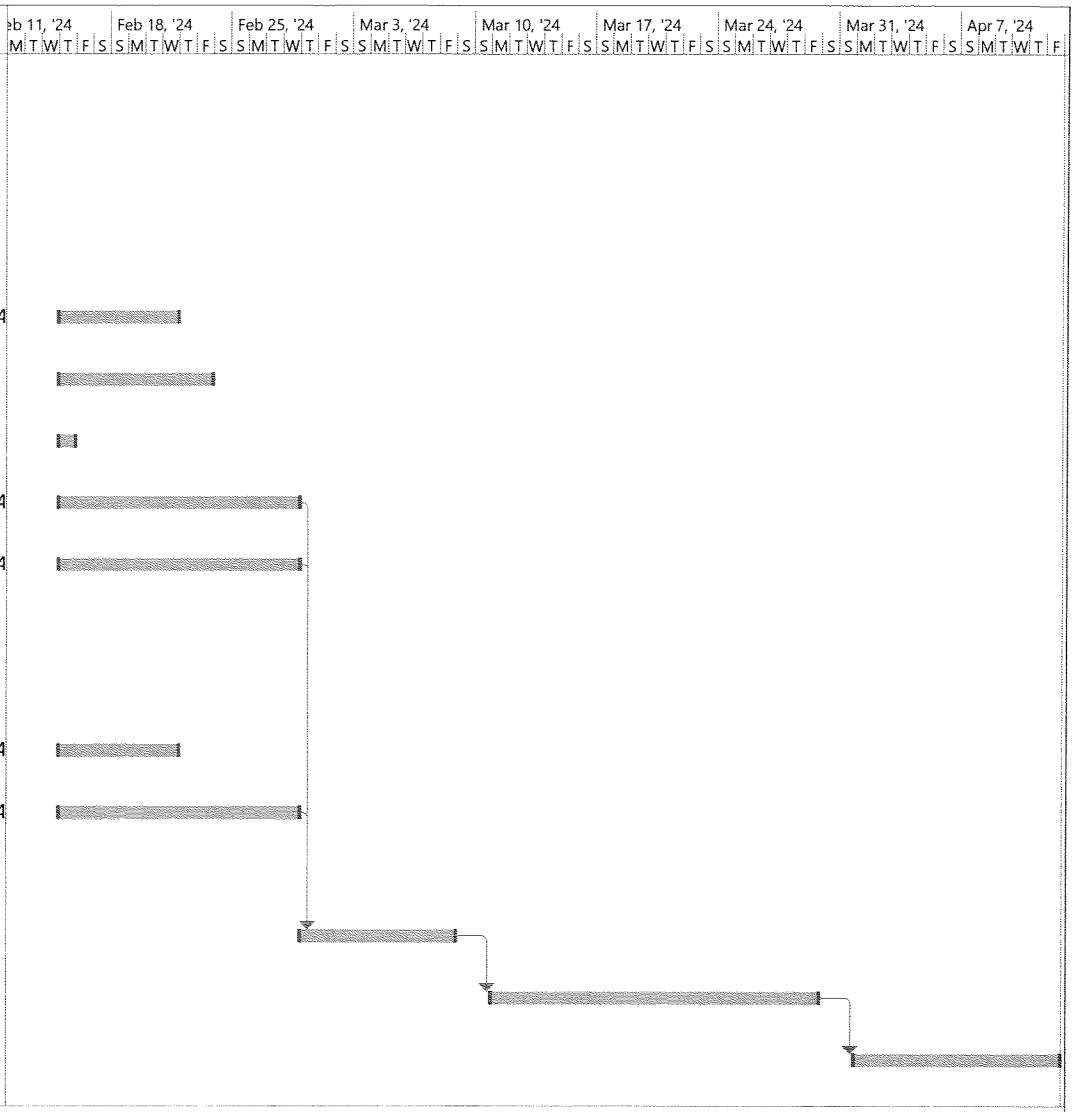
With most of the construction complete and trees and hedges installed around the property, most of our nuisance mitigation measures will be controlling traffic. To mitigate any traffic issues we will ensure that all construction materials are delivered on vehicles that can fit completely on the site and use flagmen when necessary to help direct them onto the property.

Sincerely,

Michael M. Eison
President

1335 Old Dixie Hwy, Unit 9 • Lake Park, FL 33403 • 561.855.4581 • Fax 561.855.4591 • www.eisonconstruction.com

ID	Task Mode	Task Name	Duration	Start	Finish
1					
2		**1118 NORTH LAKE WAY**			
3					
4		INTERIOR			
5		Remaining plumbing trim	5 days	Thu 2/15/24	Wed 2/21/24
6		Remaining door hardware	7 days	Thu 2/15/24	Fri 2/23/24
7		One vanity top	1 day	Thu 2/15/24	Thu 2/15/24
8		Remaining painting	10 days	Thu 2/15/24	Wed 2/28/24
9		Stair rail	10 days	Thu 2/15/24	Wed 2/28/24
10					
11		EXTERIOR			
12		Final coat of paint - house	5 days	Thu 2/15/24	Wed 2/21/24
13		Landscaping - front	10 days	Thu 2/15/24	Wed 2/28/24
14					
15		Final Inspections	7 days	Thu 2/29/24	Fri 3/8/24
16		Correction Notices	15 days	Mon 3/11/24	Fri 3/29/24
17		Close Out	10 days	Mon 4/1/24	Fri 4/12/24



Project: Schaeffer Completion S
Date: Mon 1/29/24

Task	Inactive Task		Manual Summary Rollup		External Milestone
Split	Inactive Milestone		Manual Summary		Deadline
Milestone	Inactive Summary		Start-only		Progress
Summary	Manual Task		Finish-only		Manual Progress
Project Summary	Duration-only		External Tasks		

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): February 14, 2024
- Deadline for submittal of request/backup must be received by: January 31, 2024
  (Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: January 20, 2024
  (must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-91124 Exp. Date: 10/7/2023

Job Address: 1118 N Lake Way

Length of time extension being requested: (in days) 188

Proposed completion date if requested time extension is granted: April 12, 2024
(Must attach completion schedule)
Construction will be substantially complete by the end of February. The remainder of the time allows for inspections, any correction notices, and close out.

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-21-91124 Job Value $ 2,032,000

Permit# : B-21-90014 Job Value $ 158,000

Permit# : B-21-89683 Job Value $ 52,000

Permit# : _____ Job Value $ _____

Valuation of work remaining to complete the project: $ 158,584.00
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: $ 1,585.84
(attach a copy of the receipt for payment)

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

Edith F Schaeffer
OWNER SIGNATURE DATE 1-26-24

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me
this 26th day of January
20 24. By Edith F. Schaeffee

Who are personally known _____ OR produced identification (Type of identification) D.L
OR Online Notarization _____.

Miya J. Williams
Printed Name of Notary

Signature of Notary

SEAL:

MIYA J. WILLIAMS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 30, 2025

MIYA J. WILLIAMS NOTARY PUBLIC EXP. 11-30-25 DISTRICT OF COLUMBIA

CONTRACTOR CERTIFICATION: I certify the informa : to be true and correct.

1/29/2024
CONTRACTOR SIGNATURE DATE

NOTARY TO CONTRACTOR

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me
this 26TH day of JANUARY
20 24. By MICHAEL EISON

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

Randa F Miller
Printed Name of Notary

Signature of Notary

SEAL:

Notary Public State of Florida
Randa F Miller
My Commission HH 002225
Expires 05/29/2024

TC Development Review Meeting Backup 2-14-2024

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
B-24-02342	b-r03	437017	FEE CHARGE	BUILDING PERMIT TIME EXTENSION REQUEST		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	1/29/2024		1/29/2024	pending
U-23-15003	u-p02		U-USE OF/WORK IN ROW	USE OF - UNLOAD IN ROW, 15 MIN TIME.		1118 N LAKE WAY	505500		WM D ADEIMY JR INC	12/12/2023	12/14/2023	3/13/2024	issued
U-23-14792	u-p02		U-USE OF/WORK IN ROW	UNLOAD CONCRETE IN ROW FOR D/WAY		1118 N LAKE WAY	505500		WM D ADEIMY JR INC	11/14/2023	11/17/2023	2/27/2024	issued
U-23-13848	u-p07		U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	RECONNECT SEWER		1118 N LAKE WAY	601161		KCL HOLDINGS INC	8/21/2023	9/1/2023	11/30/2023	issued
B-22-97041	b-r01	437017	R-REVISION	REVISION PLUMBING/GAS, MECHANICAL & ELECTRICAL: MEP REVISIONS PER ATTACHED PLANS, NO CHANGE IN VALUE.		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	10/26/2022	11/1/2022	10/26/2022	final
U-22-10642	u-p02	437017	U-USE OF/WORK IN ROW	USE OF ROW TO UNLOAD ROOF TILE		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	7/26/2022	7/29/2022	10/27/2022	issued
B-22-94782	b-r01	437017	R-REVISION	REVISION- BUILDING- REVISED STRUCTURAL PLANS TO MEET ALL FIELD CONDITIONS. NO CHANGE IN VALUE.		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	5/25/2022	5/26/2022	5/25/2022	final
B-22-94571	b-r01	437017	R-REVISION	REVISION- BUILDING- TRUSS ENGINEERING AND LAYOUT, NO CHANGE IN VALUE.		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	5/11/2022	5/16/2022	5/11/2022	final
B-22-94310	b-r01	437017	R-REVISION	REVISION- PLUMBING- REVISED PLUMBING LAYOUT PER ATTACHED SHEETS, MECHANICAL- REVISED DUCT LAYOUT PER ATTACHED SHEETS M100 & M200, ELECTRICAL- REVISED ELECTRICAL LAYOUT PER ATTACHED SHEET E100		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	4/25/2022	5/2/2022	4/25/2022	final
U-22-09634	u-p02	437017	U-USE OF/WORK IN ROW	BRIEFLY BLOCK A LANE TO GET A DELIVERY TRUCK ON AND OFF THE PROPERTY.		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	3/31/2022	4/13/2022	7/12/2022	issued
B-22-93686	b-r01	437017	R-REVISION	REVISION BUILDING REVISED NOA'S FOR ROOFING.		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	3/18/2022	3/23/2022	3/18/2022	final
B-22-93583	b-r01	437017	R-REVISION	REVISION BUILDING CHANGE STEEL FOR POOL BEAM.		1118 N LAKE WAY	536303		ROYAL PALM POOLS LLC	3/9/2022	3/14/2022	3/9/2022	final
U-22-09355	u-p01		U-DEWATERING	DEWATER POOL FOR CONSTRUCTION		1118 N LAKE WAY	536303		ROYAL PALM POOLS LLC	2/10/2022	2/17/2022	4/18/2022	final
B-22-92654	b-r01	437017	R-REVISION	REVISION SITE PLAN - ENGINEEREG POOL DRAWINGS. VALUE OF POOL INCLUDED IN MASTER PERMIT.		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	1/4/2022	1/24/2022	1/4/2022	final
U-21-09029	u-p02	437017	U-USE OF/WORK IN ROW	USE OF - 40' FLAT BED TRUCK FOR DELIVERY. WE THINK IT WILL FIT ON THE PROPERTY, BUT IT WILL TAKE SOME MAVUVERING TO GET IT THERE.		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	12/6/2021	1/14/2022	4/14/2022	final
B-21-91124	b-b01		B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	(SEE PERMIT CONDITIONS) CONSTRUCTION OF NEW TWO STORY SINGLE FAMILY RESIDENCE.		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	9/13/2021	10/7/2021	7/10/2024	issued
B-21-91125	b-f01	437017	F-FLOOD PLAIN DEVELOPMENT	(SEE PERMIT CONDITIONS) FLOOD PLAN DEVELOPMENT APPLICATION		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	9/13/2021	10/7/2021	4/5/2022	issued
B-21-90225	b-e01		E-ELECTRICAL	TEMPORARY POWER POLE		1118 N LAKE WAY	605367		LIGHTNING ELECTRIC INC	7/16/2021	7/28/2021	1/26/2022	issued
B-21-90014	b-b13	437017	B-FOUNDATION ONLY	FOUNDATIONS FOR NEW SINGLE FAMILY RESIDENCE		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	7/2/2021	8/9/2021	11/6/2022	final
B-21-89683	b-s11	437017	S-SITE WORK/DRAINAGE	SITE DRAINAGE SYSTEM		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	6/16/2021	7/6/2021	1/17/2022	issued
U-21-07379	u-p02	432836	U-USE OF/WORK IN ROW	USE FOR ROW TO UNLOAD EXCAVATOR FOR DEMOLITION OF SUBJECT PROPERTY		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	5/19/2021	6/2/2021	8/31/2021	final
B-21-88956	b-d02		D-DEMOLITION	REMOVE EXISTING HOME, SWIMMING POOL, DRIVEWAY AND PATIOS		1118 N LAKE WAY	541529		EISON CONSTRUCTION COMPANY INC	5/11/2021	6/2/2021	4/25/2022	final
B-21-88679	b-p05		P-SITE WORK	INSTALL 1" BACKFLOW FOR TEMP WATER SERVICE		1118 N LAKE WAY	504707		CUSTOM PLUMBING INC	4/27/2021	4/30/2021	11/2/2021	final
B-21-88489	b-p05		P-SITE WORK	CAP WATER FOR DEMO		1118 N LAKE WAY	504707		CUSTOM PLUMBING INC	4/19/2021	4/26/2021	11/9/2021	final
U-21-07220	u-p07	431912	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	SEWER SERVICE - CAP SEWER		1118 N LAKE WAY	504707		CUSTOM PLUMBING INC	4/19/2021	4/28/2021	7/27/2021	issued
Z-20-00306	z-01		Z-DEVELOPMENT REVIEW PERMIT	Section 134-417: The applicant is proposing to construct a 3, 153 square foot, second floor addition onto an existing one-story home and which will result in a demolition in excess of 50% of its cubic volume. The following variances are being requested: 1. Section 134-843(7): a 9.9 foot south side yard setback in lieu of the 15 foot minimum required In the R-B Zoning District; 2. Section 134-843(7): a 10.29 foot north side yard setback in lieu of the 15 foot minimum required in the R-B Zoning District. 3. Section 134-895(1): A chimney on the south side of the house with a height of 27.2		1118 N LAKE WAY	602091		KOCHMAN AND ZISKA	11/10/2020		11/5/2021	pending

Count: 26

Filter is Empty

Property Detail

Location Address : 1118 N LAKE WAY
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-03-11-000-0381
Subdivision : EL ENCANTO PL 2
Official Records Book/Page : 31432 / 1128
Sale Date : MAY-2020
Legal Description : EL ENCANTO PL 2 LT 38 (LESS S 7 FT), 6 FT STRIP LYG N & ADJ TO LT 38 & 20 FT ABNDED RD LYG E & ADJ THERETO

Owner Information

Owner(s)	Mailing Address
SCHAEFFER EDITH F TRUST & SCHAEFFER EDITH F TR	1908 24TH ST NW WASHINGTON DC 20008 1635

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-2020	$12,697,175	31432 / 01128	WARRANTY DEED	SCHAEFFER EDITH F TRUST &
FEB-2015	$12,730,000	27341 / 00491	WARRANTY DEED	1120 NORTH LAKE WAY LLC
OCT-2014	$10	27138 / 00535	WARRANTY DEED	SUNSHINE PROPERTIES PALM BEACH LLC
APR-2013	$7,800,000	25998 / 00217	WARRANTY DEED	APPLE STEVEN L
SEP-1985	$1,900,000	04648 / 00251	LIFE ESTATE	
NOV-1984	$24,300	04387 / 01361	WARRANTY DEED	
APR-1982	$1,450,000	03716 / 01822	WARRANTY DEED	WAFFENSCHMIDT FRIEDRICH &
JAN-1975	$125,000	02475 / 00865		

Exemption Information

No Exemption Information Available.

Property Information

Number of Units :
***Total Square Feet :** 0
Acres : 0.5312
Property Use Code : 0000—VACANT
Zoning : R-B—LOW DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	$31,369	$32,918	$2,001,809	$2,181,298	$2,396,632
Land Value	$19,005,385	$16,625,650	$9,408,542	$8,277,890	$9,090,000
Total Market Value	$19,036,754	$16,658,568	$11,410,351	$10,459,188	$11,486,632

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	$11,417,775	$10,379,795	$11,410,351	$10,459,188	$11,290,184
Exemption Amount	$0	$0	$0	$0	$0
Taxable Value	$11,417,775	$10,379,795	$11,410,351	$10,459,188	$11,290,184

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	$220,606	$201,767	$185,134	$172,513	$190,827
NON AD VALOREM	$0	$0	$178	$173	$175
TOTAL TAX	$220,606	$201,767	$185,312	$172,686	$191,002