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

JANUARY 15, 2025

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR DANIELLE H. MOORE

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. CONSENT AGENDA

A. **RESOLUTION NO. 003-2025: 250 Algoma Rd.** 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." Pg. 9

VIII. REGULAR BUSINESS

A. Matters Pulled From Consent Agenda: If Needed

B. Further Discussion Regarding Construction that Deviates from Approved Permit Plans Pg. 17

C. Code Review Update Pg. 20

IX. RESOLUTIONS

A. **RESOLUTION NO. 002-2025**: A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Revised Interlocal Agreement With The School Board Of Palm Beach County And Each Of Participating Municipalities Of Palm Beach County To Facilitate Coordination In The Planning Of Public Schools Pg. 24

B. **RESOLUTION NO. 008-2024:** 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 **325 South Lake** Drive 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 supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*** Pg. 73

C. **RESOLUTION NO. 004-2024:** 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 **2850 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 owner is supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*** Pg. 104

D. **RESOLUTION NO. 005-2025:** A Resolution Of The Town Council Of The Pg. 111

Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **1250 North Ocean Boulevard** 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 for Landmarking.]*** Pg. 111

X. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of the Architectural Commission's Approval of a Pedestrian Gate at 203 S. Lake Trail (ARC-24-0027) at their December 20, 2024, Meeting. Pg. 116

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **ZON-24-0010 (ARC-24-0023) 515 NORTH LAKE WAY (COMBO) - SPECIAL EXCEPTION AND VARIANCE** The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval for a special exception review to develop the existing nonconforming lot, and one variance 1) to exceed the permitted angle of vision for the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-1.] [The Architectural Commission approved the project. Carried 5-2.]* Pg. 196

b. **ZON-24-0028 (ARC-24-0032) 272 VIA MARILA (COMBO) - VARIANCE** The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission denied this project. Carried 4-3.] [This project was remanded back to ARCOM for further design review.][Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-1.] [The Architectural Commission approved the project for Option 4. Carried 6-1.]* Pg. 205

c. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD**

(COMBO)—VARIANCE The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on site modifications. ***[This project shall be deferred to the February 12, 2025, Town Council meeting pending Landmark Commission design review.]***

d. **ZON-24-0042 (ARC-24-0080) 141 ATLANTIC AVE (COMBO) —VARIANCE** The applicants, Sloane Family Trust (Brasseur & Drobot Architects, P.A.), have filed an application requesting Town Council review and approval for one (1) variance for a one-story addition of primary structure to encroach into the required east side yard setback. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 7-0.]* Pg. 224

e. **ZON-24-0043 (COA-24-0018) 100, 101, 102, AND 103 FOUR ARTS PLZ—THE SOCIETY OF THE FOUR ARTS (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Society of the Four Arts Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a Special Exception with Site Plan Review, and one (1) variance for the reduction of on-site parking requirement for the substantial improvements to the Four Arts campus site including 1) demolition exceeding 50%, and the construction of a new one- and two-story additions and renovations to the existing two-story theater building (O'Keefe), 2) demolition exceeding 50%, and the construction of a new three-story addition, and renovations to the existing three-story administrative building (Rovensky), 3) demolition of the existing shade structure and construction of a new pavilion, 4) a Master Signage Plan, and 5) landscape and hardscape modifications. The application proposes the abandonment and realignment of a portion of the existing Lake Trail. The Landmarks Preservation Commission will perform the design review. ***[This project shall be deferred to the February 12, 2025, Town Council meeting, pending Landmarks design review.]***

f. **ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD—PALM BEACH SYNAGOGUE (COMBO)** The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting a Certificate of Appropriateness for review and approval of: demolition exceeding 50%, construction of new one- and two-story additions, renovations to the existing Pg. 226

TIME CERTAIN
10:30 AM

twostory building, and landscape & hardscape modifications including a new surface parking lot, requiring three (3) Special Exceptions with Site Plan Review, and nine (9) variances to reduce the minimum required front yard setback and the pedestrian walkway, reduce the minimum required overall landscape open space and front yard open space, increase the maximum permitted building length, reduce the on-site parking requirement, elimination of the on-site berths (loading spaces), increase the maximum permitted gross building area, reduce the minimum required side yard setback, and reduce in the minimum required rear yard setback for the landmarked property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project. Carried 7-0.]*

g. **ZON-24-0057 (ARC-24-0097) 334 CHILEAN AVE (COMBO)— VARIANCE** The applicants, Overflow Pad Too LLC (Environment Design Group), have filed an application requesting Town Council review and approval for one (1) variance to exceed the maximum allowable height for a wall. The Architectural Commission (ARCOM) shall perform design review of the application. ***[This project has been withdrawn.]***

2. New Business

a. **ZON-24-0053 (ARC-24-0086) 240 EL DORADO LANE (COMBO) – SITE PLAN REVIEW & VARIANCES.** The applicant, Henry and Laura McNamara (B1 Architect) have filed an application requesting Town Council review and approval for a site plan review and two (2) variances related to angle of vision and rear yard setback resulting from significant demolition and additions to a single-family house. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 5-2.]* Pg. 304

b. **ZON-24-0056 (COA-24-0021) 225 S COUNTY RD (COMBO) - VARIANCES.** The property owner, Sphinx Properties LLC, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the minimum front yard setback and 2) increase the angle of vision associated with new trellises for the property currently under consideration to be Landmarked. The Landmarks Preservation Commission shall perform design review of the application impacting the property under Pg. 307

consideration to be Landmarked. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project. Carried 7-0.]*

c. **ZON-24-0061 (ARC-24-103) 1247 S OCEAN BLVD (COMBO) – SPECIAL EXCEPTION AND VARIANCE.** The applicant, Providencia Partners LLC (Maura Ziska, Authorized Signatory), has filed an application requesting Town Council review and approval for a special exception (1) to construct a pickleball court and a variance (1) to exceed maximum wall height permitted within the front yard setback, as part of a previously approved application for development of a residential estate. The Architectural Commission shall perform design review of the application.*[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 7-0.]* Pg. 309

d. **ZON-24-0063 (ARC-24-0106) 260 COLONIAL LN (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW.** The applicants, Thomas & Meredith Hunt, have filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review to permit the redevelopment of an existing nonconforming parcel of land in the R-B zoning district which is deficient in lot depth and lot area. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the February 12, 2025, Town Council meeting, pending Architectural design review.***

e. **ZON-24-0068 (ARC-24-0110) 233 OLEANDER AVE (COMBO) - VARIANCES.** The applicants, Kimmi & David Smick of CWI233 LLC, have filed an application requesting Town Council review and approval for two (2) variances to (1) revest existing nonconforming landscape open space and (2) to revest existing nonconforming perimeter landscape open space; resulting from the substantial improvement of more than 50% of the site. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project for Option 4. Carried 6-0.]* Pg. 313

f. **ZON-24-0069 343 EL BRAVO WAY – VARIANCE** The applicant, Hilarie L. Morgan as Trustee of The Mitchell and Hilarie Morgan Palm Beach Trust Dated May 21, 2007, has filed an application requesting Town Council review and approval of a variance to reconstruct a marine structure (dock) with a deficient Pg. 316

south side-setback.

g. **ZON-24-0071 (ARC-24-0118) 239 WORTH AVE (COMBO) VARIANCES AND SITE PLAN REVIEW.** The applicant, CSPB WORTH LLC, has filed an application requesting Town Council review and approval for Variances to reduce the required on-site parking for a retail addition, to exceed the maximum allowable lot coverage for a one-story commercial building, and to reduce the required overall landscape open space in order to construct a new one-story addition to the rear of an existing one-story commercial building in the C-WA district. The Architectural Commission shall perform design review of the application. Pg. 318

h. **ZON-24-0070 306 MADDOCK WAY – VARIANCE.** The applicant, Cecilia L. Kemble, has filed an application requesting Town Council review and approval of a variance to construct a boat dock that exceeds the maximum width permitted. Pg. 321

C. Time Extensions and Waivers

1. Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at **441 Seaview Ave.** Pg. 323
2. Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at **336 West Australian Ave.** Pg. 333
3. Requesting a Waiver of Town Code Section18-237, for Building Permit Extension at **224 S. Ocean Blvd.** ***[Received a two month extension at the November Town Council meeting. Returning to provide further information and request approval.]*** Pg. 344

XI. ORDINANCES

A. Second Reading

1. Proposed ordinance to amend the Town's Comprehensive Plan Pg. 350

ORDINANCE NO. 015-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives, And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

Procedures for Public Participation:

Note 1: **Live Stream audio:** To watch/listen live, visit the 'Public Meetings' webpage on the Town's website at www.townofpalmbeach.com and

select the "View Event" or "Click Here to Listen" button.

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

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

1. To make a virtual public comment, please register for the Microsoft Teams meeting. This link will be available prior to the meeting on the Public Meeting page or on the Town's calendar of events, which both can be found at townofpalmbeach.com.

2. Written public comment submittals should be sent to publiccomment@townofpalmbeach.com.

3. Direct written entry into the public meeting record through the eComment portal on the Public Meetings webpage.

4. Mail or in-person submittal of written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda
Consent Agenda

Agenda Title
RESOLUTION NO. 003-2025: 250 Algoma Rd. 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. 003-2025**
- **Photos of Completed Work**

TOWN OF PALM BEACH
Information for Town Council Meeting on: January 15, 2025

To: Mayor and Town Council

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

Re: Tax Abatement: 250 Algoma Road
Resolution No: 003-2025

Date: December 19, 2025

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 003-2025, granting Tax Abatement to the property at 250 Algoma Road.

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.

   250 Algoma Road was designated as a Landmark of the Town of Palm Beach on February 9, 2002.

   The Landmark Preservation Commission (LPC) approved the Tax Abatement Application in 2021. The improvements to the property included the rehabilitation of the historic structure and the construction of 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 $1,452,463. The Palm Beach County Property Appraiser will determine the value of the tax abatement using its own methodology.

TOWN ATTORNEY REVIEW

Resolution No. 003-2025 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. 003-2025

250 Algoma Road

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 Cortright Wetherill, Jr. and Janice Wetherill and is located at 250 Algoma Road, Palm Beach, Florida. The property is legally described as follows:

Tax Folio Number:	50-43-43-35-00-002-0340
Legal Description:	35-43-43,W 134.80 FT OF ELY 854.78 FT OF NLY 166.6 FT OF S 1935.25 FT OF GOV LT 2 W OF OCEAN BLVD

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 15th day of January 2025.

_____	_____
Danielle H. Moore, Mayor	Bobbie D. Lindsay, Town Council President
	_____
	Lew Crampton, Town Council President Pro Tem
	_____
ATTEST:	Julie Araskog, Town Council Member
	_____
	Edward Cooney, Town Council Member
_____	_____
Kelly Churney, Town Clerk	Bridget Moran, Town Council Member

250 Algoma Road
Completed Work Photographs

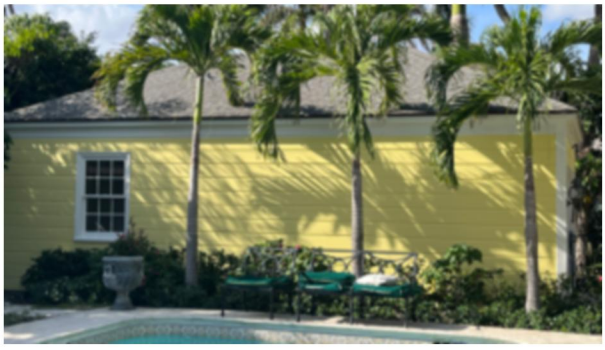
250 Algoma Road
Completed Work Photographs

South Facade

North Façade of Addition

South Façade of Addition

Accessory Structure



Garage Structure

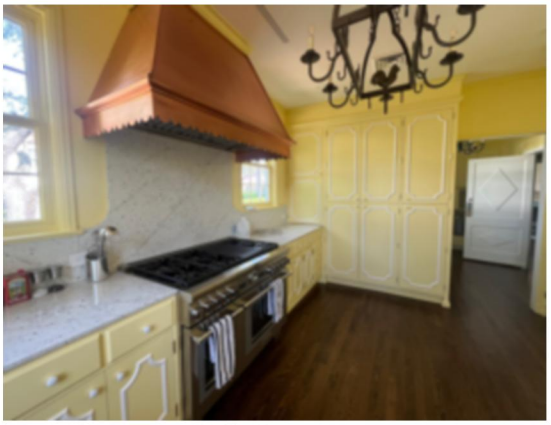
250 Algoma Road
Completed Work Photographs

Interior Photographs

Fireplace & Built-in Bookcases

Built-in Bar

Bedroom Addition



Kitchen

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda
Regular Business

Agenda Title
Further Discussion Regarding Construction that Deviates from Approved Permit Plans

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 15, 2025

To: Mayor and Town Council

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

Cc: Kirk Blouin, Town Manager & James Murphy, Asst. Director of PZB

Re: Construction That Deviates From The Approved Permit Plans – Round Two

Date: December 13, 2024

DISCUSSION:

One of the continuing and problematic issues for the Planning, Zoning & Building Department occurs when a construction project deviates from the approved design plan. Arcom and Landmarks often spend a great deal of time and effort to approve construction projects, many times with significant neighbor input. Projects are approved and permitted with specific plans. But the owners often deviate from the approved plans and install unapproved and unpermitted features or exceed the scope of the approved work. Often these deviations are not noticed until it is after the fact or at the end of the project (if the owner or contractor are using private providers) when the now-mandatory design inspections are called for. The unapproved and unpermitted work creates the need for further design review by staff, involvement with the Chairs of Arcom or Landmarks, and sometimes by the full design Commissions. Staff cannot issue the final inspections and the certificate of occupancy until the Town formally approves the deviations. At times even zoning variances are required at the end of a project for height or setback encroachments resulting from the unpermitted construction work.

Most of the these “After the Fact” approvals relate to the placement of mechanical equipment, site walls, screening walls around equipment, pool and water feature locations, changes to roofs, changes to windows and doors, driveway materials and layout, and building and structure setbacks.

Staff has tried various remedies to stop these unapproved construction projects without much success. Contractors often cave to the pressure of an owner’s request to make a construction change without going through the proper zoning and design review process. Private providers generally inspect to code but do not hold their clients to strict plan compliance. Arcom, Landmarks and Town Council have all seen these types of projects over the past several years. Currently there is no penalty for these deviations, only a delay in obtaining a final inspection or certificate of occupancy.

During a recent staff discussion, the concept of making construction that deviates from the approved permit plans a “Strike” under the “3 Strike” program. The idea would be once our inspection staff determines that a portion of the project was built in violation of the approved permit set of plans, that a “strike” would be issued. The “3 Strike” program has proven to be a very effective tool at controlling construction site problems, as no contractor or owner would want their project shut down for a period of time and require Town Council relief to restart the project.

At your Development Review Meeting on December 11, 2024 Town Council discussed this matter and requested staff to return with more options to address this problem. Options include, but are not limited to:

- Making After the Fact situations, once discovered, a single “Strike” under the “3 Strike” Program.
- Mandating the immediate removal of any discovered unpermitted construction.
- Mandating a visit to the Town Council for their consideration of whether the After the Fact construction can move forward to either Arcom or LPC.
- Penalty fees (double fees) charged on any and every required application.
- Automatic “3 Strikes” immediately upon discovery and all work stops until adjudicated by the Town Council.
- Automatic 300’ mailing notice to neighbors of the unpermitted work.
- Complete work stoppage on the entire project upon discovery.
- No ability of staff to issue a Temporary Certificate of Occupancy until the unpermitted work is resolved.
- Any combination of the above options.

This matter is before you again for discussion and consideration. Staff will draft any ordinance or resolution required to implement the new regulations once the options are considered and determined by the Town Council.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda
Regular Business

Agenda Title
Code Review Update

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Draft Schedule for Code Review 2025 - 2026**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2025

To: Mayor and Town Council

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

Cc: Kirk Blouin, Town Manager

Re: PZB Proposed Project Timeline for Code Review

Date: January 2, 2025

GENERAL INFORMATION

The attached proposed project timeline for Code Review has a tentative date of adoption in April 2026. The timeline is fluid in that the sequence of Articles for review can be modified. In the coming month, staff assignments will be made and work will commence. Each of the Articles will be presented in strike-through and underline for Planning and Zoning review and ultimately Town Council consideration and adoption.

BACKGROUND

At the December 11, 2024 Town Council meeting, the Town Council supported the recommendation of the Planning and Zoning Commission for staff to take the lead on Code Review going forward. The subject project timeline will be presented to the Planning and Zoning Commission at their January 7, 2025 meeting. Any changes made at that meeting will be delivered to the Town Council on January 14, 2025.

WRB: JHD

Attachments: ToPB Zoning Code *Proposed* Update 2025-2026 Project Timeline

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

Town of Palm Beach – Zoning Code Update

2025-2026 Project Timeline

DRAFT

Article	Staff assigned	2025												2026			
		Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April
ARTICLE IV – RESIDENTIAL DISTRICTS		STAFF REVIEW															
					PZC REVIEW												
ARTICLE I – INTRODUCTION AND USE OF THE ZONING CODE **ARTICLE II – GLOSSARY OF TERMS AND** **ARTICLE III – SITE PLAN REVIEW**		STAFF REVIEW															
							PZC REVIEW										
ARTICLE IV- COMMERCIAL AND MIXED-USE DISTRICTS **ARTICLE IV- PUBLIC, RECREATION, AND OPEN SPACE DISTRICTS**		STAFF REVIEW															
								PZC REVIEW									
ARTICLE V – GENERAL APPLICABLE REGULATIONS (PARKING, LOADING, AND SIGNS)		STAFF REVIEW															
										PZC REVIEW							

Article	Staff assigned	2025												2026			
		Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April
ARTICLE VI – ADMINISTRATION AND PROCEDURES **(VARIANCES, FLOODPLAIN VARIANCES AND MAP AND TEXT AMENDMENTS)**		STAFF REVIEW															
											PZC REVIEW						
ARTICLE VII - SUPPLEMENTARY DISTRICT REGULATIONS		STAFF REVIEW															
													PZC REVIEW				
COMPLETE UPDATED ZONING CODE										STAFF PREPARATION							
														P&Z COMMISSION			
															TOWN COUNCIL FIRST READING		
																TOWN COUNCIL ADOPTION HEARING	

Notes: Staff to go through the comments sent to Sean for each of the Articles
Strike-through and underline will be provided for each Article

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 002-2025: A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Revised Interlocal Agreement With The School Board Of Palm Beach County And Each Of Participating Municipalities Of Palm Beach County To Facilitate Coordination In The Planning Of Public Schools

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Resolution No. 002-2025**
- **Interlocal Agreement - PBC/Municipalities of PBC for Coordinated Planning**
- **List of Municipalities that have Adopted this Interlocal Agreement**
- **Interlocal Agreement - Approval Status Table**

TOWN OF PALM BEACH
Information for Town Council Meeting on: January 15, 2025

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

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

Re: Interlocal Agreement between the Town of Palm Beach and the Palm Beach School Board regarding coordinated school planning.
Resolution No. 002-2025

Date: December 27, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the resolution accepting the findings of lnterlocal Agreement (ILA) between the Board of County Commissioners (BCC) of Palm Beach County and the School Board of Palm Beach County for coordinated school planning.

GENERAL INFORMATION

Florida law requires Palm Beach County and all but a few exempt municipalities to enter into an interlocal agreement with the School District to establish coordinated planning processes. As such, the School Board, the Board of County Commissioners, and the League of Cities agreed to develop the attached "Interlocal Agreement between the School Board of Palm Beach County, Palm Beach County, and the Municipalities of Palm Beach County for Coordinated Planning". The Florida Statute requires coordinated planning through an lnterlocal Agreement (ILA) between the School Board and applicable local governments. Palm Beach County met the requirements of the Statutes through a School Concurrency ILA in 2001. The ILA expired in 2011. That same year, the Legislature made school concurrency optional and greatly compromised its effectiveness by requiring proportionate share agreements from developers to satisfy concurrency. A revised ILA was completed by a subcommittee of the Intergovernmental Plan Amendment Review Committee (IPARC) comprised of County, Municipal, and School Board staff and adopted by the School Board on August 19, 2015.

During the Evaluation and Appraisal Review of the 2024 Comprehensive Plan, it was discovered that the Town had not signed onto the Interlocal Agreement, which is provided for each participating municipality in Exhibit A of the subject Interlocal Agreement.

COMPREHENSIVE PLAN

The subject ILA will implement the proposed comprehensive Intergovernmental Coordination Policy 8.8 which reads as follows:

> POLICY ~~2.2.1:~~**8.8**
>
> ~~As required, the~~ **The** Town ~~of Palm Beach~~ will ~~abide~~ **adopt** ~~by~~ the "Interlocal Agreement between the School District of Palm Beach County, Palm Beach County and the Municipalities of Palm Beach County for Coordinated Planning" (the 2016 Interlocal Agreement), consistent with ~~F.S.~~**§**163.3177(6)(h)(1), Fla. Stat., and (2) and ~~F.S.~~ §163.3180 ~~F.S~~ **Fla. Stat.**

Upon adoption of the Interlocal Agreement, the policy will be amended to reflect compliance.

TOWN ATTORNEY REVIEW

Resolution No.002-2024 has been reviewed and approved for legal form and sufficiency.

WRB: JHD

Attachments: Resolution No. 002-2024
Interlocal Agreement between The School Board of Palm Beach County, Palm Beach County, and the Municipalities of Palm Beach County for Coordinated Planning
Approval Status of Participating Municipalities as of July 2024
List of Municipalities with Adopted ILA as of February 2024

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

RESOLUTION NO. 002-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A REVISED INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF PALM BEACH COUNTY AND EACH OF PARTICIPATING MUNICIPALITIES OF PALM BEACH COUNTY TO FACILITATE COORDINATION IN THE PLANNING OF PUBLIC SCHOOLS

WHEREAS, the Town of Palm Beach, Florida (Town) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes (F.S.); and,

WHEREAS, Section 163.01, F.S. permits local governments to make the most efficient use of their powers by enabling them to cooperate with one another on a basis of mutual advantage by providing services and facilities that will be mutually beneficial to the local communities; and,

WHEREAS, pursuant to Section 163.01, F.S., the Town has previously entered into an Interlocal Agreement with The School Board of Palm Beach County and each of participating municipalities of Palm Beach County to facilitate the coordinated planning of public schools; and,

WHEREAS, the initial Interlocal Agreement between the municipalities, Palm Beach County and the School Board expired in 2011 and the School Board and Palm Beach County have proposed a new Interlocal Agreement with the School Board to facilitate coordination in the planning of public schools; and,

WHEREAS, the Town Manager recommends to the Town Council that the Town enter into a revised Interlocal Agreement with the School Board to facilitate coordination in the planning of public schools; and,

WHEREAS, the Town Council has determined that it is in the best interest of the Town to adopt the Interlocal Agreement.

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

Section 1. The whereas clauses are hereby incorporated herein and are true and correct.

Section 2. The Mayor is hereby directed and authorized to execute the Participation Agreement to the Interlocal Agreement, a copy of which is attached hereto as Exhibit “A” and made a part hereof.

Section 3. This Resolution shall take effect immediately upon its execution.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this *15th* day of *January 2025*.

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

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Palm Beach County, Florida
Sharon R. Bock,CLERK & COMPTROLLER
Pgs 1179 - 1220; (42pgs)

INTERLOCAL AGREEMENT

between

THE SCHOOL BOARD OF PALM BEACH COUNTY,

PALM BEACH COUNTY,

and

MUNICIPALITIES OF PALM BEACH COUNTY

for

COORDINATED PLANNING

TABLE OF CONTENTS

I. DEFINITIONS 3

II. CAPITAL IMPROVEMENT PLAN 5

A. School Board's Five-Year Capital Facilities Plan 5

B. Ten- and Twenty-Year Work Plan 6

C. Transmittal 6

D. Final Adoption 6

E. Material Amendment to the School Board's Five-Year Capital Facilities Plan 7

III. COMPREHENSIVE PLAN AMENDMENTS 8

A. Process for Development and Incorporation of Capital Improvements Element 8

B. Intergovernmental Coordination Element 8

C. School District Participation on Local Planning Agencies 8

IV. COORDINATED PLANNING 9

A. The Coordination of Planning and Sharing of Information 9

B. Population Projections 9

C. Local Government Data Collection 10

D. Multiplier Publication 10

E. Proposals for Development, Redevelopment, School Closures and Infrastructure Required to Support Public School Facilities 11

F. School Siting and Site Planning 11

G. School Capacity Availability Determination 16

V. SPECIAL PROVISIONS 17

A. School District Requirements 17

B. Land Use Authority 18

C. Specific Performance 18

VI. MEDIATION OF DISPUTES 18

VII. ACTS OF GOD AND OTHER EXIGENT CIRCUMSTANCES BEYOND THE CONTROL OF THE SCHOOL BOARD 19

VIII. STANDING AND THIRD PARTY BENEFICIARY RIGHTS 20

IX. AMENDMENT, WITHDRAWAL AND TERMINATION 20

A. Amending the Agreement 20

B. Withdrawal from Agreement 20

C. Additional Participants 20

X. TERM OF THE AGREEMENT 20

XI. INDEMNIFICATION OF PARTIES 21

A. Hold Harmless 21

B. Third Party Claims 21

XII. MULTIPLE ORIGINALS 21

XIII. EFFECTIVE DATE OF AGREEMENT 22

A. Effective Immediately 22

EXHIBITS

EXHIBIT A **Participation Agreement**

EXHIBIT B **Form 1: Approved Future Land Use Amendments**

EXHIBIT C **Form 2: Summary of Approved Development Orders**

R2015 1864

INTERLOCAL AGREEMENT DEC 15 2015
between
THE SCHOOL BOARD OF PALM BEACH COUNTY,
PALM BEACH COUNTY,
and
MUNICIPALITIES OF PALM BEACH COUNTY
for
COORDINATED PLANNING

An Interlocal Agreement between PALM BEACH COUNTY (hereafter referred to as the "COUNTY"), operating through its BOARD OF COUNTY COMMISSIONERS; those municipalities who have executed this Agreement (hereafter referred to singly as "MUNICIPALITY" or collectively as "MUNICIPALITIES"); and THE SCHOOL BOARD OF PALM BEACH COUNTY (hereafter referred to as the "SCHOOL BOARD"), operating through the SCHOOL DISTRICT OF PALM BEACH COUNTY (hereafter referred to as the "SCHOOL DISTRICT");

WHEREAS, Section 163.01, Florida Statutes, enables local governments to cooperate with other local governments and public agencies, including school boards, to provide services and facilities on a basis of mutual advantage, and to enter into an Interlocal Agreement; and

WHEREAS, the COUNTY, the MUNICIPALITIES and the SCHOOL BOARD have determined that the safe, convenient, orderly and adequate provision of public school facilities is essential to the health, safety, and general welfare of the citizens of Palm Beach County; and

WHEREAS, in order to provide adequate public school facilities in a timely manner and at appropriate locations, the COUNTY, the MUNICIPALITIES and SCHOOL BOARD have further determined that it is necessary and appropriate for the entities to cooperate with each other to maintain adequate capacity and to provide capacity for projected new growth; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act requires the COUNTY and the MUNICIPALITIES to adopt comprehensive plans to guide and control future development; and

WHEREAS, Article IX, Sections 1 and 4 of the Florida Constitution require a uniform system of free public schools on a county-wide basis, and provide that each county shall constitute a SCHOOL DISTRICT subject to supervision by the State Board of Education as provided by general law; and

WHEREAS, Section 1013.33, Florida Statutes, requires the coordination of planning between school boards and local governments to ensure that the plans for the construction and opening of public educational facilities are coordinated in time and place with plans for residential development; and

WHEREAS, Section 1013.33, Florida Statutes, requires the general location of educational facilities to be consistent with the COUNTY'S and the MUNICIPALITIES' Comprehensive Plans; and

WHEREAS, Section 1013.33, Florida Statutes, requires the SCHOOL BOARD to submit plans for public educational facilities to the COUNTY and the MUNICIPALITIES and requires each local jurisdiction to determine the consistency of the plans with the effective Comprehensive Plan and applicable land development regulations; and

WHEREAS, Section 163.3177(6)(h), Florida Statutes, requires the COUNTY and the MUNICIPALITIES to coordinate the adopted local comprehensive plans with each other and the plans of the SCHOOL BOARD; and

WHEREAS, Sections 163.3177(6)(h)1 and 163.3177(6)(h)2, Florida Statutes, require an intergovernmental coordination element showing relationships and stating principles and

guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require; and

WHEREAS, the intergovernmental coordination element must describe joint processes for collaborative planning and decision making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

NOW, THEREFORE, in order to accomplish these goals and purposes, and in consideration of the mutual obligations and benefits the COUNTY, the MUNICIPALITIES and the SCHOOL BOARD (hereafter referred to collectively as "PARTIES") hereby enter into this Agreement.

I. DEFINITIONS

Capacity Projects - New school construction or any project that adds necessary improvements to accommodate additional permanent student stations or core facilities needed for the educational program of each type of school based on the State Requirements for Educational Facilities (SREF).

Consistency - The condition of not being in conflict with and in furtherance of the goals, objectives and policies of the Comprehensive Plan Elements and this Agreement.

Educational Facilities - The buildings, equipment, structures, and special educational use areas that are built, installed, or established to serve educational purposes only.

Educational Plant Survey - A systematic study of educational and ancillary plants and the determination of future needs to provide appropriate educational programs and services for each student.

First FTE Student Count - A first semester count of all "full time equivalent" students. The date of the first FTE count is determined by the Florida Department of Education each school year, pursuant to Chapter 1011.62, Florida Statutes.

Five-Year Work Plan - The School Board of Palm Beach County Five-Year District Facilities Work Program adopted pursuant to Section 1013.35, Florida Statutes.

Florida Inventory of School Houses (FISH) - A report of the capacity of existing facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on using a percentage of the number of existing satisfactory student stations and a designated size for each program. FISH capacity includes modular capacity in Palm Beach County.

Intergovernmental Plan Amendment Review Committee (IPARC) - The interlocal committee, established through the "Comprehensive Plan Amendment Coordinated Review Interlocal Agreement" dated October 1, 1993, which coordinates comprehensive plan amendment review.

Local Governments - PALM BEACH COUNTY and the participating MUNICIPALITIES.

Permanent Student Station - The floor area in a public school facility required to house a student in an instructional program.

Residential Development - Any development that is comprised, in whole or part, of dwelling units for permanent human habitation.

School Board Five-Year Capital Facilities Plan - The SCHOOL BOARD OF PALM BEACH COUNTY Five-Year Work Plan and Capital Budget as authorized by Section 1013.35, Florida Statutes.

School Board of Palm Beach County Five-Year Capital Improvement Schedule - A Table of expenditures and revenues summarizing capital and non-capital projects.

Significant Renovation – Renovation or construction on existing school sites, which results in a greater than 5 percent increase in student capacity (FISH).

II. CAPITAL IMPROVEMENT PLAN

A. SCHOOL BOARD'S Five-Year Capital Facilities Plan

1. On or before September 30th of each year, the SCHOOL BOARD shall adopt and update the SCHOOL DISTRICT'S Five-Year Capital Facilities Plan for public schools in PALM BEACH COUNTY.

2. The SCHOOL BOARD'S Five-Year Capital Facilities Plan shall specify all new construction, remodeling or renovation projects which will add permanent FISH capacity or modernize existing facilities.

3. The SCHOOL BOARD'S Five-Year Capital Facilities Plan and each annual update shall include a description of each school project, the amount of money to be spent in each fiscal year for the planning, preparation, land acquisition, and actual construction and renovation of each school project which adds FISH capacity or modernizes existing facilities; the amount of FISH capacity added, if any; and a generalized location map for schools depicted in the SCHOOL BOARD'S Five-Year Capital Facilities Plan consistent with the SCHOOL

BOARD'S current Educational Plant Survey and with the Future Land Use Elements of each MUNICIPALITY'S Comprehensive Plan and the COUNTY'S Comprehensive Plan.

4. The SCHOOL BOARD'S Five-Year Capital Facilities Plan and each annual update shall identify the projected enrollment, capacity and utilization percentage of all schools of each type for each year of the Plan. The SCHOOL BOARD shall annually update the Five Year Capital Improvement Schedule when updating the SCHOOL DISTRICT'S Five-Year Capital Facilities Plan.

5. The SCHOOL BOARD shall initiate the necessary program and/or boundary adjustments to reflect the new capacity for the schools that are scheduled to be constructed and opened for each year of the SCHOOL DISTRICT'S Five-Year Capital Facilities Plan.

B. Ten- and Twenty-Year Work Plan

In addition to the adopted SCHOOL BOARD'S Five-Year Capital Facilities Plan, the SCHOOL BOARD shall annually adopt a 10-year and a 20-year Work Plan based upon enrollment projections and facility needs for the 10-year and 20-year periods. It is recognized that the projections in the 10- and 20-year time frames are tentative and should be used only for general planning purposes.

C. Transmittal

The SCHOOL DISTRICT shall transmit electronically or via posting on its website the proposed SCHOOL BOARD'S Five-Year Capital Facilities Plan along with data and analysis to the MUNICIPALITIES and COUNTY on or before July 1st of each year commencing after the effective date of this Agreement.

D. Final Adoption

Unless it is delayed by mediation or a lawful challenge, the SCHOOL BOARD

shall adopt the SCHOOL DISTRICT'S Five-Year Capital Facilities Plan and it shall become effective no later than September 30th of each year.

E. Material Amendment to the School District's Five-Year Capital Facilities Plan

1. The SCHOOL BOARD shall not amend the SCHOOL DISTRICT's Capital Facilities Plan so as to modify, delay or delete any capacity addition project in the first three years of the Program unless the SCHOOL BOARD determines by written findings, with the concurrence of at least five Board members the following:

(a) That the modification, delay or deletion of a project is required in order to meet the SCHOOL BOARD'S constitutional obligation to provide a county-wide uniform system of free public schools or other legal obligations imposed by state or federal law, or

(b) That the modification, delay or deletion of a project is occasioned by unanticipated change in population projections or growth patterns or is required in order to provide needed capacity in a location that has a current greater need than the originally planned location; or

(c) At the request of one of the parties to this agreement, the project schedule or scope has been modified to address local government concerns, or non-capacity projects deferred for financial reasons.

III. COMPREHENSIVE PLAN AMENDMENTS

A. Process for Development and Incorporation of Capital Improvements Element

1. No later than thirty days after the SCHOOL BOARD adopts the Five-Year Capital Facilities Plan, annual updates, or any material amendment thereto, the SCHOOL DISTRICT shall post the same onto the SCHOOL DISTRICT website and provide notice to the COUNTY and MUNICIPALITIES. The COUNTY and MUNICIPALITIES shall in turn incorporate the same into the Capital Improvements Element of their Comprehensive Plans.

2. The COUNTY and MUNICIPALITIES, by incorporating "The School District of Palm Beach County Five Year Capital Improvement Schedule," annual updates, and any material amendment thereto in their respective Comprehensive Plans, shall have no obligation or responsibility for funding the SCHOOL BOARD'S Five-Year Capital Facilities Plan annual updates, and any material amendment thereto.

B. Intergovernmental Coordination Element

The process for the development, adoption, and amendment of the Intergovernmental Coordination Element shall be that set forth in Section 1013.33, Florida Statutes.

C. School District Participation on Local Planning Agencies

The Local Planning Agency or the equivalent agency of the COUNTY and each MUNICIPALITY shall include a member of the SCHOOL DISTRICT, appointed by the SCHOOL BOARD, to serve as a nonvoting member. The SCHOOL DISTRICT representative may attend any or all meetings at which the agency will consider a comprehensive plan amendment which would, if approved, increase residential density of the property that is the subject of the application. This subsection does not prevent a Local Government from granting voting member status to the SCHOOL DISTRICT representative. Participation as a non-voting member may also

be satisfied by the School District representative submitting a letter with comments and recommendations after review of the proposed amendment.

IV. COORDINATED PLANNING

A. The Coordination of Planning and Sharing of Information

The PARTIES recognize that sound planning for both educational facilities and student growth emanating from existing development, redevelopment, and new development of residential property requires adequate and accurate data and information and that effective coordination of these two planning functions requires that all of the PARTIES have access to and utilize the same data and information. Accordingly, the COUNTY, the MUNICIPALITIES, and the SCHOOL DISTRICT agree to share and coordinate information relating to existing and planned public school facilities, proposals for development and redevelopment, infrastructure required to support public school facilities, and population projections, including student population projections, which are utilized and relied on by the PARTIES for planning purposes. Where practicable, the PARTIES shall endeavor to utilize electronic media to share data and information contemplated in this Section IV by posting such data and information on their respective websites, participating in electronic message boards, or otherwise utilizing emerging electronic communications media that may become available during the term of this Agreement.

B. Population Projections

Using the Cohort Survival Forecasting Methodology as the foundation, the SCHOOL DISTRICT shall annually prepare five-year enrollment projections by school, using the following data sources as inputs or checks on reasonableness:

1. Input on future or active residential developments from local municipal and COUNTY planning departments, developers and their agents;

2. Input from the Intergovernmental Plan Amendment Review Committee (IPARC);
3. Birth data by month;
4. 11th day (count day), October and February's FTE student counts;
5. Information on existing and planned charter schools, including enrollment estimates and targets;
6. State Department of Education annual Capital Outlay Full Time Equivalent (COFTE) enrollment projections;
7. Bureau of Economic & Business Research (BEBR) annual age-group population projections;
8. US Census and American Community Survey data.

C. Local Government Data Collection

On April 15th and October 15th of each year, the Local Governments shall provide the SCHOOL DISTRICT with the information electronically regarding the Certificates of Occupancy issued for new residential units. The April 15th Report shall include Certificates of Occupancy data from October 1st through March 31st and the October 15th Report from April 1st through September 30th. Local Governments shall also provide electronically data of approved future land use amendments and approved development orders in accordance with the schedule provided on the electronic forms contained in Exhibit B and Exhibit C. The actual students generated from new residential units will be used in the data and analysis for the annual update of the SCHOOL DISTRICT's Five-Year Capital Facilities Plan.

D. Multiplier Publication

The multipliers adopted by the SCHOOL DISTRICT will be used for the term of this Agreement to determine the number of elementary, middle and high school students, based on

the number and type of residential units from the proposed development. These multipliers must be supported by data and analysis based on existing enrollment for each type of residential unit. Multipliers will be updated based on the recommendation from SCHOOL DISTRICT staff.

E. Proposals for Development, Redevelopment, School Closures and Infrastructure Required to Support Public School Facilities

1. On or before January 1st of each year, for the SCHOOL DISTRICT's consideration and utilization in preparing its annual update of the SCHOOL DISTRICT's Five-Year Capital Facilities Plan the COUNTY and the MUNICIPALITIES shall provide to the SCHOOL DISTRICT a report setting forth the COUNTY'S and the MUNICIPALITIES' respective projections for development, and redevelopment, in the forthcoming year. In addition, before January 1st of each year, the COUNTY and the MUNICIPALITIES shall provide to the SCHOOL DISTRICT a copy of any amendments to their respective capital improvement elements.

2. The SCHOOL BOARD and the affected Local Government shall jointly determine the need for off-site improvements necessary to support a new school or proposed significant renovation of an existing school.

3. Prior to closing or declaring school properties as surplus, the SCHOOL BOARD shall notify the affected Local Government. Prior to taking final action on a school closure or declaring a property surplus, the Local Government shall have 30 days to comment on the proposed action. The SCHOOL BOARD shall take into account the Local Government's comments on the proposed school closure or declaring a property as surplus prior to taking formal action.

F. School Siting and Site Planning

1. Unless a Local Government has or does enter into a separate Interlocal Agreement relating to school siting and site planning, the following provisions shall be followed in

school siting and site planning decisions. If a separate Interlocal Agreement that addresses school siting and site planning is in effect, the provisions of that Agreement shall control and this Section IV.F. shall not be applicable between those parties.

2. The SCHOOL DISTRICT shall coordinate planning and site location of educational facilities with each MUNICIPALITY and the COUNTY in which a school site is proposed for construction or site acquisition within the SCHOOL DISTRICT's Five-Year Capital Facilities Plan in accordance with Chapters 1013 and 163 of the Florida Statutes. This process shall assist in determining possible sites for the proposed schools and the consistency with the Comprehensive Plan, applicable land development regulations, the necessary existing or planned infrastructure, and coordination of public facilities such as parks, libraries, and community centers.

3. Not less than ninety days prior to adoption of the initial Five-Year Capital Facilities Plan and any amendments or yearly updates, the SCHOOL DISTRICT shall coordinate with the COUNTY and each MUNICIPALITY in which a school is proposed for construction or expansion under the proposed plan to determine the consistency of one or more proposed sites with the Local Government's comprehensive plan and the availability of necessary or planned infrastructure and to coordinate the proposed location with public facilities such as parks, libraries and community centers. Alternative sites may be proposed by the Local Government for consideration by the SCHOOL DISTRICT.

4. At least sixty days prior to acquiring or leasing any property that may be used for a school site, the SCHOOL DISTRICT shall provide written notice of the proposed acquisition to the Local Government in whose jurisdiction the proposed site is located. This written notice from the SCHOOL DISTRICT shall include a school site acquisition form, aerial map, location map and proposed acquisition and construction completion schedule. As quickly as possible but no later than 45 days from receipt of this notice, the Local Government shall notify the SCHOOL DISTRICT if the proposed site is consistent with the land use categories and policies of the Local Government's comprehensive plan and zoning district and provide comments regarding the feasibility of each of the sites submitted by the SCHOOL DISTRICT. These comments should address the availability of necessary and planned infrastructure and the collocation of the proposed school facility with other public facilities such as parks, libraries and community centers. The SCHOOL DISTRICT shall include these comments in their rating system to determine the best overall site for acquisition.

5. The site plan review process for a new SCHOOL BOARD owned public educational facility or significant renovation to an existing SCHOOL BOARD owned public educational facility shall consist of the following:

(a) It is the SCHOOL DISTRICT'S intent to work cooperatively with Local Governments regarding the construction of educational facilities;

(b) SCHOOL DISTRICT staff shall meet with Local Government representatives in a collaborative effort to discuss potential or proposed school construction projects prior to any submittal to the Local Government;

(c) Local Government's comments and input will be carefully considered and incorporated, on the site plan prior to formal submittal;

(d) Staff will discuss projects with the Local Government in an effort to keep them apprised of the project's particulars and the fact that proposed site and education facilities shall, at a minimum, meet the State Requirements for Educational Facilities (SREF).

(e) SCHOOL DISTRICT shall submit a written request for review of the proposed site plan and determination of consistency with the Local Government's comprehensive plan and applicable land development regulations at least 90 days prior to letting of contract for construction.

(f) Collaboration and coordination between the Local Government and the SCHOOL DISTRICT is necessary to ensure that a school is opened on schedule to accommodate the students;

(g) The maximum review process from the Local Government shall be up to and no more than 90 days, and thus an expeditious review shall be implemented;

(h) The Local Government shall not charge an application or plan review fee for site plan consistency review;

(i) If a written determination as to consistency from the Local Government has not been received within ninety days after initial submittal, the Local Government shall have waived its right to comment on the SCHOOL DISTRICT's site plan;

(j) The PARTIES agree that the following criteria shall be applied in evaluating the site plan:

(1) The Local Government shall not condition or deny the site plan based on adequacy as it relates solely to the needs of the school. If the site location is consistent

with the Local Government's land use policies and categories in which public schools are identified as allowable uses, the Local Government may not deny the application but it may impose reasonable development standards and conditions to address applicable Land Development Regulations (LDRs), environmental concerns, health, safety and welfare, and effects on adjacent property provided they do not conflict with the State Uniform Building Code or the State Requirements for Educational Facilities (SREF). For significant renovation to an existing school the development standards and conditions shall apply only to the expansion. Standards and conditions may not be imposed which conflict with those established in Chapter 1013 of the Florida Statutes or the Florida Building Code unless listed in Section IV.F.(5)(j)(2) and (3) of this Agreement.

(2) The site plan shall provide sufficient space to meet on-site parking as required by SREF. The SCHOOL DISTRICT and Local Governments will coordinate design of on-site traffic circulation to satisfy current and projected site generated vehicular demand.

(3) Although SCHOOL DISTRICT schools are exempt from local landscaping requirements in accord with Florida Statutes 1013.64(5)(a), in order to enhance territorial integrity, define public and private areas, enhance access control, and mitigate off-site impacts, the school site perimeter adjacent to public roadways and residentially zoned property will be landscaped with canopy trees planted at 25 feet on center and ground cover or hedge clustered at various locations around or between trees at a quantity of 36 inches on center. Perimeter trees may be clustered if desired by the Local Government. Credit will be given for existing trees on site that are preserved.

The hedge or groundcover shall be a low maintenance species, preferably native or adapted, and with a mature height of 18 inches and shall be maintained at that height. Trees shall be of a low maintenance species, preferably native or adapted, and shall be at

least 10 to 12 feet tall with a 5 foot canopy spread at the time of planting, and shall be allowed to grow naturally but may be kept clear of low branches. Chain link fencing up to a height of 8 feet may be placed on the perimeter of the school property and shall be black or green vinyl coated when located along public roadway frontages. If desired by Local Government, credits will be given for existing landscape that is preserved.

(k) Nothing herein shall preclude the SCHOOL DISTRICT and the Local Government from developing alternative development standards based on mutually acceptable performance criteria that would meet the intent of the provisions listed above.

G. School Capacity Availability Determination

1. Each Local Government shall submit to the SCHOOL DISTRICT at least 30 days prior to its transmittal hearing an executive summary of any Comprehensive Plan amendment to the Future Land Use Element or rezoning that modifies or adds any residential designation or increase in residential density along with a copy of the plan amendment or rezoning and supporting material and the date, time, and place of the transmittal hearing or any public hearing.

2. The SCHOOL DISTRICT shall review the information submitted and shall evaluate the impact of the proposed Comprehensive Plan amendment or rezoning on the Public School Facilities Plan, the consistency of the proposed Plan amendment or rezoning with the SCHOOL DISTRICT's Five-Year Capital Facilities Plan, the impact on public schools, and the projected timing and delivery of public school facilities to serve any residential development authorized by the Plan Amendment or rezoning.

3. Within 20 days of receipt, the SCHOOL DISTRICT shall submit to the appropriate Local Government a school capacity availability determination setting forth the findings

and recommendations of the SCHOOL DISTRICT, and specifically setting forth the capacity, or lack thereof, of existing facilities or planned facilities in the current SCHOOL DISTRICT Capital Facilities Program Plan to serve additional students. Should the proposed amendment or rezoning negatively impact the public school system, the SCHOOL DISTRICT staff may recommend reasonable conditions to mitigate such impacts, and these conditions shall be included in the Local Government staff report or equivalent document to be considered by the Local Government in reviewing the proposed amendment or rezoning. The Local Government, in its sole discretion, may incorporate such conditions as it deems appropriate.

V. SPECIAL PROVISIONS

A. SCHOOL DISTRICT Requirements

The PARTIES acknowledge and agree that the SCHOOL BOARD is or may be subject to the requirements of the Florida and United States Constitutions and other state or federal statutes regarding the operation of the public school system. Accordingly, the PARTIES agree that this Agreement is not intended, and will not be construed, to interfere with, hinder, or obstruct in any manner, the SCHOOL BOARD's constitutional and statutory obligation to provide a uniform system of free public schools on a county-wide basis or to require the SCHOOL DISTRICT to confer with or obtain the consent of the COUNTY or the MUNICIPALITIES, as to whether that obligation has been satisfied. Further, the COUNTY, the MUNICIPALITIES and the SCHOOL BOARD agree that this Agreement is not intended and will not be construed to impose any duty or obligation on the COUNTY or MUNICIPALITY for the SCHOOL BOARD's constitutional or statutory obligation. The COUNTY and the MUNICIPALITIES also acknowledge that the SCHOOL BOARD's obligations under this Agreement may be superseded by state or federal court orders or other state or federal legal mandates.

B. Land Use Authority

The PARTIES specifically acknowledge that each Local Government is responsible for approving or denying comprehensive plan amendments and development orders within its own jurisdiction. Nothing herein represents or authorizes a transfer of this authority to any other party.

C. Specific Performance

The COUNTY, the MUNICIPALITIES and the SCHOOL BOARD shall have the right to petition the Circuit Court for the Fifteenth Judicial Circuit for the State of Florida for specific performance of any and all of the provisions of this Agreement.

VI. MEDIATION OF DISPUTES

The PARTIES acknowledge that the intergovernmental coordination provisions of Section 163.3177(6)(h), Florida Statutes, may not eliminate all disputes between the PARTIES to this Agreement and such disputes may affect the SCHOOL BOARD and the land use planning authority of the COUNTY and the MUNICIPALITIES. In the case of the negotiation, adoption, and implementation of any provision of this Interlocal Agreement and amendments thereto, COUNTY, MUNCIPALITIES, and the SCHOOL BOARD agree that the PARTIES in opposition shall attempt an informal resolution of the concerns raised. In the event objections cannot be resolved within 20 days or such other time as may be mutually agreeable, the PARTIES shall have the right to petition the Court in accordance with the provision of Article V.C., or submit their disagreement for mediation with a mediator that the PARTIES have mutually agreed upon. If the PARTIES cannot reach an agreement with regard to a mediator, within 15 days of being notified by either PARTY the Executive Committee of the Palm Beach County Issues Forum will select a mediator to mediate the PARTIES' dispute and mediation will commence within 30 days following selection of the

mediator or as soon as the mediator's schedule may reasonably permit. The cost of mediation will be borne equally by the PARTIES.

If the mediation process is irretrievably deadlocked, as determined by either PARTY, the PARTIES may seek redress in a court of competent jurisdiction in Palm Beach County. The PARTIES specifically waive whatever rights they may have to a trial by jury.

VII. ACTS OF GOD AND OTHER EXIGENT CIRCUMSTANCES BEYOND THE CONTROL OF THE SCHOOL BOARD

The COUNTY and the MUNICIPALITIES acknowledge that the SCHOOL BOARD, in its operation of the public school system, is subject to events, circumstances, and external forces and authorities beyond its control. Examples are hurricanes or other natural disasters which destroy school facilities, other emergency situations affecting the operation of the public school system, state court judgments concerning the SCHOOL BOARD's State Constitutional or Statutory obligation to provide a uniform system of free public schools, and school desegregation orders or compliance agreements involving Federal Courts or the Office of Civil Rights, United States Department of Education. Such events or actions may prevent the SCHOOL BOARD from complying with the provisions of this Agreement and may require the SCHOOL BOARD to deviate from or modify the SCHOOL DISTRICT's Five-Year Capital Facilities Plan agreed to and approved by the COUNTY, the MUNICIPALITIES and the SCHOOL BOARD. The COUNTY and the MUNICIPALITIES hereby agree that such noncompliance, deviations, or modifications will not be deemed a violation of this Agreement and that the provisions of Section V will pertain to those occurrences. The SCHOOL BOARD shall give written notice to the COUNTY and the participating MUNICIPALITIES if an "Act of God" has prevented the SCHOOL BOARD from complying with its obligation under this Agreement.

VIII. STANDING AND THIRD PARTY BENEFICIARY RIGHTS

The PARTIES hereby acknowledge and agree that it is not the intent of any party to this Agreement to confer any rights on any persons or entities other than the PARTIES to this Agreement. No person or entity not a party to this Agreement shall have any claim or cause of action against either the COUNTY, the MUNICIPALITIES or the SCHOOL BOARD for the failure of any party to perform in accordance with the provisions of this Agreement except as may be provided by law.

IX. AMENDMENT, WITHDRAWAL AND TERMINATION

A. Amending the Agreement

This Agreement may be amended only by written agreement of the PARTIES.

B. Withdrawal from Agreement

Any PARTY may withdraw from this Agreement by sending written notice to the other PARTIES to the Agreement and the Florida Department of Economic Opportunity (or its successor agency) at least sixty days prior to the effective date of the withdrawal.

C. Additional Participants

Any MUNICIPALITY may become a party to this Agreement after its effective date upon execution of a Unilateral Participation Agreement in such form as the agreement attached hereto as Exhibit A.

X. TERM OF THE AGREEMENT

This Agreement shall be for a term of five years and will automatically be renewed every five years for additional five-year terms. Any objection by any PARTY to this Agreement or to its renewal must be sent in writing to the other PARTIES no sooner than ninety days prior to the end of the term.

XI. INDEMNIFICATION OF PARTIES

A. Hold Harmless

The SCHOOL BOARD agrees to hold harmless and indemnify the other PARTIES to this Agreement against any third party claim, liability, lawsuit, and damage award arising out of the performance of this Agreement for any acts, failure to act, or decisions of the SCHOOL BOARD that are totally within the purview of the SCHOOL BOARD or are the responsibility of the SCHOOL BOARD under this Agreement. Acts or decisions of the SCHOOL BOARD include, but are not limited to, items relating to school attendance boundaries, providing adequate capacity for new students in the SCHOOL BOARD'S Five- Year Capital Facilities Plan, constructing and modernizing schools consistent with the adopted SCHOOL BOARD'S Five-Year Capital Facilities Plan, decisions on whether to accept or reject mitigation, and decisions on available capacity in the review process.

B. Third Party Claims

The COUNTY and each individual MUNICIPALITY that is a PARTY to this Agreement agree to hold harmless and indemnify all other PARTIES to the Agreement against any third party claim, liability, lawsuit, and damage award arising out of the performance of this Agreement for any acts, failure to act, or decisions of that PARTY that are totally within the purview of that party or are the responsibility of that party under this Agreement. Acts or decisions of the COUNTY or an individual MUNICIPALITY include, but are not limited to, the denial of an application for development approval based on school impacts after the SCHOOL DISTRICT has informed that party that adequate school capacity exists for the development.

XII. MULTIPLE ORIGINALS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

XIII. EFFECTIVE DATE OF AGREEMENT

A. Effective Immediately

Upon this Agreement being signed by all PARTIES, the Agreement shall be filed with the Clerk of the Circuit Court. This Agreement shall take effect immediately on the date filed with the Clerk of the Circuit Court and shall continue until terminated.

{Remainder of page intentionally left blank}

IN WITNESS WHEREOF, the parties hereto have affixed their signatures on the day and year first above written.

R2015 1864 DEC 15 2015

ATTEST:

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock
Clerk & Comptroller

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Rebecca D. Caldwell

THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

BY_____

Chuck Shaw, Chairman

BY_____

Robert M. Avossa, Ed.D., Superintendent

Board Approval Date:
8/19/15

APPROVED AS TO FORM AND LEGALSUFFICIENCY

By:_____

School Board Attorney

ATTEST:

By: Mary Pinkerman
Mary Pinkerman, Town Clerk

TOWN OF LAKE CLARKE SHORES, FLORIDA

By: _____
Robert M. W. Shalhoub, Mayor

DATE: February 9, 2016

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Charles Schoech, Town Attorney

ATTEST:

By: _____
Denise McGrew, City Clerk

CITY OF GREENACRES, FLORIDA

By: _____
Samuel J. Ferreri, Mayor

DATE: 12-29-15

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
James D. Stokes, City Attorney

ATTEST:

By: _____
Jane R. Worth, CMC, Interim Village Clerk

VILLAGE OF PALM SPRINGS, FLORIDA

By: _____
Bev Smith, Mayor

DATE: January 14, 2016

VILLAGE OF PALM SPRINGS SEAL 1957 FLORIDA

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Glen Torcivia, Village Attorney

VILLAGE OF PALM SPRINGS SEAL 1957 FLORIDA

STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF PALM SPRINGS

I hereby certify that this is a true and correct copy of Resolution No. 2016-04 and the original is on file in the Clerk's Office.

_____
Jane R. Worth, CMC
Interim Village Clerk

ATTEST:

Town of Lake Park, FLORIDA

By: _____
Vivian Mendez, Clerk

TOWN OF LAKE PARK SEAL FLORIDA

By: _____
James DuBois, Mayor

DATE: March 16, 2016

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Thomas Baird, Attorney

EXHIBIT A

PARTICIPATION AGREEMENT

THIS AGREEMENT is dated this ____ day of _____, 20____, and entered into by and among the _____, a municipal government, hereinafter "New Participant," and the various parties executing the Interlocal Agreement between The School District of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County for Coordinated Planning dated _____, hereinafter "Coordinated Planning Agreement."

WITNESSETH:

WHEREAS, the School District of Palm Beach County, Palm Beach County, and participating Municipalities in Palm Beach County have entered into the Coordinated Planning Agreement as required by Section 163.31777, Florida Statutes; and

WHEREAS, _____ desires to become a participant under the Coordinated Planning Agreement; and

WHEREAS, pursuant to Article IX, Section C of the Coordinated Planning Agreement, participation is authorized upon the execution of this unilateral Participation Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed and understood by and among the undersigned New Participant and the participants in the Coordinated Planning Agreement as follows:

1. Upon execution of this Agreement, New Participant will become a participant in the Coordinated Planning Agreement.
2. The New Participant shall enjoy all the privileges of, and shall be bound by all the terms and conditions of, the Coordinated Planning Agreement. The New Participant shall adopt the required comprehensive plan amendments pursuant to Article III as soon as possible after execution of this Participation Agreement.
3. The participants in the Coordinated Planning Agreement agree to the inclusion of New Participant in accordance with Article IX, Section C of the Coordinated Planning Agreement

as it is acknowledged that the inclusion of an additional participant furthers the intent and spirit of the Coordinated Planning Agreement.

4. A copy of this Participation Agreement shall be filed with the Clerk of the Court in and for Palm Beach County.

5. This Participation Agreement shall be effective upon execution and shall continue in full force and effect unless New Member withdraws pursuant to Article IX, Section B of the Coordinated Planning Agreement, or the Coordinated Planning Agreement is otherwise terminated.

IN WITNESS WHEREOF, this Agreement has been executed by _____ as of the date and year indicated below.

By: _____

Its: _____

Date: _____

EXHIBIT B

Form 1: Approved Future Land Use Amendments

Name of Local Government _____
Contact Person _____

Project Name / PCN(s)	Current / Proposed Future Land Use	Current/Proposed Zoning	Current/Proposed Development of site	Existing/Proposed # of Residential Units	Approved Document No. / Approval Date

This Form may be modified from time-to-time and/or posted electronically, if approved by the Interlocal Plan Amendment Review Committee (I.P.A.R.C) or its successor

EXHIBIT C

Form 2: Summary of Approved Development Orders

Name of Local Government _____

Contact Person _____

Project Name	PCN (s)	Case Number	Development Order (D.O.)			
			D. O.#	Approved Number/Type of Residential Units	Approval Date	Expiration Date

This Form may be modified from time-to-time and/or posted electronically, if approved by the Interlocal Plan Amendment Review Committee (I.P.A.R.C) or its successor

EXHIBIT A

PARTICIPATION AGREEMENT

THIS AGREEMENT is dated this ____ day of _____, 20____, and entered into by and among the Town of Lake Clarke Shores, a municipal government, hereinafter "New Participant," and the various parties executing the Interlocal Agreement between The School District of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County for Coordinated Planning dated _____, hereinafter "Coordinated Planning Agreement."

WITNESSETH:

WHEREAS, the School District of Palm Beach County, Palm Beach County, and participating Municipalities in Palm Beach County have entered into the Coordinated Planning Agreement as required by Section 163.31777, Florida Statutes; and

WHEREAS, Lake Clarke Shores desires to become a participant under the Coordinated Planning Agreement; and

WHEREAS, pursuant to Article IX, Section C of the Coordinated Planning Agreement, participation is authorized upon the execution of this unilateral Participation Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed and understood by and among the undersigned New Participant and the participants in the Coordinated Planning Agreement as follows:

1. Upon execution of this Agreement, New Participant will become a participant in the Coordinated Planning Agreement.
2. The New Participant shall enjoy all the privileges of, and shall be bound by all the terms and conditions of, the Coordinated Planning Agreement. The New Participant shall adopt the required comprehensive plan amendments pursuant to Article III as soon as possible after execution of this Participation Agreement.
3. The participants in the Coordinated Planning Agreement agree to the inclusion of New Participant in accordance with Article IX, Section C of the Coordinated Planning Agreement

as it is acknowledged that the inclusion of an additional participant furthers the intent and spirit of the Coordinated Planning Agreement.

4. A copy of this Participation Agreement shall be filed with the Clerk of the Court in and for Palm Beach County.

5. This Participation Agreement shall be effective upon execution and shall continue in full force and effect unless New Member withdraws pursuant to Article IX, Section B of the Coordinated Planning Agreement, or the Coordinated Planning Agreement is otherwise terminated.

IN WITNESS WHEREOF, this Agreement has been executed by Robert M.W. Shalhoub as of the date and year indicated below.

By: _____

Its: Mayor

Date: 2/9/16

R16-034

EXHIBIT A

PARTICIPATION AGREEMENT

THIS AGREEMENT is dated this 24 day of February, 20 16, and entered into by and among the City of Boynton Beach, a municipal government, hereinafter "New Participant," and the various parties executing the Interlocal Agreement between The School District of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County for Coordinated Planning dated December 15, 2015 hereinafter "Coordinated Planning Agreement."

WITNESSETH:

WHEREAS, the School District of Palm Beach County, Palm Beach County, and participating Municipalities in Palm Beach County have entered into the Coordinated Planning Agreement as required by Section 163.31777, Florida Statutes; and

WHEREAS, City of Boynton Beach desires to become a participant under the Coordinated Planning Agreement; and

WHEREAS, pursuant to Article IX, Section C of the Coordinated Planning Agreement, participation is authorized upon the execution of this unilateral Participation Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed and understood by and among the undersigned New Participant and the participants in the Coordinated Planning Agreement as follows:

1. Upon execution of this Agreement, New Participant will become a participant in the Coordinated Planning Agreement.
2. The New Participant shall enjoy all the privileges of, and shall be bound by all the terms and conditions of, the Coordinated Planning Agreement. The New Participant shall adopt the required comprehensive plan amendments pursuant to Article III as soon as possible after execution of this Participation Agreement.
3. The participants in the Coordinated Planning Agreement agree to the inclusion of New Participant in accordance with Article IX, Section C of the Coordinated Planning Agreement

as it is acknowledged that the inclusion of an additional participant furthers the intent and spirit of the Coordinated Planning Agreement.

4. A copy of this Participation Agreement shall be filed with the Clerk of the Court in and for Palm Beach County.

5. This Participation Agreement shall be effective upon execution and shall continue in full force and effect unless New Member withdraws pursuant to Article IX, Section B of the Coordinated Planning Agreement, or the Coordinated Planning Agreement is otherwise terminated.

IN WITNESS WHEREOF, this Agreement has been executed by Lori LaVerriere as of the date and year indicated below.

By: Lori LaVerriere

Its: City Manager

Date: 2/24/2016

APPROVED AS TO FORM:

Asst. CITY ATTORNEY

EXHIBIT A

PARTICIPATION AGREEMENT

THIS AGREEMENT is dated this ____ day of _____, 20____, and entered into by and among the _____, a municipal government, hereinafter "New Participant," and the various parties executing the Interlocal Agreement between The School District of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County for Coordinated Planning dated _____, hereinafter "Coordinated Planning Agreement."

WITNESSETH:

WHEREAS, the School District of Palm Beach County, Palm Beach County, and participating Municipalities in Palm Beach County have entered into the Coordinated Planning Agreement as required by Section 163.31777, Florida Statutes; and

WHEREAS, _____ desires to become a participant under the Coordinated Planning Agreement; and

WHEREAS, pursuant to Article IX, Section C of the Coordinated Planning Agreement, participation is authorized upon the execution of this unilateral Participation Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed and understood by and among the undersigned New Participant and the participants in the Coordinated Planning Agreement as follows:

1. Upon execution of this Agreement, New Participant will become a participant in the Coordinated Planning Agreement.
2. The New Participant shall enjoy all the privileges of, and shall be bound by all the terms and conditions of, the Coordinated Planning Agreement. The New Participant shall adopt the required comprehensive plan amendments pursuant to Article III as soon as possible after execution of this Participation Agreement.
3. The participants in the Coordinated Planning Agreement agree to the inclusion of New Participant in accordance with Article IX, Section C of the Coordinated Planning Agreement

as it is acknowledged that the inclusion of an additional participant furthers the intent and spirit of the Coordinated Planning Agreement.

4. A copy of this Participation Agreement shall be filed with the Clerk of the Court in and for Palm Beach County.

5. This Participation Agreement shall be effective upon execution and shall continue in full force and effect unless New Member withdraws pursuant to Article IX, Section B of the Coordinated Planning Agreement, or the Coordinated Planning Agreement is otherwise terminated.

IN WITNESS WHEREOF, this Agreement has been executed by Mayor Mort Levine as of the date and year indicated below.

By: _____

Its: Mayor of the Town of Juno Beach

Date: 2/24/16

Municipalities
that have Adopted the ILA for Coordinated Planning

MUNICIPALITY	ADOPTION DATE
School District of Palm Beach County	8/19/2015
Palm Beach County BCC	12/15/2015
City of Greenacres	12/21/2015
Village of Palm Springs	01/14/2016
Town of Lake Clark Shores	02/09/2016
Town of Juno Beach	02/24/2016
City of Boynton Beach	02/24/2016
Town of Lake Park	3/2/2016
City of Palm Beach Gardens	6/2/2016
City of West Palm Beach	6/6/2016
Town of Lantana	12/12/2016
Village of Wellington	12/13/2016
Town of Jupiter	12/20/2016
City of Atlantis	2/15/2017
City of Delray Beach	3/30/2017
Town of Hypoluxo	4/20/2017
City of Boca Raton	4/19/2017
Village of North Palm Beach	4/27/2017
City of Lake Worth Beach	6/6/2017
Village of Royal Palm Beach	8/17/2017
Town of Loxahatchee Groves	7/2/2024

Municipalities
that have Adopted the ILA for Coordinated Planning

MUNICIPALITY	ADOPTION DATE
School District of Palm Beach County	8/19/2015
Palm Beach County BCC	12/15/2015
City of Greenacres	12/21/2015
Village of Palm Springs	01/14/2016
Town of Lake Clark Shores	02/09/2016
Town of Juno Beach	02/24/2016
City of Boynton Beach	02/24/2016
Town of Lake Park	3/2/2016
City of Palm Beach Gardens	6/2/2016
City of West Palm Beach	6/6/2016
Town of Lantana	12/12/2016
Village of Wellington	12/13/2016
Town of Jupiter	12/20/2016
City of Atlantis	2/15/2017
City of Delray Beach	3/30/2017
Town of Hypoluxo	4/20/2017
City of Boca Raton	4/19/2017
Village of North Palm Beach	4/27/2017
City of Lake Worth Beach	6/6/2017
Village of Royal Palm Beach	8/17/2017
Town of Loxahatchee Groves	7/2/2024

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 008-2024: 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 **325 South Lake** Drive 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 supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]***

Presenter

ATTACHMENTS:

- **Resolution No. 008-2025**
- **Designation Report**
- **Excerpt from the December 18, 2024 Landmarks Preservation Commission Meeting Minutes**
- **Landmark Designation Procedure**

RESOLUTION NO. 008-2025

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 325 SOUTH LAKE DRIVE 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 325 South Lake Drive and the property to be landmarked is legally described as follows: **Casa Del Lago, a Condominium, according to the Declaration of Condominium recorded in Official Record Book 1648, Page 1201, and all exhibits and amendments thereof, Public Records of Palm Beach County, Florida.**

Described as the following lands lying in Palm Beach County, Florida: Beginning at the southwest corner of Lot 3, Block 4, according to the Plat of the REVISED MAP OF ROYAL PARK ADDITION to Palm Beach, Florida, as recorded in Plat Book 4, Page 1, in and for the Public Records of Palm Beach County, Florida; thence N 4° 23' 30" E, along the West line of said Lot 3, a distance of 50.15 feet to the northwest corner of said Lot 3; thence 0° 58' 25" E, along the West line of Lot 2 of said Block 4, a distance of 23.10 feet to a point on a line parallel with and 88.10 feet south of, when measured at right angles, the south right of way line of Brazilian Avenue as shown on the said plat of the revised map of Royal Park Addition to Palm Beach, Florida; thence East, along the said parallel line, a distance of 72.51 feet to a point; thence S 0° 58' 25" W, a distance of 12.50 feet to a point; thence East, a distance of 37.51 feet to a point; thence south a distance of 9.12 feet to a point; thence East, a distance of 52.60 feet to a point on the East line of the West 2.00 feet of Lot 56 of said Block 4; thence south, along the said East line, a distance of 51.48 feet to a point on the South line of said Lot 56; thence West, along the South line of said Lot 56 and 3, a distance of 166.64 feet to the Point of Beginning.

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 15th day of January 2025.

_____
Danielle H. Moore, Mayor

_____
Bobbie D. Lindsay, Town Council President

_____
Lew Crampton, Town Council President Pro Tem

ATTEST:

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Kelly Churney, Town Clerk

_____
Bridget Moran, Town Council Member

Casa Del Lago

325 South Lake Drive

DESIGNATION REPORT

December 18, 2024

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

Casa Del Lago
325 South Lake Drive

Table of Contents

I.	GENERAL INFORMATION	2
II.	LOCATION MAP	4
III.	ARCHITECTURAL INFORMATION	5
IV.	HISTORICAL INFORMATION	11
V.	ARCHITECT BIOGRAPHY	16
VI.	STATEMENT OF SIGNIFICANCE	17
VII.	CRITERIA FOR DESIGNATION	18
VIII.	SELECTED BIBLIOGRAPHY	20

Report produced by Murphy Stillings, LLC

I. General Information

Location:	325 South Lake Drive Palm Beach, Florida
Date of Construction:	c.1945, 1946-1947 & 1951-1952
Historic Name:	Casa Del Lago
Architect:	Belford Shoumate
Builder/Contractor:	F. Ruth, 1946 James and J.Q. Henry Contractors, 1951-1952
Current Owners:	Multiple Owners (See list below)
Present Use:	Residential Condominium Building
PBC Tax Folio Number:	50-43-43-27-75-000-1010 50-43-43-27-75-000-1030 50-43-43-27-75-000-2010 50-43-43-27-75-000-2030 50-43-43-27-75-000-2040 50-43-43-27-75-000-0030 50-43-43-27-75-000-0040 50-43-43-27-75-000-0060 50-43-43-27-75-000-0070 50-43-43-27-75-000-3010

Current Legal Description:

Casa Del Lago, a Condominium, according to the Declaration of Condominium recorded in Official Record Book 1648, Page 1201, and all exhibits and amendments thereof, Public Records of Palm Beach County, Florida.

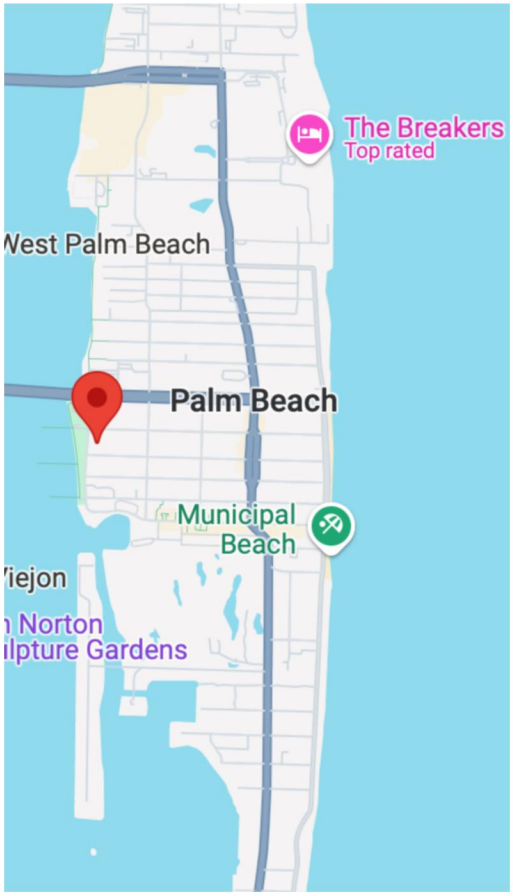
Described as the following lands lying in Palm Beach County, Florida: Beginning at the southwest corner of Lot 3, Block 4, according to the Plat of the REVISED MAP OF ROYAL PARK ADDITION to Palm Beach, Florida, as recorded in Plat Book 4, Page 1, in and for the Public Records of Palm Beach County, Florida; thence N 4° 23’ 30” E, along the West line of said Lot 3, a distance of 50.15 feet to the northwest corner of said Lot 3; thence 0° 58’ 25” E, along the West line of Lot 2 of said Block 4, a distance of 23.10 feet to a point on a line parallel with and 88.10 feet south of, when measured at right angles, the south right of way line of Brazilian Avenue as shown on the said plat of the revised map of Royal Park Addition to Palm Beach, Florida; thence

East, along the said parallel line, a distance of 72.51 feet to a point; thence S 0° 58’ 25” W, a distance of 12.50 feet to a point; thence East, a distance of 37.51 feet to a point; thence south a distance of 9.12 feet to a point; thence East, a distance of 52.60 feet to a point on the East line of the West 2.00 feet of Lot 56 of said Block 4; thence south, along the said East line, a distance of 51.48 feet to a point on the South line of said Lot 56; thence West, along the South line of said Lot 56 and 3, a distance of 166.64 feet to the Point of Beginning.

List of Owners and Parcel Control Numbers:

OWNER	PARCEL CONTROL NUMBER
MCG 2022 Trust, Applegren Trust, & Michael C. Graham Trust	50-43-43-27-75-000-1010
MCG 2022 Trust, Applegren Trust, & Michael C. Graham Trust	50-43-43-27-75-000-1030
Robert W. Pommer, III Trust	50-43-43-27-75-000-2010
John N. Gooch	50-43-43-27-75-000-2030
John N. Gooch	50-43-43-27-75-000-2040
Landon & Mary M. Hilliard	50-43-43-27-75-000- 0030
Fred Mitzner	50-43-43-27-75-000-0040
John E. Corey & Page Evans	50-43-43-27-75-000-0060
Mini Coastal LLC	50-43-43-27-75-000-0070
Landon & Mary M. Hilliard	50-43-43-27-75-000-3010

II. Location Map



III. Architectural Information

The Casa Del Lago condominium, located at 325 South Lake Drive, was designed in the British Colonial style by renowned Palm Beach architect Belford Shoumate in phases between 1945 and 1951. The multi-family building is situated on the east side of South Lake Drive, between Brazilian and Australian Avenues, facing Lake Drive Park and the Town of Palm Beach Marina.

Main (West) Façade

The British Colonial style of architecture, a sub-type of the Colonial Revival style, is a West Indian adaptation of Georgian architecture. It was inspired by the traditions of the English colonists' architectural heritage and adapted to the local environments and building materials. Ornamental details were kept to a minimum in response to the characteristics of the local building materials. The British Colonial style was introduced to Palm Beach in 1925 by Howard Major with the design of Major Alley on Peruvian Avenue. During the 1930s John Volk expanded on the theme designing a number of British Colonial style residences, and the style continued to gain popularity through the middle part of the century with many well-known architects including Marion Sims Wyeth, Maurice Fatio, Gustav Maass, Henry Harding, Howard Chilton, and Belford Shoumate designing in the British Colonial style throughout Palm Beach. The style is characterized by multiple steeply pitched roofs,

symmetrical fenestration and stucco surfaced walls with verandas, small porches, and balconies. Porticos, pediments, shutters, and quoins are sometimes included design elements.

The property at 325 South Lake Drive was once a part of a larger parcel that included the land to the north, at the corner of South Lake Trail and Brazilian Avenue. In early 1945, Belford Shoumate was commissioned by Mr. and Mrs. Bassett Mitchell to design a two-unit apartment building for the site.[1] The apartments were added to an existing free-standing two-car garage on the property, with one apartment constructed on each of the east and west sides of the garage.[2] By the end of 1945, Shoumate was asked to add a second floor to the design for three additional apartments which were constructed in 1946-1947.[3] This 5-unit two-story structure was setback considerably from South Lake Drive and faced toward the north. In 1951, Shoumate was commissioned by Mr. Robert Harriss to design a three-story addition for additional apartment units.[4] This addition, located to the west side of the two-story building, is what is currently seen from South Lake Drive and was the beginning of the property being known as Casa Del Lago.

[1] Town of Palm Beach Building Permit No. 20045, dated November 28, 1945.
[2] The date of the garage is unknown but was noted on Shoumate's drawings in the Town of Palm Beach Building Permit Records as "existing garage".
[3] Town of Palm Beach Building Permit No. 22946, dated November 29, 1946.
[4] Town of Palm Beach Building Permit No. 40451, dated September 7, 1951.

Casa Del Lago's development resulted in a charming, multi-massed, informal, meandering design with courtyards, verandas and patios overlooking the property's tropical setting. The structures were constructed of concrete blocks surfaced with smooth stucco and feature multiple hipped roofs at various heights with exposed rafter tails and surfaced with white barrel tiles.

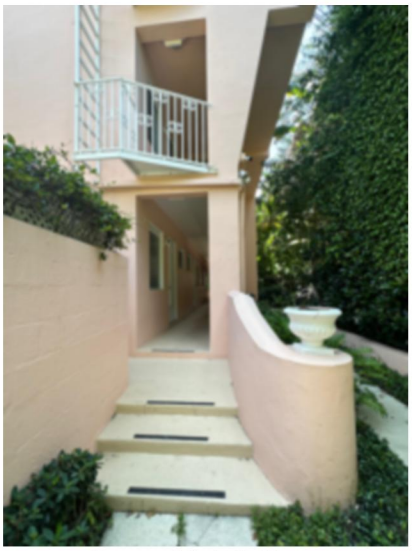
Historic Advertisement
Provided by the Preservation Foundation of Palm Beach

The west façade, facing South Lake Drive, contains three-story and two-story elements. The northern side is three stories in height and features a hipped roof entrance portico. Curving welcoming arms lead to the portico and a decorative metal entrance gate, set within a molded door surround, provides access to an open-air walkaway that leads east through the building. The southern side is two-stories high with a large patio on the roof. The patio features wall openings with jalousie louvers and is covered with a canvas awning. The windows of the main façade are a combination of single-light sash and casements flanked by half-height colonial shutters and topped with Bahama shutters.

Southwest Corner
Looking Northeast from South Lake Drive

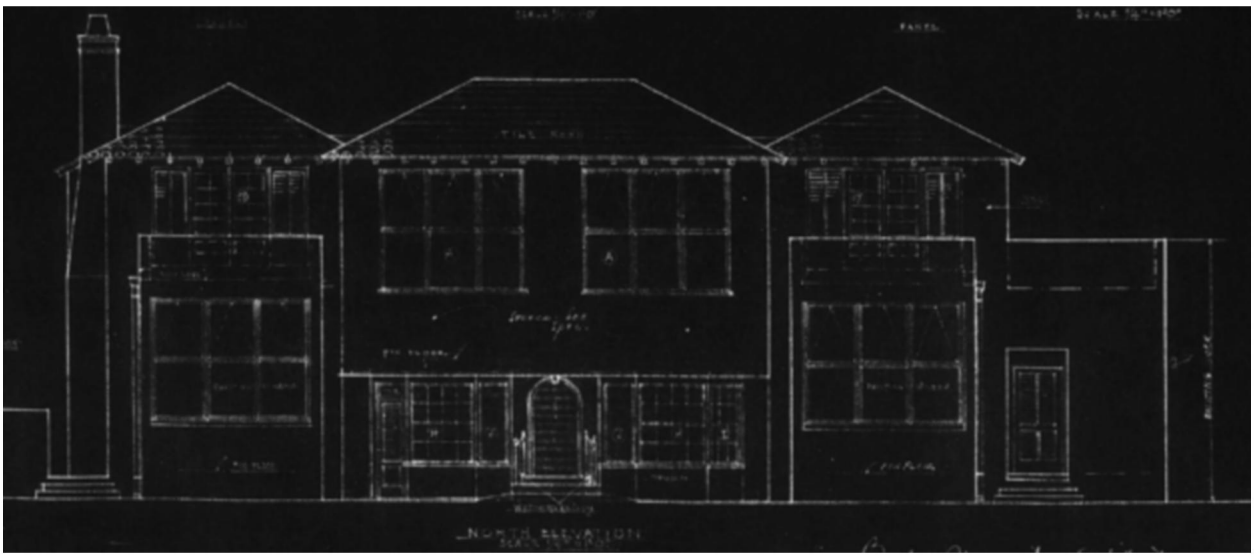
Decorative metalwork is located in openings at the south end of the west façade along with a decorative metal gate leading to a walkway along the southern property line. The units in this western portion of the building feature verandas and patios on the south façade. The verandas on the second floor feature a unique angled railing design with wood louvers that are visible from South Lake Drive and the third-floor penthouse unit features a large roof top patio which is accessed by a tower element with a chimney on the north facade. The open-air walkway that leads from the main entrance through the three-story portion of the building provides access to the two-story portion at the rear of the property.

Ariel Photograph
Showing Three-Story Portion (Built 1951) &
Two-Story Portion (Built 1945-1946)



Open-Air Walkway
Looking West,
Toward South Lake Drive

The two-story portion of the building, at the rear of the property, is the section that was built in 1945-1946 by creating additions to a garage structure. The residential units in this portion feature courtyards to the north of the building. Shoumate designed the main (north) façade with variations in the wall planes. This included cantilevering the central portion of the second story and projecting forward portions of the first floor in the east and west bays which creates an interesting play in the building's massing.



North Elevation
Belford Shoumate, 1945

Shoumate's 1945-1946 design for the rear portion of the building changed the garage door openings of the original one-story garage structure into bay windows with multi-light sash windows. The design also features a centrally located staircase with an arched opening leading to the second floor, balconies on the projecting one-story elements that are accessed by French doors, and symmetrically placed sets of three large single-light sash windows.

Central Section of the Rear, Two-Story Portion of Building
North Façade

Over the years alterations to Casa Del Lago have been primarily interior renovations, including the combining of some units, and there has also been some window and door changes and re-roofing. The structure retains the historic and architectural integrity of Shoumate's design.

IV. Historical Information

The history of Palm Beach started long ago when Native Americans inhabited the island, with the Jaega people arriving at least 3,000 years ago. White settlers began arriving in modern-day Palm Beach by 1872 with Hiram F. Hammon making the first homestead claim in 1873 in present day Palm Beach.[5] However, the area did not grow significantly until Standard Oil business magnate 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. In the early 1900's prior to World War I most of the seasonal residents resided in the hotels though several early businessmen saw the need to create residential developments to house the growing number of seasonal residents.

Elisha N. Dimick settled in the area that became Palm Beach in 1876 and was one of the most influential people in the history of the Town. In addition to establishing the first hotel, serving in the Florida House of Representatives and the Florida Senate, and co-founding the area's first bank, Dimick was instrumental in developing Royal Park and founding the Town of Palm Beach. As winter residents arrived in increasing number each year, Dimick and his nephew Harvey Geer began buying up property from Lake Worth to the Atlantic Ocean between what is today Royal Palm Way and Worth Avenue in the early 1900s. Dimick and Geer began developing the area in 1908 and joined with business partners George Jonas and Otto Kubin to form the Palm Beach Improvement Company. The development of the approximately 150 acre Royal Park subdivision was a tremendous undertaking because at the time the area was mostly jungle, marsh and swamp infested with mosquitos, alligators and snakes. After dredging much of the area, the Palm Beach Improvement Company hired contractors to pave streets and sidewalks and install water mains, sewers, electric systems and telephone lines in order to create what would be the first substantial real estate development in Palm Beach outside of the Flagler Hotel properties**.** To provide much needed automobile access to the Island

[5] Hiram Hammon filed the first homestead claim in what would later be named Palm Beach taking advantage of the Homestead Act that Congress had passed in 1862 that enabled any U.S. citizen to claim up to 160 acres of surveyed government land as long as the person agreed to live on it and improve it for five years. Hammon's homestead amounted to 169 acres, according to Florida homestead records, and it included present-day Worth Avenue and Hammon Avenue and stretched the entire width of the island, from the ocean to the lake. He settled on the land in 1873 and built a thatched palmetto shack he shared with friend and fellow pioneer William Lanehart, who took an adjoining homestead.

and help ensure success of the development, in 1910 Dimick formed the Lake Worth Bridge Company and hired a construction company to build a bridge between West Palm Beach and the Island at Royal Palm Way. This wooden toll bridge was completed in 1911, the same year the Town of Palm Beach was incorporated and Dimick was elected mayor. The Royal Park Bridge was of key importance to the success of Royal Park because it provided greater access to the subdivision to sustain construction needs, bring customers to their property, and redirect attention south of the Royal Poinciana Hotel which up to that time was the center of activity.[6] Unfortunately, even after the bridge was constructed, Royal Park failed to interest many buyers. However, in 1913, Dimick and his partners took a que from Edward "E.R." Bradley and his brother Jack who had success selling out the lots in their Floral Park subdivision with the help Lewis Henry Green. Green was a shrewd businessman who used newspaper advertisements and auctions to promote the area and sell home sites.[7] The public eagerly responded to Green's promotions in Royal Park with the first auction attracting between 600-800 people.[8] Dimick, Geer and others involved in the Palm Beach Improvement Company continued to make vast improvements to the area and by 1916 almost all of the lots in Royal Park had been sold. The plat of Royal Park specified areas exclusively for commercial use, and after Royal Park was completed and settled following WWI, the town unconsciously shifted its center in a southerly direction from the original Main Street area to Royal Park due to Royal Park's growing prominence.[9] Like much of Palm Beach, Royal Park was booming in the 1920s with both residential and commercial construction. After completion of the new Palm Beach Town Hall and Fire Station along Royal Park's South County Road at the end of 1925, the area became the town's new governmental center and surrounding businesses and neighborhoods thrived.[10]

Palm Beach did experience effects of the late 1920s land and housing bust and the Great Depression, however, during the post-Depression/New Deal Era of the 1930s

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[6] Susan J. Oldfather. Elisha Newton Dimick and His Influence on the Development of Palm Beach. Thesis, Florida Atlantic University, December 1989. Dimick and Geer thought it was especially important to provide automobile access in order to attract northern buyers who were accustomed to driving their automobiles most places.

[7] The Bradley's announced plans to develop the Floral Park subdivision in 1910 just north of the Royal Poinciana Hotel, Main Street and their Beach Club in an area that at the time was the center of activity. In order to gain interest in their subdivision, the Bradley's' hired Lewis Henry Green, a wealthy Mexican born realtor from California who often stayed at the Royal Poinciana Hotel. He published newspaper advertisements, had private auctions and then reported the buying spree in the newspaper. To further entice potential but hesitant buyers, Green offered expensive prizes and souvenirs. This tactic worked as the final February 1912 auction took place, the remaining Floral Park lots sold out in under two hours.

[8] Beginning in January of 1913, Green splashed advertisements for Royal Park all over local newspapers and offered $2000 in daily prizes.

[9] Susan J. Oldfather. Elisha Newton Dimick and His Influence on the Development of Palm Beach. Thesis, Florida Atlantic University, December 1989.

[10] At the time, South County Road was named Palm Beach Avenue.

and 1940s, the Town saw significant development of residential neighborhoods while also continuing to host many wealthy people both as residents and tourists. Being a waterfront community, yachts were a mainstay in Palm Beach with numerous people using their yachts for pleasure, travel and lodging. The large frontage on Lake Worth was an important part of the Royal Park development and a Yacht Harbor was built originally for exclusive use by owners and residents of Royal Park. As the Town grew so did the yachting community, which instigated the expansion of the docks at the terminus of Brazilian and Australian Avenues. The Yacht Harbor or Yacht Basin, as it was referred to, was built to accommodate large yachts with slips that could be rented for the season by residents or shorter terms by tourists. As demand grew, additional docks were built to the north closer to the Royal Park Bridge. Smaller properties and apartments close to the Yacht Harbor in Royal Park were often rented to residents and tourists whose yachts were moored at the docks.

With the conclusion of World War II, Palm Beach flourished and grew exponentially. An era of prosperity that had emerged in the 1920s became considerably larger and more mobile, with the population nearly doubling in the 1950s. In addition to the increase in the population and boost in tourism, the lifting of wartime restrictions and an increasing supply of materials helped to accelerate Palm Beach's post-World War II economy with new construction throughout the town.[11]

As noted previously, in 1945, Belford Shoumate was commissioned by Mr. and Mrs. Bassett Mitchell to design a two-unit apartment building for the property and shortly thereafter he designed a second floor to the structure for three additional apartments. At the time Shoumate was designing the building, the Mitchell's were residing just north of the property at their house at 438 Brazilian Avenue. Bassett and Mary Mitchell were longtime Palm Beach winter residents with their original Royal Park house constructed in 1923.[12] Bassett Mitchell became interested in Palm Beach real estate both as a broker and a developer when he came to town prior to the 1920s land and housing boom. His initial holdings included mostly oceanfront properties in Palm Beach and further south. Bassett Mitchell's sister, Neville Mitchell Smith, and brother-in-law, Stephen "S" Fahs Smith, were also early Palm Beach residents and involved in developing investment property in Royal Park, including the commercial

[11] Augustus Mayhew. Palm Beach: A Greater Grandeur.

[12] In 1923, Bassett Mitchell commissioned Theodore Eissfeldt to build a frame and stucco residence on Brazilian Avenue. The following year 1924, Bassett Mitchell built a hollow tile and stucco one story garage and apartment on the lot.

building at 304-306 South County Road in 1929 and the Smith Shops at 296-302 South County Road in 1931.[13]

On September 7, 1951, architect Belford Shoumate filed a building permit and design plans on behalf of owner Robert M. Harriss and builders James and J.Q. Henry to build an apartment house at 325 South Lake Drive in the Royal Park subdivision.[14] The three story building was designed to face west overlooking the lake and contain nine apartments of various size and design just to the west of the existing five-unit apartment building on the property. The construction of this building in the early 1950s was a time in Palm Beach when the north end of the island was growing significantly with new residential subdivisions and Royal Park was experiencing an escalation in apartment buildings particularly after the Town's 1947 zoning law changed much of Royal Park's exclusive residential zone "A" classification to zone "C" classification allowing more hotels and apartments.

Robert M. Harriss was a cotton dealer and partner in the Wall Street Cotton Exchange firm Harriss & Vose. Originally from Dallas, Texas, Harriss moved to Long Island, NY and also started to spend much of the winter season in Palm Beach by 1940.[15] After the completion of 325 S. Lake Drive, the ownership was listed as Harodon, Inc., with Robert M. Harriss as President and Thomas O'Donnell as Vice-President. At this time, Casa Del Lago and Nassau Square, the apartment building at 381 S. Lake Drive, were both owned by Harodon, Inc. and were often advertised together promoting their location in the "most desirable Palm Beach Apartment Area – on the Lake between the Royal Park Bridge and Worth Avenue - and within walking distance of smart shops, restaurants and the Everglades Club." The apartment's superb views overlooking Lake Worth and the yacht anchorages were also touted in the advertisements.[16] Both buildings were managed by L. V. Raymond with rentals available by the week, month or season. Robert Harriss, along with his yacht Majubob II, continued to spend the winter season in Palm Beach, sometimes

[13] Bassett W. Mitchell, who claimed to be the grandnephew of George Washington, was born in London in 1868. In addition to being involved in real estate, he aided in the development of many activities, including the Gulf Stream Polo Field and Gulf Stream Country Club. S. Fahs Smith had been a winter resident of Palm Beach since 1911 and was a member of the prominent Smith family from York, PA. In Palm Beach he and his wife Neville resided at 147 Seabreeze Avenue. Both 304-306 South County Road and 296-302 South County Road are Town of Palm Beach Landmark Buildings. Bassett Mitchell passed away in September of 1946 and Mary Mitchell took control of the property.

[14] There is not too much known about the builders James and J.Q. Henry, but they were early Palm Beach County residents having moved to the area with their parents in the 1920s.

[15] At the time of the permit in 1951, Robert Mallory Harriss was living at the Everglades Club for the season with his children. His wife Abeline had passed away.

[16] Brochure Advertising Casa Del Lago and Nassau Apartments provided by the Preservation Foundation of Palm Beach.

residing at Casa Del Lago, and in 1962 he bought the famous Lido Pool at the east end of Royal Park.[17]

Historic Photograph, unknown date
Provided by the Preservation Foundation of Palm Beach

Casa Del Lago was a popular apartment building in high demand throughout the 1950s and into the 1960s. The Florida Condominium Act was enacted in 1963 to allow new and existing multi-unit apartment and co-operative buildings to become condominiums. Casa Del Lago became a registered condominium in 1968, and Casa Inc. of Palm Beach began selling the various units to owners. Some of the early owners including David Ayers, Martin Horn, Richard Deems, Helen Rich and Leone King were well-known Palm Beach seasonal residents who helped establish the building's prestigious address.[18]

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[17] Lido Pool was formerly Gus's Bath located on the west side of Ocean Boulevard opposite of the Palm Beach Pier.

[18] David Ayers, who purchased the penthouse and lived there until his passing in 1980, was an esteemed architectural and interior designer who also had a shop with his partner Martin Horn on Worth Avenue. In 1970, Ayers help a party in his penthouse for 200 people that was covered in the Shiny Sheet. After Ayers' passing, Martin Horn lived in the penthouse and was also president of the Casa Del Lago Condominium Board for a number of years. Richard Deems was Chairman of Hearst Magazines, Helen Rich was a philanthropist and founder of the Friends of the Ann Norton Sculpture Garden, which David Ayers was also involved with. Leone King was a well-known Palm Beach Daily News correspondent and longtime Palm Beach resident.

Since its construction over seventy years ago, Casa Del Lago has remained a charming mid-size residential building in a prime location along South Lake Drive overlooking the picturesque landscape of Lake Drive Park and the waters of Lake Worth. Although the building is now set amidst a number of larger condominium and co-operative buildings, due to its setback within the property, attractive landscaping and scale along the street it is not overwhelmed by its neighbors. In addition, Casa Del Lago is a very well managed condominium building with an active board of directors who take pride in the building and work hard to preserve its historic architectural character.

V. Architect Biography

Belford Shoumate

Belford Shoumate was born in Aberdeen, Ohio in 1903, and was raised in Mobile, Alabama. After receiving a degree in architecture from the University of Pennsylvania in 1929, Shoumate worked for four years with architect Joseph Urban in New York City. In 1936, he moved to Miami and worked with architect Carlos B. Schoeppl for a year before coming to Palm Beach.

In 1937, Shoumate married Beatrice Owen, moved to Palm Beach to start his own architectural practice, and received his architectural license. While designed prior to starting his own firm, Shoumate's first Palm Beach commission was the 1937 Art Moderne style "Boat House" on North Lake Way, which was rumored to have won the award for "House of the Future" at the 1939 World's Fair.

In 1940, Shoumate designed a British Colonial style residence with a studio for his architectural firm in Phipps Plaza (known as Architect's Row) where he lived and worked until his death in 1991. From the late 1930s, Belford Shoumate has left his architectural imprint, in either design or restoration, on more than 1,500 buildings of many styles in South Florida. While he designed in many styles, including Bermuda and Colonial, he is best known for his Modern designs, especially those in the Art Deco and Art Moderne styles.

Belford Shoumate was listed in *Who's Who in America* and was active in the National Committee for the Preservation of Historical Buildings, representing the local chapter of the A.I.A. Shoumate is quoted as saying, "Our American Heritage is being challenged in many ways. It's time to wake up and realize we have a wonderful history for such a young country, and we should preserve its form of government as well as its representative buildings for prosperity!"

An interview Belford Shoumate did with Dorothy Finn Scott for the Palm Beach Daily News in 1981 reveals additional information about the architect:

> *"In terms of offices in Palm Beach, the award for the most incredible goes to architect raconteur and preservationist Belford Washington Wren Shoumate. It is located in the bottom half of a series of two-story wooden houses he designed in Phipps Plaza some 40 years ago. The Shoumate office reveals much of the man himself: slightly disorganized aesthetic, eclectic and simply unable to throw anything out. A stalwart and vocal member of the Landmarks Commission, Shoumate always is trying to save what developers want to tear down. Parts of some 25 old Palm Beach mansions are scattered around his office, his home and many of the homes he designed for clients. He was also chairman of the American Institute of Architects' Preservation of Historical Buildings from 1954-1964. If you don't trip trying to look, you can find original plans for homes in the 30s and 40s in Palm Beach, including an addition to Mar-A- Lago from 1958, first edition Mizner books, a pre-World War II Remington portable typewriter, and parts of "Playa Riente" and "Casa Del Lago" estates – all in the tiny one-room office of Belford Shoumate. 'They should write the Landmark's Ordinance over.' he says now and has said before the Commission. 'People should be happy that their homes are designated landmarks.' The fabulous pencil drawings in his office are done by son Tom, an architect living in Gainesville. His other son William is in the building business. Shoumate was born in Mobile and perhaps learned his love of old historic buildings in that Southern town settled by the French. He did most of his formal training at the University of Pennsylvania with French architect Paul Phillip Cret. He worked in Mobile for four years with a builder, learning the trade by doing it. Descended from a Shoumate line of Kentucky farmers and mechanics, young Belford seems to have survived by always learning how to build or rebuild something. Since he began shingling roofs at 14, Shoumate's motto always has been to save rather than destroy."* [19]

VI. Statement of Significance

Casa Del Lago at 325 South Lake Drive is significant as a very good example of Belford Shoumate's interpretation of the British Colonial Revival style for a multi-family structure built during the Post-WWII Era in Palm Beach. When it was constructed between 1945-1952, Palm Beach was flourishing with an influx of new

[19] Dorey Finn Scott. "Build, Rebuild and Preserve – Architect Longs to Save Town." Palm Beach Daily News. 28 December 1981.

residents and tourists and this building helped to fill the growing need for multi-unit developments, especially for those seeking a mid-size building. In addition, its charming design and location in centrally located Royal Park overlooking Lake Worth has made it an appealing building attracting exceptional residents for over seventy years.

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."

Casa Del Lago exemplifies the cultural, economic and social history of the Town of Palm Beach. The apartment building was designed and constructed in phases beginning at the conclusion of World War II in 1945-1947 and concluding in 1951-1952 when the demand for apartment housing in Palm Beach was increasing exponentially and developers were building to meet the need for the increasing influx of new residents and tourists. The superb location in the centrally located historic Royal Park subdivision situated along South Lake Drive overlooking the picturesque Lake Drive Park, Yacht Harbor and Lake Worth made it an ideal site to construct an apartment building with a classically inspired but contemporary design by noted architect Belford Shoumate.

(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 Casa Del Lago Condominium located at 325 South Lake Drive is a very good example of Belford Shoumate's interpretation of the British Colonial Revival style for a multi-family structure built during the Post-WWII Era in Palm Beach. The building's multi-massed meandering design featuring multiple hipped roofs with exposed rafter tails, stucco exteriors, large windows, porticos, verandas and patios are character-defining features of the British Colonial Revival style that Shoumate employed to create a welcoming residential community.

(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."

Casa Del Lago is a very good example of Belford Shoumate's notable work in Palm Beach. Shoumate was one of Palm Beach's most influential and noteworthy architects. During the course of his fifty-four-year career, Shoumate designed hundreds of architectural projects and is one of the Town's famous architects. Shoumate is credited with promoting additional architectural styles in Palm Beach, such as variations on the Colonial Revival style and more modern styles such as Art Deco and Art Moderne.

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I. DESIGNATION HEARINGS

2. **ITEM 2: 325 SOUTH LAKE DRIVE** (Casa Del Lago Condominium) Owner: Multiple Owners (See Designation Report for Complete List of Owners)

Mses. Herzig-Desnick, Brooker, and Coleman disclosed ex-parte communications.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history of the British Colonial-style building. Ms. Murphy pointed out the design features of the 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,
Sect. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

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

A motion was made by Ms. Damgard and was seconded by Ms. Albarran to make the designation report for 325 S. Lake Drive part of the record. The motion was carried unanimously, 7-0.

Ms. Murphy thanked Ms. Damgard for bringing the building to their attention. Ms. Damgard stated the owners were very excited to landmark the building.

A motion was made by Ms. Damgard and was seconded by Ms. Albarran to recommend 325 S. Lake Drive 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 support the designation.

Ms. Patterson called for public comment.

Fred Mitzner, an owner of 325 S Lake Drive, supported the designation.

Aimee Sunny of the Preservation Foundation of Palm Beach thanked the building's owners for supporting the designation. She agreed that the building met the criteria outlined by the consultants and thought it was a great win for the preservation program.

The motion was carried unanimously, 7-0.

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: January 15, 2025

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 004-2024: 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 **2850 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 owner is supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]***

Presenter

ATTACHMENTS:

- **Resolution No. 004-2025**
- **Excerpt from Landmarks Preservation Commission Minutes of November 20, 2024**
- **Owner Letter of Support**

RESOLUTION NO. 004-2024

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 2850 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 2850 South Ocean Boulevard, and the property to be landmarked is legally described as follows:

The North 182 feet of the South 682 feet of that part of Tracts 1 and 2 in Section 23, Township 44 South, Range 43 East, lying east of State Road A1A, said Tracts 1 and 2 Section 23, being described as follows:

Tract No. 1: Beginning at a point on the Atlantic Ocean which point is 1000 feet south of the south line of Palm Beach Estates, as per plat recorded, in Plat Book 8, page 3, Public Records, Palm Beach County, Florida; from this point run west to waters of Lake Worth; thence run southerly, meandering waters of Lake Worth, 1907.06 feet, more or less, to the north line of right-of-way of road running from Lake Worth bridge to Atlantic Ocean; thence run east on north line of said road right-of-way to waters of the Atlantic Ocean; thence northerly, meandering waters of Atlantic Ocean, a distance of 1907.06 feet, more or less to the point of beginning; together with all littoral and riparian rights pertaining thereto; subject to an easement to the public to that part of the land known as Ocean Boulevard.

Tract No. 2: Beginning at the United States Government meander corner on the east shore of Lake Worth on the section line between Sections 23 and 26, Township 44 South, Range 43 East, as surveyed by William J. Reyes, United States Deputy Surveyor, in 1855, and approved by Francis L. Dancy, Surveyor 1 degree 00' 00" west, 70 feet; thence south 89 degrees 18' 00" west, 750 feet, thence north 2 degrees 15' 00" west, 1907.22 feet, thence north 89 degrees 18' 00" east, 731.2 feet to the intersection of said line with the United States Government meander line on the east shore of Lake Worth' thence along said meander line south 2 degrees 30' 00" east, 138.6 feet; thence continuing along said meander line south 3 degrees 00' 00" east, a distance of 1699.5 feet to the point of beginning first above described.

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 15th day of January 2025.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lew Crampton, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Town Clerk

Bridget Moran, Town Council Member

I. DESIGNATION HEARINGS

2. ITEM 4: 2850 SOUTH OCEAN BOULEVARD (PALM WORTH CONDOMINIUM)
OWNER: Multiple Owners (See Designation Report for Complete List of Owners)

Several members disclosed ex-parte communications. *Ms. Fairfax declared a conflict of interest for this item and left the dais during the discussion.*

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

A motion was made by Mr. Ives and was seconded by Ms. Albarran to make the designation report for 2850 S. Ocean Blvd. part of the record. The motion was carried unanimously, 7-0.

Ms. Patterson called for public comment.

Lynn Sullivan, 2850 S. Ocean Blvd., expressed concern about the restriction of changing existing windows. She spoke about the new balconies that were recently changed. She wanted to delay the process to allow her association to understand the pros and cons of landmarking.

Ms. Murphy stated that the association asked them to place the buildings under consideration for landmarking.

Ms. Mittner discussed window replacement and explained the change would not be prohibited.

Aimee Sunny, The Preservation Foundation of Palm Beach, thought this was a great example of a Mid-Century structure and agreed with the criteria stated by MurphyStillings and believed the structure met the criteria.

Town Attorney Lainey Francisco pointed out the sections of the code that would be applicable when considering the project.

Ms. Albarran thought the building was a special building.

A motion was made by Ms. Albarran and was seconded by Ms. Damgard to recommend 2850 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 support the designation. The motion was carried unanimously, 7-0.

Palm Worth
2850 South Ocean Blvd., Palm Beach, Florida 33480
561-582-5815 Fax: 561-582-8008

10 December 2024

TO: Town Council
Palm Beach

The Palm Worth Board of Directors are proud and appreciative of the recognition our beautiful Mid-Century Modern designed building has received with the proposed Landmarks designation. The design by the Architect Edgar Wortman those many years ago has continued even today to bring pride and appreciation of the many Boards that have come before to maintain and protect this gem. This same appreciation of the curved buildings with open walkways overlooking the pool and gardens is the reason Palm Worth shareholders today consist of many second and third generations.

We, the Board of Directors, fully support Palm Worth's designation as a Landmarks Property.

Juanita Leary, President.
Glenn Watson, Vice President.
Glenn Keller, Treasurer.
Sue Apostolico, Secretary.

At-Large: Louis Lessard
Bruce Whitely
Karen Wallis

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 005-2025: 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 **1250 North Ocean Boulevard** 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 for Landmarking.]***

Presenter

ATTACHMENTS:

- **Resolution No. 005-2025**
- **Excerpt from Landmarks Preservation Commission Minutes of November 20, 2024**

RESOLUTION NO. 005-2025

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 1250 NORTH OCEAN BOULEVARD 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 1250 North Ocean Boulevard and the property to be landmarked is legally described as follows: **Lots 25 and 25A, ALTO LIDO, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 11, at Page 36, of the Public Records of PALM BEACH County, Florida.**

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 15th day of January 2025.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lew Crampton, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Town Clerk

Bridget Moran, Town Council Member

XI. DESIGNATION HEARINGS

4. ITEM 3: 1250 N OCEAN BLVD.

Owner: Marsha C Beeson
Mses. Brooker, Metzger, and Mr. Ives disclosed ex-parte communications.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history of the Mediterranean Revival style residence. Ms. Murphy pointed out the design features of the residence. 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.

A motion was made by Mr. Ives and was seconded by Ms. Albarran to make the designation report for 1250 N. 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 public comment.

Attorney James Green, representing the owner, stated Mr. John Beeson, the owner, would explain why it was not worthy of designation.

The owner, John Beeson, discussed the faux material on the home's exterior and added that behind that material was rot.

Wes Blackman, CWB Associates, half of Mr. Beeson, historic preservation planner, stated that work is ongoing regarding water penetration into the building. He stated the reasons he did not believe this structure should be landmarked.

Ms. Murphy indicated that when researching the property, the work explained had not been permitted through the town. Seeing the pictures of the property, she still believed the home was worthy of designation.

Mr. Green stated that the owner sent a letter with photographs to the Town indicating the home's condition.

Aimee Sunny, The Preservation Foundation of Palm Beach, felt this request for a landmark was tricky. She found the history in the designation report very interesting but did not have personal knowledge of the structure.

Despite its disrepair, Ms. Patterson thought the home was worthy of the landmark designation.

Ms. Fairfax questioned when the home was initiated for designation. Ms. Murphy stated that the report was written almost four years ago. Ms. Fairfax did not believe she had enough information on which to base her decision.

Ms. Murphy thought the house would be more visible if the landscaping were removed.

Ms. Fairfax questioned how the house got to the Landmarks Preservation Commission since it could not be seen from the road due to the landscaping. Ms. Murphy said the house was discovered when historical research was being done.

Mr. Ives thought the home met the criteria outlined in the designation report and supported the property's landmarking.

Ms. Herzig-Desnick thought the home should be repaired if designated, and some guidelines should be provided to the homeowner. She thought the home was worthy of designation.

A motion was made by Mr. Ives and was seconded by Ms. Fairfax to recommend 1250 N. 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 residence opposed the designation. The motion was carried unanimously, 7-0.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda
Appeals

Agenda Title
Appeal of the Architectural Commission's Approval of a Pedestrian Gate at 203 S. Lake Trail (ARC-24-0027) at their December 20, 2024, Meeting.

Presenter

ATTACHMENTS:

- **Appeal of Pedestrian Gate at 203 S. Lake Trail**
- **December 20, 2024 ARCOM Meeting Transcript**
- **Excerpt from the December 20, 2024 Architectural Commission Meeting Minutes**

Senders Direct Line: (561) 721-4002
Email: jeubanks@sniffenlaw.com

Via E-mail December 30, 2024
Kelly Churney, Acting Town Clerk
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Appeal of ARCOM Approval of Pedestrian Gate
ARC -24-0027 - Darlene & Gerald Jordan ("Applicants")
Property Address: 203 S. Lake Trail ("Property")

Dear Ms. Churney:

Our firm represents Leslie and Wayne Wytrzes, the owners of 444 Seabreeze Avenue, which abuts the Applicant's Property on northeast side. While the Property sprawls along the Lake Trail from Seaspray Avenue to Seabreeze Avenue, there is no access to the Property from Seabreeze. After a prior attempt to create a vehicular access onto the Property from Seabreeze was unsuccessful, at its December 20, 2024, meeting the Architectural Commission (ARCOM) approved a pedestrian gate leading from the Property to Seabreeze Avenue ("Approval") right next to the Wytrzes property.

The Wytrzes believe the Approval was improper, should be reversed and the Application denied. Reversal is warranted given that: a) ARCOM's decision was made without critical information due to the Applicant's failure to provide accurate drawings of the surrounding homes; b) the Approval was made without taking into consideration the context of the neighborhood and applicable Code provisions; c) the Applicant gave no basis for its request and failed to meet its burden to do so; and d) the failure of the last LOI Update to even include the pedestrian gate.

Approval Made Without Critical Information

The Applicant is tasked with making sure that its Application is **complete and contains all the information** required for ARCOM to make an informed decision **prior to presentation**. Here it failed to do so. Instead, the Applicant omitted significant information within its Plans, namely the existence and location of a western driveway on the Wytrzes' property the exit of which would clearly interact with the pedestrian gate. Given its existence, the Applicant should have provided detailed information on the location, size, and length of the Wytrzes' driveway as well as where it exited onto the cul-de-sac to ensure the pedestrian gate would not interfere with the driveway and there would be no safety or other issues but did not. Instead ARCOM and the public were left with vague drawings which ARCOM relied upon, but only showed the Wytrzes' eastern driveway despite the long-term existence of their western driveway.

Even though many of the ARCOM Commissioners indicated at the time of ex-parte disclosures they had reviewed the plans and were "familiar with the neighborhood" in general they apparently were not familiar with 444 Seabreeze. A quick drive by the Wytrzes' home would have clearly demonstrated the existence of two driveways. More importantly, the Applicant's own Application demonstrates clearly in the pictures on page A-7 that the Wytrzes' home has two driveways with the western one exiting close to the middle of the curve of the cul-de-sac where the pedestrian gate was to be placed. *See*, Exhibit A.

To make matters worse, ARCOM acted in reliance on the Applicant's incomplete information, while ignoring the testimony of Ms. Wytrzes, the only person with direct knowledge. In response to Mr. Nievera's pointing a cursor to the location of the gate (*See*, Exhibit B), Ms. Wytrzes indicated "So that's right by my driveway" which ends at the tip of the white area. Transcript, p. 41. Mr. Smith emphatically indicated "Your driveway is on the other side of your property. Your driveway is on the east side, and this is the west property." *See*, Transcript, p. 41-42 Ms. Wytrzes responded that she had two driveways, "Yeah, we have a driveway on the other side." "Yeah, on the west side." Transcript, p. 42. She further confirmed that it "was there when we moved in." *Id.* There was no testimony disputing the existence of the western driveway or its location, yet ARCOM treated the Wytrzes property as if it had only the eastern driveway.[1]

Clearly the location of the pedestrian gate could radically change the Wytrzes use of their driveway as well as create a safety issue of having pedestrians cross directly behind a vehicle backing out of the western driveway or delivery trucks blocking the driveway thinking they could gain access to the Property from the pedestrian gate. Ms. Wytrzes testified that even without the gate she had to "chase an Amazon truck down the street yesterday because they were headed for the lake trail trying to make a delivery to the Jordans." Transcript, p. 40 "I'm worried that I'm going to have packages in my driveway being left at that gate, if there's another gate." Transcript, p. 40.

At that point, ARCOM should have deferred any further consideration of the pedestrian gate until such time as the Applicant came back with additional information on the exact location of the gate and whether it would or would not interfere with the use of Wytrzes' western driveway. In choosing to move forward and unanimously approving the gate anyway ARCOM acted without such crucial information. As such, its Approval was not based on competent substantial evidence and should be reversed.

Reversal is further required to maintain the integrity of the ARCOM process. Decisions by ARCOM, as well as other commissions, should always be based upon complete and accurate plans, information, and representations by the Applicant. To the extent there is a material omission (regardless of whether intentional or accidental) which is allowed to go unchecked and results in an approval, the public will deem the process not trustworthy. In this case, the incomplete plans excluding the details of the Wytrzes western driveway were relied upon for Approval over the clear picture of the same in Exhibit A and Ms. Wytrzes unopposed testimony. The result is that the Wytrzes will be left to deal with the consequences and burden of that omission, including a decrease in their ability to use their driveway and potential decline in property value. Such a result should not stand, and the Approval should be reversed to make sure that all the relevant information is before the Commission.

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[1] The video for the meeting, which is incorporated herein, can be found at the link below beginning at 33:49 and ending at 1:34:24. The portions regarding the pedestrian gate begin with public comments at 1:17:08 to 1:34:24. https://townofpalmbeach.granicus.com/player/clip/3103?view_id=5&redirect=true

Failure to Consider the Context of the Neighborhood and Code Provisions

In addition to the Approval of the pedestrian gate without detailed information, the Approval also failed to consider the context and contrast between the street and houses on Seaspray and the tight knit neighborhood community of Seabreeze as expressed by our client and other neighbors. The Town Development Review Checklist and Uniform Development Review Instructions both require a context component to make sure an Application blends into the surrounding neighborhood. Similarly, Section 18-146 of the Code describes the purpose of ARCOM to include the search for beauty. Subsection (d) indicates that while the purpose of the Comprehensive Plan and Zoning Code are powerful legal tools, "[t]he task of the architectural commission is ... to preserve the various elements of urban beauty and require that new projects enhance the existing elements." Subsection (e) reminds ARCOM that "the essential **foundation of beauty in communities is harmony**." Finally, even the Section 18-205(1) criteria for ARCOM requires "the plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality."

In this case, the public comment testimony demonstrates a huge distinction and contrast between the communities of Seaspray and Seabreeze. Ms. Nicole Betts of 409 Seabreeze Avenue commented that Seabreeze is a "charming historic neighborhood here in Palm Beach" and when she "started to envision how it [new home] would fit into our neighborhood and at this point it doesn't. It's enormous scale and added height would loom over the neighborhood and the lake trail." "It ignores the scale and historical integrity of our street." Transcript, p.37

Ms. Bettes made a further distinction of the two neighborhoods based on the ultimate question or "**why do they [Applicant] need a pedestrian gate on Seabreeze?**"

> **The only place it leads to is a service area. There is no such gate on our street. Yes, we have several gates** on Seabreeze, including at my home, **but they all lead to a front door; not a service area, as we have none on Seabreeze.** ... With that said, I believe that ARCOM was established to ensure that homes built in historic areas such as ours, are built with regard to scale, historical integrity and context. **The homes are built with a sympathetic eye that blends into the surrounding area, not dwarfing the neighborhood and creating problems with an unnecessary gate** at the end of Seabreeze. Transcript, p. 37-38.

As a result, the pedestrian gate itself is excessively dissimilar to any other gate in the Seabreeze neighborhood. Ms. Wytrzes raised similar questions and concerns regarding the pedestrian gate.

> **But the pedestrian gate, I don't see a reason for it**...You know, we look across the street at two other homes on South Lake Trail. They don't have any barriers to their house. They're beautiful homes **and the only gate they have is the access to the lake trail on the Intracoastal side.** They don't even have privets or hedges in the front of their houses. Most of our houses are open to the world. Our house is. Trans, p. 40-41

The testimony of Ms. Betts and Ms. Wytrzes raises a major context distinction between the communities of Seaspray and Seabreeze while also raising a dissimilarity issue. Seabreeze is a small

community with smaller houses with no need for gates other than those to the front door. As such, a gate (especially one to a service area) will be excessively dissimilar and the first in its community.

Applicant has the Burden to Demonstrate the Need for the Pedestrian Gate

The testimony of Ms. Betts and Ms. Wytrzes raises yet another issue. It is the Applicant's burden to demonstrate the need for a request before ARCOM. Curiously neither the Applicant nor any of its representatives have ever stated on the record a reason for the pedestrian gate. While Mr. Smith speculated maybe the owner "wants to go for a walk" it was pointed out that he/she could exit via the gate at the Lake Trail and walk around. It should not be ARCOM's duty to make up a reason. The Applicant should clearly state the reason for its request.

A more cynical answer is that after the Applicant was told there could be no vehicular driveway from Seabreeze, a pedestrian gate is the next best thing. Seabreeze has no resident parking restrictions. As Ms. Wytrzes testified Seabreeze is being used as an "overflow of the Jordan's house, especially when thy have parties, they all park on Seabreeze and **we're the only street in Palm beach that does not have restrictions**… Now this will make it very easy because they will have gate right there." Transcript, p. 43. One can easily imagine large parties in which the guests are dropped off at the main entrance and Seabreeze becomes a valet parking lot with the valets returning though the gate. Likewise, service personnel could be urged to park on Seabreeze and enter through the gate. Clearly, the Applicant is never going to admit such uses and has instead taken a don't ask, don't tell Policy as to the use of the pedestrian gate. In doing so the Applicant failed to meet its burden to provide the Town any reason to grant the gate, while the surrounding neighbors on a smaller street have provided multiple reasons not to do so.

Failure of the Last LOI Update to Include Pedestrian Gate

Finally, added to the above, the Applicant's December 4, 2024, LOI Resubmission – updated #2 which despite identifying every change to the Application in bright red, did not include any reference whatsoever to a pedestrian gate. *See*, Exhibit C. As such, the surrounding neighbors, who are not familiar with plans, drawings and surveys but can read LOI's were never put on notice that the pedestrian gate was even an issue. Such a lack of due process alone should be grounds for reversal.

Conclusion

In light of all of the above, the Wytrzes believe the Approval was improper, should be reversed for the reasons stated, and the Application for the pedestrian gate denied. We reserve the right to further supplement our request prior to the hearing at which this Appeal will be heard. Please do not hesitate to contact me if you have any questions or need additional information.

Very truly yours,

John R. Eubanks, Jr.

Attachments
cc: Wayne Bergman, Director of Planning, Zoning & Building
James Murphy, Assistant Director of Planning, Zoning & Building
JoAnne O'Connor, Esq. Town Attorney

Exhibit A

444 SEABREEZE AVE

N.T.S.

N

ROBERT

STATE OF FLORIDA
BRANDY M. CORRELL
REGISTERED ARCHITECT

PROJECT NO: A23054

DRAWING NO:

A-7

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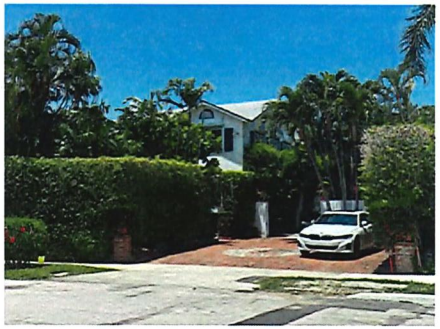
TC Development Review Meeting Backup 1-15-2025

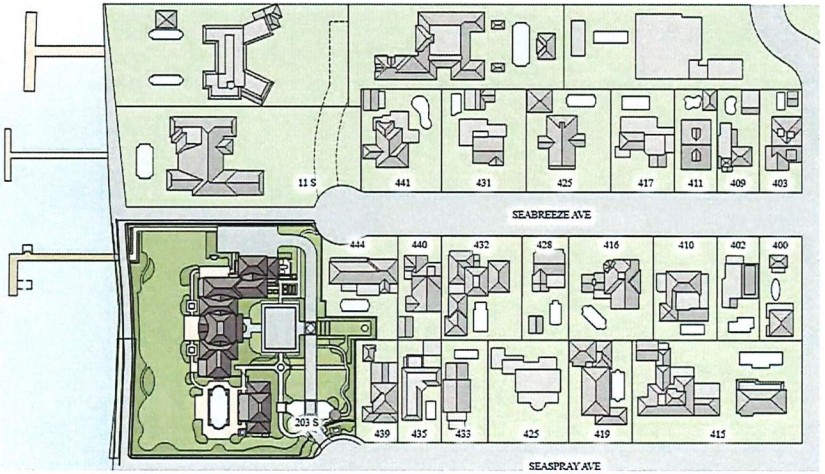
11 S LAKE TRAIL (TRAIL VIEW)

425 SEABREEZE AVE

428 SEABREEZE AVE



431 SEABREEZE AVE



KEY PLAN

432 SEABREEZE AVE

440 SEABREEZE AVE

441 SEABREEZE AVE

444 SEABREEZE AVE

PHOTOS OF EXISTING SITE CONDITIONS - SEABREEZE AVE

N.T.S.

ARC-24-0027

NOT FOR CONSTRUCTION PURPOSES

ARCOM RESUBMITTAL
DECEMBER 20, 2024

RESIDENCE IN PALM BEACH
203 S LAKE TRL
PALM BEACH, FL 33480

ROBERT A.M. STERN ARCHITECTS, LLP

PROJECT NO. A23054

DRAWING NO.

A-7

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TC Development Review Meeting Backup 1-15-2025
123 of 350

Exhibit B

PROPOSED SITE PLAN RENDERING

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

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

SITE PLAN

203 S. LAKE TRAIL

PALM BEACH, FLORIDA

04 DECEMBER 2024
07 OCTOBER 2024
01 JULY 2024 - SECOND SUBMITTAL
13 JUNE 2024 - FIRST SUBMITTAL

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

NIEVERA WILLIAMS DESIGN

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

NIEVERAWILLIAMS.COM

ZON-24-0004
ARC-24-09-27

Exhibit C

December 04, 2024

Re: 203 S Lake Trail, Palm Beach, FL 33480
ARC-24-0027
Letter of Intent (LOI) RESUBMISSION – UPDATE #2

RAMSA

Site History:
The property of 203 S Lake Trail has a lengthy record of owners dating back to early 1930s. However, when Mr. C.D. Strout took ownership of the property, he commissioned local architect, John L. Volk, to complete the design of his single-family residence in 1937. Volk's design included a main house, pool, and a pool pavilion to the south.

The homestead had numerous repairs over the last 87 years, few of which included major additions and renovations in the late 1970s and late 1990s. The 1990s renovations included major interior and exterior character updates, as well as the addition of a garage wing and a free-standing storage structure. Most recently, the current owners made minor repairs to the exterior and remodeled a few interior rooms in 2010-11.

The Proposal:
This project consists of the demolition of an existing two-story residence, one-story pool house, two-story garage, and one-story generator structure and the construction of a new two-story single-family residence with integrated garage and two-story pool house. A new pool is proposed in the approximate location of the existing pool. New landscaping and hardscaping are proposed on the entirety of the site. The existing dock will remain.

The proposed house and pool house structures conform to, or exceed, the setbacks requirements for the property. The current FEMA base flood elevation requirement for the site is 7.0 NAVD. The finished first floor elevation of the proposed two-story portion of the house will be at elevation 9.0 to mitigate any potential future flooding. The proposed pool house is designed to also have a floor at elevation 9.0. The garage will be at elevation 7.16. The fill proposed across the site will not exceed the maximum lot fill height of 3.5 feet.

The existing driveway entrance into the site along the right-of-way connecting the Seaspray cul-de-sac to the South Lake Trail will be removed and a new driveway entrance is proposed at the Seaspray Avenue cul-de-sac. The proposed entry gates will be set back at a minimum of 18'-0" from the cul-de-sac for appropriate off-street queueing space.

The maximum lot coverage for the zoning district R-A Estate Residential is 18,206 square feet (25%) with the proposed coverage at *13.8% (10,075 square feet)*. This is smaller than the existing 16.2% (11,766 square feet).

Per Section 18-205, the proposed project is designed in good taste and of a scale and character compatible with its neighborhood. The overall siting of the house, accessory structure, and pool mimic the historic home and pool house locations. The design is inspired by and references details from the original 1937 John Volk house designed for the property and subsequently obscured by later additions. The accessory space remains subservient to the massing of the main house yet continues the sequence of two-story structures along Seaspray Avenue. The two-story house massing incorporates covered porches, bays, and steps in the façade to create architectural interest and to enhance the visible perspective to neighbors and the public. The pitched roof will be at an overall building height of 34'-0".

RAMSA

Design Revisions following 2024-10-23 ARCOM Response:

Following the comments from the ARCOM committee and neighbors at the October 23, 2024 meeting, we have revised the design per below:

- The north curb cut along Seabreeze Avenue has been removed from the current scope
- The overall building height has been reduced to 34'-0", under the maximum allowed of 35'-0"
- The finished floor elevation of the house has been lowered to elevation 9.0
- Landscape Open Space (LOS) has increased further from 67.92% (49,045 square feet) to 69.3% (50,052 square feet)
- The site plan depicts significant changes:
    - The house plan is flipped north to south with the service court and garage at the north
    - The garage is incorporated into the house, eliminating an additional structure
    - The pool house is rotated to capture more views out to the lake and includes a covered porch, eliminating the lanai
    - The service court is sited along the north
- The glazing along the west façade has been reduced
- There are no roof pitches lower than 4:12
- The guest house roof height has been reduced from 30'-6"to 28'-1"
- Detail comparison sheets now include RAMSA details compared to John Volk's details at the same drawing scale to show similar human scale and proportion
    - A-34: The proposed entry parallels the proportion and scale from the referenced Volk drawings
    - A-36: The scale of the bay window is shown to mimic the scale from Volk's design
    - A-37: These reflect the same spring line of arches on the west loggia from our design to the John Volk reference
- A-40: The materials and color of the structures have been more clearly identified
    - The roof will be Ludowici Morando glazed closed shingle in Ash Gray blend color. The roof is not to be slate
    - The exterior stucco color is proposed to be a warmer tone, Benjamin Moore Vanilla Milkshake. The walls are not to be white
    - The limestone accents will complement the stucco in a beige tone
- The pool house redesign incorporates matching detail from the main house
- The landscape to the east side of the property has been further developed to incorporate more interest as you enter the site with landscaped walking paths mimicking the original Chinese garden, a pond, and a footbridge, making it more of a destination
- The fountain at the front entry has been removed
- The height of the palm trees was increased over the massing of the house
- The paved terracing along the west has been reduced
- Open metal fencing has been added at the upper portion of the Seaspray Avenue entrance wall to allow pedestrian visibility to the existing gazebo

Design Revisions following 2024-08-28 ARCOM Response:

Following the comments from the ARCOM committee and neighbors at the August 28, 2024 meeting, we have revised the design per below:

- Sport padel court has been removed from the project
- The previously proposed Observation tower has been removed from the project
- Existing generator building at the east has been removed from the project

RAMSA

- The previously proposed guest wing at the east along the driveway, connecting the main house to the pool house, has been removed
- The overall lot coverage has been reduced from 18.2% (13,821 square feet) to 13.8% (10,113 square feet)
- Enclosed square footage has been reduced from 16,578 square feet to 13,812 square feet
- Landscape Open Space (LOS) has increased from 52% (37,583 square feet) to 67.92% (49,045 square feet)
- Existing driveway along the right-of-way connecting the Seaspray cul-de-sac to the Lake Trail along with additional guest parking area has been removed
- The proposed driveway and entry court has shifted to the west, pulling it further from the neighbors to the east
- The existing garden gazebo is incorporated into the proposed landscape
- A larger area for mechanical equipment has been identified outside the setbacks and includes a perimeter wall and significant landscaping.
- The massing of the main house has shifted 5'-0" west, allowing a greater setback to the neighbors at the east
- The projecting massing of the east main entry of the house has been removed
- The façade facing the lake (west) has been modified so that flanking wings have been pulled back from the central massing of the house
- The west terraces have been reduced in depth
- The detailing of the exterior has been refined and continues to be informed by the historic elements from the pre-existing John L. Volk
- The pool house has been pulled back from the Lake Trail and redesigned
- Due to a client request, the lanai adjacent to the pool has been elongated in the north-south direction. This has resulted in the addition of 180 SF of unconditioned space to our program.

Sincerely,

Randy M Correll

Randy Correll
Partner RAMSA

TOWN OF PALM BEACH
ARCHITECTURAL COMMISSION

IN RE: ARCOM MEETING
ARC-24-0027
SOUTH LAKE TRAIL

_____/

EXCERPT TRANSCRIPT OF THE ARCHITECTURAL COMMISSION

PROCEEDINGS

VOLUME 1 (Pages 1 - 52)

DATE TAKEN: December 20, 2024
TIME: 9:00 a.m.
PLACE: TOWN OF PALM BEACH
360 South County Road
Palm Beach, Florida

BEFORE: THE TOWN COUNCIL FOR THE TOWN OF PALM BEACH ARCOM MEETING

This cause came on to be heard at the time and place aforesaid, when and where the following proceedings were transcribed by:

Patricia A. Lanosa, RPR, FPR, CSR
Registered Professional Reporter

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

APPEARANCES:

Jeffrey W. Smith, Chairman
Kenn Karakul, Member
Elizabeth Connaughton, Member
K.T. Catlin, Member
Claudia Visconti, Member
Dan Floersheimer, Alternate Member
David Phoenix, Alternate Member
Maisie Grace, Alternate Member

Also present:
Randy Correll, Robert A.M. Stern Architects
Mario Nievera, Nievera Williams Design
Maura Ziska, Esquire
Nicole Betts
Leslie Wytrzes, 444 Seabreeze Avenue, Palm Beach
Anne Pepper, 333 Seaspray Avenue, Palm Beach

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

I N D E X

VOLUME 1 (Pages 1 - 52)

	PAGE
Opening	4
By Mr. Correll	8
By Mr. Nievera	14
By Member Connaughton	17
By Member Grace	20
By Member Catlin	25
By Member Phoenix	27
By Member Visconti	29
By Member Floersheimer	31
SWORN TESTIMONY:	
By Nicole Betts	36
By Leslie Wytrzes	38
By Anne Pepper	44
Motion Called	49
Certificate of Reporter	52

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

Proceedings began at 9:00 a.m.:

(Thereupon, the following is an excerpt of these proceedings:)

* * * * * * * * * *

CHAIRMAN SMITH: The next item on the agenda is AC24-027, 203 South Lake Trail.

UNIDENTIFIED SPEAKER: Yes. This application proposes a new two-story single-family residence, a new two-story detached accessory guesthouse with final hardscape, landscape and swimming pool improvements. The property is located on the Lake Worth Lagoon between Seaspray and Seabreeze Avenues on a large parcel zoned R-A estate residential.

The application was first presented at the August 28th ARCOM meeting and deferred for two months to address concerns regarding the size, massing and architectural details of the structures, the proposed number of structures, the citing of ancillary features like the generator building and proposed Padel court and the number of vehicular curb cuts.

The applicant resubmitted revised plans and presented at the October 23rd hearing

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

removing the Padel court, eliminating the nonconforming utility building and reducing the number of curb cuts.

The Commission deferred the application to the November hearing for further study on the height, architectural details, roof pitch, fenestration on west facade and the landscape plan including the Chinese garden.

The applicant requested an additional deferral to the December hearing for further study.

Significant changes were made for resubmittal, including relocating the garages and service area to the north side of the parcel, eliminating the previously proposed loggia, resizing the accessory guesthouse with related modifications to the landscape and hardscape plans. A picket fence has been incorporated along Seaspray Avenue offering views of the Chinese garden which now features ponds, footbridges and a vehicle bridge. The previously proposed curb cut along Seabreeze Avenue has been eliminated and replaced with a pedestrian gate and pathway.

Staff has received one letter of concern

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

from the Merriman household regarding the resubmitted plans.

Only one motion will be required by the Commission.

MR. CORRELL: Ms. Visconti, ex parte?

MEMBER VISCONTI: None.

UNIDENTIFIED SPEAKER: None.

UNIDENTIFIED SPEAKER: I read the letter and I spoke with Mario regarding landscaping.

UNIDENTIFIED SPEAKER: I met with Mario Nievera regarding the landscaping.

UNIDENTIFIED SPEAKER: I had a Zoom meeting with Mario regarding the revised plans. I also read the letter and drove through the area.

UNIDENTIFIED SPEAKER: I read the letter and I had an email exchange with Mario where I asked him to increase the line of Pigeon Plums along the north to hide the garage, to add a specimen tree in the little pocket park to the east and to rework the trees over the front entrance and he agreed to all of those changes.

UNIDENTIFIED SPEAKER: I'm familiar with this. I received an email from Mario. Our schedules did not line up. I did not meet with

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

him and I read the letter.

UNIDENTIFIED SPEAKER: I went by the site and I read one letter in opposition to the project.

UNIDENTIFIED SPEAKER: I read the letter too, Kelly, I'm amending my ex parte.

UNIDENTIFIED SPEAKER: We're making one correction, so if the applicant can begin, it will be there momentarily. It's not worth delaying. It's downloading right now.

CHAIRMAN SMITH: Okay, please begin.

MR. CORRELL: Good morning, I'm Randy Correll, Robert Stern Architects. I would like to have a drawing up on the screen to present to you.

After our last meeting in October, we were notified by the town that the entry from Seabreeze would not be allowed, which caused us to rethink our site plan in a significant way which we submitted early on before our official submittal to you.

So essentially we flipped the plan of the house north to south. We moved the garage, which is at the southern end of the property to the northern end of the property. And, which

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

you'll see in the a minute, the main body of the house is now more to the center of the lot. The swimming pool has shifted to the south. The pool house that we -- the pool house, guest house, which we originally had at the south end of the pool is now along the lawn side of the pool to the east.

(Discussion off the record.)

CHAIRMAN SMITH: Just to make it easier on you, we have studied the plan so we're not blind.

MR. CORRELL: Okay. And Mario will speak about the landscaping, so why don't I focus on the house itself, which there were comments about the detailing, and scale, and so forth.

This is the view from the entry side, which is essentially the same as what you saw the last time, except the service wing has been flipped from the south to the north.

The biggest changes are really on the west side, where we've further articulated the facade. We reduced amount of glazing. We made the house more symmetric in that the end wings of the library at the south end and the family room at the north end are more balanced for

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

glazing articulation and also the porch itself.

The pool house, guesthouse you see here, we actually did some revisions from what you saw in the submission, which I wish we could show you. But I'll speak to this rendering on the screen. At the first floor behind -- at the back of loggia we eliminated the television and made that glazed as well, so the whole inside wall is glass panels.

And then on the second floor, instead of the four openings, we now have two sets of French doors with a slightly recessed blind arch. And then on the two wings, the high panels, blank panels we made into windows.

What else can I show you here? Can you go to the elevations?

(Discussion off the record.)

MR. CORRELL: On the screen now is a comparison from the previous west elevation to the revised west elevation and you can see that the amount of glazing and enlarged glazed areas have been eliminated.

We've further articulated the glazing especially on these pavilions to the left and right of the central loggia. The bay windows

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

have become three angles -- slightly angled bay windows. And the second floor bedroom windows have been separated from the lower bay, so it doesn't read as one piece of glass.

The family room, which was fully glazed in the previous scheme, is now flipped to the other end of the house, we've articulated with columns and three segmental-arched windows and that I feel balances the porch at the library at the opposite end of the house.

And this, the north end elevation, which is now flipped, it was the library at the bottom. The new proposed elevation is the family room at the first floor, which previously had a big porch with arches, which doesn't make sense now that this is the north end, and not by the pool, so we put a small little bracketed overhang on that.

(Discussion off the record.)

MR. CORRELL: On the screen now is a comparison between the previous site plan and the new site plan, which I think you understand so I'll go on.

These are the new set of renderings. Again, the front elevation we reverted to blue

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

shutters from the gray shutters. I think that's the only significant change. The west elevation, which I'd spoken about.

Okay. So then this is -- the pool house is submitted and then these are revisions we have made since that revision, which I just described to you.

This is now the south end of the house which is the library on the first floor. The primary suite on the second floor facing the pool. We've added this bay window and rethought the windows on this facade.

This is a view of the buildings together. And then these are some Vignettes across the rear facade. You see the family room, which I just described. The loggia, which we have changed from brick to stone. Because we didn't have any other brick, so this stone relates to the porches at either end of the house and other details of the house.

There was some discussion about this previously how the Volk had been slightly recessed and ours had not. We have now recessed the loggia slightly behind the flanking pavilions. And, I'm sorry, you see

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

the -- also the bay window to the right of the shallow bay window that we've added. And then here's a detailed -- the library porch.

There was question about scale brought up at our last meeting and the relation to a Volk precedence. So there are a few key elements were showing comparisons to Volk. First being the entry porch comparing it to the Tarrant house on North Ocean Boulevard. And here we show our drawing compared to the original Volk drawing with red data lines and you see our porch column. Heights are identical. In fact, the Volk has the eave and second floor window heads are higher -- taller than our house.

Here is a comparison of the bay window element at the back. On the left is our proposal. The center is Windsong and you see our heights of window heads first and second floor align.

The original Volk house the living room -- the original Volk house on the site, the living room was on the second floor, which meant that the second floor ceilings were 11 feet and the first floor were 10 feet, so that's the slight discrepancy between our proposal and the

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

original.

Here's a comparison of the -- sorry -- of our rendering of our loggia, with the original. And, again, there is that slight height difference between the two were a foot taller. And here you can see the comparison of the drawings.

There is also some discussion about the pitch of that roof on the second floor porch. There was a detail of Volk where he shows the 4 and 12 pitch which we are showing here.

We tweaked the material pallet a bit. We went to a glazed Ludowici tile in a slight gray color. We made the stucco, we'd like it to be a little more off white. Again, we reverted to the blue shutters, which on screen look very green, and we specified it a specific kind of grey-gee limestone for the stone details.

I did -- I think the last thing I want to talk about was for the height, which was under discussion last time. In this drawing you can see a comparison. In the new proposal you'll see a red line at the top which indicates the previous height. We've lowered the first floor elevation from 10 feet to 9 feet, which lowers

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

the overall height by a foot. And so at the tallest point, which is the center of the house, it will be 34 feet. The eave height at 24 feet, and the guesthouse ridge is at 28 feet.

I think the letter that you received from Mr. Merriman, the neighbor, indicated that his first floor is at 9 feet. So I think we're in keeping with the neighborhood.

And that's concludes what I had to say.

(Discussion off the record.)

MR. NIEVERA: For the record, Mario Nievera landscape architect for 203 South Lake Trail.

And I want to say thank you to all the people I was able to review the drawings with and I do appreciate your time and all of your -- and even in the previous meeting it really did give us an opportunity to really rethink the site plan and the garden.

What really is the opportunity here is what -- when we moved the garages to the north end of the house to put the pool house as the first building you run into.

We've opened up the walls of the

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

cul-da-sac, the railings on top, the stucco walls, so you'll be able to see both the gazebo, down the driveway and into what has now become a very large garden. And we brought back the pond in the original drawings for the Chinese garden, it was a very large pond. We brought the pond back, in which we created a bridge to drive over and pathways that lead all around the Chinese garden. More formal paths that lead -- that separate the pool house and the main house. And we surrounded court -- the main house courtyard with a lot of trees and vegetation.

And in the rear facade, broken that up as well, you know, just so that we see -- just so that breaks up the lines and the massing. As previously spoken about, that Randy spoke about this is the front facade, it's changed a little since then.

Then the rear facade, this is where we've added a lot of palm trees, a small scale to accentuate the wings. The ligustrum trees to bring down the canopy line so you see green at eye level and just a lot of shrubs and Pygmy dates. So that really changed the landscaping

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

a lot.

There was one comment to add Coconut Palms or palm trees to break up the main wing, the main massing and then separate the wings, we've done that in the plan as well. As Randy mentioned in the overall scheme, even the landscaping here has separated the buildings and created little small gardens -- or gardens that are relation -- relative to -- to have broken up the large massing of the lawn in the back.

In the pool I've added Jasmine vine on the two wings of the pool house. Citrus trees surround the pool, as well as coconut palms.

I'm going to skip over those because you've seen all of these.

You can see in the proposed west elevation how much more interesting the landscaping is. I think that is a combat to make it a variety of gardens and spaces underneath the banyan trees. I want to create secret walking paths to shade gardens and native plantings.

This was the original gate that we presented a while ago. Now when you look down the driveway, it's a very long-line driveway

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

and the very end there is a coconut palm -- a gumbo limbo -- a specified specimen gumbo limbo at the very end of the driveway.

And last -- oh, sorry. Oops.

This is the cul-da-sac elevation below, which is the open gate and then the railings on top of the wall.

And then on the Seabreeze cul-da-sac all we have is a wall very densely landscaped, but we have an open gate that you can look through, and there is a meandering path that goes around the gumbo limbo tree that we placed there. And again, we didn't want to have a wall, and just a wall of landscaping on that side and we just wanted to see -- be able to have the opportunity to be able to see into the garden.

And that's concludes my presentation.

CHAIRMAN SMITH: Thank you.

Ms. Connaughton.

MEMBER CONNAUGHTON: Hi, thank you. I think your -- I think the details you've added, particularly on the west elevation, are a huge improvement.

I think there is certain areas where it can even be pushed a little bit more. I think

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

you kind of achieved that delicacy that Volk kind of did, and it made the building look a little bit less of a building and more of a like a home, if that makes sense, less hotelie.

I think there's -- maybe you said the family room details of, like, that filled in loggia, I think that could be pushed a little bit, too, or just a little bit more attention to the detail.

Let's see. Anyways, for the most part, I think that's been a huge improvement. The family room was one thing I wanted to mention where it was filled in like that.

And then the front entry elevation, the entry element, I'm just a little confused what's going on with the roof there.

Could you explain that to me, because I think it's different and a different rendering?

MR. CORRELL: Yeah. Yeah, it's a shallow-pitched, it would be a metal flat seam.

MEMBER CONNAUGHTON: It's like a shed roof?

MR. CORRELL: Yeah.

MEMBER CONNAUGHTON: Because in some of them it looks like it's --

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

MR. CORRELL: Yeah, I know we're a little inconsistent.

MEMBER CONNAUGHTON: Yeah, I got it.

I know you did some comparisons here with this full precedent that you have. The entry element looks very high, but I don't know if that was a thought that I've had from before as well.

MR. CORRELL: Yeah. I mean, here's the comparison. So as I said, the column heights --

UNIDENTIFIED SPEAKER: Mr. Correll, can you get closer to the mic?

MR. CORRELL: I'm sorry. The column heights are the same. The Volk entablature was a little thin and so we made it more classically correct.

MEMBER CONNAUGHTON: Yeah, his columns look more attenuated entablature, too, look. Yeah, okay. The relationship with the front door, too, it almost feels a little bit too high compared with the front door. But maybe somebody else can comment on that.

My other thing is the pool house, I kind of miss you guys having more like one-story

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

elements on this large site just to spread the program out a little bit more. But I think it's -- I think the new site plan is nice as well. I liked the old site plan, too, I thought it was successful.

The pool house, I just -- something about it feels like it's squished and tall. Maybe that flanking elements and stuff, I feel like it could use a little bit more thought similar to how you did in the whole west facade. But overall I think it's a good improvement. A huge improvement, actually.

CHAIRMAN SMITH: Ms. Grace.

MEMBER GRACE: Yes. Thank you. I appreciate all the efforts and changes that you've made on the project. I do think they're a big improvement. Although, I think there is still a long way to go. I think that overall the house still seems very large. I know you said you took a foot off of it. But you said that the house is, I think you said, 34-feet tall. So I just don't feel like that's a big enough change for what we're looking at in the neighborhood.

When you look at the human-scale figure

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

that appears in the drawings, you know, in the various places and the pages, it really stands out just how large this house is.

And, you know, we just had a house previously that Mario obviously must have worked very hard with the owner on, and they were able to reduce the size of the property from the prior owner and it just really showed the amount of effort that they went in in detailing and trying to make something fit into the neighborhood and to contribute more to the neighborhood.

So I know that the owners have lived there for a long time, and so I'm just wondering, you know, how you've worked with them and what their ideas are about, you know, going forward, and how they plan to, you know, use the property to make it fit in better with the neighborhood? I mean, is there any particular vision that you want to share that they have?

MR. CORRELL: Well, I would comment that this house is, in fact, smaller than the house that's there and certainly has a lot more open space between it and the neighbors and the street.

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

Also, I don't think it's a fair comparison to that Ibis Island house, in that this is a much different property and a much larger property, and I think the house is a different scale than the houses on Seabreeze and Seaspray because it is a different scale of property, and a different type of house it is in scale with the other houses, I think, on South Lake Trail.

MEMBER GRACE: Obviously it is a property on South Lake Trail, so it's going to be different. I feel like it's really too different. It stands out too much. And I know that we did receive this letter from the neighbor to the north who says that he's very concerned. I don't know if you met with him about how your property -- how the house is going to interface with it. He says that the finished floor elevation is at 10 feet. Is that accurate what he says in his letter?

MR. CORRELL: The revised is at 9 feet, which is the same as his house.

MEMBER GRACE: Just because, obviously, with your house being up at 34 feet, and you have that option if you made the finished floor

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

at least another foot lower, that would be -- it would seem like an easy way that you could reduce it. And I just feel like you have to make more effort. I know you have a lot of open space. And Ms. Connaughton mentioned the pool house, maybe that could be single-story as well. I don't know if you thought about, if you could do any rearrangement and have other single-story portions on the property just to make it fit better. I'm just looking for ways to have it fit in better with the neighborhood.

MR. CORRELL: The earlier schemes did have more single-story properties which tended to make the property look more filled in, you know, than I think it does now. We have less structures than we had on the earlier schemes.

MEMBER GRACE: You know the two, which it's difficult, I appreciate that.

MR. CORRELL: I should note, too, that Maura Ziska has spoken to the neighbor and I believe has ...

MS. ZISKA: I spoke to Michael Merriman either yesterday or the day before. He wasn't aware of the 1-foot drop of the finished floor elevation. And we talked about his house being

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

at the same finished floor elevation at 9. He has a one-story house but, again, that house can be redeveloped to a two-story house, but it's the same sort of, even though it's lower, it's the same on the lake.

And while I'm up here, I just -- everybody always wants to say shorter, narrower, too tall. This is a house that's proposed on the lake on a very large estate. And if you're going to have an estate house, this is the place to have it. Once you start cutting down a foot here, a foot here, it's compromising the architecture. And, I mean, you have a world class architect designing a beautiful house for an owner in Palm Beach, you should just be embracing this and not trying to cut corners and try to make it smaller just to try to get a pound of flesh.

MEMBER GRACE: I would definitely say, I'm not suggesting that you cut any corners. I know that you did reduce the glazing on the west side. I just know that that could be reduced even further because it still really stands out the amount of glazing. I just feel there is more changes that can be done and

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

still have an objective property.

MR. CORRELL: On the screen I brought up the elevation along the Lake Trail. And you can see -- well, obviously, Mr. Merriman has a one-story house so it's very different. But the house to the north has much more glazing and taller -- actually a significantly taller roof than our proposal has.

I also wanted to make a clarification, sorry, that I wanted to make earlier. At the last meeting it was said that our floor to floor, second floor was 14 feet. In fact, it's 13 feet. In fact, I think Mr. Merriman refers to us having 14-foot ceilings, which we do not have 14-foot ceilings, we have a projected 11-foot celling on the first floor.

Thank you.

CHAIRMAN SMITH: Ms. Catlin.

MEMBER CATLIN: I actually think that this is much better. I think it looks like it's been there. You put in elements that have -- occur gracious and stately.

I think, Mario, you did a wonderful job with the landscaping. I think it's engaging and makes you want to walk around the property.

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

I think the letter we keep referring to is speaking to issues that have been resolved with regards to finished floor and second driveway cuts, and clearly Maura has acknowledged they have spoken to the neighbor since the letter. And if that's the case -- you know, I'll defer to the architects on the Commission with regards to any specific details. But I think overall, I think you've done what you've been asked to do. I think you brought that house down in scale. I think you re-designed the site plan so that it has a lot more play in terms of gardens and the way that it interacts with the property.

I do agree with Maura, it's an estate property. You can't bring it down to the scale of the homes on the neighboring side streets without compromising how it interacts with the lake and the size of the property.

So I think that you're very much, you know -- as I said, I'll defer to the architects for any specific details. But it doesn't occur to me that there is too much glazing. It doesn't occur to me as too large at this point. It does, you know, for me, just seem to now

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

present itself as having always been there and gracious and stately.

CHAIRMAN SMITH: Mr. Karakul.

MEMBER KARAKUL: I agree. I think that it's been refined and I think that it's been refined well. I think it's a major property sizewise and it is a reduction and was there, and I think it's come into its own, a very handsome addition, and I think it's ready to move along. I think they really solved all the issues. And I do agree it is a handsome addition from the water as well.

CHAIRMAN SMITH: Mr. Phoenix.

MEMBER PHOENIX: Good morning. Thank you for taking into the consideration the comments from our previous meetings. Can you pull up the rendering up again, of maybe the front or the back, whichever you want to pick. Maybe start with the front. That's in -- in the meantime I think the landscaping is one of the best parts of the revisions here. Oh, that was one of my questions, where are the lanterns. I'll check that one off. I didn't see them on the rendering. That's revised. Okay. Got it. Okay.

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

So I think to one of the commissioner's comment, it's a big house, it's a big lot. I think you've taken into consideration the curb cut, the garden with the pavilion, the pagoda. I just think the pool house to me still misses. I think it's great. I love the blue. I think that, you know, it's a very, you know, the way you've oriented drive in, I think it's with the trees. You know, I think that it's great. I just think the pool house, if you can turn to that page, that's my only -- one of the other comments -- there you go -- yeah, I think it's just kind of okay. I mean, everything else, it's a beautiful property, it's going to look beautiful from the lake trail. I think that looks a little -- it's just -- I think it should be, with your precedent pictures, I think it should be a fouler, a little bit more playful. This looks really stiff to me. Those are my comments to there.

I also have questions on the windows. Are they metal windows? Are these wood mahogany windows? Painted?

MR. CORRELL: Painted.

MEMBER PHOENIX: Painted. Okay, great.

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

The lanterns we talked about. Blue shutters, landscape windows. And then garage doors I didn't see a detail on that. I'm assuming they're painted wood, too --

MR. CORRELL: Yes.

MEMBER PHOENIX: -- with detail?

MR. CORRELL: Yeah.

MEMBER PHOENIX: Okay. All right. Those are my comments on the guest -- the pool house is the biggest comment.

CHAIRMAN SMITH: Ms. Visconti.

MEMBER VISCONTI: Thank you. I wanted to call out your firm on the presentation the way you guys did the diagramatic studies to help both us and the audience just see everything that the redline is very well done to show us the changes. I appreciate that.

I have the same comment as David on pool house. I think something Volk is known for is its follies. I think you have the opportunity there to add that more bit of whimsy. I'm not saying it should be super whimsical. But the way you've introduced some of the copper rooflines over your bay windows, if some of that could be introduced onto the pool house,

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

perhaps rather than having such a north diagonal pool house with such a central -- just very rectangular facade with the two rectangular wings, perhaps there is an opportunity there to add some kind of curves and things.

I appreciate the blue shutters. I think that helps it bring it back to the sea streets. I think something else that would help is, I really like the texture of the stone that you've added. I think that's a big improvement. But do you happen to have a piece of that stone here?

MR. CORRELL: I do not.

MEMBER VISCONTI: I just think maybe the pallet of the stone could go a little more on the warm tones, just to be more in keeping with the sea streets. So perhaps you can bring back the stone maybe at staff level, with a warmer, something more Florida. It feels a little northern, and I think it's going to be a little gray for the streets -- of the sea streets.

But I do think overall, hopefully you and your client are much happier. I think this is one of those houses that, you know, ARCOM

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

pushes you guys and you come back with a much better product. I think you definitely have achieved that.

I do think, you know, perhaps you can move forward with the house and come back to us with a revised pool house, because it wouldn't stop you from moving forward on the main house.

CHAIRMAN SMITH: Ms. Connaughton.

MEMBER CONNAUGHTON: No, I was just going to say the same thing. I think the pool house definitely needs some studying. And like the mechanical room doesn't need, like, a transom window, however tall it is, you know what I mean. I just totally agree about the whimsy that Mr. Phoenix and Ms. Visconti said.

CHAIRMAN SMITH: Mr. Floersheimer.

MEMBER FLOERSHEIMER: Thank you, I agree with many of my fellow commissioner's comments. I wouldn't reiterate those. There is no way about it, it's a big house. I mean, it's 17,700 square feet. Like my commissioners said, it is a big lot.

Mario, do you have a revised landscape plan with the things that we discussed? Because the plans that I saw on the screen seem

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

to be the same that were in the packet?

MR. NIEVERA: Yes.

MS. ZISKA: Yes, it's not downloaded yet in the downloads. There is three files in there, but there is only two. This is one, two, and three. Those are the only ones that we have.

MR. NIEVERA: All the way to the bottom.

Yes.

MEMBER FLOERSHEIMER: I saw the pigeoned area. There is the specimen tree.

MR. NIEVERA: You probably can't tell it's rendered here, but in the plant there are two clusias here (indicating). The gumbo limbo is labeled on the actual planting plan.

MEMBER FLOERSHEIMER: I see the Pigeon Plums now extend all the way across the driveway --

MR. NIEVERA: Yes.

MEMBER FLOERSHEIMER: -- on the north?

MR. NIEVERA: Correct.

MEMBER FLOERSHEIMER: And the palms on the west?

MR. NIEVERA: So that was at -- do we have the rendering? Sorry.

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

MEMBER FLOERSHEIMER: I saw them on the other rendering.

MR. NIEVERA: We have to show it on the ov- --

MEMBER FLOERSHEIMER: On the overhead?

MR. NIEVERA: Yes.

UNIDENTIFIED SPEAKER: Similar to the scale on the east side?

MR. NIEVERA: Yes.

MEMBER FLOERSHEIMER: Yeah, I think that's an improvement to the property. So thank you for those adjustments.

CHAIRMAN SMITH: I've got a couple of questions for you. Number one, I think you've turned it around, it's very, very nice. Thank you. Except I do agree with my other commissioners, the word that I use, the pool house seems to be a missed opportunity. Folks known for wonderful -- you know, this just looks like the house just dropped off its tail. Instead of, you know, having a whimsical kind of fun pool house. And maybe someone did say, maybe break up the massing by doing two one-stories on each side of the pool. Something. But it's just very -- it just -- it

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

just looks like the house.

I think the scale is fine. I think, this is estate zoning. If you look at the site plan, can you pull up the one with the neighbors. I think you've been very respectful of green space. That one that you showed.

MR. NIEVERA: Maybe the first one.

CHAIRMAN SMITH: No, the next. Not that one. Not that one.

MR. NIEVERA: It would be the first one.

CHAIRMAN SMITH: Yeah, but it went the other way, because it included -- yeah, but whatever. Just footwise you have so much green space. If you look at the Fireman property, it sets so much further to the west of the lake. So walking by your house it sits proudly back, even further back from the Fireman's. So I think you've been very respectful. The only way anyone is going to see this house is from the lake. I mean, they're not going to be able to see it down the driveway. And I think the driveway, without the problems with the neighbors -- and I heard it turned out to be the town -- I think that was a real positive thing that happened. You know how --

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

MR. NIEVERA: Actually, we do too. Our client and the design team are happy with this.

CHAIRMAN SMITH: It makes the house so much more exciting. My one concern is, if we look at 834 --

MR. NIEVERA: Here we go.

CHAIRMAN SMITH: Yeah, because this is kind of important. Is that a copper roof that you're proposing over the --

MR. NIEVERA: Yes, sir.

CHAIRMAN SMITH: -- entrance?

MR. NIEVERA: Yes.

CHAIRMAN SMITH: I don't know. I think it looks fine on the Terrent house. And I remember that house. But I think being a strong -- the copper color, or whatever, I think is going to be just too much chopping the facade in half. I'm just wondering if you should just do a white roof there or just don't even do a roof and make it an entablature?

MR. NIEVERA: Yeah, I tend to agree with you on that.

CHAIRMAN SMITH: Because, I mean, this is the most important moment of arrival. I think that -- I would hate to see a copper roof

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

there, whether you paint it white or whatever. You barely read it on that Terrent house because it's white.

MR. NIEVERA: Yes.

CHAIRMAN SMITH: And I remember that house and I don't remember that roof. That's funny. I think you've done a great job.

Do I have any other little comment? I think I'll let you go. The red lines were great comparing them to the two houses. It really solved any questions that anyone would have. It took a while, but I think bravo. But I would like you to come up with a better idea for your pool house.

MR. NIEVERA: Okay.

CHAIRMAN SMITH: Does anyone from the public want to speak regarding this project?

Please state your name and address for the record?

MS. NICOLE BETTS: Nicole Betts, 409 Seabreeze Avenue.

Good morning. Once again, my name is Nicole Betts. I live at 409 Seabreeze Avenue.

I would like to comment on advocation of 203 South Lake trail as it relates to my

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

neighborhood, often referred to as a sea street, a charming historic neighborhood here in Palm Beach. Although the applicant's parcel is estate size, it's not located in an estate neighborhood.

As I was walking my Westie Warren the other day, thinking of this advocation and the proposed plans, I started to envision how it would fit into our neighborhood and at this point it doesn't. Its enormous scale and added height would loom over the neighborhood and the lake trail. And it doesn't blend in. Not like the two lake trail homes across from it on the north side of the pedestrian access to the lake trail and Seabreeze on Lake Trail Circle. It ignores the scale and historical integrity of our street.

And that brings me to my second comment. Why do they need a pedestrian gate on Seabreeze. The only place it leads to is a service area. There is no such gates on our street. Yes, we have several gates on Seabreeze, including at my home, but they all lead to a front door; not a service area, as we have none on Seabreeze. This includes the

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

aforementioned two lake trail homes across from the applicant.

I'm not against the applicant's right to build what they would like. With that said, I believe that ARCOM was established to ensure that homes built in historic areas such as ours, are built with regard to scale, historical integrity and context. The homes are built with a sympathetic eye that blends into the surrounding area, not dwarfing the neighborhood and creating problems with an unnecessary gate at the end of Seabreeze.

I love the beauty and historical character of the sea streets which add so much to the beauty and charm of Palm Beach. I believe that was why ARCOM was established to keep it that way.

Thank you so much.

CHAIRMAN SMITH: Thank you. Any other comments?

UNIDENTIFIED SPEAKER: Can I ask the applicant a question? Oh, sorry, someone else --

UNIDENTIFIED SPEAKER: It's public.

MS. LESLIE WYTRZES: Hi. I'm Leslie

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

Wytrzes. I live at 444 Seabreeze Avenue which abuts the property that we're talking about. We've lived there almost 20 years and I have to say that I actually like the design of the house and I'll be looking at it outside my master bedroom window.

I -- first of all, the architects and the Jordans, no one has contacted me. We're friends with the Jordans, spend time at their home. But I don't know who to contact to ask my questions.

My first question is: Is the generator building being removed? Or is the building staying and the generator is being moved?

UNIDENTIFIED SPEAKER: The building (undiscernible) --

MS. LESLIE WYTRZES: That whole building? Thank you. That's fantastic.

And I also want to thank you for eliminating that curb cut. But I do have another question, and that is the pedestrian gate. Is that going to my driveway? Coming out to my driveway? Where is it located? I can't find it on the plan?

MR. NIEVERA: It's centered on the

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

cul-de-sac. It's right there (indicating).

MS. LESLIE WYTRZES: I want to remind everyone, our property used to be the guesthouse to that property, but it was subdivided. We're -- anyway, the Jordans, you know, have been great, great neighbors. And the biggest thing for me was eliminating that curb cut.

But the pedestrian gate, I don't see a reason for it. I took photos of all the gates that the Jordans have now. And I -- there are lots of gates. I had to chase an Amazon truck down the street yesterday because they were headed for the lake trail trying to make a delivery to the Jordans. There is a sign that says deliveries should all be made off of Seaspray not Seabreeze. I'm worried that I'm going to have packages in my driveway being left at that gate, if there's another gate there.

You know, we look across the street at two other homes on South Lake Trail. They don't have any barriers to their house. They're beautiful homes and the only gate they have is access to the lake trail on the Intracoastal

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

side. They don't even have privets or hedges in the front of their houses. Most of our houses are open to the world. Our house is. And, anyway, that's the deal we have now.

So did you -- can you just show me exactly where that pedestrian gate is going to go?

MR. NIEVERA: The cursor is right there (indicating).

MS. LESLIE WYTRZES: And show it in relationship to my house, because ...

MR. NIEVERA: Your house is right here. The driveway.

MS. LESLIE WYTRZES: 444?

MR. NIEVERA: Correct. The gate is right here (indicating).

MS. LESLIE WYTRZES: Will there be a garden where the generator building was?

MR. NIEVERA: Yes.

MS. LESLIE WYTRZES: Thank you. This is so wonderful. Okay. So that's right by my driveway. The driveway there.

CHAIRMAN SMITH: Your driveway is on the other side of your property.

MS. LESLIE WYTRZES: Yeah.

CHAIRMAN SMITH: Your driveway is on the

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

east side and this is the west property.

MS. LESLIE WYTRZES: No -- yeah, we have a driveway.

VICE CHAIRMAN SAMMONS: Yeah, over there.

MS. LESLIE WYTRZES: The other side.

CHAIRMAN SMITH: There is a driveway on the west side?

MS. LESLIE WYTRZES: Yeah, on the west side.

CHAIRMAN SMITH: You have two driveway cuts?

MS. LESLIE WYTRZES: Yeah, that was there when we moved in.

MEMBER FLOERSHEIMER: You would prefer a solid wall?

MS. LESLIE WYTRZES: Pardon me?

MEMBER FLOERSHEIMER: You would prefer a solid wall with landscape?

CHAIRMAN SMITH: I think if the owner of this wants to take a walk --

MEMBER FLOERSHEIMER: I know, but still I didn't understand --

(Simultaneous talking.)

CHAIRMAN SMITH: -- talk about being friendly --

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

MEMBER FLOERSHEIMER: -- approaching a neighbor.

CHAIRMAN SMITH: -- and go see a neighbor.

MS. LESLIE WYTRZES: If the owner what?

CHAIRMAN SMITH: Would like to take a walk on the street, I think they should be allowed to.

MS. LESLIE WYTRZES: Well, they can go out the other gate and walk around.

So what happens now is that everyone that -- the overflow of the Jordan's house, especially when they have parties, they all park on Seabreeze. And we're the only street in Palm Beach that does not have restrictions. So everyone parks there that goes to the Four Arts, goes to the Rec Center, goes to the Jordan's house. Now this will make it very easy because they'll have a gate right there.

CHAIRMAN SMITH: I am sorry, I have to cut you off. I gave you three minutes and I already gave you five and a half.

MS. LESLIE WYTRZES: Thank you for answering my questions.

UNIDENTIFIED SPEAKER: Can I make a

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

question to the applicant?

So the concern about the gate and some of the things I've been thinking about is, where would garbage collection be? Would that be the back of the house? The driveway abuts onto Seabreeze. Would garbage collection be from Seabreeze or Seaspray?

MR. NIEVERA: Seaspray because the truck -- the little garbage truck will go up and pick it up.

CHAIRMAN SMITH: It will go up through the property?

MR. NIEVERA: Yeah.

CHAIRMAN SMITH: So the same thing for packages and landscape trucks?

MR. NIEVERA: Everybody.

CHAIRMAN SMITH: And all your landscape debris --

MR. NIEVERA: Correct.

CHAIRMAN SMITH: -- would be housed on the property?

MR. NIEVERA: It would be taken away.

CHAIRMAN SMITH: Okay. Thank you.

MR. NIEVERA: Privately taken away. Not leave it in the street.

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

CHAIRMAN SMITH: Not leave it in the street for town pickup?

MR. NIEVERA: Correct.

UNIDENTIFIED SPEAKER: And commissioners, I just want to make sure that we heard all the public comments and close that portion of the hearing before we move back to commissioner questions.

If there is anybody else that needs to be sworn in that plans on speaking today and has not been sworn in, please stand and raise your right hand.

ANNE PEPPER

having been sworn and testified as follows:

THE WITNESS: I do.

MS. ANNE PEPPER: Anne Pepper, 333 Seaspray Avenue.

I would like to say from a Seaspray point of view we are very happy to be able to see into the Chinese garden and that it has been improved.

However, I would like to reiterate this continues to be, as one of the commissioner's said, a rather hotel-esk structure, in what is not in an R-A, R-AA, R-AAA neighborhood. And

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

even if -- when you showed on the map -- I mean on one of the plans, the Fireman's house, the Fireman's house green space is greater with a smaller house and a more, in its way, refined, and elegant, and less in your face. And so 13 feet high ceilings, and I just feel like as Ms. Grace said --

MR. NIEVERA: It's not 13 feet high ceilings.

MS. ANNE PEPPER: Isn't that what you just said? Where did I hear the 13 feet?

CHAIRMAN SMITH: Floor to floor.

MS. ANNE PEPPER: Floor to floor. Okay, sorry.

So I would say I do agree totally about the guesthouse, it absolutely lacks charm. I think the Balosia with the stone makes it heavy. And I question the whole two-story guesthouse. It just seems so, the Jordans had pieces made for a great sense of privacy for the Jordans, and also a great sense of privacy and a lack of being in your face for the rest of the neighbors who continually use the bike trail and pass by this property.

And I think any reduction in hype would be

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

wonderful for the people on the Lake Trail. And although the landscaping has greatly improved masked the house to some degree, there was this wonderful sense that a place with this big piece of ground place was like an estate because they created a great deal of space around them and that to me is what an estate is. An estate isn't just how big is my house and a big dollar sign, but how much space I have to breath in my own private space.

So I would really love it if they would, A, fix the guesthouse, make it much more charming. All the elements that make John Volk's architecture so classical and so in human scale continues to sort of be lost the minute that people get a huge amount of land.

So that's my point of view. Thank you.

CHAIRMAN SMITH: Thank you. Anyone else in the audience? Okay. We can close that portion of the project. Ms. Connaughton.

MEMBER CONNAUGHTON: I just wanted to ask the applicant. You had said the house, the current proposal is smaller than what's existing. Can you elaborate on that for the neighbors? Is it the cubic content? Is it

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

square footage. Can you explain both.

MR. NIEVERA: Square footage and coverage, I believe. Could you -- you could answer.

MS. ZISKA: Yeah, I mean, our square footage is smaller and then also the green space is more.

MEMBER CONNAUGHTON: Is that just -- the 7,800 square feet, is that -- I'm sorry, if this is a stupid question -- is that just the first floor?

MS. ZISKA: The footprint.

MEMBER CONNAUGHTON: The house is very large. The footprint.

MS. ZISKA: The footprint, correct.

MEMBER CONNAUGHTON: Okay. So the other one's foot print on the lot is 1,100?

MS. ZISKA: Correct.

MR. NIEVERA: 12,000.

MEMBER CONNAUGHTON: 1,200?

MS. ZISKA: 12,000.

MEMBER CONNAUGHTON: I guess the footprint in my opinion doesn't matter very much. I'm curious cubic content and square footage. Because the footprint is just a diagram, essentially.

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

MR. NIEVERA: That's in the archive.

MEMBER CONNAUGHTON: I think it would be helpful for the neighbors to actually understand the scale compared to what's there now.

MS. ZISKA: This is not in the RV zoning district and there is no cubic content ratio. So we don't have that calculation.

MEMBER CONNAUGHTON: So square footagewise, is it --

UNIDENTIFIED SPEAKER: I do have it. The current home is 21,878 square feet and the proposed is 17,000.

MEMBER CONNAUGHTON: Okay. Just so the neighbors are aware. That's a complaint that they've had.

CHAIRMAN SMITH: Okay, Ms. Visconti.

MEMBER VISCONTI: Would the applicant be willing to just have, I don't know, maybe a sign there, there's a delivery sign, just so that delivery is in service, personnel use the main entry, and that we keep the gate for pedestrian use only.

MR. NIEVERA: Yes.

MEMBER VISCONTI: I think that would

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

appease the neighbors. And it sounds like you're all friendly. If you wanted to come over, at least it's a shorter walk. I don't think it's impeding on the driveway.

I think there is a charm in the pedestrian gate rather than a wall, it looks a little foreboding and unfriendly. I think having that gate is a little more welcoming to your street. And once you see it in place it's going to look a little more charming than you think.

So I would like to make a motion to approve the main house, with restudy of the pool house to come back to us, as well as perhaps a restudy of the stone, in keeping with the sea streets. And also, just for the record, that the gate -- that the pedestrian gate will only be used for pedestrians and no deliveries or service people will use that gate.

CHAIRMAN SMITH: I will second that.

Motion made and seconded.

All in favor?

"Aye."

CHAIRMAN SMITH: Opposed?

MEMBER CONNAUGHTON: I mean, Claudia, we

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

can't control what other people do.

MEMBER VISCONTI: Right, we just, like --

MEMBER CONNAUGHTON: We will agree to put a sign that says delivery will be on --

MEMBER VISCONTI: Right. Exactly.

MEMBER CONNAUGHTON: I just want to be -- just to clarify, because there is landscape, hardscape, the motion should be:

To be approved as presented except for the pool house and the stone to come back next month.

MEMBER VISCONTI: Landscape and hardscape approved.

MEMBER CONNAUGHTON: Because that was not included in your motion, that landscape and hardscape are approved as presented.

MEMBER VISCONTI: And those elements will return to the January 29th, 2025, meeting?

MEMBER CONNAUGHTON: Correct.

CHAIRMAN SMITH: Yes? Okay. Thank you.

Let's take a 15-minute break and reconvene at 10:45.

(Excerpt proceedings concluded at 10:30 a.m.)

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CERTIFICATE

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, PATRICIA A. LANOSA, Registered Professional Reporter, certify that I was authorized to and did transcribe the foregoing proceedings and that the transcript is a true and complete record.

Dated this 30th day of December, 2024.

Patricia Lanosa

PATRICIA A. LANOSA, RPR, FPR, CSR
Registered Professional Reporter

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

A

a.m (4) 1:13 2:14 4:1 51:24
able (7) 14:16 15:2 17:15,16 21:7 34:20 45:19
absolutely (1) 46:16
abuts (2) 39:2 44:5
AC24-027 (1) 4:6
accentuate (1) 15:22
access (2) 37:14 40:25
accessory (2) 4:10 5:16
accurate (1) 22:20
achieved (2) 18:1 31:3
acknowledged (1) 26:4
actual (1) 32:15
add (5) 6:19 16:2 29:21 30:5 38:14
added (7) 11:11 12:2 15:21 16:12 17:21 30:11 37:10
addition (2) 27:9,12
additional (1) 5:9
address (2) 4:18 36:18
adjustments (1) 33:12
advocation (2) 36:24 37:7
aforementioned (1) 38:1
aforesaid (1) 1:19
agenda (1) 4:6
ago (1) 16:24
agree (9) 26:15 27:4 27:11 31:14,17 33:16 35:21 46:15 51:3
agreed (1) 6:22
align (1) 12:19
allowed (2) 7:18 43:7
Alternate (3) 2:8,9 2:10
Amazon (1) 40:12
amending (1) 7:6
amount (5) 8:22 9:21 21:9 24:24 47:16
ancillary (1) 4:21
angled (1) 10:1
angles (1) 10:1
Anne (7) 2:19 3:16 45:13,16,16 46:10 46:13
answer (1) 48:3
answering (1) 43:24
anybody (1) 45:9
anyway (2) 40:5 41:4
Anyways (1) 18:10
APPEARANCES (... 2:1
appears (1) 21:1
appease (1) 50:1
applicant (8) 4:24 5:9 7:8 38:2,22 44:1 47:22 49:18
applicant's (2) 37:3 38:3
application (3) 4:8 4:16 5:4
appreciate (5) 14:17 20:15 23:18 29:17 30:7
approaching (1) 43:1
approve (1) 50:12
approved (3) 51:9,13 51:16
ARC-24-0027 (1) 1:3
arch (1) 9:13
arches (1) 10:15
architect (2) 14:13 24:14
architects (5) 2:14 7:13 26:7,21 39:7
architectural (4) 1:1 1:8 4:19 5:6
architecture (2) 24:13 47:14
archive (1) 49:1
ARCOM (6) 1:3,16 4:17 30:25 38:5,16
area (6) 5:14 6:15 32:11 37:21,24 38:10
areas (3) 9:21 17:24 38:6
arrival (1) 35:24
articulated (3) 8:21 9:23 10:7
articulation (1) 9:1
Arts (1) 43:17
asked (2) 6:18 26:10
assuming (1) 29:3
attention (1) 18:8
attenuated (1) 19:19
audience (2) 29:15 47:19
August (1) 4:17
authorized (1) 52:9
Avenue (8) 2:18,19 5:19,23 36:21,23 39:1 45:17
Avenues (1) 4:14
aware (2) 23:24 49:15
Aye (1) 50:23

B

back (16) 9:7 12:16 15:5,7 16:11 27:18 30:8,18 31:1,5 34:16,17 44:5 45:7 50:13 51:10
balanced (1) 8:25
balances (1) 10:9
Balosia (1) 46:17
banyan (1) 16:20
barely (1) 36:2
barriers (1) 40:23
bay (8) 9:25 10:1,3 11:11 12:1,2,15 29:24
Beach (11) 1:1,14,15 1:16 2:18,19 24:15 37:3 38:15 43:15 52:5
beautiful (4) 24:14 28:14,15 40:24
beauty (2) 38:13,15
bedroom (2) 10:2 39:6
began (1) 4:1
believe (4) 23:21 38:5,15 48:3
best (1) 27:21
better (6) 21:18 23:10,11 25:20 31:2 36:13
Betts (5) 2:17 3:14 36:20,20,23
big (11) 10:15 20:17 20:22 28:2,2 30:11 31:20,22 47:5,8,9
biggest (3) 8:20 29:10 40:7
bike (1) 46:23
bit (10) 13:12 17:25 18:3,8,8 19:21 20:2 20:9 28:18 29:21
blank (1) 9:14
blend (1) 37:12
blends (1) 38:9
blind (2) 8:11 9:12
blue (5) 10:25 13:16 28:6 29:1 30:7
body (1) 8:1
bottom (2) 10:13 32:8
Boulevard (1) 12:9
bracketed (1) 10:18
bravo (1) 36:12
break (3) 16:3 33:23 51:21
breaks (1) 15:16
breath (1) 47:10
brick (2) 11:17,18
bridge (2) 5:21 15:8
bring (4) 15:23 26:16 30:8,18
brings (1) 37:18
broken (2) 15:14 16:10
brought (5) 12:4 15:4,7 25:2 26:10
build (1) 38:4
building (10) 4:22 5:2 14:24 18:2,3 39:13,13,15,17 41:17
buildings (2) 11:13 16:7
built (3) 38:6,7,9

C

calculation (1) 49:8
call (1) 29:13
Called (1) 3:18

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

canopy (1) 15:23
case (1) 26:6
Catlin (4) 2:6 3:9 25:18,19
cause (1) 1:19
caused (1) 7:18
ceilings (5) 12:23 25:14,15 46:6,9
celling (1) 25:16
center (4) 8:2 12:17 14:2 43:17
centered (1) 39:25
central (2) 9:25 30:2
certain (1) 17:24
certainly (1) 21:23
Certificate (2) 3:19 52:1
certify (1) 52:8
Chairman (45) 2:3 4:5 7:11 8:9 17:18 20:13 25:18 27:3 27:13 29:11 31:8 31:16 33:13 34:8 34:11 35:3,7,11,13 35:23 36:5,16 38:19 41:22,25 42:4,6,10,19,24 43:3,6,20 44:11,14 44:17,20,23 45:1 46:12 47:18 49:17 50:20,24 51:20
change (2) 11:2 20:23
changed (3) 11:17 15:18,25
changes (6) 5:12 6:22 8:20 20:15 24:25 29:17
character (1) 38:13
charm (3) 38:15 46:16 50:5
charming (3) 37:2 47:13 50:10
chase (1) 40:12
check (1) 27:23
Chinese (5) 5:8,20 15:6,9 45:20
chopping (1) 35:17
Circle (1) 37:15
citing (1) 4:21
Citrus (1) 16:13
clarification (1) 25:9
clarify (1) 51:7
class (1) 24:14
classical (1) 47:14
classically (1) 19:17
Claudia (2) 2:7 50:25
clearly (1) 26:4
client (2) 30:24 35:2
close (2) 45:6 47:19
closer (1) 19:13
clusias (1) 32:14
coconut (3) 16:2,14 17:1
collection (2) 44:4,6
color (2) 13:14 35:16
column (3) 12:12 19:10,14
columns (2) 10:8 19:18
combat (1) 16:19
come (7) 27:8 31:1,5 36:13 50:2,13 51:10
Coming (1) 39:22
comment (9) 16:2 19:23 21:21 28:2 29:10,18 36:8,24 37:18
comments (8) 8:14 27:15 28:12,20 29:9 31:18 38:20 45:6
Commission (5) 1:1 1:8 5:4 6:4 26:7
commissioner (1) 45:7
commissioner's (3) 28:1 31:18 45:23
commissioners (3) 31:21 33:17 45:4
compared (3) 12:10 19:22 49:4
comparing (2) 12:8 36:10
comparison (8) 9:19 10:21 12:15 13:2,6 13:22 19:10 22:1
comparisons (2) 12:7 19:4
complaint (1) 49:15
complete (1) 52:11
compromising (2) 24:12 26:18
concern (3) 5:25 35:4 44:2
concerned (1) 22:16
concerns (1) 4:18
concluded (1) 51:23
concludes (2) 14:10 17:17
confused (1) 18:15
Connaughton (26) 2:5 3:7 17:19,20 18:21,24 19:3,18 23:5 31:8,9 47:20 47:21 48:7,12,15,19 48:21 49:2,9,14 50:25 51:3,6,14,19
consideration (2) 27:15 28:3
contact (1) 39:10
contacted (1) 39:8
content (3) 47:25 48:23 49:7
context (1) 38:8
continually (1) 46:23
continues (2) 45:23 47:15
contribute (1) 21:11
control (1) 51:1
copper (4) 29:23 35:8,16,25
corners (2) 24:16,20
correct (8) 19:17 32:21 41:14 44:19 45:3 48:14,17 51:19
correction (1) 7:8
Correll (23) 2:14 3:5 6:5 7:12,13 8:12 9:18 10:20 18:19 18:23 19:1,9,12,14 21:21 22:21 23:12 23:19 25:2 28:24 29:5,7 30:14
COUNCIL (1) 1:16
County (2) 1:14 52:5
couple (1) 33:13
court (3) 4:22 5:1 15:11
courtyard (1) 15:12
coverage (1) 48:2
create (1) 16:21
created (3) 15:7 16:8 47:6
creating (1) 38:11
CSR (2) 1:22 52:16
cubic (3) 47:25 48:23 49:7
cul-da-sac (3) 15:1 17:5,8
cul-de-sac (1) 40:1
curb (6) 4:23 5:3,22 28:3 39:20 40:8
curious (1) 48:23
current (2) 47:23 49:12
cursor (1) 41:7
curves (1) 30:5
cut (7) 5:22 24:16,20 28:4 39:20 40:8 43:20
cuts (4) 4:23 5:3 26:4 42:11
cutting (1) 24:11

D

D (1) 3:1
Dan (1) 2:8
data (1) 12:11
DATE (1) 1:13
Dated (1) 52:13
dates (1) 15:25
David (2) 2:9 29:18
day (3) 23:23 37:7 52:13
deal (2) 41:4 47:6
debris (1) 44:18
December (3) 1:13 5:10 52:13
defer (2) 26:6,21
deferral (1) 5:10
deferred (2) 4:17 5:4
definitely (3) 24:19 31:2,11
degree (1) 47:3
delaying (1) 7:10
delicacy (1) 18:1
deliveries (2) 40:16

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

50:18
delivery (4) 40:15 49:20,21 51:4
densely (1) 17:9
described (2) 11:7,16
design (3) 2:15 35:2 39:4
designing (1) 24:14
detached (1) 4:10
detail (4) 13:10 18:9 29:3,6
detailed (1) 12:3
detailing (2) 8:15 21:10
details (8) 4:19 5:6 11:20 13:18 17:21 18:6 26:8,22
diagonal (1) 30:2
diagram (1) 48:24
diagramatic (1) 29:14
difference (1) 13:5
different (9) 18:18 18:18 22:3,4,6,7,12 22:13 25:5
difficult (1) 23:18
discrepancy (1) 12:25
discussed (1) 31:24
discussion (7) 8:8 9:17 10:19 11:21 13:8,21 14:11
district (1) 49:7
doing (1) 33:23
dollar (1) 47:9
door (3) 19:21,22 37:24
doors (2) 9:12 29:2
downloaded (1) 32:3
downloading (1) 7:10
downloads (1) 32:4
drawing (4) 7:14 12:10,11 13:21
drawings (4) 13:7 14:16 15:5 21:1
drive (2) 15:8 28:8
driveway (21) 15:3 16:25,25 17:3 26:3 32:18 34:21,22 39:22,23 40:18 41:12,21,21,22,25 42:3,6,10 44:5 50:4
drop (1) 23:24
dropped (1) 33:20
drove (1) 6:14
dwarfing (1) 38:10

E

E (1) 3:1
earlier (3) 23:12,16 25:10
early (1) 7:20
easier (1) 8:9
east (4) 6:21 8:7 33:8 42:1
easy (2) 23:2 43:19
eave (2) 12:13 14:3
effort (2) 21:9 23:4
efforts (1) 20:15
either (2) 11:19 23:23
elaborate (1) 47:24
elegant (1) 46:5
element (3) 12:16 18:15 19:6
elements (6) 12:6 20:1,8 25:21 47:13 51:17
elevation (15) 9:19 9:20 10:11,13,25 11:3 13:25 16:17 17:5,22 18:14 22:19 23:25 24:1 25:3
elevations (1) 9:16
eliminated (3) 5:23 9:7,22
eliminating (4) 5:1 5:15 39:20 40:7
Elizabeth (1) 2:5
email (2) 6:17,24
embracing (1) 24:16
engaging (1) 25:24
enlarged (1) 9:21
enormous (1) 37:10
ensure (1) 38:5
entablature (3) 19:15 19:19 35:20
entrance (2) 6:22 35:11
entry (7) 7:17 8:16 12:8 18:14,15 19:5 49:22
envision (1) 37:8
especially (2) 9:24 43:13
Esquire (1) 2:16
essentially (3) 7:22 8:17 48:25
established (2) 38:5 38:16
estate (10) 4:15 24:9 24:10 26:15 34:3 37:4,5 47:5,7,8
everybody (2) 24:6 44:16
ex (2) 6:5 7:6
exactly (2) 41:5 51:5
excerpt (3) 1:8 4:2 51:23
exchange (1) 6:17
exciting (1) 35:4
existing (1) 47:24
explain (2) 18:17 48:1
extend (1) 32:17
eye (2) 15:24 38:9

F

facade (10) 5:7 8:22 11:12,15 15:14,18 15:20 20:10 30:3 35:18
face (2) 46:5,22
facing (1) 11:10
fact (4) 12:12 21:22 25:12,13
fair (1) 22:1
familiar (1) 6:23
family (6) 8:24 10:5 10:14 11:15 18:6 18:12
fantastic (1) 39:18
favor (1) 50:22
features (2) 4:21 5:20
feel (7) 10:9 20:8,22 22:12 23:3 24:24 46:6
feels (3) 19:21 20:7 30:20
feet (19) 12:23,24 13:25,25 14:3,4,5,8 22:19,21,24 25:12 25:13 31:21 46:6,8 46:11 48:8 49:12
fellow (1) 31:18
fence (1) 5:18
fenestration (1) 5:7
figure (1) 20:25
files (1) 32:4
filled (3) 18:6,13 23:14
final (1) 4:10
find (1) 39:24
fine (2) 34:2 35:14
finished (5) 22:19,25 23:24 24:1 26:3
Fireman (1) 34:14
Fireman's (3) 34:17 46:2,3
firm (1) 29:13
first (16) 4:16 9:6 10:14 11:9 12:7,18 12:24 13:24 14:8 14:24 25:16 34:7 34:10 39:7,12 48:10
fit (5) 21:10,18 23:10 23:11 37:9
five (1) 43:22
fix (1) 47:12
flanking (2) 11:25 20:8
flat (1) 18:20
flesh (1) 24:18
flipped (4) 7:22 8:19 10:6,12
Floersheimer (15) 2:8 3:12 31:16,17 32:10,16,20,22 33:1 33:5,10 42:14,17,21 43:1
floor (28) 9:6,10 10:2 10:14 11:9,10 12:13,19,22,23,24 13:9,24 14:8 22:19 22:25 23:24 24:1 25:11,12,12,16 26:3

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

46:12,12,13,13 48:10
Florida (3) 1:15 30:20 52:4
focus (1) 8:13
Folks (1) 33:18
follies (1) 29:20
following (2) 1:19 4:2
follows (1) 45:14
foot (7) 13:5 14:1 20:20 23:1 24:12 24:12 48:16
footage (4) 48:1,2,5 48:23
footagewise (1) 49:10
footbridges (1) 5:21
footprint (5) 48:11 48:13,14,21,24
footwise (1) 34:13
foreboding (1) 50:7
foregoing (1) 52:9
formal (1) 15:9
forth (1) 8:15
forward (3) 21:16 31:5,7
fouler (1) 28:18
four (2) 9:11 43:16
FPR (2) 1:22 52:16
French (1) 9:12
friendly (2) 42:25 50:2
friends (1) 39:9
front (10) 6:21 10:25 15:18 18:14 19:20 19:22 27:17,19 37:24 41:2
full (1) 19:5
fully (1) 10:5
fun (1) 33:22
funny (1) 36:6
further (7) 5:5,10 8:21 9:23 24:23 34:15,17

G

garage (3) 6:19 7:23 29:2
garages (2) 5:13 14:22
garbage (3) 44:4,6,9
garden (10) 5:8,20 14:20 15:4,6,9 17:16 28:4 41:17 45:20
gardens (5) 16:8,8,20 16:22 26:13
gate (22) 5:24 16:23 17:6,10 37:19 38:12 39:22 40:9 40:19,19,24 41:6,14 43:10,19 44:2 49:22 50:6,8,16,17 50:19
gates (4) 37:21,22 40:10,12
gazebo (1) 15:3
generator (4) 4:22 39:12,14 41:17
give (1) 14:19
glass (2) 9:9 10:4
glazed (4) 9:8,21 10:5 13:13
glazing (8) 8:22 9:1 9:21,23 24:21,24 25:6 26:23
go (12) 9:15 10:23 20:18 28:12 30:16 35:6 36:9 41:6 43:3 43:9 44:9,11
goes (4) 17:11 43:16 43:17,17
going (16) 16:15 18:16 21:16 22:11 22:18 24:10 28:14 30:21 31:9 34:19 34:20 35:17 39:22 40:18 41:6 50:9
good (4) 7:12 20:11 27:14 36:22
Grace (9) 2:10 3:8 20:13,14 22:10,23 23:17 24:19 46:7
gracious (2) 25:22 27:2
gray (3) 11:1 13:13 30:22
great (10) 28:6,9,25 36:7,10 40:6,6 46:20,21 47:6
greater (1) 46:3
greatly (1) 47:2
green (6) 13:17 15:23 34:6,13 46:3 48:5
grey-gee (1) 13:18
ground (1) 47:5
guess (1) 48:21
guest (2) 8:4 29:9
guesthouse (8) 4:10 5:16 9:2 14:4 40:4 46:16,19 47:12
gumbo (4) 17:2,2,12 32:14
guys (3) 19:25 29:14 31:1

H

half (2) 35:18 43:22
hand (1) 45:12
handsome (2) 27:9 27:11
happen (1) 30:12
happened (1) 34:25
happens (1) 43:11
happier (1) 30:24
happy (2) 35:2 45:19
hard (1) 21:6
hardscape (5) 4:11 5:18 51:8,12,16
hate (1) 35:25
headed (1) 40:14
heads (2) 12:14,18
hear (1) 46:11
heard (3) 1:19 34:23 45:5
hearing (4) 4:25 5:5 5:10 45:7
heavy (1) 46:18
hedges (1) 41:1
height (7) 5:6 13:4,20 13:24 14:1,3 37:11
heights (4) 12:12,18 19:11,15
help (2) 29:14 30:9
helpful (1) 49:3
helps (1) 30:8
Hi (2) 17:20 38:25
hide (1) 6:19
high (5) 9:13 19:6,22 46:6,8
higher (1) 12:14
historic (2) 37:2 38:6
historical (3) 37:16 38:8,13
home (4) 18:4 37:23 39:10 49:12
homes (7) 26:17 37:13 38:1,6,8 40:22,24
hopefully (1) 30:23
hotel-esk (1) 45:24
hotelie (1) 18:4
house (92) 7:23 8:2,4 8:4,5,14,23 9:2 10:7,10 11:4,8,19 11:20 12:9,14,20,21 14:3,23,23 15:10,11 15:12 16:13 19:24 20:6,19,21 21:3,4 21:22,22 22:2,4,7 22:17,22,24 23:6,25 24:2,2,3,8,10,14 25:5,6 26:10 28:2,5 28:10 29:9,19,25 30:2 31:5,6,7,10,20 33:18,20,22 34:1,16 34:19 35:3,14,15 36:2,5,14 39:5 40:23 41:3,10,11 43:12,18 44:5 46:2 46:3,4 47:3,8,22 48:12 50:12,13 51:10
housed (1) 44:20
household (1) 6:1
houses (6) 22:5,8 30:25 36:10 41:2,3
huge (4) 17:22 18:11 20:12 47:16
human (1) 47:15
human-scale (1) 20:25
hype (1) 46:25

I

Ibis (1) 22:2
idea (1) 36:13
ideas (1) 21:16
identical (1) 12:12
ignores (1) 37:16

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

impeding (1) 50:4
important (2) 35:8 35:24
improved (2) 45:21 47:3
improvement (7) 17:23 18:11 20:11 20:12,17 30:12 33:11
improvements (1) 4:12
included (2) 34:12 51:15
includes (1) 37:25
including (3) 5:8,13 37:23
inconsistent (1) 19:2
incorporated (1) 5:19
increase (1) 6:18
indicated (1) 14:7
indicates (1) 13:23
indicating (4) 32:14 40:1 41:8,15
inside (1) 9:9
integrity (2) 37:16 38:8
interacts (2) 26:13 26:18
interesting (1) 16:18
interface (1) 22:18
Intracoastal (1) 40:25
introduced (2) 29:23 29:25
Island (1) 22:2
issues (2) 26:2 27:11
item (1) 4:5

J

January (1) 51:18
Jasmine (1) 16:12
Jeffrey (1) 2:3
job (2) 25:23 36:7
John (1) 47:13
Jordan's (2) 43:12 43:18
Jordans (7) 39:8,9 40:5,11,15 46:19,21

K

K.T (1) 2:6
Karakul (3) 2:4 27:3 27:4
keep (3) 26:1 38:16 49:22
keeping (3) 14:9 30:17 50:14
Kelly (1) 7:6
Kenn (1) 2:4
key (1) 12:6
kind (8) 13:17 18:1,2 19:24 28:13 30:5 33:21 35:8
know (37) 15:15 19:1 19:4,6 20:19 21:1,4 21:13,15,16,17 22:13,16 23:4,7,15 23:17 24:21,22 26:6,21,25 28:7,7,9 30:25 31:4,13 33:19,21 34:25 35:13 39:10 40:6 40:21 42:21 49:19
known (2) 29:19 33:19

L

labeled (1) 32:15
lack (1) 46:22
lacks (1) 46:16
Lagoon (1) 4:13
lake (23) 1:4 4:6,13 14:14 22:9,11 24:5 24:9 25:3 26:19 28:15 34:15,20 36:25 37:12,13,14 37:15 38:1 40:14 40:22,25 47:1
land (1) 47:16
landscape (12) 4:11 5:7,17 14:13 29:2 31:23 42:18 44:15 44:17 51:7,12,15
landscaped (1) 17:9
landscaping (10) 6:9 6:11 8:13 15:25 16:7,18 17:14 25:24 27:20 47:2
Lanosa (3) 1:22 52:7 52:16
lanterns (2) 27:22 29:1
large (10) 4:14 15:4,6 16:10 20:1,19 21:3 24:9 26:24 48:13
larger (1) 22:3
lawn (2) 8:6 16:10
lead (3) 15:8,10 37:24
leads (1) 37:20
leave (2) 44:25 45:1
left (3) 9:24 12:16 40:19
Leslie (19) 2:18 3:15 38:25,25 39:17 40:2 41:9,13,16,19 41:24 42:2,5,8,12 42:16 43:5,9,23
Let's (2) 18:10 51:21
letter (12) 5:25 6:8 6:14,16 7:1,3,5 14:6 22:14,20 26:1 26:5
level (2) 15:24 30:19
library (5) 8:24 10:9 10:12 11:9 12:3
ligustrum (1) 15:22
liked (1) 20:4
limbo (4) 17:2,2,12 32:14
limestone (1) 13:18
line (4) 6:18,25 13:23 15:23
lines (3) 12:11 15:16 36:9
little (25) 6:20 10:18 13:15 15:18 16:8 17:25 18:3,7,8,15 19:1,16,21 20:2,9 28:16,18 30:16,20 30:21 36:8 44:9 50:6,8,10
live (2) 36:23 39:1
lived (2) 21:13 39:3
living (2) 12:20,21
located (3) 4:12 37:4 39:23
loggia (7) 5:16 9:7,25 11:16,24 13:3 18:7
long (2) 20:18 21:14
long-line (1) 16:25
look (14) 13:16 16:24 17:10 18:2 19:19 19:19 20:25 23:14 28:14 34:3,14 35:5 40:21 50:9
looking (3) 20:23 23:10 39:5
looks (9) 18:25 19:6 25:20 28:16,19 33:20 34:1 35:14 50:6
loom (1) 37:11
lost (1) 47:15
lot (11) 8:2 15:12,21 15:24 16:1 21:23 23:4 26:12 28:2 31:22 48:16
lots (1) 40:12
love (3) 28:6 38:13 47:11
lower (3) 10:3 23:1 24:4
lowered (1) 13:24
lowers (1) 13:25
Ludowici (1) 13:13

M

mahogany (1) 28:22
main (8) 8:1 15:11,12 16:3,4 31:7 49:22 50:12
Maisie (1) 2:10
major (1) 27:6
making (1) 7:7
map (1) 46:1
Mario (11) 2:15 6:9 6:10,13,17,24 8:12 14:13 21:5 25:23 31:23
masked (1) 47:3
massing (5) 4:19 15:16 16:4,10 33:23
master (1) 39:6
material (1) 13:12
matter (1) 48:22
Maura (4) 2:16 23:20 26:4,15

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

mean (11) 19:9 21:19 24:13 28:13 31:14 31:20 34:20 35:23 46:1 48:4 50:25
meandering (1) 17:11
meant (1) 12:22
mechanical (1) 31:12
meet (1) 6:25
meeting (9) 1:3,16 4:17 6:13 7:16 12:5 14:18 25:11 51:18
meetings (1) 27:16
Member (65) 2:4,5,6 2:7,8,9,10 3:7,8,9 3:10,11,12 6:6 17:20 18:21,24 19:3,18 20:14 22:10,23 23:17 24:19 25:19 27:4 27:14 28:25 29:6,8 29:12 30:15 31:9 31:17 32:10,16,20 32:22 33:1,5,10 42:14,17,21 43:1 47:21 48:7,12,15,19 48:21 49:2,9,14,18 49:25 50:25 51:2,3 51:5,6,12,14,17,19
mention (1) 18:12
mentioned (2) 16:6 23:5
Merriman (5) 6:1 14:7 23:22 25:4,13
met (2) 6:10 22:16
metal (2) 18:20 28:22
mic (1) 19:13
Michael (1) 23:22
minute (2) 8:1 47:16
minutes (1) 43:21
missed (1) 33:18
misses (1) 28:5
modifications (1) 5:17
moment (1) 35:24
momentarily (1) 7:9
month (1) 51:11
months (1) 4:18
morning (3) 7:12 27:14 36:22
motion (6) 3:18 6:3 50:11,21 51:8,15
move (3) 27:10 31:4 45:7
moved (4) 7:23 14:22 39:14 42:13
moving (1) 31:7

N

N (1) 3:1
name (2) 36:18,22
narrower (1) 24:7
native (1) 16:22
need (2) 31:12 37:19
needs (2) 31:11 45:9
neighbor (6) 14:7 22:15 23:20 26:5 43:2,4
neighborhood (13) 14:9 20:24 21:11 21:12,19 23:11 37:1,2,5,9,11 38:11 45:25
neighboring (1) 26:17
neighbors (9) 21:24 34:5,23 40:6 46:23 47:25 49:3,15 50:1
new (7) 4:8,9 10:13 10:22,24 13:22 20:3
nice (2) 20:3 33:15
Nicole (5) 2:17 3:14 36:20,20,23
Nievera (41) 2:15,15 3:6 6:11 14:12,13 32:2,8,12,19,21,24 33:3,6,9 34:7,10 35:1,6,10,12,21 36:4,15 39:25 41:7 41:11,14,18 44:8,13 44:16,19,22,24 45:3 46:8 48:2,18 49:1 49:24
nonconforming (1) 5:2
north (14) 5:14 6:19 7:23 8:19,25 10:11 10:16 12:9 14:22 22:15 25:6 30:1 32:20 37:14
northern (2) 7:25 30:21
note (1) 23:19
notified (1) 7:17
November (1) 5:5
number (4) 4:20,23 5:3 33:14

O

objective (1) 25:1
obviously (4) 21:5 22:10,23 25:4
occur (3) 25:22 26:22 26:24
Ocean (1) 12:9
October (2) 4:25 7:16
offering (1) 5:19
official (1) 7:20
oh (3) 17:4 27:21 38:22
okay (18) 7:11 8:12 11:4 19:20 27:24 27:25 28:13,25 29:8 36:15 41:20 44:23 46:13 47:19 48:15 49:14,17 51:20
old (1) 20:4
once (3) 24:11 36:22 50:9
one's (1) 48:16
one-stories (1) 33:24
one-story (3) 19:25 24:2 25:5
ones (1) 32:6
Oops (1) 17:4
open (5) 17:6,10 21:23 23:5 41:3
opened (1) 14:25
Opening (1) 3:4
openings (1) 9:11
opinion (1) 48:22
opportunity (6) 14:19,21 17:16 29:20 30:5 33:18
Opposed (1) 50:24
opposite (1) 10:10
opposition (1) 7:3
option (1) 22:25
oriented (1) 28:8
original (7) 12:10,20 12:21 13:1,3 15:5 16:23
originally (1) 8:5
outside (1) 39:5
ov- (1) 33:4
overall (6) 14:1 16:6 20:11,18 26:9 30:23
overflow (1) 43:12
overhang (1) 10:18
overhead (1) 33:5
owner (5) 21:6,8 24:15 42:19 43:5
owners (1) 21:13

P

packages (2) 40:18 44:15
packet (1) 32:1
Padel (2) 4:22 5:1
page (2) 3:3 28:11
pages (3) 1:11 3:2 21:2
pagoda (1) 28:4
paint (1) 36:1
painted (4) 28:23,24 28:25 29:4
pallet (2) 13:12 30:16
palm (14) 1:1,14,15 1:16 2:18,19 15:21 16:3 17:1 24:15 37:3 38:15 43:15 52:5
palms (3) 16:2,14 32:22
panels (3) 9:9,14,14
parcel (3) 4:14 5:15 37:4
Pardon (1) 42:16
park (2) 6:20 43:14
parks (1) 43:16
part (1) 18:10
parte (2) 6:5 7:6
particular (1) 21:19
particularly (1) 17:22
parties (1) 43:13

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

parts (1) 27:21
pass (1) 46:24
path (1) 17:11
paths (2) 15:9 16:21
pathway (1) 5:24
pathways (1) 15:8
Patricia (3) 1:22 52:7 52:16
pavilion (1) 28:4
pavilions (2) 9:24 11:25
pedestrian (9) 5:24 37:14,19 39:21 40:9 41:6 49:23 50:5,16
pedestrians (1) 50:17
people (5) 14:16 47:1 47:16 50:18 51:1
Pepper (7) 2:19 3:16 45:13,16,16 46:10 46:13
personnel (1) 49:21
Phoenix (8) 2:9 3:10 27:13,14 28:25 29:6,8 31:15
photos (1) 40:10
pick (2) 27:18 44:9
picket (1) 5:18
pickup (1) 45:2
pictures (1) 28:17
piece (3) 10:4 30:12 47:5
pieces (1) 46:20
Pigeon (2) 6:18 32:16
pigeoned (1) 32:10
pitch (3) 5:6 13:9,11
place (7) 1:14,19 24:11 37:20 47:4,5 50:9
placed (1) 17:12
places (1) 21:2
plan (16) 5:8 7:19,22 8:10 10:21,22 14:20 16:5 20:3,4 21:17 26:12 31:24 32:15 34:4 39:24
plans (8) 4:24 5:18 6:2,13 31:25 37:8 45:10 46:2
plant (1) 32:13
planting (1) 32:15
plantings (1) 16:22
play (1) 26:12
playful (1) 28:19
please (3) 7:11 36:18 45:11
Plums (2) 6:18 32:17
pocket (1) 6:20
point (5) 14:2 26:24 37:10 45:18 47:17
pond (3) 15:5,6,7
ponds (1) 5:21
pool (32) 4:11 8:3,4,4 8:6,7 9:2 10:17 11:4,11 14:23 15:10 16:12,13,14 19:24 20:6 23:6 28:5,10 29:9,18,25 30:2 31:6,10 33:17 33:22,24 36:14 50:13 51:10
porch (7) 9:1 10:9,15 12:3,8,12 13:9
porches (1) 11:19
portion (2) 45:6 47:20
portions (1) 23:9
positive (1) 34:24
pound (1) 24:18
precedence (1) 12:6
precedent (2) 19:5 28:17
prefer (2) 42:14,17
present (3) 2:13 7:14 27:1
presentation (2) 17:17 29:13
presented (5) 4:16,25 16:24 51:9,16
previous (6) 9:19 10:6,21 13:24 14:18 27:16
previously (6) 5:15 5:22 10:15 11:22 15:17 21:5
primary (1) 11:10
print (1) 48:16
prior (1) 21:8
privacy (2) 46:20,21
private (1) 47:10
Privately (1) 44:24
privets (1) 41:1
probably (1) 32:12
problems (2) 34:22 38:11
proceedings (6) 1:9 1:20 4:1,3 51:23 52:10
product (1) 31:2
Professional (3) 1:22 52:8,16
program (1) 20:2
project (4) 7:4 20:16 36:17 47:20
projected (1) 25:15
properties (1) 23:13
property (29) 4:12 7:24,25 21:7,18 22:3,4,6,10,17 23:9 23:14 25:1,25 26:14,16,19 27:6 28:14 33:11 34:14 39:2 40:3,4 41:23 42:1 44:12,21 46:24
proposal (5) 12:17 12:25 13:22 25:8 47:23
proposed (9) 4:20,22 5:15,22 10:13 16:17 24:8 37:8 49:13
proposes (1) 4:8
proposing (1) 35:9
proudly (1) 34:16
public (3) 36:17 38:24 45:6
pull (2) 27:16 34:4
pushed (2) 17:25 18:7
pushes (1) 31:1
put (4) 10:17 14:23 25:21 51:3
Pygmy (1) 15:24

Q

question (7) 12:4 38:22 39:12,21 44:1 46:18 48:9
questions (7) 27:22 28:21 33:14 36:11 39:11 43:24 45:8

R

R-A (2) 4:14 45:25
R-AA (1) 45:25
R-AAA (1) 45:25
railings (2) 15:1 17:6
raise (1) 45:11
Randy (4) 2:14 7:12 15:17 16:5
ratio (1) 49:7
re-designed (1) 26:11
read (8) 6:8,14,16 7:1,3,5 10:4 36:2
ready (1) 27:9
real (1) 34:24
really (14) 8:20 14:18,19,21 15:25 21:2,8 22:12 24:23 27:10 28:19 30:10 36:11 47:11
rear (3) 11:15 15:14 15:20
rearrangement (1) 23:8
reason (1) 40:10
Rec (1) 43:17
receive (1) 22:14
received (3) 5:25 6:24 14:6
recessed (3) 9:12 11:23,24
reconvene (1) 51:21
record (8) 8:8 9:17 10:19 14:11,12 36:19 50:16 52:11
rectangular (2) 30:3 30:4
red (3) 12:11 13:23 36:9
redeveloped (1) 24:3
redline (1) 29:16
reduce (3) 21:7 23:3 24:21
reduced (2) 8:22 24:23
reducing (1) 5:2
reduction (2) 27:7 46:25

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

referred (1) 37:1
referring (1) 26:1
refers (1) 25:13
refined (3) 27:5,6 46:4
regard (1) 38:7
regarding (6) 4:18 6:1,9,11,13 36:17
regards (2) 26:3,8
Registered (3) 1:22 52:7,16
reiterate (2) 31:19 45:22
related (1) 5:17
relates (2) 11:18 36:25
relation (2) 12:5 16:9
relationship (2) 19:20 41:10
relative (1) 16:9
relocating (1) 5:13
remember (3) 35:15 36:5,6
remind (1) 40:2
removed (1) 39:13
removing (1) 5:1
rendered (1) 32:13
rendering (7) 9:5 13:3 18:18 27:17 27:24 32:25 33:2
renderings (1) 10:24
replaced (1) 5:23
Reporter (4) 1:22 3:19 52:8,16
requested (1) 5:9
required (1) 6:3
residence (1) 4:9
residential (1) 4:15
resizing (1) 5:16
resolved (1) 26:2
respectful (2) 34:5 34:18
rest (1) 46:22
restrictions (1) 43:15
restudy (2) 50:12,14
resubmittal (1) 5:13
resubmitted (2) 4:24 6:2
rethink (2) 7:19 14:19
rethought (1) 11:12
return (1) 51:18
reverted (2) 10:25 13:15
review (1) 14:16
revised (7) 4:24 6:13 9:20 22:21 27:24 31:6,23
revision (1) 11:6
revisions (3) 9:3 11:5 27:21
rework (1) 6:21
ridge (1) 14:4
right (14) 7:10 9:25 12:1 29:8 38:3 40:1 41:7,11,14,20 43:19 45:12 51:2,5
Road (1) 1:14
Robert (2) 2:14 7:13
roof (10) 5:6 13:9 18:16,22 25:8 35:8 35:19,20,25 36:6
rooflines (1) 29:24
room (9) 8:25 10:5 10:14 11:15 12:20 12:22 18:6,12 31:12
RPR (2) 1:22 52:16
run (1) 14:24
RV (1) 49:6

S

SAMMONS (1) 42:4
saw (5) 8:17 9:4 31:25 32:10 33:1
saying (1) 29:22
says (5) 22:15,18,20 40:16 51:4
scale (15) 8:15 12:4 15:21 22:5,6,7 26:11,16 33:8 34:2 37:10,16 38:7 47:15 49:4
schedules (1) 6:25
scheme (2) 10:6 16:6
schemes (2) 23:12,16
screen (7) 7:14 9:6 9:18 10:20 13:16 25:2 31:25
sea (6) 30:8,18,22 37:2 38:14 50:15
Seabreeze (18) 2:18 4:14 5:22 7:18 17:8 22:5 36:21,23 37:15,20,23,25 38:12 39:1 40:17 43:14 44:6,7
seam (1) 18:20
Seaspray (9) 2:19 4:13 5:19 22:5 40:17 44:7,8 45:17 45:18
second (12) 9:10 10:2 11:10 12:13,18,22 12:23 13:9 25:12 26:3 37:18 50:20
seconded (1) 50:21
secret (1) 16:21
see (29) 8:1 9:2,20 11:15,25 12:11,17 13:6,22,23 15:2,15 15:23 16:17 17:15 17:16 18:10 25:4 27:23 29:3,15 32:16 34:19,21 35:25 40:9 43:3 45:19 50:9
seen (1) 16:16
segmental-arched ... 10:8
sense (5) 10:16 18:4 46:20,21 47:4
separate (2) 15:10 16:4
separated (2) 10:3 16:7
service (6) 5:14 8:18 37:21,24 49:21 50:18
set (1) 10:24
sets (2) 9:11 34:15
shade (1) 16:22
shallow (1) 12:2
shallow-pitched (1) 18:20
share (1) 21:20
shed (1) 18:21
shifted (1) 8:3
shorter (2) 24:7 50:3
show (7) 9:5,15 12:10 29:16 33:3 41:5,9
showed (3) 21:8 34:6 46:1
showing (2) 12:7 13:11
shows (1) 13:10
shrubs (1) 15:24
shutters (5) 11:1,1 13:16 29:1 30:7
side (16) 5:14 8:6,16 8:21 17:14 24:22 26:17 33:8,24 37:14 41:1,23 42:1 42:5,7,9
sign (5) 40:15 47:9 49:20,20 51:4
significant (3) 5:12 7:19 11:2
significantly (1) 25:7
similar (2) 20:9 33:7
Simultaneous (1) 42:23
single-family (1) 4:9
single-story (3) 23:6 23:9,13
sir (1) 35:10
site (11) 7:2,19 10:21 10:22 12:21 14:20 20:1,3,4 26:12 34:3
sits (1) 34:16
size (4) 4:19 21:7 26:19 37:4
sizewise (1) 27:7
skip (1) 16:15
slight (3) 12:24 13:4 13:13
slightly (4) 9:12 10:1 11:22,24
small (3) 10:17 15:21 16:8
smaller (5) 21:22 24:17 46:4 47:23 48:5
Smith (44) 2:3 4:5 7:11 8:9 17:18 20:13 25:18 27:3 27:13 29:11 31:8 31:16 33:13 34:8 34:11 35:3,7,11,13 35:23 36:5,16

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

38:19 41:22,25 42:6,10,19,24 43:3 43:6,20 44:11,14,17 44:20,23 45:1 46:12 47:18 49:17 50:20,24 51:20
solid (2) 42:15,18
solved (2) 27:10 36:11
somebody (1) 19:23
sorry (10) 11:25 13:2 17:4 19:14 25:10 32:25 38:22 43:20 46:14 48:8
sort (2) 24:4 47:15
sounds (1) 50:1
south (14) 1:4,14 4:6 7:23 8:3,5,19,24 11:8 14:14 22:9,11 36:25 40:22
southern (1) 7:24
space (9) 21:24 23:5 34:6,14 46:3 47:6,9 47:10 48:6
spaces (1) 16:20
speak (3) 8:12 9:5 36:17
SPEAKER (18) 4:7 6:7,8,10,12,16,23 7:2,5,7 19:12 33:7 38:21,24 39:15 43:25 45:4 49:11
speaking (2) 26:2 45:10
specific (3) 13:17 26:8,22
specified (2) 13:17 17:2
specimen (3) 6:20 17:2 32:11
spend (1) 39:9
spoke (3) 6:9 15:17 23:22
spoken (4) 11:3 15:17 23:20 26:5
spread (1) 20:1
square (8) 31:21 48:1 48:2,4,8,23 49:9,12
squished (1) 20:7
staff (2) 5:25 30:19
stand (1) 45:11
stands (3) 21:2 22:13 24:24
start (2) 24:11 27:19
started (1) 37:8
state (2) 36:18 52:4
stately (2) 25:22 27:2
staying (1) 39:14
Stern (2) 2:14 7:13
stiff (1) 28:19
stone (10) 11:17,18 13:18 30:10,13,16 30:19 46:17 50:14 51:10
stop (1) 31:6
street (11) 21:25 37:2 37:17,22 40:13,21 43:7,14 44:25 45:2 50:8
streets (7) 26:17 30:8 30:18,22,22 38:14 50:15
strong (1) 35:16
structure (1) 45:24
structures (3) 4:20 4:20 23:16
stucco (2) 13:14 15:1
studied (1) 8:10
studies (1) 29:14
study (2) 5:5,11
studying (1) 31:11
stuff (1) 20:8
stupid (1) 48:9
subdivided (1) 40:5
submission (1) 9:4
submittal (1) 7:21
submitted (2) 7:20 11:5
successful (1) 20:5
suggesting (1) 24:20
suite (1) 11:10
super (1) 29:22
sure (1) 45:5
surround (1) 16:14
surrounded (1) 15:11
surrounding (1) 38:10
swimming (2) 4:11 8:3
sworn (4) 3:13 45:10 45:11,14
symmetric (1) 8:23
sympathetic (1) 38:9

T

tail (1) 33:20
take (3) 42:20 43:6 51:21
taken (4) 1:13 28:3 44:22,24
talk (2) 13:20 42:24
talked (2) 23:25 29:1
talking (2) 39:2 42:23
tall (4) 20:7,22 24:8 31:13
taller (4) 12:14 13:5 25:7,7
tallest (1) 14:2
Tarrant (1) 12:8
team (1) 35:2
television (1) 9:7
tell (1) 32:12
tend (1) 35:21
tended (1) 23:13
terms (1) 26:13
Terrent (2) 35:14 36:2
testified (1) 45:14
TESTIMONY (1) 3:13
texture (1) 30:10
thank (20) 14:15 17:18,20 20:14 25:17 27:14 29:12 31:17 33:11,15 38:18,19 39:18,19 41:19 43:23 44:23 47:17,18 51:20
thin (1) 19:16
thing (7) 13:19 18:12 19:24 31:10 34:25 40:7 44:14
things (3) 30:6 31:24 44:3
think (92) 10:22 11:1 13:19 14:6,8 16:19 17:21,21,24,25 18:5 18:7,11,18 20:2,3 20:11,16,17,18,21 22:1,4,8 23:15 25:13,19,20,23,24 26:1,8,9,10,11,20 27:4,5,6,8,9,10,20 28:1,3,5,6,6,8,9,10 28:12,15,16,18 29:19,20 30:7,9,11 30:15,21,23,24 31:2 31:4,10 33:10,14 34:2,2,5,18,21,24 35:13,15,17,24 36:7 36:9,12 42:19 43:7 46:17,25 49:2,25 50:4,5,7,10
thinking (2) 37:7 44:3
thought (4) 19:7 20:5 20:9 23:7
three (5) 10:1,8 32:4 32:6 43:21
tile (1) 13:13
time (7) 1:13,19 8:18 13:21 14:17 21:14 39:9
today (1) 45:10
tones (1) 30:17
top (3) 13:23 15:1 17:7
totally (2) 31:14 46:15
town (7) 1:1,14,16,16 7:17 34:24 45:2
trail (18) 1:4 4:6 14:14 22:9,11 25:3 28:15 36:25 37:12 37:13,15,15 38:1 40:14,22,25 46:24 47:1
transcribe (1) 52:9
transcribed (1) 1:20
transcript (2) 1:8 52:10
transom (1) 31:12
tree (3) 6:20 17:12 32:11
trees (8) 6:21 15:12 15:21,22 16:3,13,21 28:9
truck (3) 40:12 44:8

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

44:9
trucks (1) 44:15
true (1) 52:10
try (2) 24:17,17
trying (3) 21:10 24:16 40:14
turn (1) 28:10
turned (2) 33:15 34:23
tweaked (1) 13:12
two (16) 4:18 9:11,13 13:5 16:13 23:17 30:3 32:5,6,13 33:23 36:10 37:13 38:1 40:21 42:10
two-story (4) 4:8,9 24:3 46:18
type (1) 22:7

U

underneath (1) 16:20
understand (3) 10:22 42:22 49:4
undiscernible (1) 39:16
unfriendly (1) 50:7
UNIDENTIFIED (... 4:7 6:7,8,10,12,16 6:23 7:2,5,7 19:12 33:7 38:21,24 39:15 43:25 45:4 49:11
unnecessary (1) 38:12
use (7) 20:9 21:17 33:17 46:23 49:21 49:23 50:18
utility (1) 5:2

V

variety (1) 16:19
various (1) 21:2
vegetation (1) 15:13
vehicle (1) 5:21
vehicular (1) 4:23
VICE (1) 42:4
view (4) 8:16 11:13 45:19 47:17
views (1) 5:20
Vignettes (1) 11:14
vine (1) 16:12
Visconti (15) 2:7 3:11 6:5,6 29:11,12 30:15 31:15 49:17 49:18,25 51:2,5,12 51:17
vision (1) 21:20
Volk (11) 11:22 12:5 12:7,10,13,20,21 13:10 18:1 19:15 29:19
Volk's (1) 47:14
VOLUME (2) 1:11 3:2

W

W (1) 2:3
walk (5) 25:25 42:20 43:6,10 50:3
walking (3) 16:21 34:16 37:6
wall (8) 9:9 17:7,9,13 17:14 42:15,18 50:6
walls (2) 14:25 15:2
want (12) 13:19 14:15 16:21 17:13 21:20 25:25 27:18 36:17 39:19 40:2 45:5 51:6
wanted (7) 17:15 18:12 25:9,10 29:12 47:21 50:2
wants (2) 24:7 42:20
warm (1) 30:17
warmer (1) 30:19
Warren (1) 37:6
wasn't (1) 23:23
water (1) 27:12
way (14) 7:19 20:18 23:2 26:13 28:7 29:13,23 31:19 32:8,17 34:12,19 38:17 46:4
ways (1) 23:10
we're (9) 7:7 8:10 14:8 19:1 20:23 39:2,8 40:5 43:14
we've (10) 8:21 9:23 10:7 11:11 12:2 13:24 14:25 15:20 16:4 39:3
welcoming (1) 50:8
went (4) 7:2 13:13 21:9 34:11
west (14) 5:7 8:20 9:19,20 11:2 16:17 17:22 20:10 24:22 32:23 34:15 42:1,7 42:8
Westie (1) 37:6
whichever (1) 27:18
whimsical (2) 29:22 33:21
whimsy (2) 29:21 31:14
white (4) 13:15 35:19 36:1,3
Williams (1) 2:15
willing (1) 49:19
window (8) 11:11 12:1,2,13,15,18 31:13 39:6
windows (11) 9:14 9:25 10:2,2,8 11:12 28:21,22,23 29:2,24
Windsong (1) 12:17
wing (2) 8:18 16:3
wings (6) 8:23 9:13 15:22 16:4,13 30:4
wish (1) 9:4
WITNESS (1) 45:15
wonderful (5) 25:23 33:19 41:20 47:1,4
wondering (2) 21:14 35:18
wood (2) 28:22 29:4
word (1) 33:17
worked (2) 21:6,15
world (2) 24:13 41:3
worried (1) 40:17
worth (2) 4:13 7:9
wouldn't (2) 31:6,19
Wytrzes (19) 2:18 3:15 38:25 39:1,17 40:2 41:9,13,16,19 41:24 42:2,5,8,12 42:16 43:5,9,23

X

X (1) 3:1

Y

yeah (22) 18:19,19 18:23 19:1,3,9,18 19:20 28:12 29:7 33:10 34:11,12 35:7,21 41:24 42:2 42:4,8,12 44:13 48:4
years (1) 39:3
yesterday (2) 23:23 40:13

Z

Ziska (10) 2:16 23:20 23:22 32:3 48:4,11 48:14,17,20 49:6
zoned (1) 4:14
zoning (2) 34:3 49:6
Zoom (1) 6:12

0

1

1 (4) 1:11,11 3:2,2
1-foot (1) 23:24
1,100 (1) 48:16
1,200 (1) 48:19
10 (3) 12:24 13:25 22:19
10:30 (1) 51:24
10:45 (1) 51:22
11 (1) 12:23
11-foot (1) 25:16
12 (1) 13:11
12,000 (2) 48:18,20
13 (4) 25:13 46:6,8 46:11
14 (2) 3:6 25:12
14-foot (2) 25:14,15
15-minute (1) 51:21
17 (1) 3:7
17,000 (1) 49:13
17,700 (1) 31:21

2

20 (3) 1:13 3:8 39:3
2024 (2) 1:13 52:13
2025 (1) 51:18
203 (3) 4:6 14:14

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

36:25
21,878 (1) 49:12
23rd (1) 4:25
24 (1) 14:4
25 (1) 3:9
27 (1) 3:10
28 (1) 14:5
28th (1) 4:17
29 (1) 3:11
29th (1) 51:18

3

30th (1) 52:13
31 (1) 3:12
333 (2) 2:19 45:16
34 (2) 14:3 22:24
34-feet (1) 20:21
36 (1) 3:14
360 (1) 1:14
38 (1) 3:15

4

4 (2) 3:4 13:11
409 (2) 36:20,23
44 (1) 3:16
444 (3) 2:18 39:1 41:13
49 (1) 3:18

5

52 (3) 1:11 3:2,19

6

7

7,800 (1) 48:8

8

8 (1) 3:5
834 (1) 35:5

9

9 (4) 13:25 14:8 22:21 24:1
9:00 (2) 1:13 4:1

Document Ref: BCJZ8-SHQB5-BCQBO-MBHEE

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✔Email verified	30 Dec 2024 17:23:04 UTC	Location: Wellington, United States

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Page 1 of 1

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3. **ARC-24-0027 (ZON-24-0034) 203 S LAKE TRL (COMBO)** The applicants, Darlene & Gerald Jordan has filed an application requesting Architectural Commission review and approval for a new two-story single-family residence with a one-story pool house and Padel court, with final hardscape, landscape, and swimming pool improvements; with (2) special exceptions required as it pertains to the proposed Padel court and the location of a vehicular gate. Town Council shall review the application as it pertains to zoning relief/approval

   Mr. Falco provided staff comments on the project.

   Several members disclosed ex-parte communications.

   Randy Correll of RAMSA gave an architectural presentation, and Mario Nievera of Nievera Williams Design gave the landscape and hardscape presentation.

   Ms. Connaughton thought the added details were an improvement; she thought they could be pushed further on the family room element. She asked about the front entry roof. Mr. Correll responded. Ms. Connaughton thought the entry element was very high and suggested a restudy of the pool house.

   Ms. Grace appreciated the changes made to the project but thought more restudy was needed as it was too large and needed some reduction. Mr. Correll stated that the home was smaller than the existing home and thought the open space elements had improved. Ms. Grace recommended more single-story elements.

   Attorney Maura Ziska reiterated her conversations with an adjacent neighbor, who had concerns.

   Ms. Catlin thought the changes improved the design and the scale was better.

   Mr. Karakul agreed with Ms. Catlin and thought the design had been refined. He thought the home would be a handsome addition to the area.

   Mr. Phoenix thought the landscaping was superb. He supported the home but added that the pool house should feel like a folly.

   Ms. Visconti thought the study of the changes was helpful. She also thought the pool house needed more whimsy. She liked the changes and thought many were improvements. She recommended that a warmer stone be used in construction.

   Ms. Connaughton agreed with Ms. Visconti.

Mr. Floersheimer agreed with the other comments. He asked if there was a revised landscape plan to show the changes he discussed. Mr. Nievera showed the revised plans.

Mr. Smith agreed with the other comments and thought the pool house was a missed opportunity. He provided suggestions for an alternate design and thought the scale was appropriate. He expressed a concern for the copper roof over the entry and recommended a white or flat roof.

Mr. Smith called for public comment.

Nicole Betts, 409 Seabreeze Avenue, did not believe the home would fit into the neighborhood. She objected to the scale and the pedestrian gate.

Leslie Wytrzes, 444 Seabreeze Avenue, asked about the generator building, to which Mr. Correll stated it would be removed. She thanked the professional for removing the additional curb cut. She asked about the pedestrian gate and wondered if it would open onto her driveway. Mr. Nievera showed the gate entry.

Mr. Floersheimer wondered about garbage collection. Mr. Nievera responded.

Anne Pepper, 333 Seaspray Avenue, appreciated the changes to the Chinese garden but thought the building resembled a hotel in its design. She thought the guest house lacked appeal and should be reduced in height.

Ms. Connaughton asked about the size of the home compared to the existing one. Mr. Correll responded and discussed the size reduction.

Ms. Visconti wondered if the applicant would be willing to have a sign at the pedestrian gate directing any deliveries or services to the correct location.

A motion was made by Ms. Visconti and seconded by Mr. Karakul to approve the project as presented with the following conditions: a sign will be added at the pedestrian gate that provides directions for deliveries or services and to restudy the stone on the home and the pool house, which will return to the meeting on January 29, 2025. The motion carried unanimously, 7-0.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-24-0010 (ARC-24-0023) 515 NORTH LAKE WAY (COMBO) - SPECIAL EXCEPTION AND VARIANCE The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval for a special exception review to develop the existing nonconforming lot, and one variance 1) to exceed the permitted angle of vision for the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-1.] [The Architectural Commission approved the project. Carried 5-2.]*

Presenter

ATTACHMENTS:

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

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 WRB
Director PZ&B

SUBJECT: ZON-24-0010 (ARC-24-0023) 515 N LAKE WAY (COMBO)

MEETING: DECEMBER 20, 2024, ARCOM
JANUARY 15, 2025, TC

ZON-24-0010 (ARC-24-0023) 515 N LAKE WAY (COMBO)—SPECIAL EXCEPTION AND VARIANCE. The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval for a special exception review to develop the existing nonconforming lot, and one variance to exceed the permitted angle of vision for the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform design review of the application.

ARC-24-0023 (ZON-24-0010) 515 N LAKE WAY (COMBO). The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Architectural Commission review and approval for the construction of a new one-story single-family residence with final hardscape and landscape, a special exception to develop the existing nonconforming lot, and one variance 1) to exceed the permitted angle of vision. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

Applicants: JORDAN GRETCHEN S TRUST
Architecture: Dailey Janssen Architects, P.A.
Landscaping: Environmental Design Group
Representative: Maura Ziska

HISTORY:
This lot currently has an existing one story, approximately 3,023 SF regency inspired house built in 1963. The applicant is demolishing the existing structure and proposing a new one-story residence of approximately 3,938 SF.

This item was deferred (4-3) from the June 26, 2024, ARCOM meeting to restudy the garage location, entry, window configuration and architectural detailing. The item was deferred again (7-0) in August for additional refinements, particularly the height, frieze, colors and sconces. At the November ARCOM meeting the applicant was advised to once again study architectural detailing and consider removing gate on west property line. At the December 20, 2024 ARCOM meeting, the Commission approved (5-2 JS, LC) the application for new construction of a one-story residence. Additionally, the Commission approved (6-1, JS) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "515 NORTH LAKE WAY" as prepared by **Dailey Janssen Architects**, uploaded December 4, 2024, and identified as third submittal for ARCOM hearing 12-20-24.

The following scope of work is proposed:

- New one-story residence.
- New associated hardscape, and landscape.

Changes since first proposal:

- Garage has been reorientated to the west side.
- Garage roof has been modified to a hip, matching, pitches.
- Garage windows have been modified.
- Volume roof has been modified to a hip, matching pitches.
- Footprint and cubic content has been slightly adjusted.
- Angle of vision has been reduced.
- Front entry has been relocated to the west façade.
- Entry drive has been modified.
- Change in architectural style includes window/door shape and sizes.
- Removal of awning/frieze.

Noteworthy modifications since last presentation:

- Revised roof plan and roof pitch. Adjusted beam heights accordingly.
- Revised front entry and revised garage door.
- Added trellis and pilasters to front of gallery (west elevation). Adjusted windows accordingly. Added trellis and pilasters to garage entry wall (south elevation). Adjusted windows accordingly.
- Revised east and north elevations based on new roof lines and beam heights.
- Removed site gate from west elevation.

The following is required to complete the project:

- **VARIANCE 1**: Sec 134-893 (b) (6): A variance to exceed the angle of vision permitted 116 degrees, 127 degrees proposed, for frontage along the designated primary north-south roadway of North Lake Way.
- **SPECIAL EXCEPTION**: Sec. 134-893(c): A special exception to develop an existing nonconforming parcel, comprised of portions of platted lots, which is 70’ in width (in lieu of the 100’ width required).

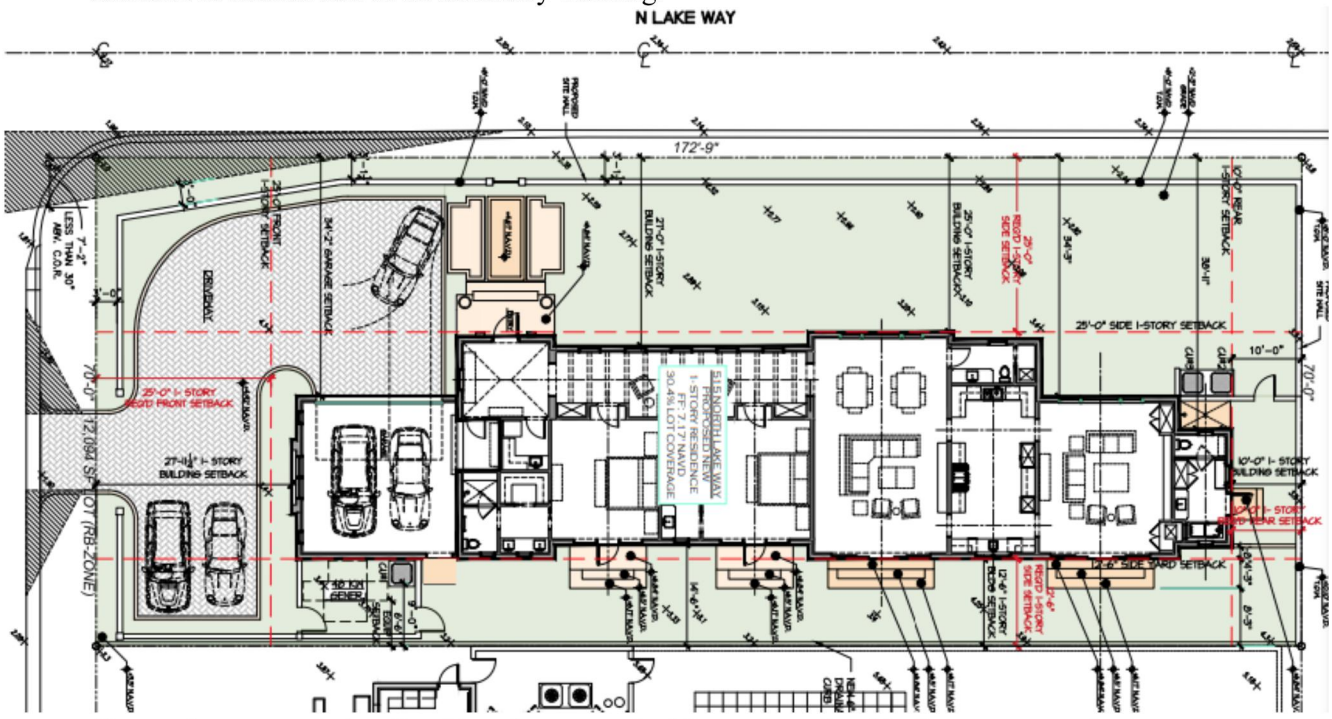
Site Data			
Zoning District	R-B	**Future Land Use**	SINGLE-FAMILY
Lot Size	12,093 SF	**Crown of Road**	2.25’ NAVD
Lot Depth	172.8’	**Lot Width**	Required: 100’ Existing: 70’ ***Special Exception Required***
Lot Coverage	Permitted: 40% (4,837 SF) Proposed: 30.7% (3,714 SF)	**Enclosed Square Footage**	Proposed: 3,897 SF
Cubic Content Ratio (CCR)	Permitted: 48,134 CF Proposed: 34,803 CF	**Angle of Vision**	Permitted: 116° Proposed: 123° (134°before)

Building Height	Permitted: 14' – 0" Proposed: 13' – 3"	**Overall Building Height**	Permitted: 17' Proposed: 13'-3"
Finished Floor Elevation	Proposed: 7.17' NAVD	**FEMA Flood Zone**	AE -6
Maximum Fill	Permitted: 2.46' Proposed: 2.46'	**Zero Datum**	7' NAVD
Overall Landscape Open Space	Required: 45% Proposed: 47.9%	**Front Yard Landscape Open Space**	Required: 40% Proposed: 83.4%
Surrounding Properties / Zoning			
North	6 La Costa Way | Residence / R-B		
South	254 Tangier Ave | Residences / R-B		
East	273 Tangier Way | Residence / R-B		
West	528 North Lake Way | Residence / R-B		

STAFF ANALYSIS

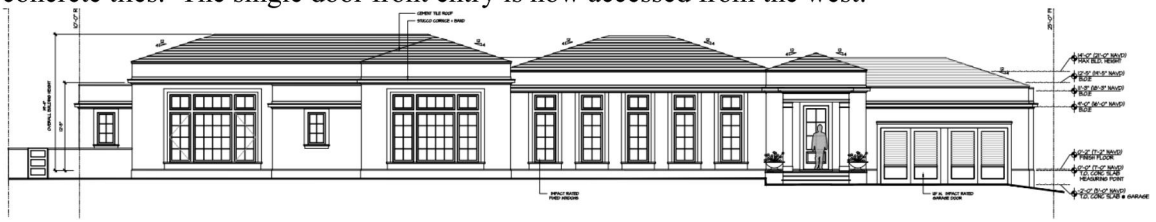
The applicant is proposing the construction of a new one-story residence with hardscape and landscape on the northeast corner of North Lake Way and Tangier Avenue. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance and one (1) special exception to achieve the application as proposed.

The applicant has indicated the depth is deficient for this non-conforming lot due to the address, angle of vision and current front door location. ARCOM members discussed the relationship of this new structure to that immediately east. The proposed site and floor plans are still similar to the previous versions but the visual impact on the south elevation has improved by relocating the garage doors to the west. Additionally, the relocation of the entry to the west elevation allows the structure to read as less of an accessory building.



Currently proposed site plan (drawing rotated with north on its side for representation)

The proposed house is similar in massing to the one existing on site. The exterior has a smooth stucco finish painted creme, punctuated with black metal multi-lite windows and doors. The house features mainly hip roofs with some minor flat roof areas. The hip roofs are surfaced with flat gray concrete tiles. The single door front entry is now accessed from the west.



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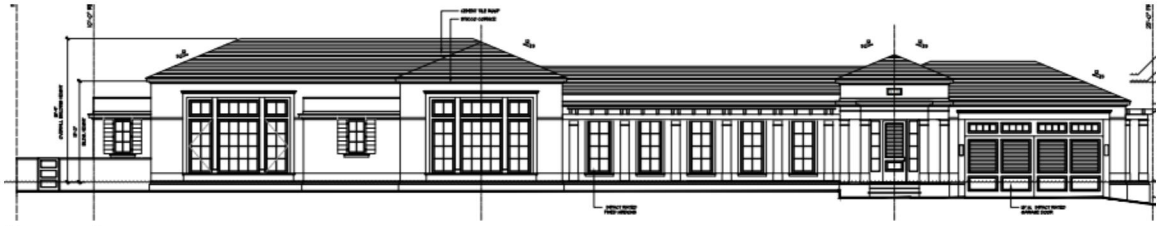


Proposed

The single entry drive off Tangier is proposed to be a poured tabby with a 12" border that leads to the two-car garage accessed from the west. There is a tight turning radius to enter the garage. No vehicular gates are proposed. Proposed landscaping includes six (6) Royal Palms, one (1) Green Buttonwood, one (1) Live Oak, cocoplum and podocarpus hedges, groundcovers and lawn.

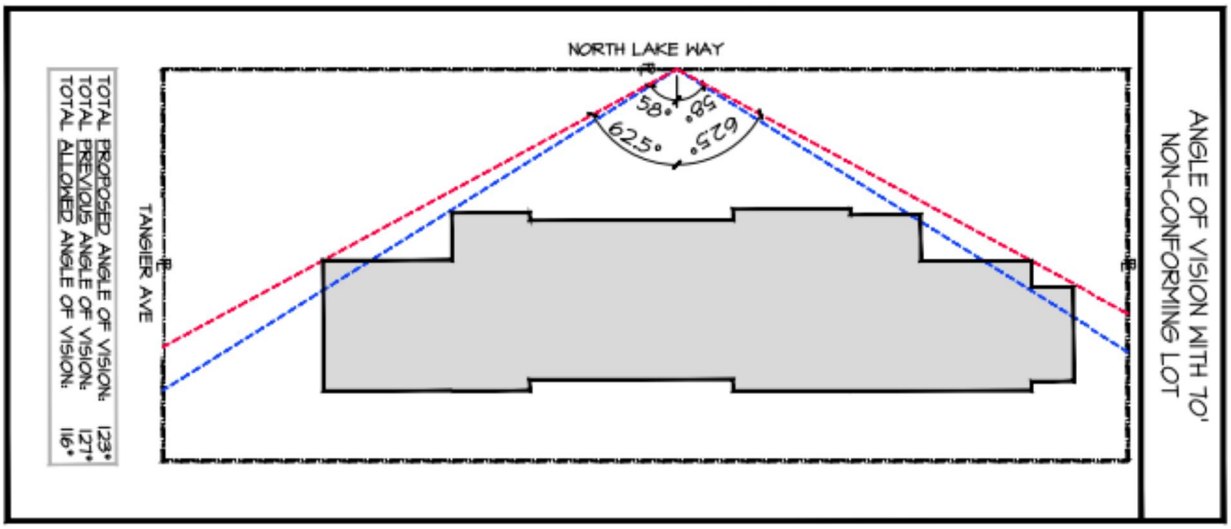
Previous/Current proposed South elevation above

West elevation rendering

The design requires one variance and special exceptions as proposed.

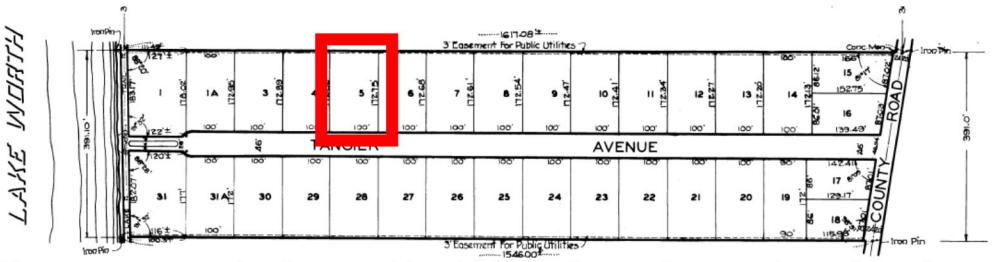
Code Section	Required	Proposed	Variance
Variance 1: Sec 134-893 (b) (6)	116° maximum	123°	**7°**

The Angle of vision zoning regulation is a tool intended to complement the setback requirements by ensuring that the mass of the building is 'pushed back' from the street, at least visually, by creating this additional step back regulation. This regulation is mostly applied to the north or south facade face of the residences due to the long linear layout of the Island, having mostly east-west streets developed with residences. When applied to corner properties, or those with more unique configurations, such as the subject property—compliance is more challenging. In this specific instance, the width of the lot along N Lake Way measures over 172' in length making it very challenging to comply with the wide aperture of the angle of vision; yet the code specifically requires such*; In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.*



(graphic of site plan rotated 90° for visual reading ease)

Redevelopment of the existing nonconforming parcel requires approval of a special exception by the Town Council. A lot width of 100' is required with only 70' existing. The parcel is comprised of Lot 5 less 30 feet of right of way of the Tangier Estates subdivision. Originally this was a 100' wide lot until North Lake Way was introduced.



The subject property contains the same historic dimensions and geometric configuration as it was originally platted apart from the addition of the N Lake Way right-to-way and is currently developed with a residence.

CONCLUSION:

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

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

(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 the approval 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: FHM

DJA DAILEY JANSSEN ARCHITECTS, P.A.

ROGER PATTON JANSSEN, A.I.A.

Date: March 5th, 2024 (pre-application)
March 11th, 2024 (first submittal)
April 29, 2024 (second submittal)
August 5th, 2024 (presentation submittal)
November 22nd, 2024 (presentation submittal Rev 01)
December 4th, 2024 (third submittal)

LETTER OF INTENT RELATED TO PROPOSED NEW CONSTRUCTION AT
515 NORTH LAKE WAY, PALM BEACH, FL 33480

ARCOM: ARC-24-0023 TOWN COUNCIL: ZON-24-0010

We are pleased to submit the accompanying drawings for the second submittal review of our project at 515 North Lake Way. The site currently has a single-family residence to be demolished. Our project is for the proposed construction of a 1-Story residence including hardscape and landscape, and civil management. This project does require a variance for angle of vision due to the irregular shaped lot. We have paid special attention to the cubic content and zoning requirements of the district.

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 1-Story Residence.
2. New hardscape and landscape.
3. New civil management.

B) ARCOM 18-206

Not applicable

C) SPECIAL EXCEPTION 134-229

Not Applicable

D) SITE PLAN REVIEW 134-329

Special exception with site plan review: to allow the construction of a one story residence with a lot depth of 70 feet in lieu of the 100 foot minimum required in the RB zoning district.

E) VARIANCES 134-201

Variance #1: Angle of vision of 123 degrees in lieu of the 116 degrees maximum allowed.

The following is the criteria to justify the granting of the above variances pursuant to Section 134-201:

1. The property is located in the R-B Zoning District and is a non-conforming corner lot which requires front yard setbacks on both streets and pinches the design of a new residence.
2. The applicant was not the cause of the special conditions of the property being a non-conforming corner lot and the desire to add a one story residence.
3. The granting of the variance will not confer on the applicant a special privilege that is denied to the neighboring properties as the proposed one story residence which triggers the angle of vision variance is a minor request.
4. The hardship, which runs with the land, is in order to design a one story residence on this non-conforming corner lot, relief from zoning code would be warranted.
5. The variance requested is the minimum necessary to make reasonable use of the land considering the design of the one story residence and the zoning requirements that are imposed for a corner lot.
6. The granting of the variance will not be injurious to the neighborhood. The one story residence is sensitive to the neighborhood which consists of many 2-story residences.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-24-0028 (ARC-24-0032) 272 VIA MARILA (COMBO) - VARIANCE

The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission denied this project. Carried 4-3.] [This project was remanded back to ARCOM for further design review.][Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-1.] [The Architectural Commission approved the project for Option 4. Carried 6-1.]*

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
Director PZ&B

SUBJECT: ZON-24-0028 (ARC-24-0032) 272 VIA MARILA

MEETING: DECEMBER 20, 2024, ARCOM
JANUARY 15, 202, TC

ZON-24-0028 (ARC-24-0032) 272 VIA MARILA - COMBO. The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform design review of the application.

ARC-24-0032 (ZON-24-0028) 272 VIA MARILA - COMBO. The applicant, Melissa Wight, has filed an application requesting Architectural Commission review and approval for a new vehicular gate which requires one (1) variance to reduce the minimum driveway area in front of the vehicular gate. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Design Professional: Environment Design Group

HISTORY:

The existing split-level residence built in 1959 features a large driveway with one vehicular entrance off Via Marila. The lot also has rear frontage on Laurian Lane. The request is to add a vehicular gate.

At the July 24, 2024, ARCOM hearing this item was deferred (7-0) to restudy the driveway location and possible elimination of the gate. At the August 28, 2024, ARCOM hearing this item was once again deferred (5-2) to restudy the gate location and curb cut width. On September 25,2024, ARCOM denied the request for a gate (4-3).The applicant subsequently appealed this decision to the Town Council. At the November 13, 2024, Town Council hearing, the appeal was granted, and the matter of the vehicular gate was remanded back to ARCOM for further review. Additional details regarding this appeal are provided in the "Staff Analysis" section of this memorandum.

At the December 20, 2024 ARCOM meeting, the Commission approved (6-1) the application for the gate. Additionally, the Commission approved (6-1) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, titled “Private Residence 272 Via Marila Palm Beach” as prepared by Environment Design Group, uploaded on December 4, 2024.

The following scope of work is proposed:

- Installation of a new 13’-0” rolling vehicular gate and associated concrete columns.

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and therefore requires a variance as part of this application. The subject site is an interior lot and currently contains one wide vehicular access driveway along its north property line on Via Marila. The subject property is 108' wide. Based on the surrounding area, the introduction of the gate would also be inconsistent with all the residences that face Via Marila as there are no other vehicular gates.

CURRENT CONDITIONS

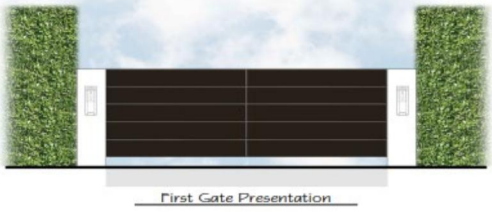
Existing View to Entry from Street

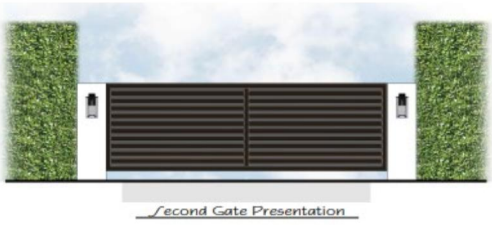
Existing View to Front Entry

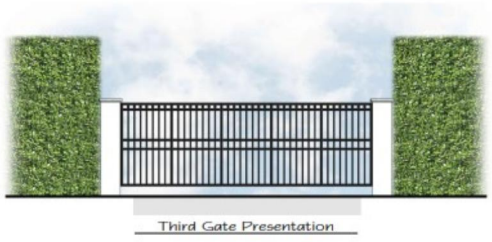
Existing Garage Door & Light Fixtures

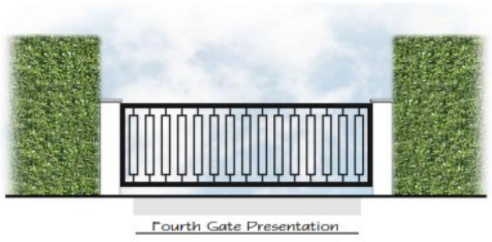
The applicant proposes to install one rolling vehicular gate. The remainder of the front property line has a tall, thick clusia hedge installed that will remain.

SUMMARY OF PREVIOUSLY/CURRENTLY PROPOSED GATE


First Gate Presentation


Second Gate Presentation


Third Gate Presentation


Fourth Gate Presentation

ARCOM SELECTED DESIGN

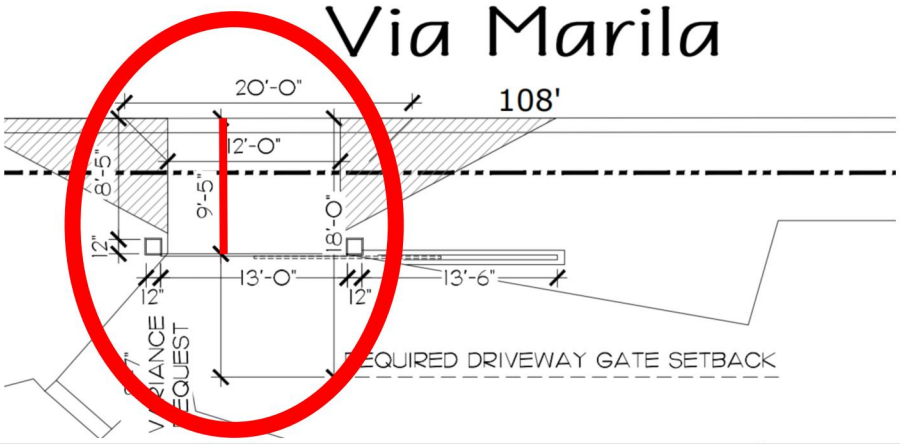
CURRENTLY PROPOSED VEHICULAR GATE

Gate Width: 13'-0"
Gate Height: 5'-0"

View to Proposed Gate (Fourth Presentation)

The current proposal still has the decreased the driveway width by 2'-0" (from 14'-0" to 12'-0") and the gate width by 1'-6" (from 14'-6" to 13'-0"). The gate design was revised again after the appeal to a black metal gate with modern picket motif. This design offers greater transparency than the previous proposals and is more in keeping with the style of the house.

The proposed gate requires a variance as the required backup space is not being met, potentially creating an unsafe condition or blockage within the roadway. The applicant has provided 9'-5" of clearance where 18'-0" is needed. It is important to note that Via Marila is a very narrow roadway of only approximately 30'-0' wide.



Code Section	Required	Proposed	Variance
Variance 1: Section 134-1668	18'-0"	9'-5"	8'-7"

Via Marila, located in the north end of the Town, consists of 23 single-family residences, none of which have a vehicular gate and only one has a pedestrian gate.

On October 3, 2024, Alley, Maass, Rogers & Lindsay, R.A. filed an appeal of this decision with the Town of Palm Beach. The notice of appeal asserted that ARCOM's decision was predisposed or biased against gates not based on criteria outlined in Section 18-205 of the Town of Palm Beach Code. The appeal was heard at the November 13, 2024, Town Council meeting, where the appeal was granted (3-2), allowing for the installation of the vehicular gate on the property.

> Appeal of the Architectural Review Commission's Decision to Deny **ARC-24-0032 (ZON-24-0028), 272 Via Marila**, at their September 25, 2024, Meeting.
>
> **ACTION: THE PROJECT SHALL BE REMANDED BACK TO THE ARCHITECTURAL COMMISSION WITH THE TOWN COUNCIL'S REQUEST TO CONSIDER A DEED RESTRICTION FOR A GATE, WHICH WOULD BE REMOVED WHEN THE OWNER SELLS THE HOME. (3-2, JA, BM)**

On December 4, 2024, the applicant resubmitted plans to staff with a revised gate design to be reviewed for architectural design. The variance has not been granted and will also need to be voted upon.

> **ZON-24-0028 (ARC-24-0032) 272 VIA MARILA (COMBO) - VARIANCE** The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission denied this project. Carried 4-3.] [This project is part of the Appeal that will be heard earlier in the agenda.]*
>
> **ACTION: THIS VARIANCE APPLICATION WAS NOT HEARD AS THE TOWN COUNCIL REMANDED THE PROJECT BACK TO THE ARCHITECTURAL COMMISSION UNDER THE HEARING OF THE APPEAL OF THE SAME PROJECT. (NO VOTE)**

CONCLUSION:

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

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

December 4, 2024

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

ATTN: *ARCOM Staff*
Re: 272 Via Marila - Landscape Architecture
Our Ref # 24066.00 LA
ARC-24-0025 (ZON-24-0028)

NARRATIVE RESPONSE
COMMENTS RECEIVED FROM TOWN COUNCIL APPEAL MEETING ON NOVEMBER 13, 2024

- Updated Cover Sheet per supplemental exhibits
- Updated Conceptual Construction Schedule per deferral
  (See Sheet L2.0)
- Added Supplemental Exhibits and fourth gate presentation
  (See Sheets L5.0-L5.4)

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

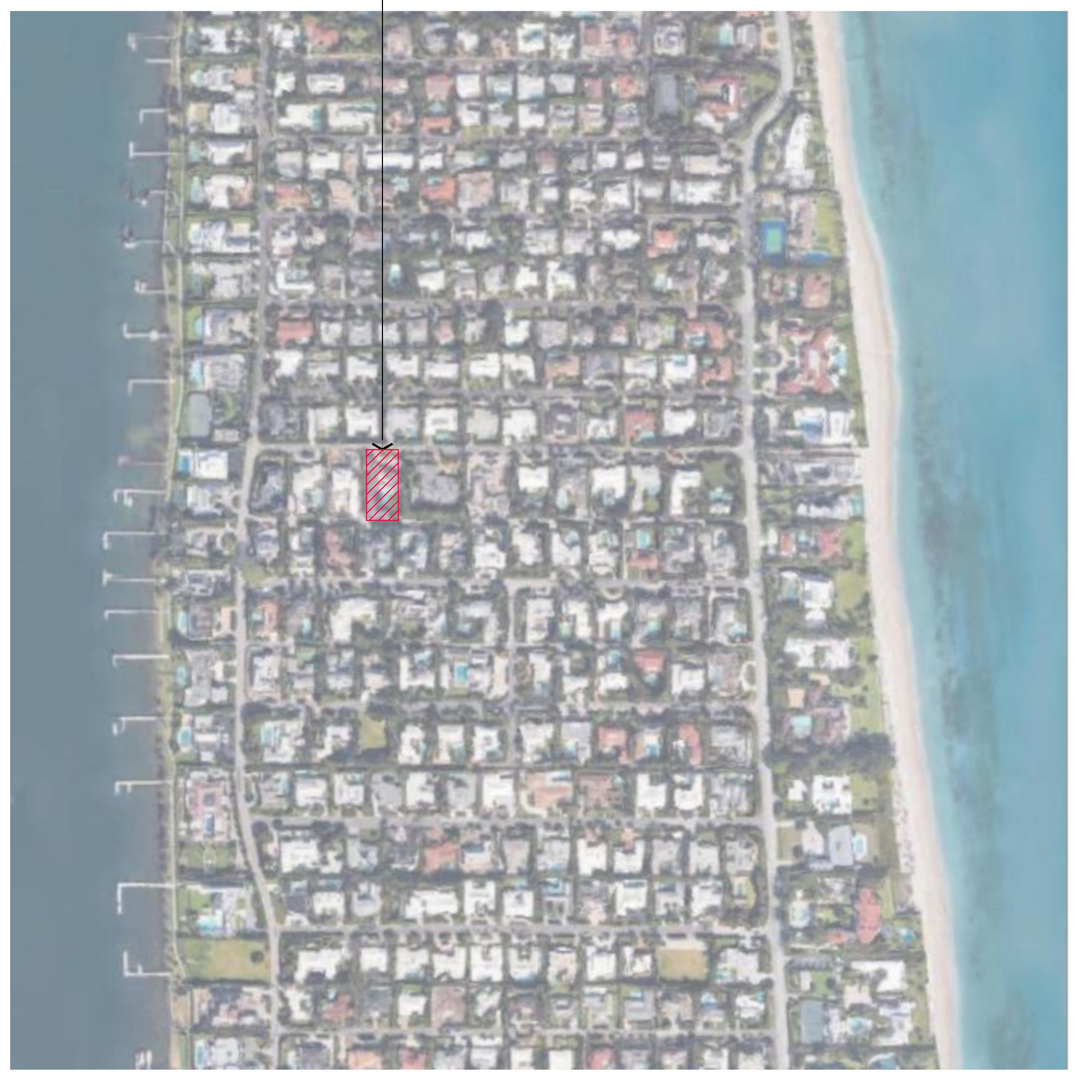
Dustin Mizell, MLA RLA #6666784
Environment **D**esign **G**roup

TC Development Review Meeting Backup 1-15-2025

Scope of Work

* Addition of Driveway Gate
*Variance Request for Driveway Gate

SUBJECT PROPERTY
(272 VIA MARILA)



Vicinity Location Map

ENVIROAMENT
DESIGN
GROUP
139 North County Road Suite 20-B Palm Beach, Fl 33480
Phone 561.832.4600 Mobile 561.313.4424
Landscape Architecture
Land Planning
Landscape Management
Dustin M. Mizell, MLA RLA #6666784
Dustin@environmentdesigngroup.com

Private Residence
272 Via Marila
Palm Beach

F L O R I D A

Application #:
ARC-24-0032
(ZON-24-0028)
Deferred Submittal

Date of ARCOM Presentation: December 20, 2024
Town Council Hearing: January 15, 2024

12.04.24- UPDATED MEETING DATES PER DEFERRAL

Sheet Index

Cover Sheet
Survey
L1.0 - Existing Site Photos
L2.0 - Truck Logistics Plan
L3.0 -Site Plan
L3.1 - Proposed Gate Rendering
L4.0 - Driveway Gate Variance Diagram
L5.0 -Supplemental Gate Exhibit
L5.1 - Previously Presented Gate Option
(First Presentation)
L5.2 - Previously Presented Gate Option
(Second Presentation)
L5.3 - Previously Presented Gate Option
(Third Presentation)
L5.4 - Current Gate Option
(Fourth Presentation)

12.04.24- UPDATED SHEET INDEX PER SHEET ADDITIONS

Design Team/Consultants

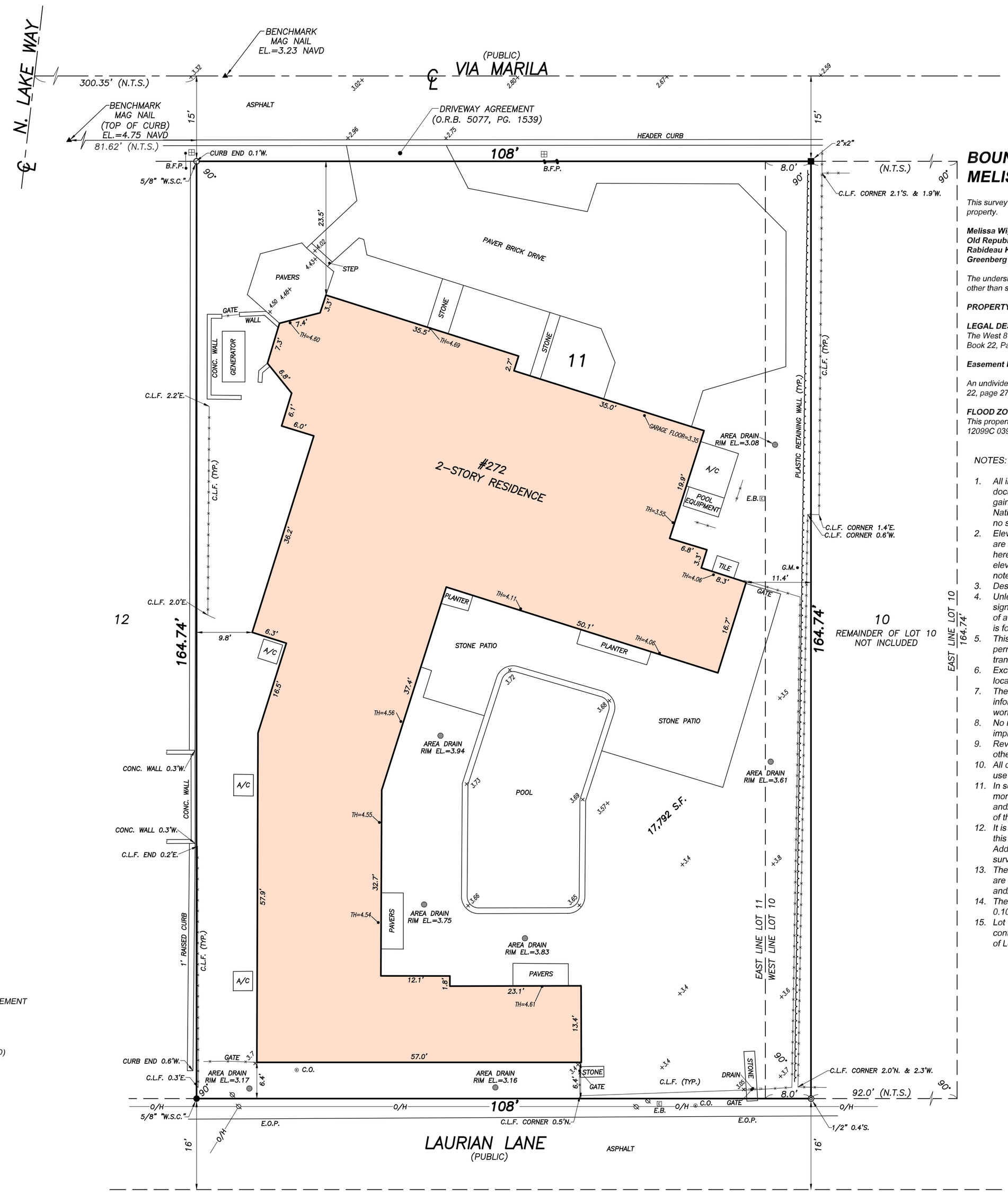
Landscape Architects
ENVIRONMENT DESIGN GROUP
139 NORTH COUNTY ROAD SUITE 20B
PALM BEACH, FL 33480
561.832.4600
WWW.ENVIRONMENTDESIGNGROUP.COM

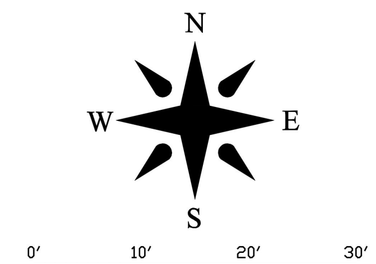
Surveyor
WALLACE SURVEYING
5553 VILLAGE BOULEVARD
WEST PALM BEACH, FL 33407
(561) 640-4551

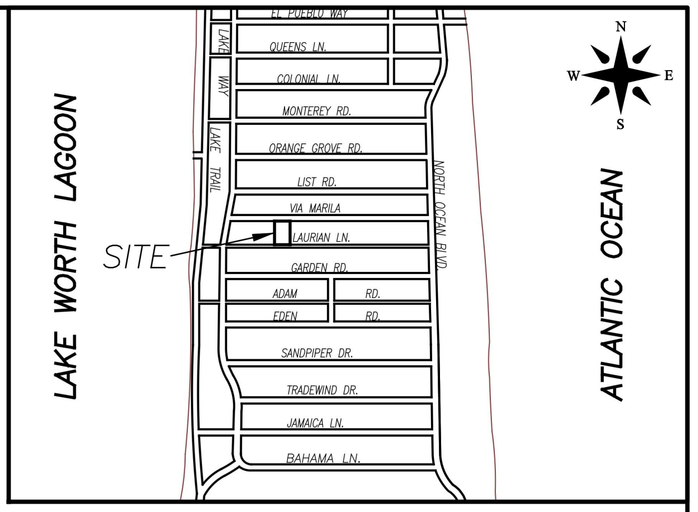
Civil Engineer
GRUBER CONSULTING ENGINEERS
2475 MERCER AVENUE
WEST PALM BEACH, FL 33401
(561) 312-2041

LEGEND

A	= ARC LENGTH
A/C	= AIR CONDITIONING
A.E.	= ACCESS EASEMENT
A.K.A.	= ALSO KNOWN AS
ASPH.	= ASPHALT
BLDG.	= BUILDING
B.M.	= BENCHMARK
B.O.C.	= BACK OF CURB
B.O.W.	= BACK OF WALK
(C)	= CALCULATED
CATV	= CABLE ANTENNA TELEVISION
C.B.	= CHORD BEARING
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.C.C.L.	= COASTAL CONSTRUCTION CONTROL LINE
CH	= CHORD
C.L.F.	= CHAIN LINK FENCE
CLR.	= CLEAR
C.M.P.	= CORRUGATED METAL PIPE
CONC.	= CONCRETE
(D)	= DESCRIPTION DATUM
D.B.	= DEED BOOK
D.E.	= DRAINAGE EASEMENT
D.H.	= DRILL HOLE
D/W	= DRIVEWAY
EL.	= ELEVATION
ENC.	= ENCROACHMENT
E.O.P	= EDGE OF PAVEMENT
E.O.W.	= EDGE OF WATER
ESM'T	= EASEMENT
F.F.	= FINISH FLOOR
FND.	= FOUND
F.O.C.	= FACE OF CURB
GEN	= GENERATOR
G.M.	= GAS METER
INV.	= INVERT
L.A.E.	= LIMITED ACCESS EASEMENT
L.B.	= LICENSE BOARD
L.W.D.D.	= LAKE WORTH DRAINAGE DISTRICT
(M)	= FIELD MEASUREMENT
M.H.	= MANHOLE
M.H.W.L.	= MEAN HIGH WATER LINE
M.L.W.L.	= MEAN LOW WATER LINE
N.A.V.D.	= NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	= NATIONAL GEODETIC VERTICAL DATUM
N.P.B.C.I.D.	= NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT
N.T.S.	= NOT TO SCALE
O.A.	= OVERALL
O.D.	= OUTSIDE DIAMETER
O/H	= OVERHEAD UTILITY LINE
O.R.B.	= OFFICIAL RECORD BOOK
P	= PLANTER
(P)	= PLAT DATUM
P.B.	= PLAT BOOK
P.B.C.	= PALM BEACH COUNTY
P.C.	= POINT OF CURVATURE
P.C.C.	= POINT OF COMPOUND CURVATURE
P.C.P.	= PERMANENT CONTROL POINT
PG.	= PAGE
P.I.	= POINT OF INTERSECTION
P/O	= PART OF
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
P.R.C.	= POINT OF REVERSE CURVATURE
P.R.M.	= PERMANENT REFERENCE MONUMENT
PROP.	= PROPOSED
P.T.	= POINT OF TANGENCY
PVM'T	= PAVEMENT
(R)	= RADIAL
R	= RADIUS
RGE.	= RANGE
R.P.B.	= ROAD PLAT BOOK
R/W	= RIGHT OF WAY
(S)	= SURVEY DATUM
S.B.	= SETBACK
SEC.	= SECTION
S/D	= SUBDIVISION
S.F.	= SQUARE FEET
S.F.W.M.D.	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
S.I.R.W.C.D.	= SOUTH INDIAN RIVER WATER CONTROL DISTRICT
S.R.	= STATE ROAD
STA.	= STATION
STY.	= STORY
TH	= THRESHOLD ELEVATION
T.O.B.	= TOP OF BANK
T.O.C.	= TOP OF CURB
TWP.	= TOWNSHIP
TYP.	= TYPICAL
U/C	= UNDER CONSTRUCTION
U.E.	= UTILITY EASEMENT
U.R.	= UNRECORDED
W.C.	= WITNESS CORNER
W.M.E.	= WATER MANAGEMENT EASEMENT
W.M.M.E.	= WATER MANAGEMENT MAINTENANCE EASEMENT
W.M.T.	= WATER MANAGEMENT TRACT
℄	= BASELINE
℄	= CENTERLINE
△	= CENTRAL ANGLE/DELTA
■	= CONCRETE MONUMENT FOUND (AS NOTED)
□	= CONCRETE MONUMENT SET (LB #4569)
●	= ROD & CAP FOUND (AS NOTED)
○	= 5/8" ROD & CAP SET (LB #4569)
⊙	= IRON PIPE FOUND (AS NOTED)
◪	= IRON ROD FOUND (AS NOTED)
▲	= NAIL FOUND
◉	= NAIL & DISK FOUND (AS NOTED)
◎	= MAG NAIL & DISK SET (LB #4569)
℄	= PROPERTY LINE
⊘	= UTILITY POLE
⍜	= FIRE HYDRANT
⊞	= WATER METER
⋈	= WATER VALVE
⍟	= LIGHT POLE







VICINITY SKETCH N.T.S.

BOUNDARY SURVEY FOR: MELISSA WIGHT

This survey is made specifically and only for the following parties for the purpose of a closing on the surveyed property.

Melissa Wight
Old Republic National Title Insurance Company
Rabideau Klein
Greenberg Traurig, P.A.

The undersigned surveyor assumes no responsibility or liability for any other purpose or to any other party other than stated above.

PROPERTY ADDRESS: *272 Via Marila Palm Beach, FL 33480*

LEGAL DESCRIPTION:
The West 8 feet of Lot 10, all of Lot 11, ***CORAL ESTATES****, according to the Plat thereof, as recorded in Plat Book 22, Page 27, of the Public Records of Palm Beach County, Florida.*

Easement Interest:

An undivided 1/15 interest in Lot 1A, ***CORAL ESTATES****, according to the plat thereof as recorded in Plat book 22, page 27, Public Records of Palm Beach County, Florida.*

FLOOD ZONE:
This property is located in Flood Zone AE (EL. 6), according to F.I.R.M. (Flood Insurance Rate Map) No. 12099C 0393 F, dated 10-5-17.

NOTES:

1. *All information regarding record easements, adjoiners, and other documents that might affect the quality of title to tract shown hereon was gained from commitment number 1498676, issued by Old Republic National Title Insurance Company, dated 02/23/24. This office has made no search of the Public Records.*
2. *Elevations shown hereon, if any, are in feet and decimal parts thereof and are based on NAVD-88. The expected accuracy of the elevations shown hereon is 0.03' for the hard surface elevations and 0.1' for the soft surface elevations. Elevations shown hereon are U.S. survey feet unless otherwise noted.*
3. *Description furnished by client or client's agent.*
4. *Unless presented in digital form with electronic seal and electronic signature this survey must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.*
5. *This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. This survey is not transferable by Owners Affidavit of Survey or similar instrument.*
6. *Except as shown, underground and overhead improvements are not located. Underground foundations not located.*
7. *The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.*
8. *No responsibility is assumed by this surveyor for the construction of improvements, from building ties shown on this survey.*
9. *Revisions shown hereon do not represent a "survey update" unless otherwise noted.*
10. *All dates shown within the revisions block hereon are for interoffice filing use only and in no way affect the date of the field survey stated herein.*
11. *In some instances, graphic representations have been exaggerated to more clearly illustrate the relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements over scaled positions.*
12. *It is a violation of Rule 5J-17 of the Florida Administrative Code to alter this survey without the express prior written consent of the Surveyor. Additions and/or deletions made to the face of this survey will make this survey invalid.*
13. *The ownership of fences, perimeter walls and/or hedges shown hereon are not known and thus are not listed as encroachments. Fences, hedges and/or perimeter walls are shown in their relative position to the boundary.*
14. *The expected horizontal accuracy of the information shown hereon is +/- 0.10'.*
15. *Lot 11 of the legal description and Lot 10 of the legal description are contiguous to each other along the East line of Lot 11 and the West line of Lot 10, and taken as a tract, constitute one Parcel of land.*

TITLE COMMITMENT REVIEW

CLIENT: Melissa Wight		COMMITMENT NO. : 1498676	DATE: 02/23/24			
REVIEWED BY: Craig Wallace		JOB NO. : 199754-SE				
B2 ITEM NO.	**DOCUMENT**	**DESCRIPTION**	**AFFECTS AND PLOTTED**	**AFFECTS AND NOT PLOTT-ABLE**	**DOES NOT AFFECT**	**NOT A SURVEY MATTER**
1-5	N/A	Standard Exceptions.				●
6	PB 22, PG 27	All matters contained on the Plat of Coral Estates.	●			
7	ORB 597, PG 185	Terms and conditions contained in Agreement for Easements, providing acceess and parking by inside lot owners.			●	
7a	ORB 31994, PG 224	Terms and conditions contained in agreement for Easements, providing access and parking by inside lot owners.			●	
8	D.B. 22, PG 125	Easement in favor of West Palm Beach Telephone Company, providing the right to erect, maintain, repair and operate telephone poles and liens.			●	
8a	D.B. 124, PG 430	As assigned to Southern Bell Telephone and Telegraph Company (easement can not be plotted in modern times. The easement followed a line of telephone poles installed about 1911. These poles no longer exist).			●	
9	ORB 33071, PG 891 ORB 33103, PG 1048	Via Marila Beach Access license agreement.			●	
10	ORB 5077, PG 1539	Agreement with the Town of Palm Beach, Florida, providing for the installation of a driveway across the road right of way.	●			
11	ORB 32277, PG 1501	Underground easement to Florida Power and Light Company.			●	
12	ORB 32475, PG 327	Stormwater Management Agreemet.		●		
13-15	N/A	Standard Exceptions.			●	
16	N/A	Encroachments, encumbrances, violations, variations, or adverse circumstances, if any, actually shown on the survey prepared by Wallace Surveying, Inc. dated May 17, 2021.	●			
17-18	N/A	Standard Exceptions.				●

SIGNED IN HIS ABSENCE

CERTIFICATION:
I HEREBY ATTEST *that the survey shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.*

DATE OF LAST FIELD SURVEY: 03/02/2024

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

James G. Peden, Jr.
Professional Surveyor and Mapper
Florida Certificate No. 6122

03/02/24 SURVEY & TIE-IN UPDATE TIE-IN B.M./S.W. 199754 PB358/68
05/17/21 SPOT ELEVATIONS, SURVEY & TIE-IN UPDATE TIE-IN J.O./S.W. 18-1050.10 PB277/44
07/01/19 FORMBOARD TIE-IN C.E./M.B. 18-1050.5 PB277/44
06/24/19 ADD PROPOSED GENERATOR & WALLS C.W. 18-1050.4
11/03/18 SPOT ELEVATIONS E.G./M.B. 18-1050.3 PB269/7

BOUNDARY SURVEY FOR:

MELISSA WIGHT

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 • (561) 640-4551

FIELD: B.M.	JOB NO.: 18-1050.1	F.B. PB256 PG. 12	
OFFICE: M.B.	DATE: 2/8/18	DWG. NO. 18-1050	
C'K'D: C.W.	REF: 18-1050.DWG	SHEET 1 OF 1	

Existing View to Entry from Street

Existing View to Front Entry

Existing Garage Door & Light Fixtures

ENVIRONMENT DESIGN GROUP
139 North County Road SJ20-B Palm Beach, Fl 33480
Phone 561.832.4600 Mobile 561.313.4424
Landscape Architecture
Land Planning
Landscape Management
Dustin M. Mizell, MLA FLA #6666784
Dustin@environmentdesigngroup.com

Private Residence
272 Via Marila
Palm Beach
FLORIDA

JOB NUMBER: # 24066.00 LA
DRAWN BY: Lauren Freeman

DATE: 05.28.2024
06.07.2024
08.05.2024
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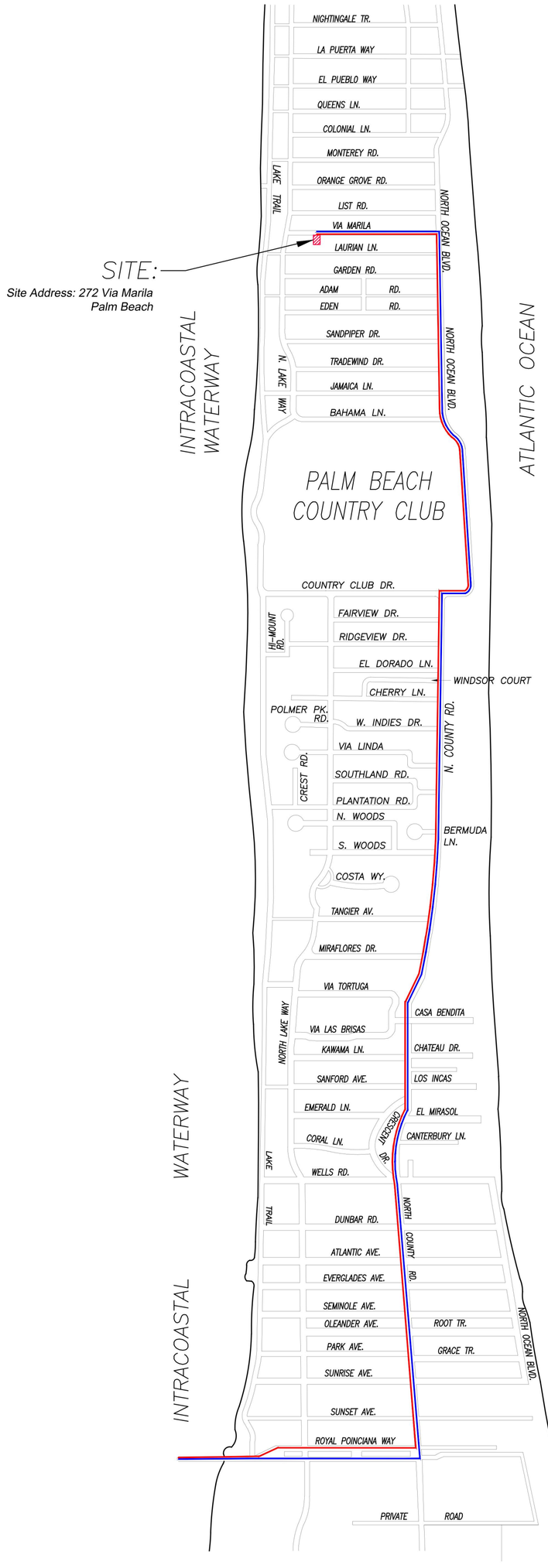
ARC-24-0032
(ZON-24-0028)

Existing Site Photos



CONCEPTUAL CONSTRUCTION SCHEDULE

- DEC 20, 2024 – ARCOM MEETING
- JAN 15, 2025 – TOWN COUNCIL MEETING
- JAN 2025 – FEB 2025 – SUBMIT FOR PERMIT

- 1 MONTH –MARCH 2025 – MOBILIZATION & DEMOLITION
- 2 MONTHS – LANDSCAPE & HARDSCAPE INSTALLATION
- 1–2 MONTHS – FINAL INSPECTIONS

- +/–10 MONTHS – PROPOSED TOTAL CONSTRUCTION FOLLOWING BUILDING PERMIT

12.04.24- UPDATED CONCEPTUAL CONSTRUCTION SCHEDULE PER DEFERRAL

1 PROPOSED TRUCK INGRESS / EGRESS ROUTES MAP

SCHEDULE:

MONTH 1: DEMOLITION AND CLEANUP
(3 - 5 DAYS)

LARGEST TRUCK ->
10-15 DUMP TRUCKS FOR DEBRIS REMOVAL
TRAILER FOR EXCAVATOR / DEMOLITION
LANDSCAPE TRUCKS ->
SOD
IRRIGATION

NOTE: SEE SEPARATE "CONSTRUCTION STAGING PLAN" SHEET FOR INFORMATION ON LOCATIONS FOR PARKING, MATERIAL STORAGE, DELIVERIES, DUMPSTER, PORTABLE TOILETS, TIRE CLEANING AREA, SILT FENCE, ETC.

PROPOSED INGRESS TRUCK ROUTE

PROPOSED EGRESS TRUCK ROUTE

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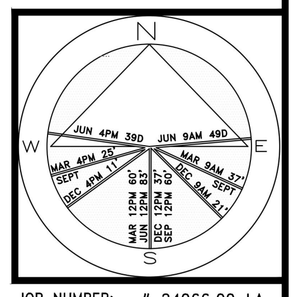

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Truck Logistics Plan

SCALE: NOT TO SCALE

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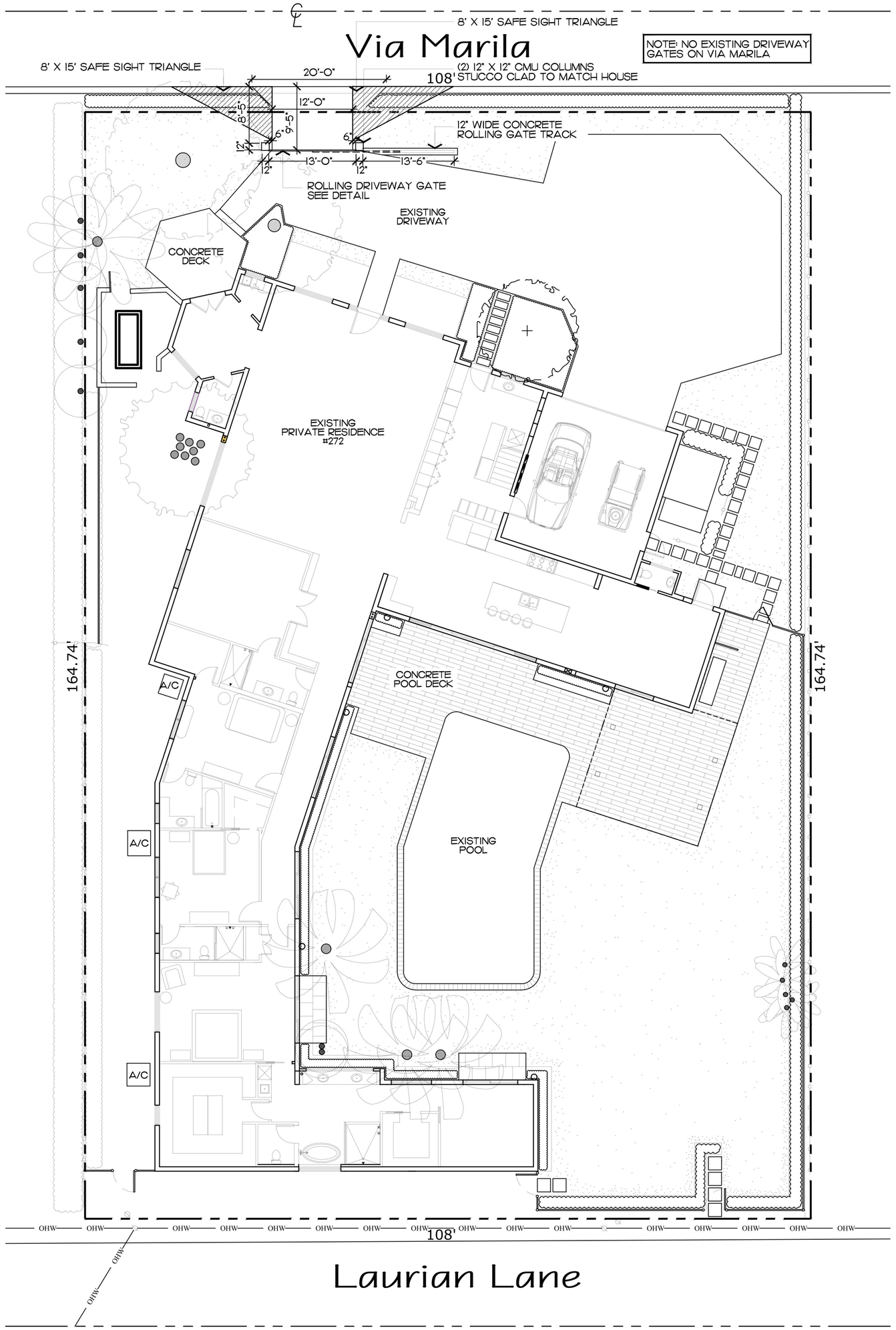
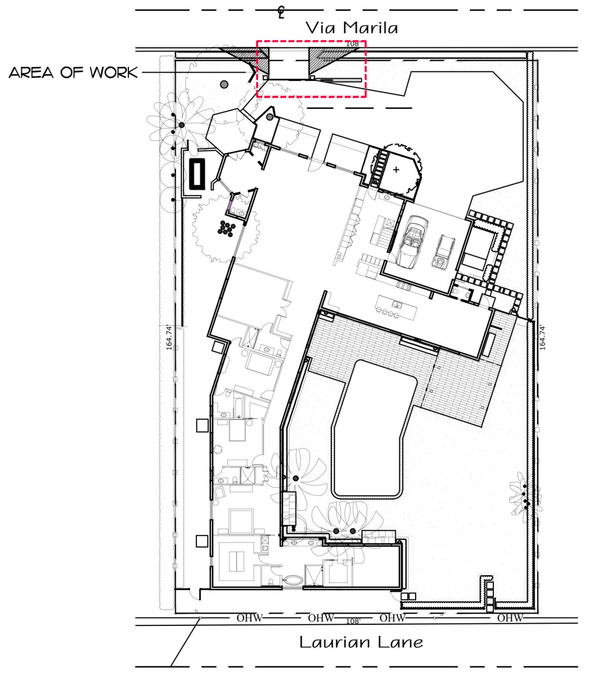
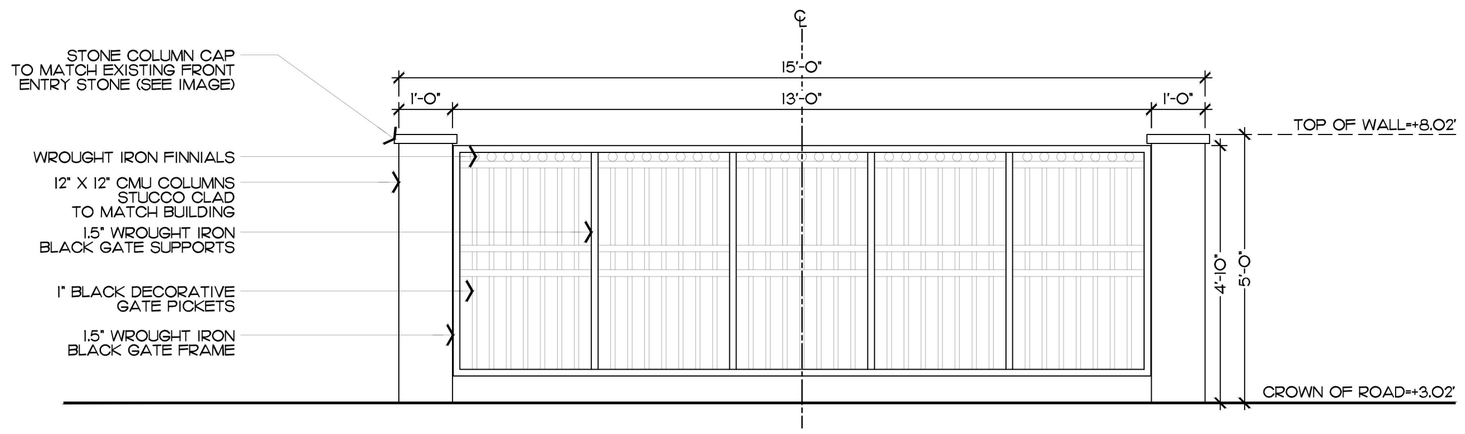




Site Map

SCALE IN FEET: 1/32"=1'-0"



Proposed Driveway Gate Elevation Detail

SCALE IN FEET: 1/2"=1'-0"

COLUMN CAP TO MATCH FRONT ENTRY SHELLSTONE

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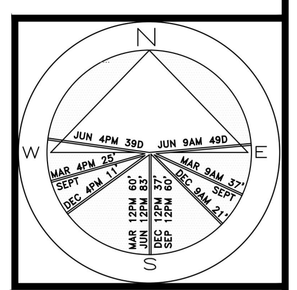

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SHEET L3.0

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Site Plan

SCALE IN FEET: 3/32"=1'-0"

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215 of 350

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View to Proposed Gate

Existing Conditions

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SHEET L3.1

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Proposed Gate Rendering

214 of 350

1075 N. Ocean Boulevard

1035 N. Ocean Boulevard

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SHEET L3.2

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ARC-24-0032
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Existing Neighboring Driveway Gates

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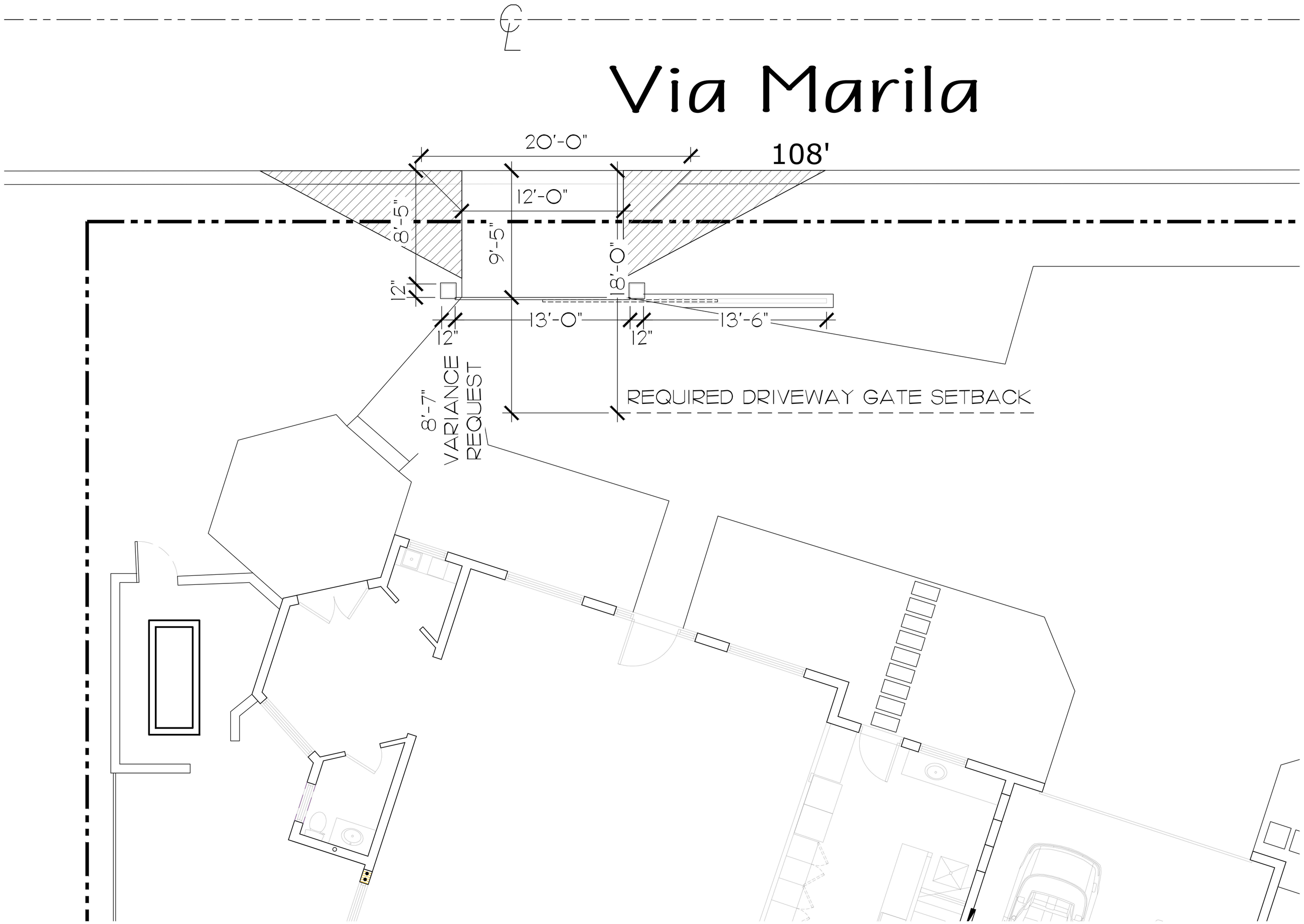

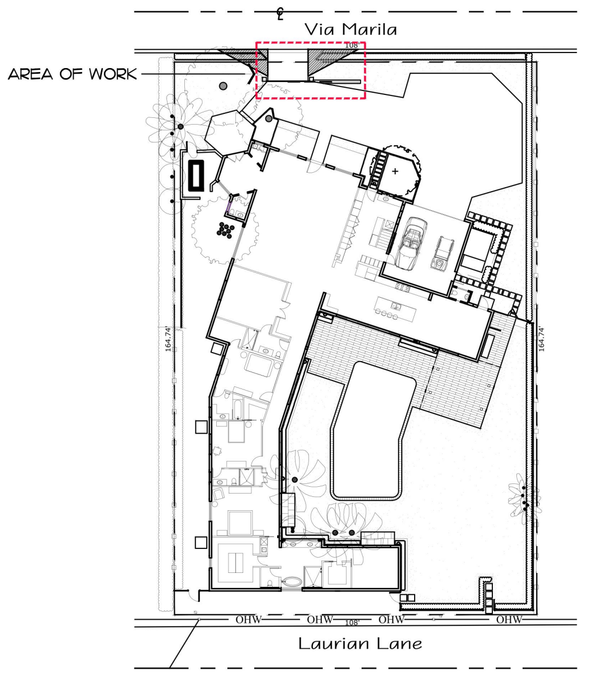

Site Map

SCALE IN FEET: 1/32"=1'-0"

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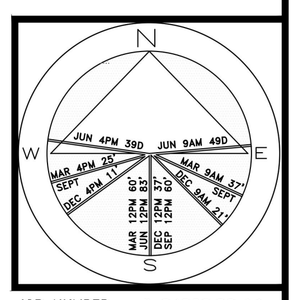

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ARC-24-0032
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Driveway Gate Variance Diagram

SCALE IN FEET: 1/4"=1'-0"

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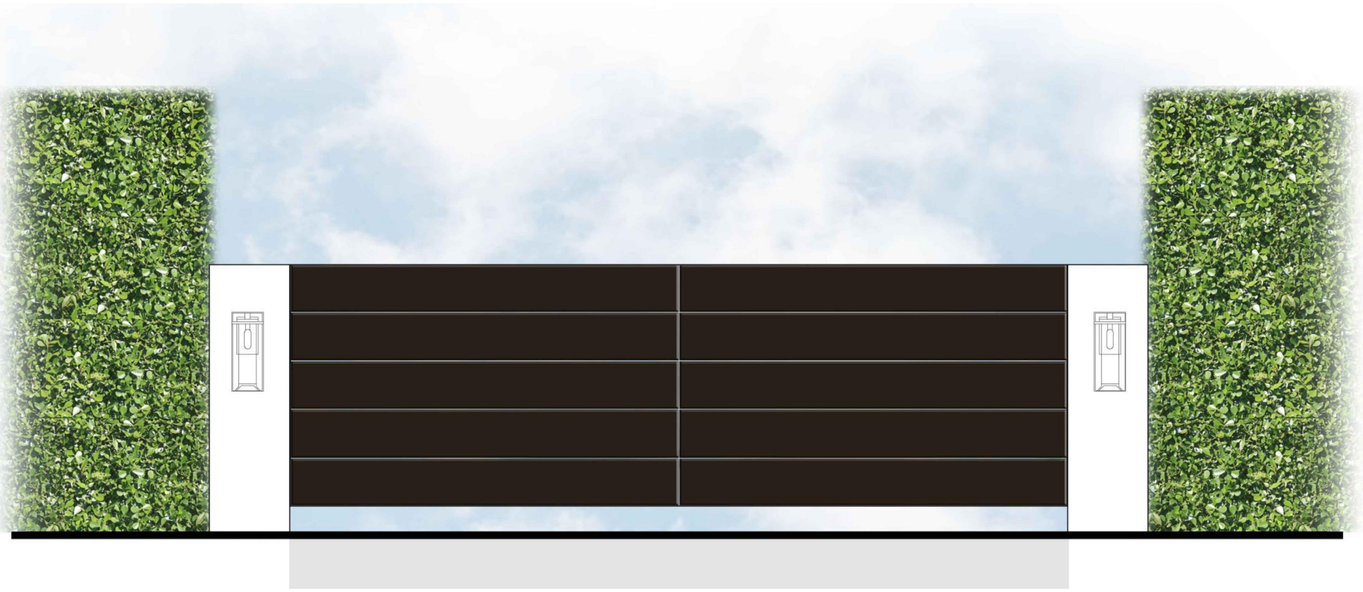
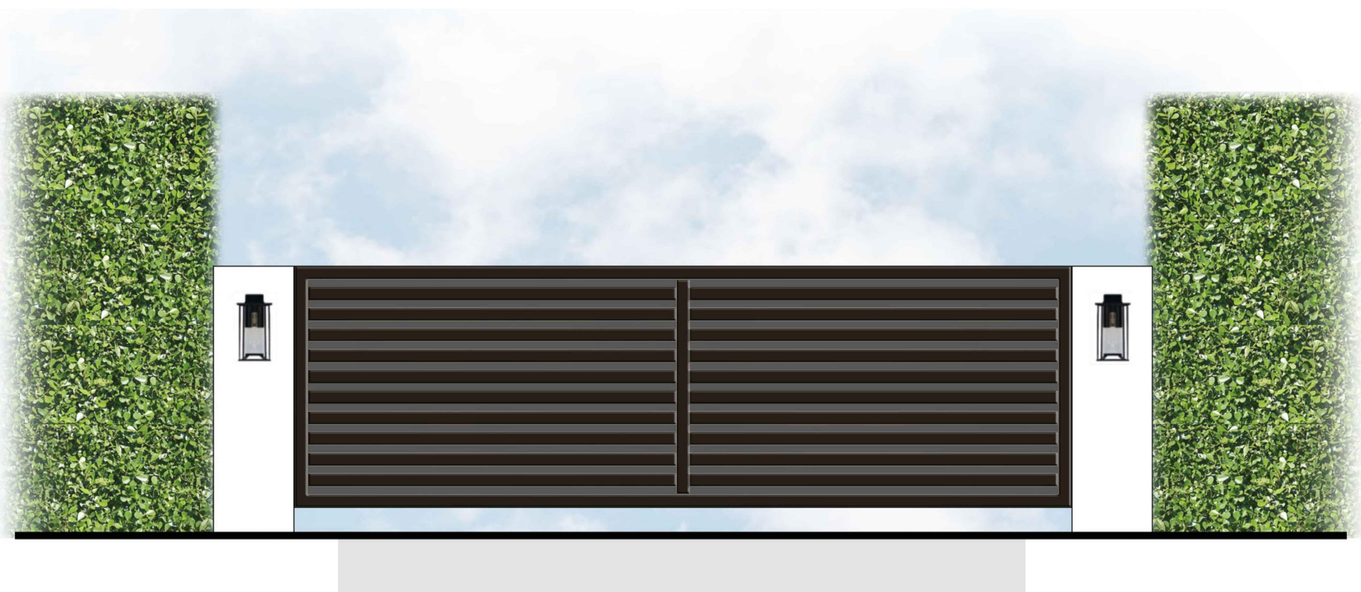


First Gate Presentation



Second Gate Presentation

Third Gate Presentation

Fourth Gate Presentation

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SHEET L5.0

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ARC-24-0032
(ZON-24-0028)

Supplemental Gate Exhibit

SCALE IN FEET: 1/2"=1'-0"

View to Proposed Gate (First Presentation)

Existing Conditions

ARC-24-0032
(ZON-24-0028)

Previously Presented Gate Option (First Presentation)

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SHEET L5.1

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TC Development Review Meeting Backup 1-15-2025
220 of 350

TC Development Review Meeting Backup 1-15-2025

View to Proposed Gate (Second Presentation)

Existing Conditions

Previously Presented Gate Option (Second Presentation)

ARC-24-0032
(ZON-24-0028)

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TC Development Review Meeting Backup 1-15-2025

View to Proposed Gate (Third Presentation)

Existing Conditions

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SHEET L5.3

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Previously Presented Gate Option (Third Presentation)

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TC Development Review Meeting Backup 1-15-2025

View to Proposed Gate (Fourth Presentation)

Existing Conditions

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SHEET L5.4

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Current Gate Option (Fourth Presentation)

223 of 350

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-24-0042 (ARC-24-0080) 141 ATLANTIC AVE (COMBO)—VARIANCE The applicants, Sloane Family Trust (Brasseur & Drobot Architects, P.A.), have filed an application requesting Town Council review and approval for one (1) variance for a one-story addition of primary structure to encroach into the required east side yard setback. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 7-0.]*

Presenter

ATTACHMENTS:

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

December 3, 2024

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

Re: COA-24-0080 (ZON-24-0042), 141 Atlantic Ave., Narrative Response to ARCOM comments from Nov. 22 presentation

To whom it may concern,

The ARCOM Comments have been reviewed by this office and the following changes/clarifications have been made:

Comment – The addition should be all wood and glass, add transom windows and millwork, raise the sill. Add pilaster in the middle.

Response: Revised sheets A1, A3, A3.1, A4, A4.1, A6, A6.1, A7 and A9: pilaster has been added and the windows have been re-worked with transoms above and wood raised panels below.

Comment – Entablature detail needs to be revised. Remove the cyma from the bed mold and drop the rain drip below the top of the cornice.

Response: Sheet A8: Bed mold revised to have a supportive profile. Rain drip lowered past top of the cornice.

Comment – water table should be a different color or material

Response: Revised sheets A3, A3.1, A4, A4.1, A6, A6.1, A7 and A9: The water table will be painted pewter to match the trim.

Comment – rendering color is off, please fix.

Response: Revised sheet A9: Coloring has been revised to better match the samples.

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda
Development Review - Old Business

Agenda Title
ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD—PALM BEACH SYNAGOGUE (COMBO) The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting a Certificate of Appropriateness for review and approval of: demolition exceeding 50%, construction of new one- and two-story additions, renovations to the existing twostory building, and landscape & hardscape modifications including a new surface parking lot, requiring three (3) Special Exceptions with Site Plan Review, and nine (9) variances to reduce the minimum required front yard setback and the pedestrian walkway, reduce the minimum required overall landscape open space and front yard open space, increase the maximum permitted building length, reduce the on-site parking requirement, elimination of the on-site berths (loading spaces), increase the maximum permitted gross building area, reduce the minimum required side yard setback, and reduce in the minimum required rear yard setback for the landmarked property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project. Carried 7-0.]*

Presenter

NOTE: Attachments listed below have been printed in your book unless noted below as "online."

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Cover Letter**
- **Letter of Intent**
- **Plans 1 of 24** all plans (1 to 24) online
- **Plans 2 of 24**
- **Plans 3 of 24**
- **Plans 4 of 24**
- **Plans 5 of 24**
- **Plans 6 of 24**
- **Plans 7 of 24**
- **Plans 8 of 24**
- **Plans 9 of 24**
- **Plans 10 of 24**
- **Plans 11 of 24**
- **Plans 12 of 24**
- **Plans 13 of 24**
- **Plans 14 of 24**
- **Plans 15 of 24**
- **Plans 16 of 24**
- **Plans 17 of 24**
- **Plans 18 of 24**
- **Plans 19 of 24**
- **Plans 20 of 24**
- **Plans 21 of 24**
- **Plans 22 of 24**
- **Plans 23 of 24**
- **Plans 24 of 24 - Landscape**
- **Designation Report** online
- **Development Order from LPC Mtg - 12/18/24**
- **Recorded of Unity of Title**

- **Declaration of Use 2008**
- **Declaration of Use DRAFT 2024**
- **Concurrency Letter 11.28.23** online
- **Simon & White Traffic Study - 10.11.24** online
- **Simon & White Parking Study - 10.11.24** online
- **Corradino Group Traffic Analysis Review 10.28.24** online
- **Corradino Group Traffic Analysis Review 12.09.24** online
- **Simon & White Traffic Study - 12.20.24 Part 1** online
- **Simon & White Traffic Study - 12.20.24 Part 2** online
- **Simon & White Traffic Study - 12.20.24 Part 3** online
- **Simon & White Parking Study - 12.20.24** online

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: Landmarks Preservation Commission and Town Council

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

SUBJECT: ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD—
Palm Beach Synagogue

MEETING: DECEMBER 18, 2024, LPC
JANUARY 15, 2025, TC

ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD—PALM BEACH SYNAGOGUE (COMBO)—SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW AND VARIANCES. The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting Town Council review and approval for three (3) Special Exceptions for 1) Churches, synagogues or other houses of worship, 2) two-stories in the C-TS zoning district and 3) square footage greater than 3,000 SF in the C-TS district with Site Plan Review requiring nine (9) variances due to demolition exceeding 50%, renovations, and building additions, for 1) reduction in the minimum required front yard setback and pedestrian walkway, 2) reduction in the minimum required overall landscape open space, 3) reduction in the minimum front yard landscape open space, 4) increase in the maximum permitted building length, 5) reduction to the on-site parking requirement, 6) elimination of the minimum required number of berths (off-street loading spaces), 7) increase of the maximum permitted gross building area, 8) reduction in the minimum required side yard setback, and 9) reduction in the minimum required rear yard setback for the landmarked property, for the construction of new one- and two-story additions to the two-story landmarked structure. The Landmarks Preservation Commission will perform the design review.

COA-24-0022 (ZON-24-0055) 120-132 N COUNTY RD - PALM BEACH SYNAGOGUE (COMBO). The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting a Certificate of Appropriateness for review and approval of: demolition exceeding 50%, construction of new one- and two-story additions, renovations to the existing two-story building, and landscape & hardscape modifications including a new surface parking lot, requiring three (3) Special Exceptions with Site Plan Review, and nine (9) variances to reduce the minimum required front yard setback and the pedestrian walkway, reduce the minimum required overall landscape open space and front yard open space, increase the maximum permitted building length, reduce the on-site parking requirement, elimination of the on-site berths (loading spaces), increase the maximum permitted gross building area, reduce the minimum required side yard setback, and reduce in the minimum required rear yard setback for the landmarked property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

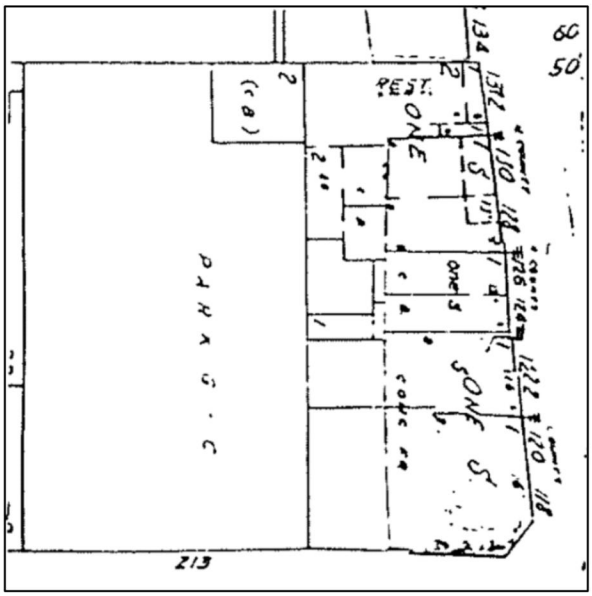
Applicant: PALM BEACH ORTHODOX SYNAGOGUE INC
Professional: Bartholemew + Partners | Environmental Design Group
Representative: Harvey Oyer, Esquire

HISTORY:

The item was originally presented at the TC Development Review meeting on November 13, 2024. After considerable discussion and public input, the Council determined that the Landmarks Preservation Commission should review the project first with the directive to reduce the size of the building—to reduce the mass of the building and consequently reduce the variance requests. Additionally, TC tasked the applicant to meet with the neighbors to discuss their concerns.

At the November 20, 2024, LPC meeting, the applicant presented the overall project which included several conceptual illustrations depicting where such reductions to the building might occur (as directed by Town Council). The project was generally well received in terms of historic preservation and design. The LPC members deferred the project as no formal set of completed plans were properly before the Commission to the December 18, 2024, meeting to review finalized plans of the proposed reductions. Several commissioners acknowledged that the proposed reductions were 'internal' to the site and did not visually change the project as it would be experienced from Sunset Avenue. At the December 18, 2024 LPC meeting, the Commission approved (7-0) the application. Additionally, the Commission approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

The commercial buildings located at 120-132 North County Road were constructed between 1929 and 1935. These buildings were designed by the architect Bruce Kitchell. Only two (120 and 122 North County Road) of the five buildings were landmarked in 1992 and 1993. Of note, only thresholds of certain facades of the synagogue are landmarked (highlighted below in yellow). Specifically, only the east and south facades up to the ridge of the roof for 120 North County Road and only the east 10'-0" of the structure for 122 North County Road is landmarked.



Historic Parcel Configuration

Current Parcel Configuration

120 N County Rd (Landmarked)

The subject building was constructed in 1929 and designed by architect Bruce Kitchell. In 1993, portions of the building located at 120 North County Road was designated as a landmark. Specifically, only the east and south facades up to the ridge of the roof. As indicated in the designation report *"120 North County Road is a Romanesque structure designed of cast stone masonry in 1929. The "Keyite" Romanesque columns, as well as the other cast stone ornamentation were probably manufactured by Mizner Industries. This structure was designed with asymmetrical bays, six extending westward on Sunset Avenue, and five traveling northward on County Road. These are detailed by Romanesque columns and large, Gothic arched windows".*

122 N County Rd (Landmarked and unified with 120 N County Rd)

The subject building was constructed in 1929 and designed by architect Bruce Kitchell. In 1992, 122 North County was designed as a landmark. Particularly, the east 10 feet of the structure. As indicated in the designation report *"122 North County Road is a Gothic structure, also designed by Kitchell in 1929. Considerably smaller than its Romanesque neighbor, 122 is, nevertheless, a purer example of its architectural type. Fabricated of hand carved, quarried coquina, the triple setback of the twin Gothic arches recalls the great cathedrals of Europe, while the simple entablature and the barrel clay tile roof balance this structure as a wholly Mediterranean design."*

124-126 N County Rd (Not Landmarked and unified with 120 N County Rd)

The subject building was constructed in 1932 and designed by architect Bruce Kitchell. Although 124-126 North County Road was not landmarked, the building was discussed in the designation report for 120-132 North County Road. As indicated in the designation report *"The Neo-Gothic structure at (124-) 126 North County Road was intended to emulate 122, however, either by architectural eclecticism or by the owners' financial constraints, this is a much simpler building. Again, employing twin Gothic arches, (124-) 126 was neither carved nor detailed like its sister structure."*

128-130 N County Rd (Not Landmarked and unified with 120 N County Rd)

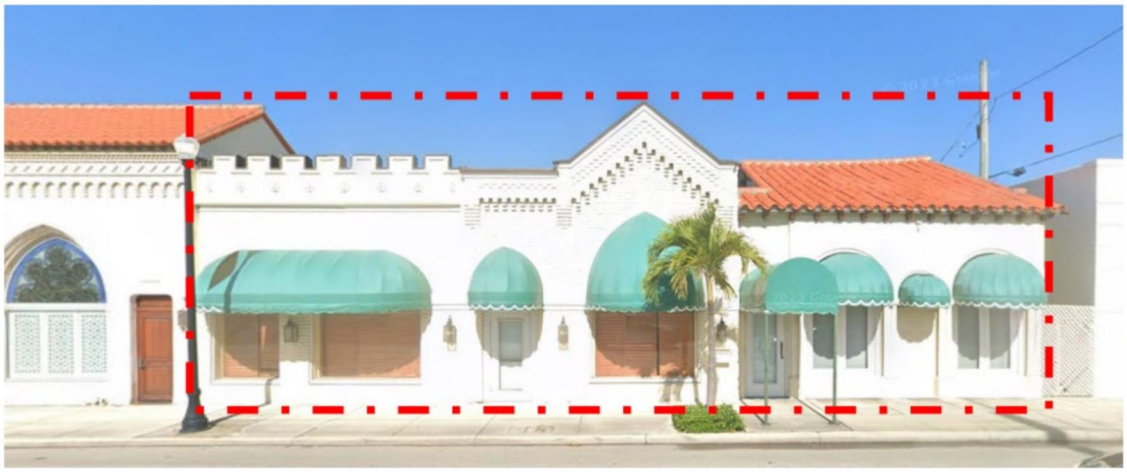
The subject building was constructed in 1935 and designed by architect Bruce Kitchell. Although 128-130 North County Road was not landmarked, the building was discussed in the designation report for 120-132 North County Road. As indicated in the designation report *"(128-) 130 North County Road was designed to offer two distinct store fronts to the pedestrian. Medieval in its design, this composition is unified by heavy banding above the windows, medieval lanterns, and by matching awnings.'*

132 N County Rd (Not Landmarked)

The subject building was constructed in 1929 and designed by architect Bruce Kitchell. Although 132 North County Road was not landmarked, the building was discussed in the designation report for 120-132 North County Road. As indicated in the designation report *"The structure at 132 North County Road is considerably more of a standard Mediterranean Revival design, as found all over Palm Beach. Symmetrical, this stucco and barrel clay tile structure is detailed by a series of eave brackets, and by its slender, Composite columns."*

At the September 28, 2022, ARCOM meeting, the demolition of 132 North County Road (128-130 and 132 N County Rd) was approved with the condition that the front façade along North County

Road remain temporarily until a new building is proposed and approved, pursuant to ARC-22-201. Subsequently, extensions of time were approved by ARCOM at the October 25, 2023, and May 29, 2024, meetings.



THE PROJECT:

The applicant has submitted plans, "The Palm Beach Orthodox Synagogue 120-132 N COUNTY RD", as prepared by **Bartholemew + Partners** and **Environmental Design Group**, received by the Town on December 13, 2024.

The applicant is requesting review and approval of the proposed new construction and alterations to the landmarked structure. The proposed scope includes:

- Expansion of the existing synagogue program from a two-story synagogue with 158 seats, to a 230-seat synagogue (+ 72 seats) in a 32,382 SF two-story building with surface parking (18 spaces).
- Removal of existing surface parking lot (34 spaces).
- Demolition of greater than 50% of the non-landmarked existing building.
- Preservation of the landmarked façade of the building.
- Ancillary spaces to the synagogue (social hall, kitchen, library, conference room, youth center, accessory offices, Sunday school classrooms, quiet room, storage spaces, etc.). See the floor plans included with the application submittal for all details.

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

SPECIAL EXCEPTION REQUESTS + SITE PLAN REVIEW

1. **SITE PLAN REVIEW**: Section 134-1112: Site Plan Review for new building(s) which involves more than 2,000 SF of building floor area in the C-TS zoning district.
2. **SPECIAL EXCEPTION #1:** Special Exception for a building height of 2-stories in the C-TS zoning district.
3. **SPECIAL EXCEPTION #2:** Special Exception for Churches, synagogues or other houses of worship, for worship space for 230 seats/ patrons.
4. **SPECIAL EXCEPTION #3**: Section 134-1109(a)(11): Special Exception for permitted uses over 3,000 SF of gross leasable area (GLA) in the C-TS zoning district.

VARIANCE REQUESTS

1. **VARIANCE #1** Section 134-1113(5): A variance to reduce the minimum required front yard setback varying from 0.2' at its closest point along Sunset Avenue to 5'-0" along N

County Rd in lieu of the required setback ranging from 5’ to 8’ and to reduce a portion of the pedestrian walkway to 7’-1” along Sunset Ave where 10’ is required.

2. **VARIANCE #2** Section 134-1113(11): A variance to reduce the minimum required overall landscape open space by 15% to permit 10.58% in lieu of the required 25%.
3. **VARIANCE #3** Section 134-1113(11): A variance to reduce the minimum required front yard landscape open space to 0% along Sunset Ave and 29.9% along N County Road in lieu of the required 35%.
4. **VARIANCE #4** Section 134-1113(10): A variance to exceed the maximum building length of 150’-0” along Sunset Ave to allow for a building 173’-0” in length and along N County Road to allow for a building 172’-0” in length.
5. **VARIANCE #5** Section 134-2176(3): A variance to reduce the required on-site parking spaces to provide 8 spaces where 139 are required.
    - Note: The original proposed required 153 parking spaces, although the prior staff memo recorded this number as 115 based on the estimation of the use of square footages. The new minimum parking requirement is 139 spaces. The proposed number of on-site parking spaces remains at 8 (18 when there is no pick-up and drop-off circulation).
6. **VARIANCE #6** Section 134-1113(12): A variance to exceed the maximum floor area (gross building area) of 15,000.
    - Note: The gross building area has been reduced to 32,382 SF from 36,815 SF.
7. **VARIANCE #7** Section 134-2211: A variance to eliminate the minimum required number of berths (off-street loading spaces) in order to not provide the one (1) required 12’ x 25’ loading space on site.
8. **VARIANCE #8** Section 134-1113(6): A variance to reduce the minimum required side yard (north) setback to 1.8’ in lieu of the required setback of 7’-0”.
9. **VARIANCE #9** Section 134-1113(7): A variance to reduce the minimum required rear yard (west) setback to 7’ in lieu of the required setback of 13’-0”.
    - Note: Although the variance request remains the same, the building reduction decreased the building area that requires this relief.

Site Data			
Zoning District	C-TS	**Future Land Use**	COMMERCIAL
Lot Size (SF)	31,408 SF	**Finished Floor**	7’ NAVD (synagogue)
Crown of Road	7.5’ NAVD	**Flood Zone**	AE 6
Year Constructed	1929 - 1935	**Architect**	Kitchell
Landmark Designation	April 14, 1992 (122 N County Rd) February 9, 1993 (120 N County Rd)	**Use:**	Existing: Synagogue, multi-purpose rooms and vacant Proposed: Synagogue, office and classrooms
Synagogue	Existing: 158 seats Proposed: 230 seats (+ 72 seats)	**Parking**	Existing: 34 Proposed: 8 (18) Required: 139 ***Variance required***
Lot Coverage	Existing: 44.5% (13,774 SF) Proposed: 63.8% (20,051 SF) Permitted: 70% (21,980 SF)	**Overall Building Height**	Proposed: 27’-10”* Permitted: 30’-0” Flat/ 35’-0” Other roof types
Floor Area Gross floor area (GSF)	Existing: +/-19,297 SF Proposed: 32,382 SF (Prior: 36,815 SF) Permitted: 15,000 SF ***Variance required***	**Overall Landscape Open Space (LOS)**	Existing: 7% (2,240 SF) Proposed: 10.58% (3,325 SF) Required: 25% (7,852 SF) ***Variance required***

Building Length	N County Rd Existing: 172'-0" Proposed: 172'-0" Permitted: 150'-0" ***Variance required***	Sunset Ave Existing: 74'-7" Proposed: 173'-0" Permitted: 150'-0" ***Variance required***	**Front Yard Open Space**	N County Rd Existing: 0% (0 SF). Proposed: 0% (0 SF) Required: 35% (447 SF) ***Variance required***	Sunset Ave Existing: 14% (130 SF) Proposed: 29.9% (266 SF) Required: 35% (447 SF) ***Variance required***
Surrounding Properties / Zoning					
North	One-story commercial / C-TS				
South	Two-story commercial / C-TS				
East	Surface parking lot (Paramount Theatre) / C-TS				
West	Two-story commercial / C-TS				

Excludes dome feature.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Although a preliminary review of the project indicates that the proposed **application** appears **consistent** with the **COMMERCIAL** designation of the Future Land Use Map of the Comprehensive Plan, please consider the following Comprehensive Plan policies that address Town-Serving uses and the requirement for sufficient roadway capacity along with appropriate levels of service for Town roads:

FUTURE LAND USE ELEMENT

OBJECTIVE 2 - Maintain the character of the Town as a predominantly residential community having only the type and number 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. 2.3.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies:

a. "Town-serving" shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments(other than those in the "Commercial – Office, Professional & Institutional" (C-OPI) zoning district, which are not required to meet town-serving requirements) of 3,000 square-feet or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-feet or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition.

b. "Town persons" shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.

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.

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.

POLICY 2.5 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.

POLICY 2.6 Page I - 27 The Town shall provide the amount, location, and type of on-street parking and street furniture, signage, beautification measures and traffic control that is sufficient to assure efficient functioning of the Town's business centers at Town-serving levels and shall require off-street parking as necessary.

TRANSPORTATION ELEMENT

OBJECTIVE 2 - Development permits for land uses provided for on the Future Land Use Map shall be issued only when there is sufficient roadway capacity to ensure that roadways affected by the development Page II-13 will operate at not less than the minimum levels of service standards set forth in this Element. Professionally accepted techniques shall be employed for measuring level of services for cars, trucks, and other vehicles as well as bikes and pedestrian for this purpose.

POLICY 2.1 The Town shall use the following two-way peak-hour, peak-season level of service (LOS) standards for facilities and segments listed below, effective one year from adoption of this Element. FACILITY OR SEGMENT "LOS"
(1) SR A1A "E"
(2) Royal Poinciana Way "D"
(3) Cocoanut Row/Bradley Place from to "E" Seabreeze to north of Royal Poinciana Way
(4) Southern Boulevard "E"
(5) All other roadways "D"

The Town will continue to work with the Florida DOT, Palm Beach County and the Palm Beach Metropolitan Planning Organization (MPO) for the purpose of determining an appropriate methodology for determining the level of service on roadways in the Town where there are no traffic signals. The purpose of this effort will be to develop a constrained roadway strategy for SR A1A and Southern Boulevard within the Town.

POLICY 2.2 Prior to the issuance of a development order or permit for new construction or redevelopment, the Town shall make and record a determination that: 2.2a The project provides for safe and convenient on-site traffic flow and vehicular parking. Consider needed motorized and non-motorized vehicle parking commensurate with the requirements of the Town's land development regulations; and 2.2b The traffic generation of the project will not reduce the level of service on roadways in the Town to a level of service category lower than that established in this Plan.

POLICY 2.3 As needed the Town will review its adopted level of service standards to determine if modification, in response to changed conditions, is warranted.

POLICY 2.4 The Town shall maintain records regarding de minimus transportation impacts in order to determine if and when the 110% threshold of such impacts has been reached.

POLICY 2.5 For those projects that cannot meet the concurrency requirement for transportation, the Town's land development regulations include provisions for the use of "proportionate fair share mitigation for transportation facilities" consistent with Section 163.3180(16), Florida Statutes. Additionally, the regulations operate in a consistent manner with Palm Beach County's proportionate fair-share regulations.

HISTORIC PRESERVATION ELEMENT

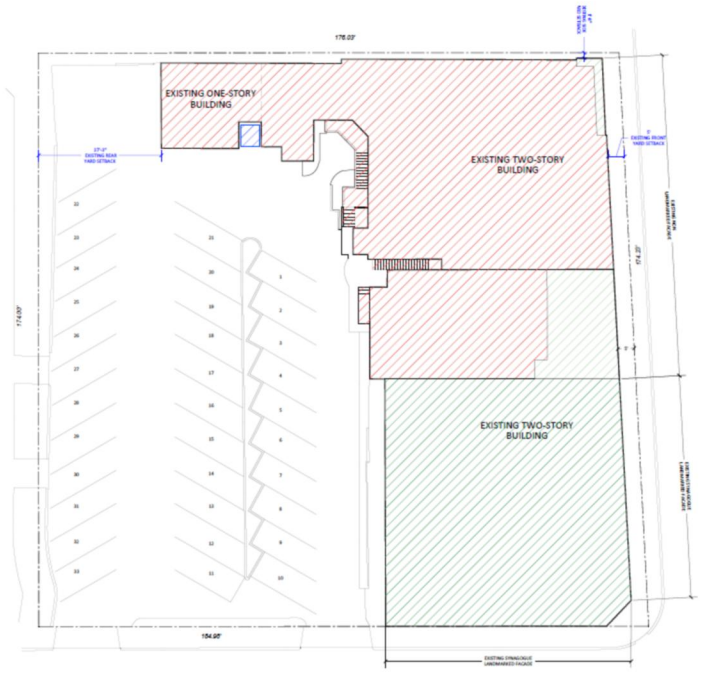
GOAL

PRESERVE, PROTECT AND ENHANCE THE HISTORIC AND PREHISTORIC RESOURCES OF THE TOWN. THE TOWN SHALL PROTECT THE VISUAL APPEARANCE OF PALM BEACH THROUGH THE PERPETUATION OF PROPERTIES OF SPECIAL NOTABLE AESTHETIC, ARCHITECTURAL AND HISTORICAL SIGNIFICANCE.

***

STAFF ANALYSIS:

The subject property is a 31,400 SF (0.785 pb acre) corner parcel situated on the northwest intersection of Sunset Ave and N County Road, a prominent location in the C-TS (Commercial Town Serving) District. The site is currently improved with an existing two-story structure—the Palm Beach Synagogue—portions of which were designated a Palm Beach Landmark in 1992 and 1993, non-landmarked one-story commercial buildings, and a surface parking lot. Currently, the structures occupy the eastern portion of the unified site, and an existing 34-car parking lot occupies the western portion. The application includes substantial demolitions of site and structures, down to the slabs, the construction of one- and two-story additions, renovations to the existing two-story building to accommodate the expansive two-story synagogue with religious and educational offerings. The extent of demolition is shown in the diagram to the right.



PLAN REVISION ANALYSIS:

The applicant has submitted revised plans, received by the Town on December 6, 2024. This memorandum has been updated accordingly to reflect these plan changes. Of note, staff has requested dimensioned floor plans from the applicant to accurately verify the total building square footage and square footage assigned for different uses. Based on the Town Council's directive, the building's size has been slightly reduced. The revised plans show that the gross floor area was reduced by 4,433 SF, which represents an approximately 12% reduction. The reduction is 'internal' to the site and is worth noting that the reduction does not change the building's appearance and massing as visible from the right-of-way. The reduction is taken from the second floor 'rabbi office' area which is along the south part of the building along Sunset Avenue. The revised proposal has a

net first-floor square footage of 14,928 SF, second-floor net square footage of 10,745 SF (25,647 net SF total), and an overall gross building square footage of 32,382 SF.

The proposed building reduction is located on the southwest corner of the property. The previous proposal included generator, trash, fire stair, and security rooms, as well as covered parking for 8 spaces. The current proposal maintains the 'utilitarian' rooms and reduces the covered parking area to house 2 ADA spaces. As a result, the number of uncovered parking spaces increased to 16. The total number of on-site parking remains the same at 18 spaces, when there is no pickup and drop circulation.

PREVIOUSLY PROPOSED FIRST FLOOR PLAN - SITE PLAN

CURRENTLY PROPOSED FIRST FLOOR PLAN - SITE PLAN

On the second floor, the southwest portion of the building, included offices, bathrooms, lounge, gallery, kitchenette and includer circulation. The current proposal reduced the overall number and size of bathrooms, offices, gallery, and circulation in this area of the building.

PREVIOUSLY PROPOSED SECOND FLOOR PLAN - SITE PLAN

CURRENTLY PROPOSED SECOND FLOOR PLAN - SITE PLAN

PREVIOUSLY PROPOSED BIRD'S EYE PERSPECTIVE

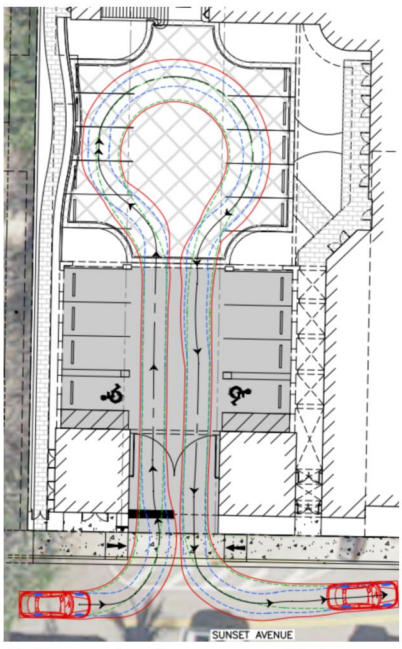
CURRENTLY PROPOSED BIRD'S EYE PERSPECTIVE

PREVIOUSLY PROPOSED COURTYARD PERSPECTIVE

CURRENTLY PROPOSED BIRD'S EYE PERSPECTIVE

Architecturally, the building's south elevation (Sunset Ave) has not changed. However, the proposed building reduction will impact how the property is experienced internally. The changes to the new addition will not negatively impact the landmarked portions of the building. Furthermore, the architecturally compatible design and use of materials are maintained in the revised proposal.

From a zoning analysis perspective, 6 out of the 9 variance requests were not lessened or eliminated based on the plan changes. Variance #5 (parking) was the most impacted as the required parking was reduced due to the building reductions on the 4,433 SF second-floor elimination.



While the overall design of the proposal has been properly executed, based on the combination of the variance requests, there still appears to be too much program being requested on this property despite the approximately 12% gross building area reduction. The proposal is for an immense facility that encompasses 32,382 SF of gross floor area. Yet, the 4,123 SF synagogue sanctuary accounts for less than 13% of that amount—leaving over 28,000 SF of building to ancillary other areas such as social halls, faculty offices, and classrooms, and lounges. And only provides for roughly 13% of the required parking. Of note, this parking supply is further compromised and reduced by the proposed roundabout pickup and dropoff queuing for the Sunday School operation which further eliminates 10 of the proposed spaces. Staff suggests that the Town Council discuss whether the building reduction was sufficient.

SITE PLAN REVIEW AND SPECIAL EXCEPTION, AND VARIANCE REQUESTS

Site Plan Review is required for new building(s) which involves more than 2,000 SF of building floor area in the C-TS zoning district. The applicant is proposing to demolish portions, and more than 50% of the landmarked structures and construct new additions totaling over 32,000 SF of gross floor area of building in the C-TS Town-Serving Commercial district, requiring a site plan review by Town Council.

Special Exception #1 is for a building height of 2-stories in the C-TS zoning district. The existing landmarked building has two-story portions. The property to the west (Trevini building) is a two-story commercial building. The property to the northeast contains a three-story landmarked building (Paramount Theatre). The building to the south is a two-story commercial building, while the building to the north is a one-story commercial building. Two-story buildings are the urban makeup of the immediate area and would not be out of character with the immediate neighborhood.

Special Exception #2 is for Churches, synagogues or other houses of worship, specifically for worship space for 230 seats/ patrons. The existing Palm Beach Synagogue has been in operations since 1999 for religious service, having obtained a Special Exception under SE 14-99 for 132 seats. The synagogue received another SE for an additional 26 seats in 2005, under SE 15-2005 for the current total of 158 seats. The applicant is proposing a brand new 32,382 SF (from 36,815 SF) religious facility. Within that the actual sanctuary portion of the program is proposed in the same location of the existing space, in southeast corner of the site, on the ground floor, but has been slightly enlarged in area to about 4,000 SF to accommodate the expanded and requested 230 seats, which is a 45.6% increase in seats/patrons from the existing service capacity.

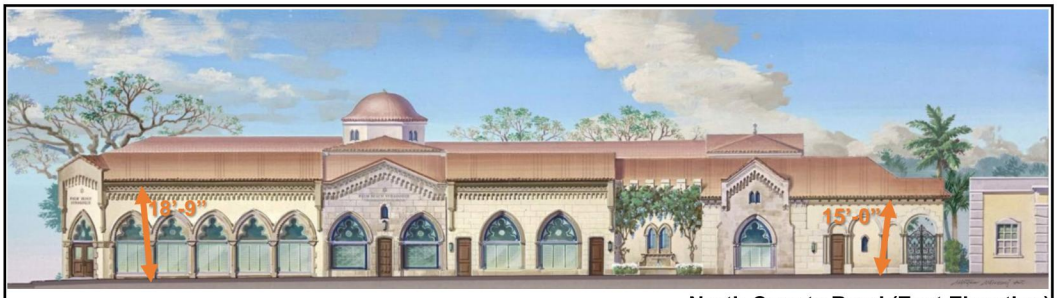
Special Exception #3 is for permitted uses; or uses not specifically enumerated under permitted uses in section 134-1107 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 SF gross leasable area. The applicant is proposing a 32,382 SF religious facility, containing an approximately 4,123 SF service area (sanctuary area for 230 seats/patrons) on the ground floor, a 3,978 SF social hall also configured on the first floor, and other ancillary areas totaling approximately 17,546 SF (based on the proposed lot coverage), an approximately 6,408 SF of synagogue administrative office space and education classrooms are also allocated on the second floor.

Variance #1 to reduce the minimum required front yard setback along Sunset Ave and N County Rd and reduce pedestrian walkway along Sunset Ave, the applicant has proposed a continuous pedestrian path of 10-0” along N County Rd and 7’-1” along Sunset Ave (both measurements are taken to the outside edge of curb). As previously mentioned, the application involves demolitions of structures greater than 50%, which the code requires that all new construction meet current zoning requirements. Due to the retention of the landmarked portions of synagogue certain nonconformities are sought to be retained, and therefore must be vetted through the variance process. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curbline and the building, not more than 5’-0” of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by the placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible.

For buildings in excess of 15’-0” in height, all minimum yard requirements are increased by one foot for each two feet of building height, or portion thereof, exceeding 15’-0”. The landmarked facades are the primary architecturally significant elements of the structures that are required to be retained. The existing synagogue is sited at the corner with a nonconforming front (south) setback of 0.2’ along Sunset Avenue. Along N County Rd, the existing synagogue is sited with a setback of 5’-0” which is non-conforming for the portion of the facade that exceeds a height of 15’-0”. The variance applies to the existing portion of the building which is landmarked and the new additions. The required front yard setback along Sunset Ave ranges from 6.875’ to 8’ based on the portions of the building that exceed 15’-0” in height. Likewise, along N County Rd the required setback ranges from 5’ to 6.875’.

15’-0” Building Height = 5’ Setback Min.
18’-9” Building Height = 6.875’ Min.
21’-0” Building Height = 8’ Setback Min.

Sunset Ave (South Elevation)



15’-0” Building Height = 5’ Setback Min.
18’-9” Building Height = 6.875’ Min.

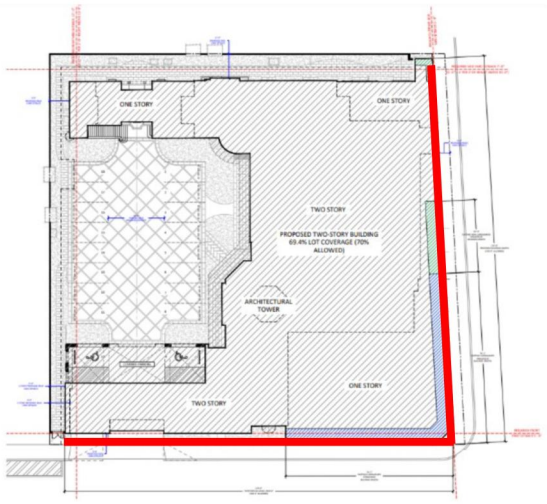
North County Road (East Elevation)

Variances #2 and **3** are requests to reduce the required overall landscape open space and front yard open space on the site on the Sunset Ave and N County Rd frontages. Due to the extent of the proposed impermeable surfaces which include the footprint of the proposed building, surface parking, covered parking, and walkways, there are limited opportunities for landscape open space.

As it pertains to **Variance #2,** to decrease the required overall landscape open space of 25% (7,852 SF) to allow 10.58% (3,325 SF) for the total landscaping. For reference, this amount improves the existing nonconformity by 3.58% from 7% to 10.58%.

As it pertains to **Variance #3,** a variance to reduce the minimum required front yard landscape open space. The site has a nonconforming front yard open space, and due to the amount of demolition exceeding 50%, all nonconforming elements must be vested. The retention of the existing façade of the corner synagogue landmarked building, creates challenges in meeting the required 35%. The applicant has provided a small green planting areas in those portions of the new

construction fronting the roadways—most notably along Sunset Ave. Staff has no objections to variance #3, but perhaps the applicant can further study areas where additional green space can be incorporated on site, particularly at the northeast edge along the new construction where the social hall is located by setting back the building in selected areas.



Variance #4 requests to exceed the maximum building length of 150'-0" maximum building length permitted; the request pertains to both sides (east and south) for the proposal of alterations and substantial additions of the corner building of N County Road and Sunset Ave. Along N County Road, the existing landmarked synagogue building has a 76'-2" long frontage plus an additional 32'-2" of non-landmarked portion of the synagogue. The other structures (formerly occupied by Chez Jean-Pierre Bistro) has a 63'-8" long frontage. This structure was approved to be demolished and is proposed to be replaced by an attached new addition. The variance along the east (N County Road) is to exceed the allowance by 22'-0" for a total frontage of 172'-0". This will extend the building nearly the entire linear length (174') of the eastern side of the site which will provide for a continuous urban edge, an optimal urban condition along commercial main streets. For visual reference, the landmarked portion of the proposal is highlighted in blue in the diagram to the right.

As the variance request pertains to the building along the Sunset Ave frontage. The existing building has a building length of 74'-7" and the new additions will extend this by 87'-5" to a total length of 173'-0" along the south (Sunset Ave) of the site. And while this portion of the variance is not a vesting of the existing conditions, it too, creates a continuous architectural edge to the site and will screen the parking in the rear of the site. This elevation will be broken into two portions, by a 7'-0" wide pedestrian accessway that has been provided at the westernmost portion of the site and at the ground floor by a 25'-0" wide covered vehicular driveway also located at the western portion of the site. Overall, the new construction along both elevations of the building have been exceedingly designed to vary in detail, style, features, and changes in plane.

Variance #5 is to reduce the required parking spaces. The application cannot avail itself of the Principle of Equivalency (PoE) program due to the extent of demolition for its grandfathered uses (synagogue and restaurant). Of note, the applicant has provided diagrams that distinguish circulation from uses in the building. For parking calculations, only stairwells and elevators can be included in the exclusion, not entire hallways/corridors. Therefore, the following analysis includes all circulation except for stairwells and elevators. The existing synagogue has a religious service capacity of 158 seats with a surface parking area for 34 parked cars. The total required parking for the proposal is 139 parking spaces: 58 spaces for the worship space, 41 spaces for the balance of the ground-floor house of worship space, and 40 spaces for the second-floor house of worship spaces.

The applicant is proposing parking for 18 vehicles, but as previously mentioned only providing for 8 spaces once the queuing loop is taken into account. The proposed synagogue alone requires 58 spaces at one space per four permanent seats in the main auditorium. It must be noted that the

ground floor site plan also contains an approximately 4,000 SF "social hall" that is reviewed for a parking requirement. The second floor has approximately 10,745 SF of education and offices areas that would require 1 space for every 250 SF of floor area for a total of 40 spaces. As it relates to the use of vehicles and a synagogue use, according to the applicant, the nature of the specific religion greatly reduces the need for the required parking assumed under the zoning code's blanket "Houses of worship, theaters and auditoriums" one for every four seats under Section 134-2176. Within the Letter of Intent, "Orthodox Jews will not travel by car on Shabbat." This time begins at sunset on Friday and ending after dark on Saturday Further the applicant maintains that "198 households which are members of the synagogue live within one mile of the subject property. Many members currently walk to the synagogue." The code does not distinguish between the specific religion as it pertains to the parking requirement. The proposed synagogue has a sanctuary capacity of 230 seats (nearly 46% increase) but provides for only 18 parking spaces (a 47% decrease) over the prior conditions.

Variance #6 to exceed the maximum floor area (gross floor area) of the building of 15,000 SF by 17,398 SF in order to allow new construction at 32,382 SF; this translates to a floor area ratio (FAR) of 1.03. To note, this hypothetical floor area ratio (FAR) is greater than 1.0 because there is more building (area) than lot (area). Currently, the zoning code does not use floor area ratio but assigns a maximum floor area (gross floor area) of a building to 15,000 SF for commercial properties regardless of lot size. For perspective, this requirement would translate to a FAR of 0.48 for this lot. In this regard, it is not best practice or proper zoning regulating to restrict size of floor areas of buildings without factoring in lot size, yet the Town's code does. With that, the existing buildings contain 19,297 SF of floor area, and the request is a nearly 170% increase over the existing and is over a 216% increase over the allowance. It must be noted that the second floor alone exceeds a gross floor area of 10,000 SF.

As it pertains to **Variance #7**, to not provide one required loading space for the religious facility, a request is made to grant this variance as the property has been in operation without one for nearly 100 years without a loading space. The code does require a minimum of two (2) dedicated loading berths (12' x 25') on-site for this sized program. If the site plan is approved, a non-dedicated on-site loading space can be provided for off-hours loading service that does not conflict with event operations and the proposed parking. Otherwise, the facility can utilize one of the existing designated commercial loading spaces shown below located to the west of the subject property along Sunset Avenue.

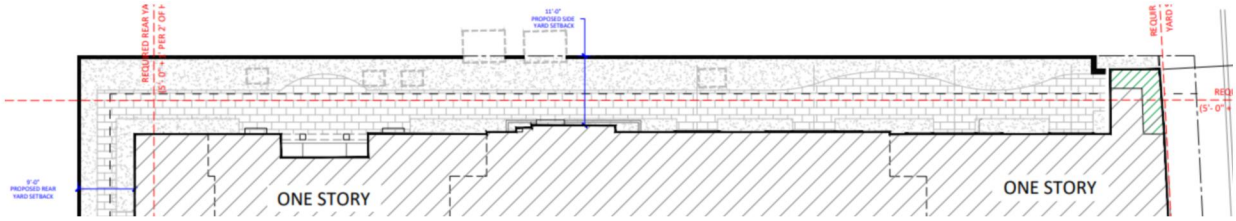
Red Loading Zones are to the west of the site in front of 223 Sunset Avenue.

As it pertains to **Variances #8** and **#9** to the reduced setback requirement along the two frontages. **Variance #8** to reduce the minimum required side yard (north) setback from 1.8' in lieu of the

required setback of 8’. A portion of the non-landmarked façade on the northeast corner will be preserved. However, due to the overall demolition of the building greater than 50%, the existing setback of 1.8’ in this area must be revested. The additions will provide a setback of 11 feet on the north side of the property. Since portions of the addition, exceed a height of 15 feet, an increased from the minimum 5-foot setback is required of one foot for each two feet of building height. Therefore, the variance will only impact the preserved section of the building. Based on building heights, the required setback ranges from 7’ to 8’.

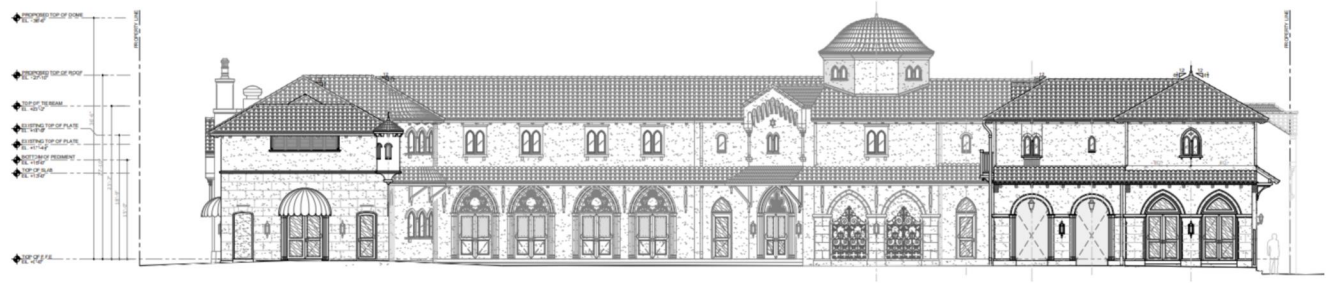
North Elevation

15’-0” Building Height = 5’ Setback Min.
19’-0” Building Height = 7’ Min.
21’-0” Building Height = 8’ Setback Min



Variance #9 to reduce the minimum required rear yard (west) setback ranging from 7’ in lieu of the required setback of 13’. The additions will provide a setback that ranges from 7’ to 9’. An increased setback above 15 feet of height also applies to the rear setback areas, however, the minimum setback here is 10 feet. Based on building heights, the required setback ranges from 12.166’ to 13’.

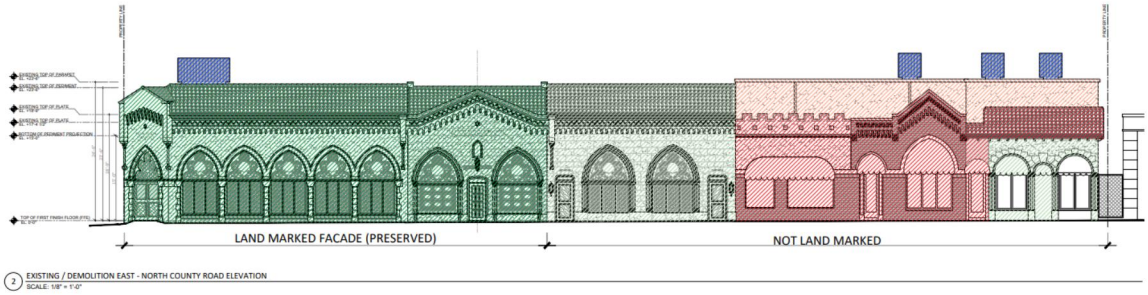
West Elevation

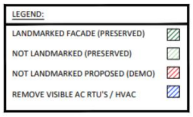


15’-0” Building Height = 10’ Setback Min.
19’-0” Building Height = 12’ Min.
19’-4” Building Height = 12.166’ Min.
21’-0” Building Height = 13’ Setback Min.

HISTORIC PRESERVATION

As outlined in the historic portion of this memorandum, only two (120 and 122 North County Road) of the five Kitchell buildings were landmarked, and only specific thresholds of their facades were protected. These buildings are significant historic resources in the Town of Palm Beach with a prominent location at the northwest corner of North County Road and Sunset Avenue. The proposal preserves the landmarked facades and portions of non-landmarked facades at 124-126, and 132 N County Rd. The proposal respects the landmark's architecture with articulation that sets the additions back on Sunset Avenue and steps back the majority of the second floor from the first-floor massing along North County Road. The fenestration pattern is well thought out. The additions utilize architectural features and materials in a manner that is complimentary to the existing synagogue as well as Palm Beach in general. Once again, from a design standpoint this proposal is a success.





DECLARATION OF USE and PARKING AGREEMENTS

The applicant has submitted a draft Declaration of Use (DOU), received by the Town on October 31, 2024. Article III Conditions expands on limitations for the accessory uses. The Sunday School will not operate as a school for children and will be limited to the family members of the members of the synagogue. It will only operate on Sundays (9 AM to 2 PM). Furthermore, dropoff and pickup procedures will be within the internal courtyard and the Sunday School will not operate at the same time as religious services. The synagogue's dining area will support the synagogue and congregation activities only and there will not be simultaneous events occurring in the worship hall and dining area. Special events shall be limited to no more than 250 people, and there shall be no more than three (3) special events per month.

It must be noted that a precursory review of the published calendar of events from the Synagogue's website, https://www.palmbeachsynagogue.org/calendar, shows a robust lineup of events and services throughout all seven days of the week from the morning to the early evening hours—and sometimes late into the evening. This calendar should likely be discussed, or at least included in the discussion of activities in the facilities which appear to occur more than just the described Saturday religious services and Sunday School activities.

Article III Conditions also states that parking agreements with one or more off-site parking locations shall be maintained. These parking agreements have been verbally discussed by the applicant at the public hearings but were not submitted for formal review. Furthermore, the Town's

code does not allow required off-street parking to be provided at other sites. Although parking agreements can be viewed as a mitigating factor for the requested parking variance, they present several challenges. The 'receiving' sites where additional parking would be offered need to demonstrate a surplus in parking to accommodate the deficit from the synagogue site. Even if hours of operation differ, legally binding agreements would need to be put in place to ensure there isn't an overlap in activities and services between the 'receiving' sites and the synagogue. Additionally, the parking agreements would need to be effective in perpetuity which could present challenges for development opportunities at the 'receiving' sites.

TRAFFIC REVIEW

The applicant has submitted a Traffic Impact Statement, completed by Simmons & White. The Corradino Group has performed four (4) rounds of peer review. The latest peer review, dated December 9, 2024, has been provided as an attachment for the Town Council hearing..

The Comprehensive Plan provides for the various Levels of Service within the Town, and the Transportation Levels of Service are found in the Transportation Element. Chapter 30, Consistency and Concurrency Management Systems, codify these Levels of Service and require the identified Levels of Service for transportation (traffic), sanitary sewer, solid waste, drainage, potable water, and recreation / open space. In the case of transportation (traffic) concurrency, commercial redevelopment is exempt from concurrency determinations if there is no increase in the intensity of use of the property from that prior to redevelopment (Chapter 30, Section 30-74(a)(2)). Intensity of use is defined in Chapter 134, Section 134-172(4)(b) as "including, but not limited to, increased tenant square footage, increased seating, increased off-street parking demand, and increased hours of operation of a special exception use." As this Application appears to be meeting one or more of the listed intensities of use details found in 134-172(4)(b), this project is not exempt from traffic concurrency.

Simply stated, Chapter 30 provides the review process for development projects. This Application must comply with Chapter 30, as it is not exempt from the process. The segment of N County Rd adjacent to the Palm Beach Synagogue property has a Level of Service designation of "D". Knowing this, the question is whether the proposed changes place more vehicles into the available capacity of the roadway to a point that the existing Level of Service "D" would worsen to a Level of Service "E" or "F"? And if the introduction of additional vehicles into the available capacity of the roadway negatively affects the Level of Service to a lower designation, the Applicant must participate in the Proportionate Fair Share Program with the Town, required by and in a manner consistent with Florida Statute 163.3180.

CONCLUSION:

Approval, approval with conditions, or denial of the project will require multiple motions to be made by the Town Council. There are:

- three (3) separate Special Exception requests; and
- one (1) Site Plan Review;
- nine (9) Variance requests; and
- one (or more) Declaration of Use Agreement(s).

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

WRB: JGM: JHD: FHM: ALF

December 3rd, 2024

Town of Palm Beach

Planning, Zoning & Building Department

306 S. County Road

Palm Beach, Florida 33480

Project Address: 120-132 N County Road, Palm Beach, FL 33480

Please find below a summary of the changes made to the Palm Beach Synagogue Project, as discussed in the November Landmarks and Town Council meetings:

- Reduction in gross square footage from 36,318 SF to 32,398 SF.
- Reduction in under air square footage from 31,921 SF to 30,089 SF.
- Reduction in lot coverage from 69.4% (21,793 SF) to 63.7% (20,023 SF).
- Increase in landscape open space from 10.03% (3,152 SF) to 10.58% (3,325 SF).
- Adjustments to the first-floor plan, specifically in the covered parking area.
- Modifications to the second-floor plan, particularly the office space layout.
- Roof plan revisions due to the reduction in footprint.
- Changes to site plan, hardscape and landscape. Refer to Landscape drawings.
- Adjustments to the West Elevation in response to the footprint reduction.

If there are any questions regarding this project, please feel free to reach out to our office.

Thank you kindly for your assistance,

Kyle Bartholemew Fant
Architect # AR99255
AIA # 30425933

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

L P C R E - S U B M I T

DATE: December 5, 2024

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

RE: 120 – 132 N. County Rd. COA-24-0022 (ZON-24-0055)

REQUEST

On behalf of Palm Beach Orthodox Synagogue, Inc. ("**Applicant**"), Shutts & Bowen LLP submits this request for a combo project for Town Council ("**TC**") approval of a Special Exception ("**SE**") with Site Plan Review ("**SPR**") and Variances, and Landmarks Preservation Commission ("**LPC**") approval of a Certificate of Appropriateness for the expansion and partial demolition of the existing buildings on the 0.72-acre site located at 120 and 132 N. County Road ("**Site**").

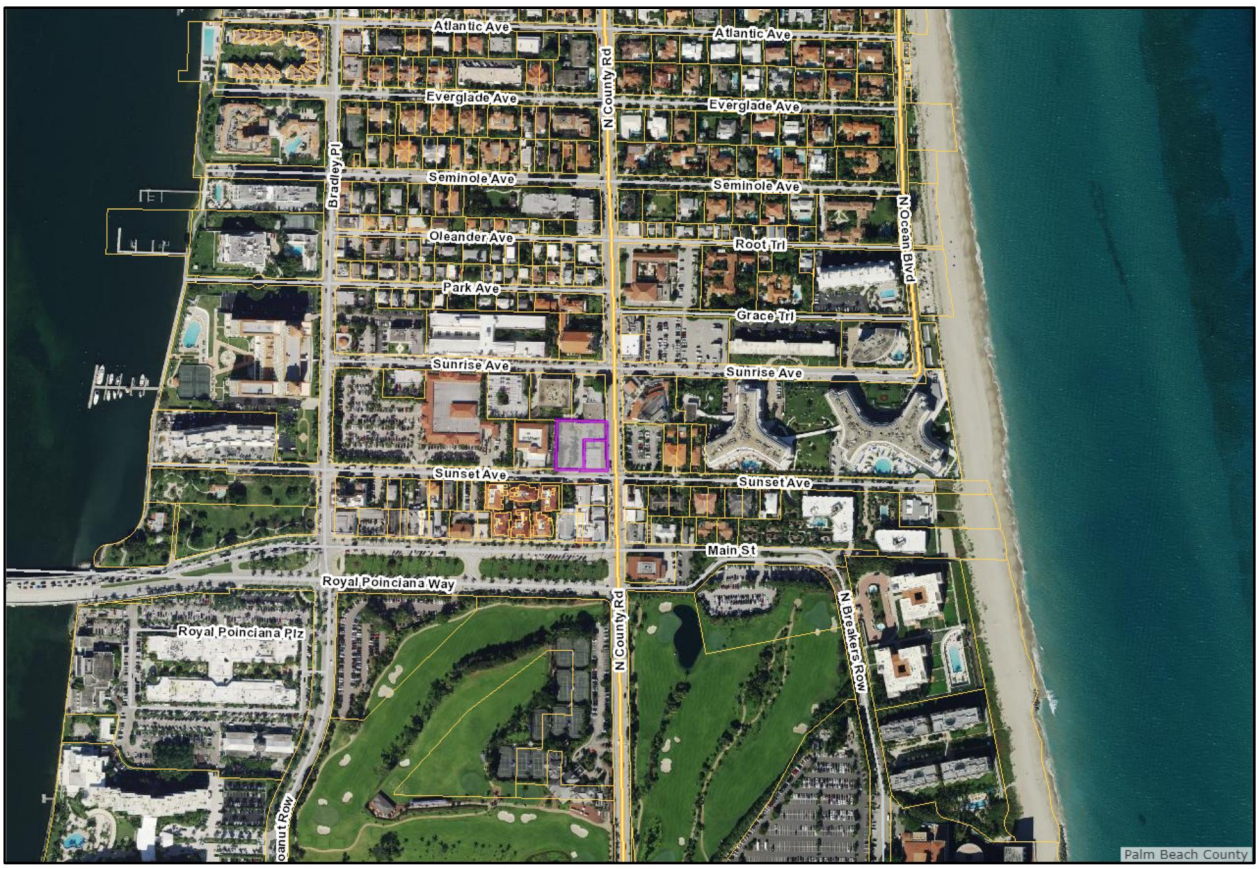


FIGURE 1 – Location map

Future Land Use ("FLU"):	Commercial ("**COM**")
Zoning District:	Commercial Town Serving ("**C-TS**")
Municipality:	Town of Palm Beach ("**Town**")

The Applicant requests approval of a SPR, SE, Variances, and a COA as follows:

- SPR required for the expansion of a synagogue (Sec. 134-1109).
- SE to modify the approved SE for a synagogue (Sec. 134-1109(10).
- Variances from the Town's Zoning Code of Ordinances ("**Code**") related to parking, setbacks, landscape open space, loading zone, building area, width of sidewalk, and building length. See the **Exhibit "C"** of this Letter of Intent for details and analyses.
- COA for New Construction (Sec. 134-122).

Specifically, the Project includes:

- Expansion of the existing synagogue from two-story 19,297 square foot synagogue with 158 seats, to a 230-seat synagogue (+ 72 seats) in a 32,382 in a two-story building (+ 13,085 sq. ft.)
- 18 surface parking spaces designed to comply with the current Code
- Demolition of greater than 50% of the non-landmarked existing building
- Preservation of the landmarked façade of the building
- Ancillary spaces to the synagogue (social hall, kitchen, library, conference room, youth center, accessory offices, flex spaces, quiet room, storage spaces, etc.). See the floor plans included with the application submittal for all details. All ancillary uses are directly related to the synagogue use. For clarification, the flex spaces are to be used for Sunday School as is customary to places of worship. There is no proposal for a public/private school use operating on a weekly basis as part of this application and thus these spaces are not a separate use requiring additional parking. See the Parking Study prepared by Simmons & White which discusses the Project and uses. It is certainly worth mentioning that such ancillary uses were previously approved as part of prior SE/SPR approvals. The Town approved these ancillary uses since they specifically allow for the synagogue members to meet socially and have learning sessions or other similar events.

BUILDING – Architectural Design

The Applicant has gone to extraordinary efforts and expense to ensure architectural compatibility between the existing landmarked portion of the Project and the proposed new portion of the Project. The proposed additions and renovations meticulously harmonize with the visual integrity of the landmarked structure, ensuring that all datum lines—including those from the water table, door and window openings, cornices, roof, and ridge lines—are seamlessly integrated into the new design. The building's volumes and width/height ratios are carefully scaled to reflect both the existing structure and the surrounding context, with proportions directly echoing the landmarked facades and preserved architectural elements.

A rhythmic street presence is thoughtfully maintained through landscaped planar recesses in the façades, offering calming vignettes for pedestrians. The historically inspired windows feature patterned screens and stained glass, paying homage to the historic sanctuary and drawing upon precedents from synagogues and cathedrals of Medieval Revival, Moorish, and Romanesque design.

The materials used in the expansion exhibit depth and craftsmanship, complementing the historic fabric without overwhelming the existing presence at the corner of Sunset Avenue and County Road. Colors, patterns, and trim have been meticulously researched to create a cohesive yet distinctive visual continuity along the street.

The roof design mirrors the existing parapet and terra cotta tile, elegantly revealing the second floor while discreetly concealing mechanical equipment. Along County Road, the pedestrian experience remains consistent with the

present, while the rooflines on Sunset Avenue extend the existing form, set back from the sidewalk with lush landscaping.

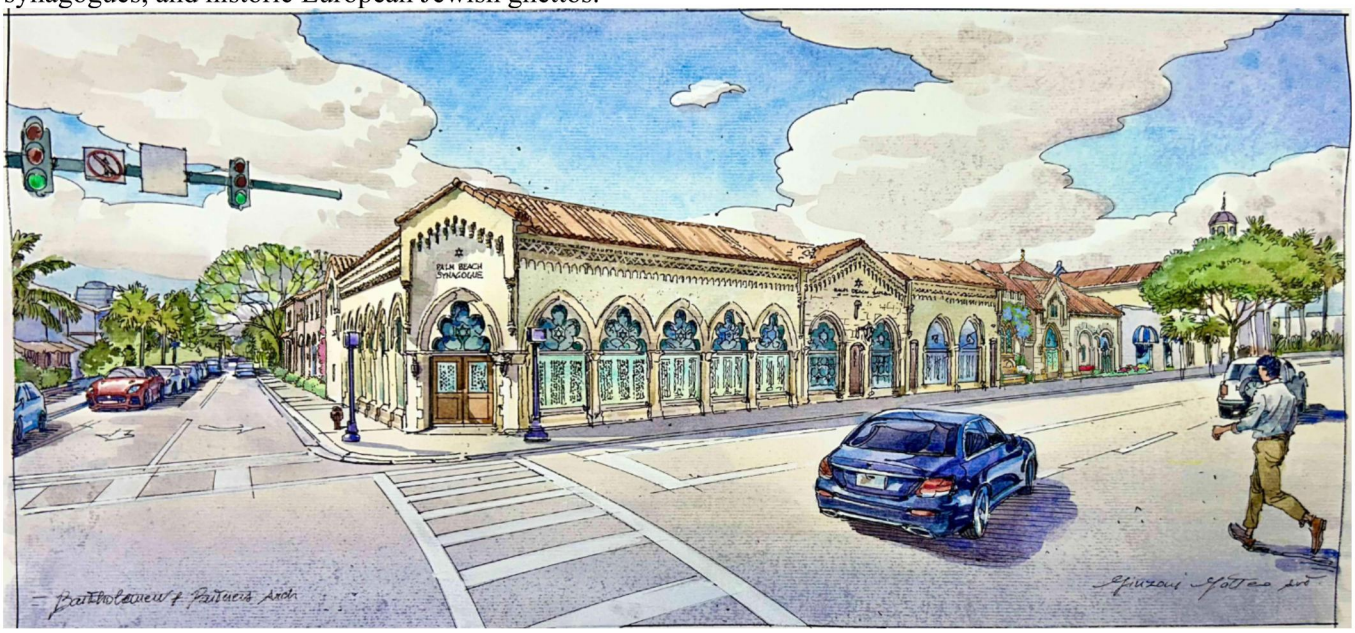
The rhythm along N. County Road is thoughtfully preserved through a façade relief that distinguishes the existing structure from the renovation, featuring a hand-carved fountain adorned with Blue Sky Vine framing a stained-glass window. On Sunset Avenue, the proposed façade maintains a similar rhythmic cadence and introduces planar breaks, enhanced by landscaped bougainvillea and intricately patterned window elements at the southern exposure. The proposed design significantly enhances the existing street and sidewalk landscaping. On Sunset Avenue, the addition is set back from the street, allowing for the introduction of a 5 to 7-foot-wide mature landscape buffer. Bougainvillea, selected for its vibrant character, will be planted at full height upon completion of construction. Similarly, on N. County Road, landscaping is introduced within the façade setbacks, with the east-facing Blue Sky Vine grown to maturity and installed at full height. The courtyard will feature a carefully curated selection of native tropical plants, citrus trees, and specimen trees as depicted in the renderings.

The north and west property setbacks will be defined by detailed ironwork fencing, complemented by native screening and a dense, elegant buffer to ensure privacy for neighboring properties. The landscape architect will provide further details on the specific planting species and layout.

The proposed new buildings artfully reinforce and enhance the prominent horizontal datum lines of the existing landmarked façade. The stone water table, composed of limestone and Jerusalem stone, elegantly extends across the façades, unifying the buildings with a continuous architectural language. Door and window heights are meticulously aligned with the existing structure, while the design of the cornices and soffits is consistently carried across the new buildings, preserving the visual harmony and adjacency reference.

The architectural detailing is thoughtfully derived from the landmarked façade and the historic character of the adjacent buildings, incorporating an array of materials and textures such as hand-hewn limestone, coquina, Jerusalem stone, crafted stucco, tapered terracotta tiles, stained glass, ornamental screening, mahogany, and bespoke ironwork.

The design reflects a nuanced exploration of architectural traditions, drawing upon the influences of Moorish and Near Eastern design, Gothic Revival, Romanesque, Byzantine, and the storied architecture of Jerusalem, synagogues, and historic European Jewish ghettos.



PARKING STATEMENT

A Traffic Statement which includes a parking analysis was prepared based on Section 134-2176 of the Code, a copy of which is included with the application submittal.

The Applicant prefers to maintain a record of the applicability of the principle of equivalency for reference. Furthermore, the Town's Traffic Consultant has requested that this reference be maintained and elaborated on via a separate parking statement document ("**Parking Statement**"). As such, the Parking Statement has been prepared by the Traffic Engineer and is included in the second submittal.

A summary of the previously vested and proposed parking calculations is provided below.

Parking Equivalency Calculations

Land Use	Parking Ratio	Existing Use		Proposed Use	
		Intensity	Number of Spaces	Intensity	Number of Spaces
Synagogue	1 per 4 seats	164 Seats	41	230	58
Fine Dining	1 per 3 Seats	168 Seats	56	N/A	0
Total			97		58

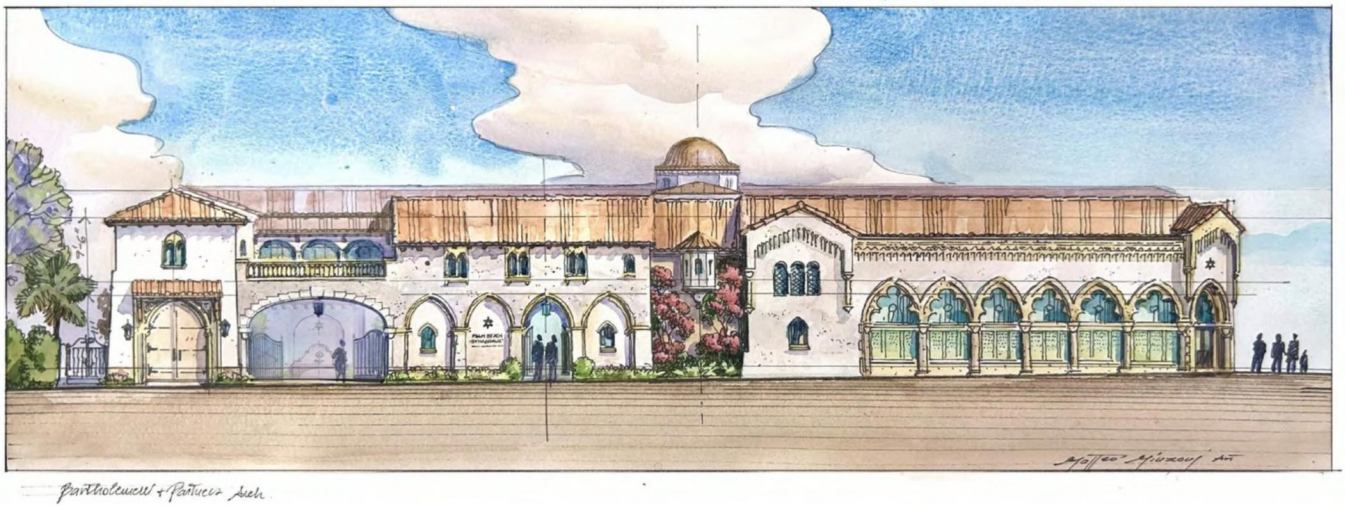
The Project will result in a parking reduction of 40 spaces from the historically vested use as documented above and in the parking analysis. As shown on the survey, almost all the existing parking spaces do not meet the minimum parking size or drive aisle width requirements of the Town. Furthermore, based on the existing number of spaces, the Site is currently non-conforming to the minimum parking requirements. It is acknowledged due to the

demolition of more than 50% of the building, the legal non-conformity for parking is no longer vested. Therefore, a parking variance is required. If not for the demolition of 50% or more of the existing building, no additional parking would be required according to the Principle of Parking Equivalency in Section 134-2175 of the Code since the redevelopment results in a reduction from vested parking requirements. Furthermore, with the redevelopment of the Site, the proposed 18 parking spaces will now comply with the minimum dimension and drive aisle width requirements of the Town code, remedying a non-conformity.

Moreover, approximately 198 households which are members of the synagogue live within one mile of the Project. Many members currently walk to the synagogue utilizing the existing sidewalk infrastructure within the Town including Sunset Avenue and N. County Road. The proximity and number of the members to the synagogue greatly reduces the parking demand of the Site. Additionally, it is understood that the synagogue is coordinating with nearby businesses to provide additional parking for its members on Saturdays and religious holidays when a higher parking demand may occur.

As it relates to the use of vehicles and a synagogue use. The use of vehicles is forbidden in Halacha (*Halakha* is often translated as "Jewish law", although a more literal translation might be "the way to behave" or "the way of walking"). Unless lives are on the line, observant Jews will not travel by car on Shabbat. The prohibition adds to what so many Jews feel is the holy and timeless quality of the day. That said, Orthodox Jews generally do not drive during the Sabbath. Orthodox Jews have never challenged prohibitions against driving on Shabbat, but rather have striven to make any accommodations necessary to avoid this activity, including living within walking distance of a synagogue and other places where they wish to visit regularly during Shabbat, walking long distances when the need arises, and staying at home throughout Shabbat when this is not possible.

PROPOSED COURTYARD PARKING LOT



PROPOSED ACCESS GATE ON SUNSET AVENUE

SUPPLEMENTAL APPLICATION REQUIREMENTS

- As required, attached are the responses to the review standards/guidelines for the SE, SPR, Variances and COA requests:
  - **Exhibit A:** Special Exception in accordance with Section 134-229.
  - **Exhibit B:** Site Plan Review in accordance with Section 134-329.
  - **Exhibit C:** Findings prior to authorization of a Variance Section 134-201.
  - **Exhibit D:** Criteria for a Certificate of Appropriateness for New Construction in accordance with Section 18-122.
- **Exhibit E:** A detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 specific to the Site.
- **Exhibit F:** Property Info sheet with the Location Map**.**
- **Exhibit G:** Legal Description**.**
- **Exhibit H:** Town-serving Affidavit

EXHIBIT A

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

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

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

RESPONSE: *A synagogue is a permitted SE use pursuant to Sec. 134-1109(10) of the Code. The request is to allow the expansion of the approved SE for the synagogue from 158 seats to 230 seats.*

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

RESPONSE: *The requests will have no adverse effect on the public health, safety, welfare or morals.*

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

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

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

RESPONSE: *The Project is and continues to be compatible with the adjoining development and the intended purpose of the district in which it is located.*

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

RESPONSE: *The Site exists today with legal non-conformities related to the open space requirements. That said, the Project proposes to decrease the existing non-conformity from 7% to 10.58% by providing additional landscaping where feasible throughout the Site. Moreover, the front yard landscape non-conformity is improved by providing 15.9% more landscaping along Sunset Avenue (from 14% to 29.9%). Wherever possible, the architectural design creates opportunities for landscape planters and significant improvements of the greenspace within the front yard areas.*

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

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

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

RESPONSE: *The Project has been designed and situated in such a manner to have minimal impact on adjoining properties and will not result in substantial economic, noise, glare, or odor impacts on adjoining properties or properties generally in the district. As noted above, the Applicant has gone to extraordinary efforts and expense to ensure architectural compatibility between the existing landmarked portion of the Project and the proposed new portion of the Project.*

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

RESPONSE: *Adequate ingress and egress to the Project is being provided. In fact, today there are two access points located on Sunset Avenue and the Project proposes to eliminate one, thus reducing traffic conflict on Sunset Avenue.*

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

RESPONSE: *All proposed signs and exterior lighting will be compatible and in harmony with properties in the district.*

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

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

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

RESPONSE: *The refuse and service areas for the Project does not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe. The Project has been designed to have the refuse and service areas away from the primary pedestrian areas and are conveniently located to not inhibit vehicular flow. These areas are proposed to be located at the northwest corner of the Site which is basically the furthest point away from the primary use areas.*

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

RESPONSE: *The Project is a synagogue which is town-serving and serves townpersons. The Applicant has provided an affidavit certifying the same, a copy of which is included with the application submittal.*

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

RESPONSE: *There are no historic specimen trees located on the Site.*

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

RESPONSE: *The Project does not propose any additional burden on Town Police or Fire Rescue Services.*

EXHIBIT B

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

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

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

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

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

RESPONSE: *The request is to allow the expansion of the approved SE for the synagogue from 158 seats to 230 seats. As stated in this Letter of Intent, the synagogue use exists today and the Applicant is only seeking to increase the services within the use. That said, nothing is being requested of the Town Council to reduce residential densities below that which is permitted.*

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

RESPONSE: *Adequate ingress and egress to the Project is being provided. In fact, today there are two access points located on Sunset Avenue and the Project proposes to eliminate one, thus reducing traffic conflict on Sunset Avenue.*

The refuse and service areas for the Project does not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe. The Project has been designed to have the refuse and service areas away from the primary pedestrian areas and are conveniently located to not inhibit vehicular flow. These areas are proposed to be located at the northwest corner of the Site which is basically the furthest point away from the primary use areas.

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

RESPONSE: *The Project proposes a total of 18 surface parking spaces located at the western limits of the Site. Eight of these spaces are proposed to be covered and ten are proposed to be uncovered. There is a gate proposed to screen the parking, which will be open during the hours the synagogue is open for services.*

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

RESPONSE: *The Site is located at the corner of N. County Road and Sunset Avenue. It is designed so the use is predominantly internal to the Site. In fact, the architectural design of the building maintains the landmarked portion of the building while ensuring there is external harmony and compatibility with the new facades being added, and maintains compatibility with the uses within the building.*

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

RESPONSE: *The Project will comply with all drainage requirements of the Town. Conceptual approval has already been obtained from the Town, and the civil plans have been submitted as part of this application for further review by Town staff.*

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

RESPONSE: *Conceptual approval has been obtained from the Town for the hook-in locations and that there is sufficient capacity for the Project; however, the civil plans have been submitted as part of this application for further review by Town staff. All hook-in locations for utilities will obtain final Town approval as part of the building permit process.*

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

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

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

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

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

RESPONSE: *The Project meticulously harmonizes with the visual integrity of the landmarked structure, ensuring that all datum lines—including those from the water table, door and window openings, cornices, roof, and ridge lines—are seamlessly integrated into the new design. The building's volumes and width/height ratios are carefully scaled to reflect both the existing structure and the surrounding context, with proportions directly echoing the landmarked facades and preserved architectural elements.*

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

RESPONSE: *The proposed additions and renovations meticulously harmonize with the visual integrity of the landmarked structure, ensuring that all datum lines—including those from the water table, door and window openings, cornices, roof, and ridge lines—are seamlessly integrated into the new design. The building's volumes and width/height ratios are carefully scaled to reflect both the existing structure and the surrounding context, with proportions directly echoing the landmarked facades and preserved architectural elements. A rhythmic street presence is thoughtfully maintained through landscaped planar recesses in the façades, offering calming vignettes for pedestrians. The historically inspired windows feature patterned screens and stained glass, paying homage to the historic sanctuary and drawing upon precedents from synagogues and cathedrals of Medieval Revival, Moorish, and Romanesque design. The materials used in the expansion exhibit depth and craftsmanship, complementing the historic fabric without overwhelming the existing presence at the corner of Sunset Avenue and County Road. Colors, patterns, and trim have been meticulously researched to create a cohesive yet distinctive visual continuity along the street. The roof design mirrors the existing parapet and terra cotta tile, elegantly revealing the second floor while*

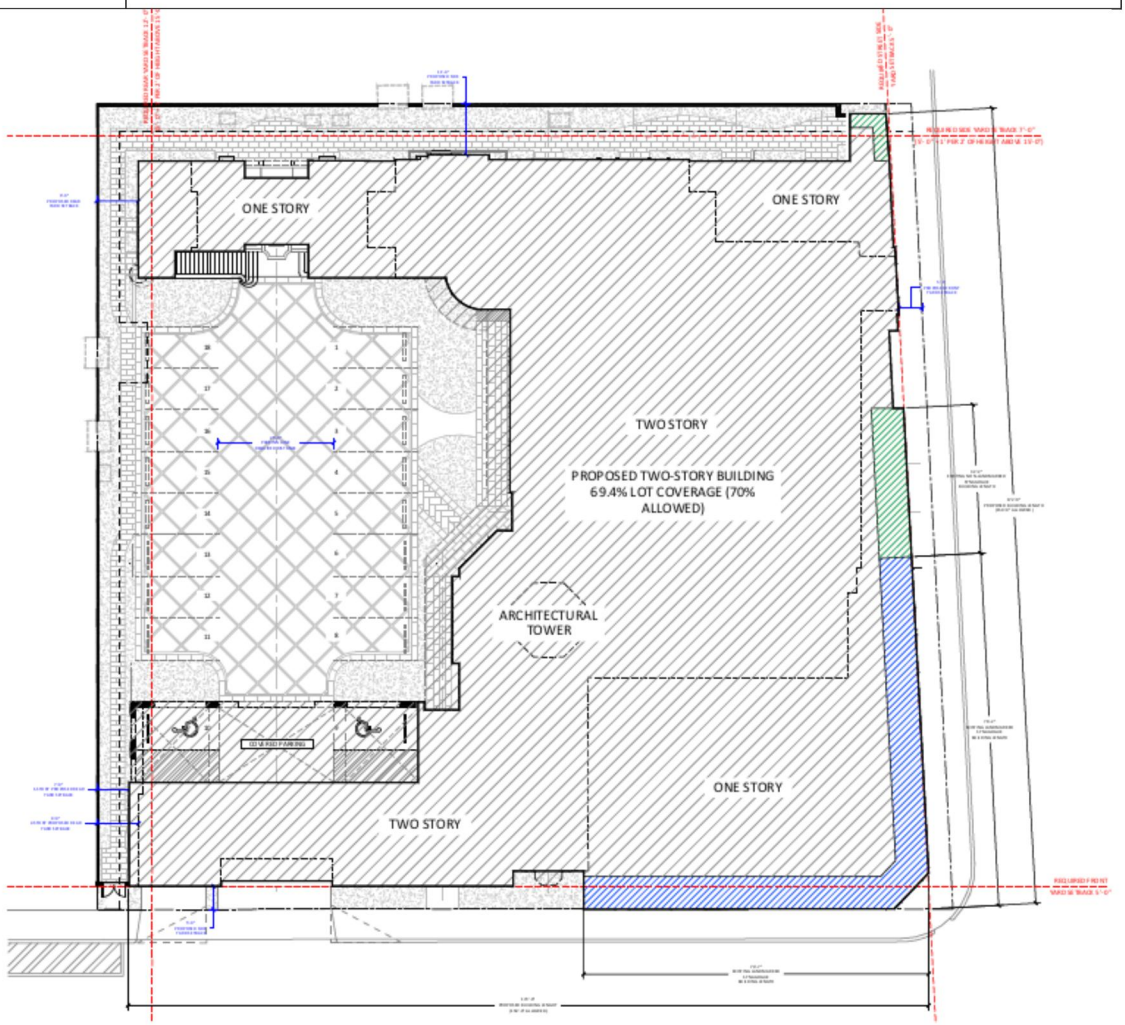
discreetly concealing mechanical equipment. Along County Road, the pedestrian experience remains consistent with the present, while the rooflines on Sunset Avenue extend the existing form, set back from the sidewalk with lush landscaping.

EXHIBIT C

VARIANCES

Code Section	Variance
Sec. 134-2176 Parking	(V1) To allow the continuation of an existing legal non-conformity for a decrease in the required parking from 58 spaces to 18 spaces, which improves the legal non-conformity from the existing 97 required spaces.
Sec. 134-1113(5) Front Yard Setback	(V2) To allow the continuation of an existing legal non-conformity for a decrease in the minimum front yard setback from 5 ft. to 0.2 ft. along Sunset Avenue. The variance is specific to the exiting portion of the building which is landmarked. The proposed addition complies with the minimum front yard setback requirements. There is no change to the existing landmarked façade of the building. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing faced must be preserved in place.
Sec. 134-1113(6) Street Side Yard Setback	(V3) To allow the continuation of an existing legal non-conformity for a decrease in the minimum street side yard setback from 7 ft. to 5 ft. along N. County Road. The variance is specific to the exiting portion of the building's height which is landmarked. The proposed addition complies with the minimum front yard setback requirements. There is no change to the existing landmarked façade of the building. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing faced must be preserved in place.
Sec. 134-1113(11) Landscape Open Space	(V4) To allow the continuation of an existing legal non-conformity for a decrease in the landscaped open space from 25% to 10.58%, which improves the legal non-conformity from 7% to 10.03% (+3.58%).
Sec. 134-1113(11) Front Yard Landscape Open Space	(V5) To allow the continuation of an existing legal non-conformity for a decrease in the front yard landscaped open space from 35% to 29.9% along Sunset Avenue, which improves the legal non-conformity from 14% to 29.9% (+15.9% more landscaping); and a decrease from 35% to 0% along N. County Rd., which is in keeping with the legal non-conformity as it exists today. There is no change to the existing landmarked façade of the building thus no space is being added to provide the required front yard landscaped open space. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing facade must be preserved in place.
Sec. 134-1113(12) Gross Building Area	(V6) To allow an increase in the gross building area from the existing 19,297 sq. ft., which is an existing legal non-conformity, to 32,382 sq. ft. The Project is for a proposed use as a synagogue. As such, the Project was designed as one contiguous structure to allow patrons to move from one portion of the building to another uninterrupted and without being exposed to the elements.
Sec. 134-1113(10) Building Length	(V7) To allow the continuation of an existing legal non-conformity for the building length along N. County Road from a maximum of 150 ft. to 172.1 ft. There is no change to the existing landmarked façade of the building. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing faced must be preserved in place.
Sec. 134-1113(10) Building Length	(V8) To allow the continuation of an existing legal non-conformity for the building length along Sunset Avenue from a maximum of 150 ft. to 173 ft. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing faced must be preserved in place.

Sec. 134-2211 Number and Dimension of berths for commercial uses	(V9) To allow the elimination of the required two required berths for commercial uses. The synagogue is not a commercial use and does not operate as a commercial use. As such, deliveries are limited to smaller vans and similar vehicles for deliveries of basic supplies and materials. There is no need for a full-12 ft. x 25 ft. x 14 ft. high berth, much less a need for two full size berths. Furthermore, there is an on-street loading zone that has customarily been used for deliveries as is the common practice throughout the Town, which the Applicant proposes to use on an as-needed basis.
Sec. 134-1113(5)(c) Ten-foot wide pedestrian walkway	(V10) To allow the continuation of an existing legal non-conformity for a decrease in the minimum width of the pedestrian walkway from ten ft. to 7.1 ft. along Sunset Avenue. The variance is specific to the exiting portion of the building which is landmarked. There is no change to the existing landmarked façade of the building. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing facade must be preserved in place.



VARIANCE DIAGRAM – See Sheet SP3.0, SP3.1, and SP3.2 of the Architectural Plans for more details.

Sec. 134-201. Findings prior to authorization.

(a) The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

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

RESPONSE: *There are special conditions and circumstances existing which are peculiar to the land, structures and buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district. All requested variances relate to a decrease of already existing legal non-conformities on the Site and the use. See above for a full analysis of each variance and how the literal interpretation of the Code has created an undue burden on the Applicant.*

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

RESPONSE: *The special conditions and circumstances do not result from the actions of the Applicant. See the above for a full analysis of each variance and how the literal interpretation of the Code has created an undue burden on the Applicant.*

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.

RESPONSE: *The granting the variance requested will not confer on the Applicant any special privilege that is denied by the Code to other lands, buildings or structures in this same zoning district. In fact, these variances can be requested by any property owner affected by the applicable regulations.*

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

RESPONSE: *The literal interpretation of this chapter would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the Applicant. See the above for a full analysis of each variance and how the literal interpretation of the Code has created an undue burden on the Applicant.*

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

RESPONSE: *The requested variances are the minimum variances that will make possible the reasonable use of the land. See the above for a full analysis of each variance and the applicability to the use of the land.*

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

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

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

1. Be granted only for the continuation of the same hotel or residential use; and
2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

RESPONSE: *N/A*

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

RESPONSE: *Granting of the variances will be in harmony with the general intent and purpose of the Code. Additionally, granting of the variances will not be injurious to the area involved or otherwise detrimental to the public welfare.*

EXHIBIT D

Sec. 54-122. New construction.

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

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

RESPONSE:

The proposed additions and renovations meticulously harmonize with the visual integrity of the landmarked structure, ensuring that all datum lines—including those from the water table, door and window openings, cornices, roof, and ridge lines—are seamlessly integrated into the new design.

The building's volumes and width/height ratios are carefully scaled to reflect both the existing structure and the surrounding context, with proportions directly echoing the landmarked facades and preserved architectural elements.

A rhythmic street presence is thoughtfully maintained through landscaped planar recesses in the façades, offering calming vignettes for pedestrians

The historically inspired windows feature patterned screens and stained glass, paying homage to the historic sanctuary and drawing upon precedents from synagogues and cathedrals of Medieval Revival, Moorish, and Romanesque design.

The materials used in the expansion exhibit depth and craftsmanship, complementing the historic fabric without overwhelming the existing presence at the corner of Sunset Avenue and County Road.

Colors, patterns, and trim have been meticulously researched to create a cohesive yet distinctive visual continuity along the street.

The roof design mirrors the existing parapet and terra cotta tile, elegantly revealing the second floor while discreetly concealing mechanical equipment. Along County Road, the pedestrian experience remains consistent with the present, while the rooflines on Sunset Avenue extend the existing form, set back from the sidewalk with lush landscaping.

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

RESPONSE:

The rhythm along North County Road is thoughtfully preserved through a façade relief that distinguishes the existing structure from the renovation, featuring a hand-carved fountain adorned with Blue Sky Vine framing a stained-glass window.

On Sunset Avenue, the proposed façade maintains a similar rhythmic cadence and introduces planar breaks, enhanced by landscaped bougainvillea and intricately patterned window elements at the southern exposure.

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

RESPONSE:
The proposed design significantly enhances the existing street and sidewalk landscaping. On Sunset Avenue, the addition is set back from the street, allowing for the introduction of a 5 to 7-foot-wide mature landscape buffer. Bougainvillea, selected for its vibrant character, will be planted at full height upon completion of construction.

Similarly, on North County Road, landscaping is introduced within the façade setbacks, with the east-facing Blue Sky Vine grown to maturity and installed at full height.

The courtyard will feature a carefully curated selection of native tropical plants, citrus trees, and specimen trees as depicted in the renderings.

The North and West property setbacks will be defined by detailed ironwork fencing, complemented by native screening and a dense, elegant buffer to ensure privacy for neighboring properties. The Landscape Architect will provide further details on the specific planting species and layout.

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

RESPONSE:
The proposed new buildings artfully reinforce and enhance the prominent horizontal datum lines of the existing landmarked façade. The stone water table, composed of limestone and Jerusalem stone, elegantly extends across the façades, unifying the buildings with a continuous architectural language.

Door and window heights are meticulously aligned with the existing structure, while the design of the cornices and soffits is consistently carried across the new buildings, preserving the visual harmony and adjacency reference.

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

RESPONSE:
The architectural detailing is thoughtfully derived from the landmarked façade and the historic character of the adjacent buildings, incorporating an array of materials and textures such as hand-hewn limestone, coquina, Jerusalem stone, crafted stucco, tapered terracotta tiles, stained glass, ornamental screening, mahogany, and bespoke ironwork.

The design reflects a nuanced exploration of architectural traditions, drawing upon the influences of Moorish and Near Eastern design, Gothic Revival, Romanesque, Byzantine, and the storied architecture of Jerusalem, synagogues, and historic European Jewish ghettos.

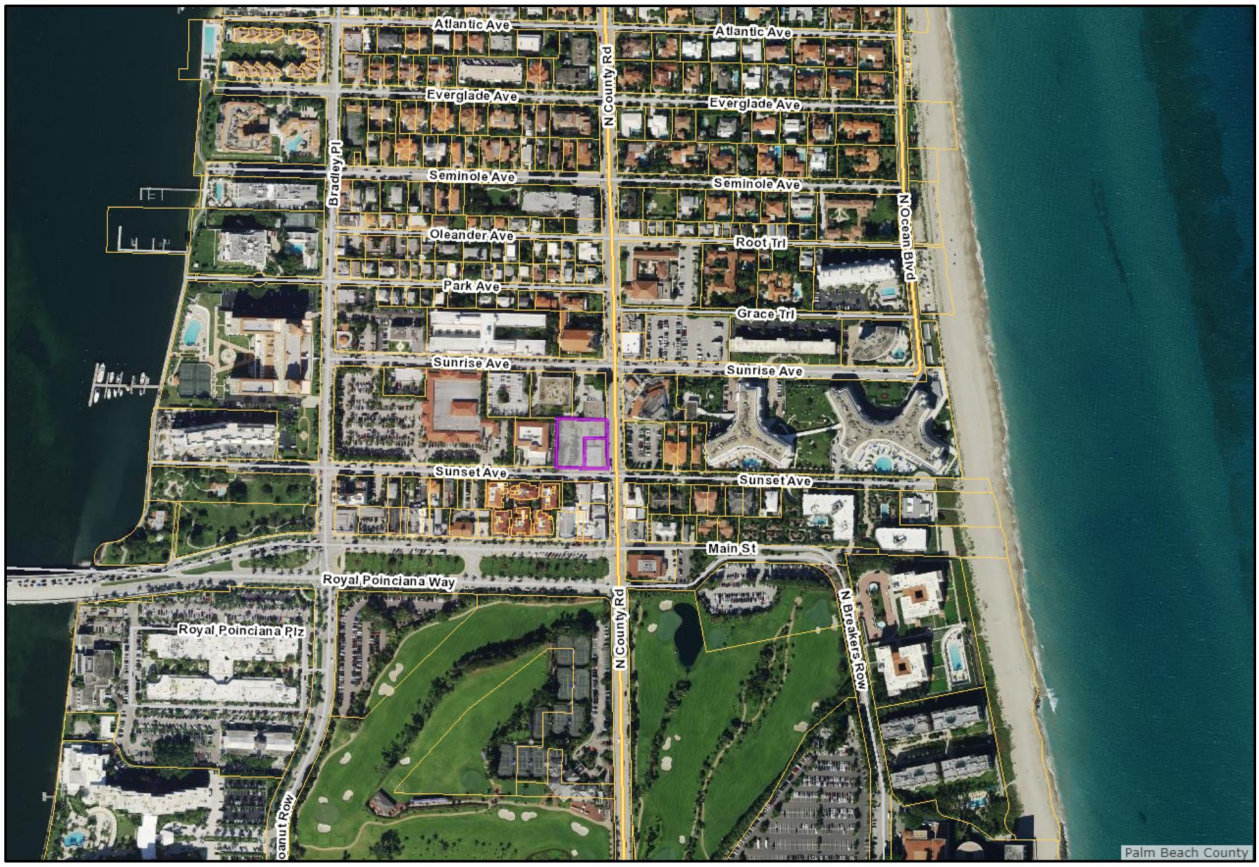
EXHIBIT E

SITE HISTORY

June 12, 1990	VAR 29-90	Denial of a variance to allow a business identification sign.
July 13, 1993	SE 18-93	Approval for a modification to a special exception with site plan review and variances for an increase in the gross leasable area, a reduction in the required parking, and reduction in the required setback.
August 9, 1994	SE 25-94	Approval for a modification to a special exception with site plan review to allow the relocation of an ancillary use from the first floor to the second floor of the restaurant.
March 7, 1996	COA 64-95	Approval of a COA for a new front door.
September 9, 1997	SE 27-97	Approval for a modification to a special exception with site plan review to allow Fortress Company to occupy 2,500 sq. ft. for retail space.
June 8, 1999	SE 14-99	Approval for a modification to a special exception with site plan review for an increase in the seats and ancillary uses specific to the synagogue.
December 11, 2001	SE 27-2001	Approval for a modification to a special exception with site plan review for the expansion of the multi-function ancillary use room for the synagogue use.
May 27, 2005	SE 15-2005	Approval for a modification to a special exception with site plan review for an increase in the seats and ancillary uses specific to the synagogue.
March 13, 2007	SE 3-2007	Approval for a modification to a special exception with site plan review for an increase in the seats and ancillary uses specific to the synagogue.
August 21, 2008	COA 16-08	Approval for the replacement of exterior windows and doors.
December 16, 2009	SE 10-2009	Approval for a modification to a special exception with site plan review and variances for changes to the pediment of the building and variances for the pediment, setbacks, and building height.
January 10, 2010	COA 2-10	Approval of a COA for changes to the building for a gabled parapet, barrel tile, a shed roof, and new signage.
June 2, 2022	A-22-02393	Approval for repair of roof

EXHIBIT F

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



Location map

Address:	120 – 132 N. County Rd.
Property Owner:	Palm Beach Orthodox Synagogue, Inc.
Municipality:	Town of Palm Beach

EXHIBIT G

LEGAL DESCRIPTION

PROPERTY ADDRESS:
132 and 120 N County Road
Palm Beach, FL 33480

LEGAL DESCRIPTION:
A parcel of land bounded by the existing exterior walls of the Richardson Greenfield Securities Building and the West right-of-way line of South County Road, Town of Palm Beach, Florida; said parcel of land being part of Lots 175 and 176, Plat of ***FLORAL PARK****, according to the Plat thereof as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, and being more fully described as follows:*

COMMENCING *at the Southeast corner of said Lot 176;*
Thence, North 90°00'00" West, along the South line of said Lot 176, a distance of 15 feet to the intersection thereof with the West right of way line of South Country Road and the ***POINT OF BEGINNING;***

Thence, continue North 90°00'00" West, along the South line of said Lot 176, a distance of 5 feet, more or less, to the Southeast corner of the said Richardson Greenfield Securities Building;
Thence, continue North 90°00'00" West, along the South face of said building, a distance of 76 feet, more or less, to the Southwest corner of said building;
Thence, Northerly along the West face of said building, a distance of 27.9 feet;
Thence, Easterly along the Northerly face of said building a distance of 5.4 feet;
Thence, Northerly, along the West Face of said building, a distance of 5.3 feet;
Thence, Easterly along the North face of said building, a distance of 74.41 feet, more or less, to the Northeast corner of said building;
Thence continue Easterly along said line, a distance of 5 feet to the West right of way line of said South County Road;
Thence, South 02°45'00" East, along said right of way line a distance of 33.2 feet, more or less, to the ***POINT OF BEGINNING.***

The bearings stated herein are based on an assumed North 90°00'00" West, along the South line of Lot 176;

AND

Lots 173 through 176 together with lots 180 through 183, inclusive, Plat of ***FLORAL PARK****, as recorded in Plat Book 2, page 6, Public Records of Palm Beach County, Florida.*

LESS AND EXCEPT *THE FOLLOWING DESCRIBED PARCELS*

The South 8.14 feet of Lot 175, Less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, of the Plat of ***FLORAL PARK*** *according to the Plat thereof, as recoded in Plat book 2, Page 6, of the Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in official Records Book 13287, Page 1027, in the Public Records of Palm Beach County, Florida.*

AND

LESS AND EXCEPT*:*
Lots 178 and 179, ***FLORAL PARK,*** *according to the Plat thereof, as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in Official Records Book 11295, Page 435.*

AND

Parcel A:

The South 8.14 feet of Lot 175, less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, ***FLORAL PARK****, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida.*

Parcel B*:*

Lot 177, ***FLORAL PARK****, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.*

Parcel C:

Lots 178 and 179, ***FLORAL PARK****, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.*

EXHIBIT H

Town-Serving Affidavit

TOWN OF PALM BEACH

Planning, Zoning & Building Department

DEVELOPMENT ORDER (LPC)

File: COA-24-0022 (ZON-24-0055)
Property: 120-132 NORTH COUNTY ROAD – PALM BEACH SYNAGOGUE (Landmark)
Meeting Date: December 18, 2024

The Landmarks Preservation Commission (LPC) approved demolition exceeding 50% (of non-landmarked portions of buildings), construction of new one- and two-story additions, renovations to the existing two-story building, and landscape & hardscape modifications including a new surface parking lot as presented (7-0).

Additionally, the Commission found that implementation of the proposed variances would not cause negative architectural impact to the subject property (7-0).

Provided, the applicant builds substantially in accordance with the approved plans, as prepared by **Bartholemew + Partners** and **Environmental Design Group**, uploaded on December 6, 2024, as approved by the LPC, and as determined by staff.

Approval of this application by the LPC does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as Town Council approval and the necessary building permits. A building permit for the work authorized under this approval must be obtained within one year from the date of approval or said approval will expire.

When requesting a building permit, the plans submitted to the Town for permit are required to be consistent with the plans approved by the Commission and modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Development Order. A copy of all pages of the Development Order shall be scanned into the plans submitted for a building permit and shall be located immediately after the front cover page of the permit plans.

Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the Commission and shall be subject to all conditions of approval herein, unless otherwise modified by the Commission. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

This Development Order shall serve as the written approval of the LPC in accordance with Section 54-94(4).

Dated this 20th day of December, 2024

Sincerely,

Wayne Bergman, Director of Planning, Zoning and Building, on behalf of
LANDMARKS PRESERVATION COMMISSION

cc: James G. Murphy, Assistant Director of Planning, Zoning and Building
Friederike H. Mittner, Design & Preservation Manager
Abraham L. Fogel, Design & Preservation Planner (PM)

A. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

2. **COA-24-0022 (ZON-24-0055) 120-132 N COUNTY RD—PALM BEACH**

SYNAGOGUE (COMBO) The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting a Certificate of Appropriateness for review and approval of: demolition exceeding 50%, construction of new one- and two-story additions, renovations to the existing two-story building, and landscape & hardscape modifications including a new surface parking lot, requiring three (3) Special Exceptions with Site Plan Review and nine (9) variances to reduce the minimum required front yard setback and the pedestrian walkway, reduce the minimum required overall landscape open space and front yard open space, increase the maximum permitted building length, reduce the on-site parking requirement, elimination of the on-site berths (loading spaces), increase the maximum permitted gross building area, reduce the minimum required side yard setback, and reduce in the minimum required rear yard setback for the landmarked property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments for this project.

Several members disclosed ex-parte communications.

Attorney Harvey Oyer, on behalf of the applicant, provided an overview of the requests for the proposed project. Kyle Fant of Bartholomew + Partners presented the architectural plans for the project. Mr. Fant discussed the proposed reductions the applicant has made after the recommendations from the Commission.

He answered questions from the Commissioners on the reductions. Mr. Oyer reviewed the requested zoning relief needed for the proposal.

Ms. Patterson asked about the width of the proposed parking space. Mr. Fant responded.

Assistant Director James Murphy further explained the space and discussed the space when it would be used for queuing.

Ms. Patterson called for public comment.

Aimee Sunny of the Preservation Foundation of Palm Beach commented that the professionals addressed the comments they received. She thought the design was sensitive to the surrounding area

and Palm Beach's architectural heritage. She acknowledged that the character-defining features of the existing landmarked buildings were being retained and preserved. She believed the proposal complied with the code criteria in 54-122 and 54-123.

Anne Pepper, 333 Seaspray Avenue, did not believe the project had been reduced enough to make a difference.

Attorney John Eubanks, representing the owners of surrounding condominiums, presented his clients' objections to the proposed project. He argued that the proposal intensified its use and violated the comprehensive plan.

Martin Klein, 1060 N. Ocean Blvd., spoke in favor of the project. He argued that the space was needed for the unique Jewish ceremonies. He provided the reasons the renovation should be approved.

Cathy Hershcopf, 2773 S. Ocean Blvd., stated that while she was not a member, she attended many of the facility's events and believed it needed to be expanded. She favored the proposed architecture and how much the building served the community.

Harris Fried, 250 Seminole Avenue, thought the synagogue was extraordinary. He thought the proposed project was being mischaracterized.

Rabbi Moshe Scheiner, 180 Atlantic Avenue, acknowledged the traffic problem in Palm Beach but argued that the synagogue's attendance was not a contributing factor, as the hours of service were mainly on Saturday and Sunday mornings. He thought a religious institution was ideal for the neighborhood.

Anita Seltzer, 44 Cocoanut Row, argued that the program was increasing; however, the restrooms proposed were inadequate. She thought more study was needed in the interior spaces to ensure their functionality.

Town Attorney Francisco reminded the Commission to review the architecture, how the new architecture was compatible with the old, and how the variances affected the architecture.

Mr. Oyer argued that the project had been significantly reduced and that the public-facing building on County Road would not change. The main change would be the public-facing building on Sunset Avenue. He explained the classroom sizes and stated that there were no new uses. Mr. Oyer also added that the neighbors had supported the renovation. He further provided rebuttal arguments to the comments

by Mr. Eubanks.

Ms. Damgard thought the proposal was beautiful but added that the north side was still very large and should be reduced further. She also wondered if the construction parking could be handled entirely on-site.

Mr. Oyer responded and allowed Mr. Fant to explain how he calculated the amount of square footage. Mr. Fant reviewed the plan and further explained the design.

Rabbi Scheiner spoke about the tradition of Shabbat and the need to accommodate the attendance.

Mr. Oyer stated that the declaration of use agreement addressed the outside use of the facility. He argued that the sanctuary was similar in size to others in the town.

Ms. Coleman wondered if the membership would grow due to Palm Beach's growth. She understood the need for larger buildings and thought the architecture was nice; however, she expressed concern about the density of growth in the area. Mr. Oyer responded and stated that 72 seats were being added to the sanctuary but that they were not trying to increase the membership. He also argued that it was the smallest sanctuary in the town.

Town Attorney Francisco stated that the Commissioners' comments should focus on the architecture rather than the use of the building.

Mr. Griswold acknowledged that the Commission liked the previous presentation and that the Preservation Foundation supported the project. He also stated that the applicant reduced the size and retained much of the façade. He thought the applicant listened to the comments and designed a beautiful building. He supported the project.

Ms. Fairfax agreed with Mr. Griswold. Ms. Patterson agreed as well.

Assistant Director of Planning, Zoning, and Building James Murphy stated that while the Commission supported the application at their previous meeting, the Town did not have a formal set of reduced plans to approve.

Ms. Albarran thought that the project was one of the most beautiful projects brought to them and preserved the existing landmarked architecture. She supported the project.

A motion was made by Mr. Griswold and seconded by Ms. Fairfax to approve the project as presented. The motion carried unanimously, 7-0.

A motion was made by Ms. Albarran and seconded by Ms. Brooker that the implementation of the proposed variance will not cause a negative architectural impact on the subject landmarked property. The motion was carried unanimously, 7-0.

CFN 20240427307
OR BK 35446 PG 1758
RECORDED 12/18/2024 9:01 AM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 1758 - 1763; (6pgs)

Prepared by and return to:
Harvey E. Oyer, III, ESQ
525 Okeechobee Blvd. Suite 1100
West Palm Beach, FL 33401

PCNS: 50-43-43-22-31-000-1751 (120 N. County Rd.: -Parcel 1) and

50-43-43-22-31-000-1730 (132 N. County Rd.: -Parcel 2).

UNITY OF TITLE AGREEMENT

THIS UNITY OF TITLE AGREEMENT ("Agreement") is entered into as of this _____ day of_____ 2024 by and between Palm Beach Orthodox Synagogue, Inc. ("Owner") and the Town of Palm Beach, a municipal corporation existing under the laws of the State of Florida ("Town").

WHEREAS, Owner is the fee simple title holder of the real property situated at 120 N. County Road, and 132 N. County Road, lying and being in the Town of Palm Beach, Palm Beach County, Florida and more particularly described in Exhibit "A" attached hereto (collectively, "Property"),

WHEREAS, Owner is seeking to unify the Property in order to create one unified development.

WHEREAS, the Town of Palm Beach will not issue a building permit to Owner to connect and improve the Property as one unified development unless and until Owner legally combines both parcels with this Unity of Title.

WHEREAS, the Town on July 17, 2017, adopted Resolution 119-2017, which resolution provides for assessment for each of the parcels identified above for undergrounding of Town-wide utilities. The Owner agrees to continue to be responsible for said assessments regardless of this unification.

WHEREAS, this Unity of Title would require that severance could only occur in the future should the lots independently otherwise be in compliance with the Town's Comprehensive Plan and lot, yard and bulk requirements as set forth in Chapter 134, Zoning, of the Code of Ordinances; and

WHEREAS, there are no mortgages on either Parcel 1 or Parcel 2.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is

agreed as follows:

1. All of the Property as described in Exhibit "A" shall be considered as a single parcel, and no portion of said combined parcel shall be sold, transferred, or devised separately, but rather only in its entirety as one parcel. Owner further agrees that this condition, restriction and limitation shall be binding upon the Owner and its assigns, until such time as the same is released in writing by the Town.

2. Neither of the parcels described in Exhibit "A" shall be sold, transferred, devised, leased, or assigned separately from the whole of the Property, except upon prior written approval of the Town. Should either parcel otherwise be independently in compliance with the zoning ordinances, comprehensive plan, and the regulations of the Town at such time that a release of the Unity of Title is requested, the Town shall, upon written request by the Owner, it's successors or assigns, execute a recordable termination of this Unity of Title.

3. Owner agrees that this Agreement shall be recorded in the Public Records of Palm Beach County, Florida.

4. This Agreement shall be a covenant running with the Property, and shall be binding upon the Owner, its heirs, personal representatives, successors, and assigns, and shall constitute notice to all persons whomsoever of the terms and provisions herein set forth.

5. Owner acknowledges and agrees that Owner shall continue to be responsible for assessments identified by the Town relating to each individual parcel defined in Exhibit "A" as if each parcel had not been unified.

[Signatures, Notary, and Exhibits to follow]

Signed, sealed, executed, and acknowledged on this 17th day of December 2024. In Palm Beach County, Florida.

IN WITNESS WHEREOF

Witness # 1 Signature

ROGER RAMDEEN

Witness # 1 Printed Name

Witness # 2 Signature

Sally A. Godfrey

Witness # 2 Printed Name

ADDRESS OF WITNESSES:
525 OKEECHOBEE BLVD., WEST PALM BEACH, FL 33401

Owner

Palm Beach Orthodox Synagogue, Inc.
MOSHE SCHEINER, CEO

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17 day of December, 2024, by MOSHE SCHEINER who ☐ is personally known to me or who ☒ has produced FLA. DRIVER LICENSE as identification.

SALLY A. GODFREY
Commission # HH 345647
Expires March 16, 2027

Notary Public

Notary Seal:

My Commission Expires:

TOWN:

TOWN OF PALM BEACH
By: _____
Kirk Blouin, Town Manager

IN WITNESS WHEREOF

_____
Witness # 1 Signature
Carolyn S. Stone
Witness # 1 Printed Name
_____
Witness # 2 Signature
PAT GAYLE-GORDON
Witness # 2 Printed Name

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 22 day of November, 2024, by KIRK BLOUIN, as Town Manager of the Town of Palm Beach, a municipal corporation existing under the laws of the State of Florida, on behalf of the corporation, who ☑ is personally known to me or who ☐ has produced _____as identification.

KATHERINE DECLAIRE
MY COMMISSION # HH 394026
EXPIRES: May 3, 2027

_____
Notary Public – State of Florida

Notary Seal: _____

ATTEST:

_____
Kelly Churney, Acting Town Clerk

SEAL OF THE TOWN OF PALM BEACH FLORIDA
INCORPORATED APRIL 17, 1911

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

_____
Joanne M. O'Connor, Town Attorney

EXHIBIT "A"

PROPERTY ADDRESS:
120 & 132 North County Road
Palm Beach, FL 33480

LEGAL DESCRIPTION:
A parcel of land bounded by the existing exterior walls of the Richardson Greenfield Securities Building and the West right-of-way line of South County Road, Town of Palm Beach, Florida; said parcel of land being part of Lots 175 and 176, Plat of **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, and being more fully described as follows:

COMMENCING at the Southeast corner of said Lot 176;
Thence, North 90°00'00" West, along the South line of said Lot 176, a distance of 15 feet to the intersection thereof with the West right of way line of South Country Road and the **POINT OF BEGINNING;**

Thence, continue North 90°00'00" West, along the South line of said Lot 176, a distance of 5 feet, more or less, to the Southeast corner of the said Richardson Greenfield Securities Building;
Thence, continue North 90°00'00" West, along the South face of said building, a distance of 76 feet, more or less, to the Southwest corner of said building;
Thence, Northerly along the West face of said building, a distance of 27.9 feet;
Thence, Easterly along the Northerly face of said building a distance of 5.4 feet;
Thence, Northerly, along the West Face of said building, a distance of 5.3 feet;
Thence, Easterly along the North face of said building, a distance of 74.41 feet, more or less, to the Northeast corner of said building;
Thence continue Easterly along said line, a distance of 5 feet to the West right of way line of said South County Road;
Thence, South 02°45'00" East, along said right of way line a distance of 33.2 feet, more or less, to the **POINT OF BEGINNING.**

The bearings stated herein are based on an assumed North 90°00'00" West, along the South line of Lot 176;

AND

Lots 173 through 176 together with lots 180 through 183, inclusive, Plat of **FLORAL PARK**, as recorded in Plat Book 2, page 6, Public Records of Palm Beach County, Florida.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS

The South 8.14 feet of Lot 175, Less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, of the Plat of **FLORAL PARK** according to the Plat thereof, as recoded in Plat book 2, Page 6, of the Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in official Records Book 13287, Page 1027, in the Public Records of Palm Beach

County, Florida.

AND

LESS AND EXCEPT:
Lots 178 and 179, **FLORAL PARK,** according to the Plat thereof, as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in Official Records Book 11295, Page 435.

AND

Parcel A:

The South 8.14 feet of Lot 175, less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida.

Parcel B:

Lot 177, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.

Parcel C:

Lots 178 and 179, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.

CFN 20080184905
OR BK 22640 PG 0733
RECORDED 05/14/2008 16:25:48
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0733 - 745; (13pgs)

Prepared by/Return to:
Richard P. Zaretsky, Esq.
1655 Palm Beach Lakes Blvd.
Suite 900
West Palm Beach, FL 33401
(561) 689-6660
version 4.4

DECLARATION OF USE AGREEMENT BETWEEN THE TOWN OF PALM BEACH AND PALM BEACH ORTHODOX SYNAGOGUE, INC.

This Declaration of Use Agreement ("Declaration") is entered into this 12th day of May, 2008 by Palm Beach Orthodox Synagogue, Inc. ("Declarant") whose address is 120 N. County Road, Palm Beach, FL 33480 and the Town of Palm Beach, Florida, a municipal corporation ("Town").

RECITALS

A) WHEREAS, Declarant is the fee simple owner of that certain real property located at 122 N. County Road, Palm Beach, FL 33480, more completely described in Exhibit "A" attached hereto (the "Property").

B) WHEREAS, the Property as described in drawing dated June 12, 2007 drawn by Arthur Chabon Architect which is made a part of the application and shows certain 2nd floor space located in 122 North County Road, and depicts such certain space as "undeveloped". A partial reproduction of that drawing is attached hereto as Exhibit "B".

C) WHEREAS, Declarant, for the purposes of obtaining approval of the Town of Palm Beach Special Exception #3-2007, has agreed to enter into this Declaration of Use Agreement with the Town of Palm Beach as set forth in the Minutes of the meeting of the Town Council held on May 8, 2007. A partial reproduction of the minutes of that meeting, being all of the minutes relating to Special Exception #3-2007, is attached

hereto as Exhibit "C".

D) WHEREAS, Declarant, for the purposes of obtaining approval of the Town of Palm Beach Special Exception #3-2007, has agreed to allow seating and use in all areas other than the "undeveloped" area as set forth in Exhibit "B". Attached as Exhibits "D-1" and "D-2" are the room seating designations for the space other than the "undeveloped" area.

E) WHEREAS, the Town has as part of its file for Special Exemption #3-2007, full sets of the Exhibits A, B, C and D -1 and D -2 that are made a part of this Agreement and those drawings are incorporated into this Agreement.

NOW, THEREFORE, the parties agree as follows:

1) The foregoing Recitals are true and correct, and are incorporated herein by reference.

2) Declarant hereby imposes on the Property the seating and use designations provided for in Special Exception #3-2008 with Site Plan Review identified in exhibits D -1 and D -2 as follows:

a. The maximum of 158 seats are allowed in the sanctuary.

b. A maximum of 158 seats are allowed in the multi-purpose room when the sanctuary is not in use.

c. A maximum of 100 seats are allowed in the multi-purpose room when the sanctuary is in use.

d. A maximum of 21 seats are allowed to be used in the upstairs area as identified in D -1 and D - 2.

3) Declarant hereby imposes on the Property the following restriction of

the "undeveloped" area identified in Exhibit B as follows: The room depicted as the "undeveloped" area will remain vacant and locked at all times unless and until Declarant has received from the Town a variance and a modification to this Agreement so as to allow this restriction to be rescinded.

4) It is the intention of the Declarant that the limitation on use contained in this Declaration shall run with the land and with the title to the Property, and shall apply to and be binding upon and inure to the benefit of successors and assigns of Declarant, and to Town, its successors and assigns and to any and all parties hereafter having any right, title, or interest in the Property or any part thereof. The Town, its successors and assigns, may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate available legal remedies. Any forbearance on behalf of the Town to exercise its right in the event of the failure of the Declarant, its successors and assigns to comply with the provisions of the Declaration shall not be deemed or construed to be a waiver of the Town's rights hereunder. This Declaration shall continue in perpetuity, unless otherwise modified in writing by Declarant, its successors and assigns and the Town, its successors and assigns as provided in Paragraph 6 hereof. At such time as Declarant or any successor or owner of this Property has conveyed all of its right, title, and interest in the Property, Declarant shall have no further duties or obligations under this Declaration.

5) In order to ensure the perpetual nature of these restrictions, Declarant shall record this Declaration at its own expense. Declarant, its successors and assigns, shall reference this Declaration in any subsequent deed of conveyance including

the recording book and page of record of this Declaration; provided, however, if said reference is for some reason omitted, it shall be deemed to be included by virtue of the recording of this Declaration, and it shall continue to be binding upon any such grantee in the same manner as if the reference to this Declaration had been included in said deed.

6) This Declaration is binding until a release of covenant or other document evidencing the release is executed by the Town Manager or designee of the Town of Palm Beach and Declarant, or its successors or assigns, and is recorded in the county land records. This Declaration may be modified in writing only. Any subsequent amendment must be executed by both Declarant and the Town or their respective successors and assigns, and be recorded by Declarant or its successors and assigns.

7) If any provision of this Declaration is held to be invalid by any Court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions thereof. All such provisions shall continue unimpaired in full force and effect.

8) The Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement, including but not limited to: (a) the Town's Code Enforcement procedures in the Code of Ordinances; (b) revocation of the approval of expansion of the Synagogue and the additional seating relating thereto; (c) revocation of the occupational license: and (d) all remedies otherwise authorized in the Town's Code of Ordinances. All of such remedies shall be available as set forth in the Town's Code of Ordinances and in the civil courts of Palm Beach County, Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non-

performance of this Agreement, or any of its covenants, agreement, terms or conditions, the prevailing party shall be entitled to recover its costs, expenses and reasonable attorney fees incurred as a result of litigation, including appeals.

IN WITNESS WHEREOF, Declarant has executed this instrument this 8 day of April, 2008.

Witness

Witness

Witness

Witness

By: Richard P. Zaretsky, Esq.,
on behalf of
Palm Beach Orthodox Synagogue, Inc.
P.O. Box 1028
Palm Beach, FL 33480

By: PETER B. ELWELL, TOWN MANAGER
Town of Palm Beach

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 8 day of May, 2008, by Richard P. Zaretsky, authorized representative on behalf of the Palm Beach Orthodox Synagogue, Inc., who
X is personally known to me, OR
_____ has produced _____ as identification

BONITA NAMYSLOWICKI
MY COMMISSION EXPIRES AUG 07, 2009
#DD448832
Notary Public, State of Florida
Bonded through 1st State Insurance

Notary Public

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 12th day of May, 2008, by PETER B. ELWELL, on behalf of the Town of Palm Beach, who ✓ is personally known to me, OR_____ has produced _____ as identification

DIANE CAROL KASSOVER
MY COMMISSION # DD339965
EXPIRES: July 21, 2008
Fl. Notary Discount Assoc. Co.
1-800-3-NOTARY
Notary Public State of Florida

Notary Public

Approved as to legal form
and sufficiency

date: 5/8/08

John "Skip" Randolph, Town Attorney

RECOMMEND APPROVAL:

5/7/08

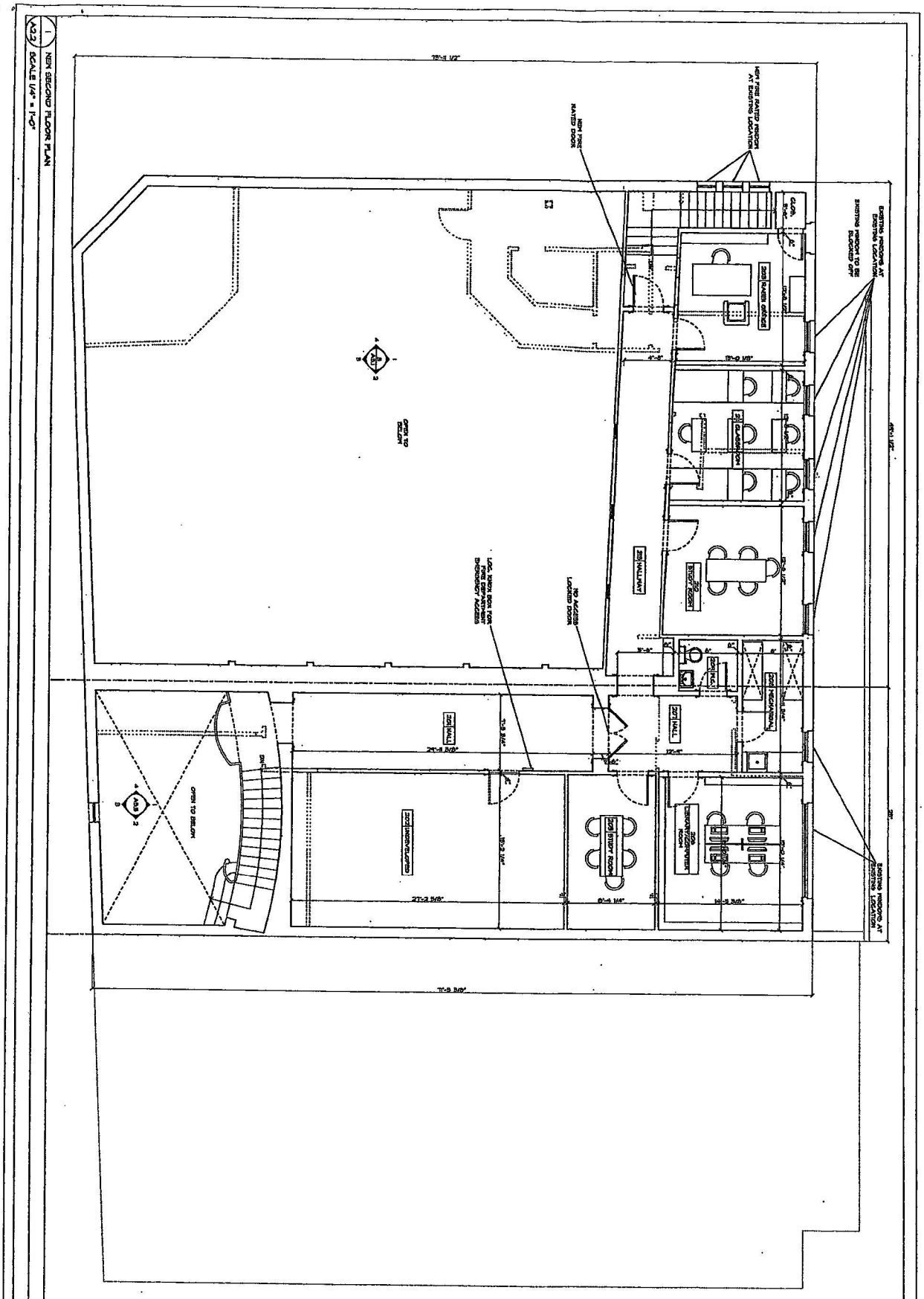
Paul Castro, AICP
Zoning Administrator

Special Exception No. 3-2007 with Site Plan Review

EXHIBIT A - LEGAL DESCRIPTION

Lots 178-176 and the South 8.14 Feet of Lot 175, Floral Park, as recorded in Plat Book 2, Page 6, Palm Beach County, Florida Public Records, less the East 15 Feet of County Road Right of Way.

EXHIBIT
A
285 of 350



NEW SECOND FLOOR PLAN	04-15-2007	A2.2
CHKD		

NO	ISSUE	DATE	NO	ISSUE	DATE
01	CLIENT REVIEW	11-27-06			
	CLIENT REVIEW	02-13-07			
	REVIEW	04-05-07			
04	REVIEW	04-18-07			

PALM BEACH SYNAGOGUE
PALM BEACH , FLORIDA

STATE OF FLORIDA REGISTERED ARCHITECT AR93009

ARTHUR CHABON ARCHITECT
3 WEST MAIN STREET , SUITE # 204
IRVINGTON, NY 10533
330 WEST 38TH ST., SUITE # 902
NY NY 10018
212 216 9268 TEL
914 478 1082 TEL
914 478 1597 FAX

EXHIBIT
6

In response to Council Member Coniglio, Mr. Castro advised that ARCOM had approved the project that met the Zoning Code without requiring a variance.

On roll call, the motion to deny Variance #3-2007 carried unanimously.

b. SPECIAL EXCEPTION #3-2007 WITH SITE PLAN REVIEW The application of Palm Beach Orthodox Synagogue, Inc. relative to property described as Floral Park Lots 178, 177, 176, and S. 8.14 feet of Lot 175; commonly known as 120, 122 and 126 North County Road; located in the C-TS Zoning District. Special Exception to expand the existing Synagogue by using the existing office building that was Rampell & Rampell as the foyer to join the applicant's property to the South (the operating sanctuary) to the property to the North (the previously approved multi-purpose room); and to reconfigure the 2nd story by removing 1,127 square foot thereof while retaining room for 3 offices. Based on the principle of equivalency of this use, the additional space will demand less parking than the previous use. The request proposes to increase the occupancy of the multi-purpose room from 132 (as allocated under Special Exception #14-99) seats to 158 seats to match sanctuary occupancy. In addition, this request also proposes to allow this multi-purpose occupancy to increase based on the permitted principal of equivalency for parking from the approved 52 (as allocated under Special Exception #27-2001) seats to 100 seats when the sanctuary is in use. Such increase does not maximize its permitted use under equivalency. *Deferred from the March 13, 2007, and April 10, 2007, Town Council meetings.*

Ex-parte communication was declared by President Kleid who had met with the President of the Synagogue several months ago.

Attorney Richard Zaretsky, on behalf of the applicant, provided an overview of the request for a special exception to expand the Synagogue using the existing office building that was Rampell & Rampell. He stated that the key point was that this had essentially been rolled back into a re-approval of Special Exception No. 15-2005, approved July 12, 2005. He noted that the primary focus was the upstairs of the old Rampell & Rampell building. He provided architectural plans to discuss the proposed project.

EXHIBIT
287 of 350

Zoning Administrator Castro reviewed the architectural plans to discuss the proposed project. He commented that if the Town Council approved the plan, as presented today, staff recommended, as a condition of that approval, a Declaration of Use Agreement, as it related to the enclosure of the vacant area, seating in the offices or the small study rooms, and specifically the use of that area. He advised that the applicant would have to come back before the Town Council when they wanted to use additional space, but they would have to find parking either in a shared parking concept with a variance request and a special exception or some other type of mitigating factor.

In response to President Kleid, Attorney Zaretsky responded that he questioned staff's request for a Declaration of Use Agreement.

In response to Attorney Zaretsky, Mr. Castro advised that they would still be short of parking spaces, but because of the proposed seating. He explained that the second floor plan had originally been for offices only, but the present proposal shown was for study rooms with more seating capacity. Staff looked at seating capacity, not just the room function, when the special exception use was for any assembly such as this. He noted that the seating capacity was a concern.

Mr. Castro advised that in addition to the execution of a Declaration of Use Agreement, a Unity of Title would be required in order to open up and join all three areas along with a special exception, a site plan review, and a parking analysis as it related to the proposal for the vacant area, which would be kept locked.

After further discussion, **a motion was made by Council Member Brooks to approve Special Exception #3-2007 with Site Plan Review with conditions that a Declaration of Use Agreement and a Unity of Title be executed by Attorney Zaretsky representing the Palm Beach Orthodox Synagogue and Director of Planning, Zoning, and Building Close representing the Town of Palm Beach.**

Ms. Close suggested that the Town Manager be authorized to execute the Declaration of Use Agreement.

Council Member Brooks amended his motion to authorize the Town Manager to execute the Declaration of Use Agreement on behalf of the Town. The motion was then seconded by Council Member Coniglio.

Mr. Castro clarified that the Declaration of Use Agreement would be related to the vacant room, and advised that staff wanted the Declaration of Use Agreement to include that the applicant agreed to keep that vacant room locked at all times. The area could only be used after they came back to the Town Council to get approval for its use, which might then require a variance for parking,

depending on what was proposed in respect to seating.

Discussion ensued relative to the entire upstairs area as it related to parking, and Attorney Zaretsky advised that President Kleid was correct that if that area was used for office space only, there would be enough parking, but if it was decided to use it for other reasons, there might not be enough parking.

On roll call, the motion carried unanimously.

Mr. Zaretsky advised that the Rabbi just mentioned to him that those rooms were previously designated as office space, and if the applicant applied for permitting for office space, then that would not be an issue.

Mr. Castro advised that would be the decision of the Town Council, because the applicant's proposal was to keep the vacant area locked. He noted that he would have to re-evaluate their seating again, as well, because the first proposal showed five offices and that would be a different parking scenario than was shown on their plans.

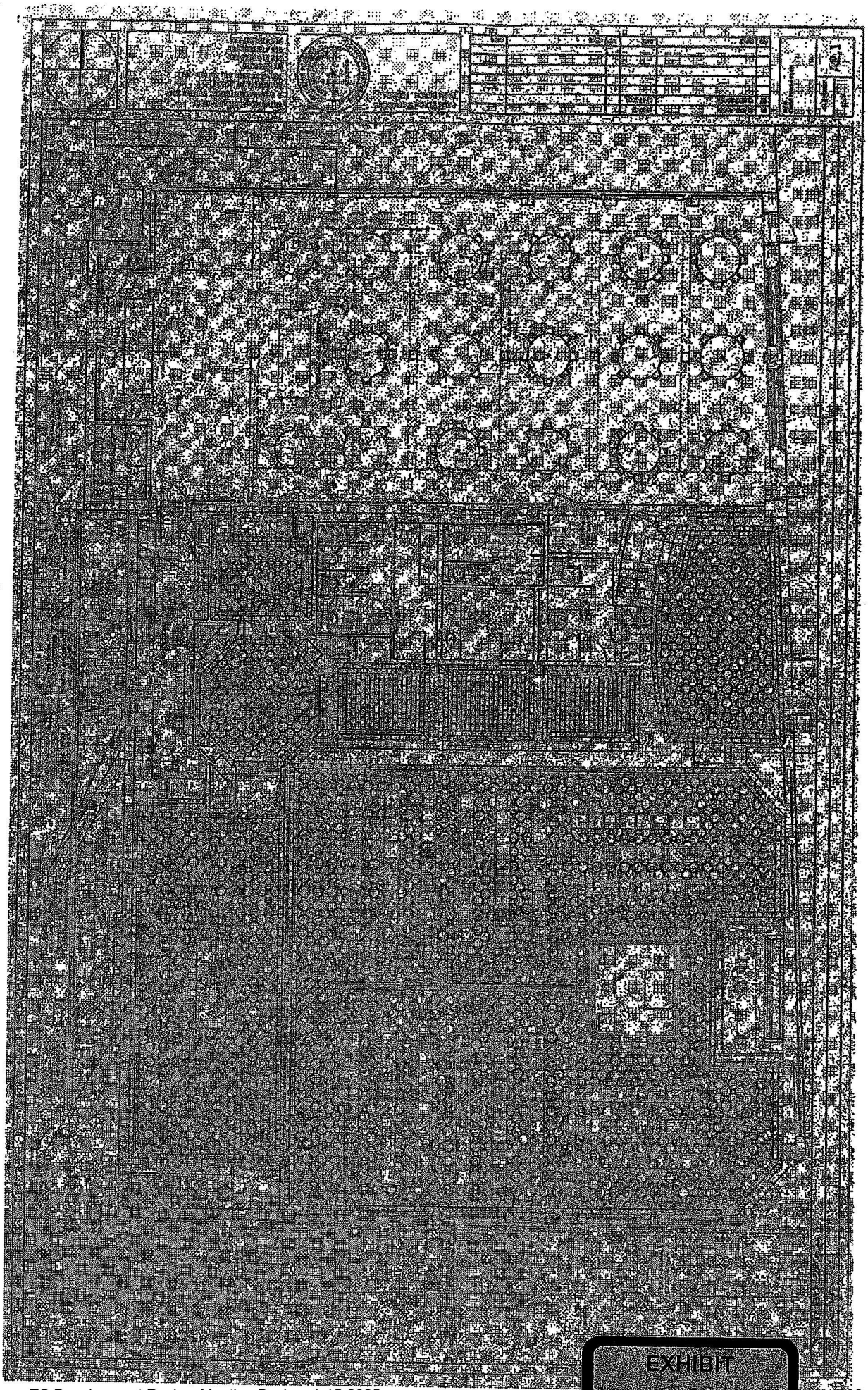
President Kleid advised that basically they had received the requested approval, and if they wanted more they would have to come back before the Town Council.

c. VARIANCE #9-2007 The application of Malcolm and Linda Glazer relative to property described as lengthy legal description on file; commonly known as 1482 South Ocean Boulevard; located in the R-AA Zoning District. Request for a variance to construct an elevator addition with a building height plane setback of 44.4 feet in lieu of the 60.3 feet minimum setback required by code. *Deferred from the April 10, 2007, Town Council Meeting.*

Item XII.C.3.b. was withdrawn under Item VII., Approval of Agenda.

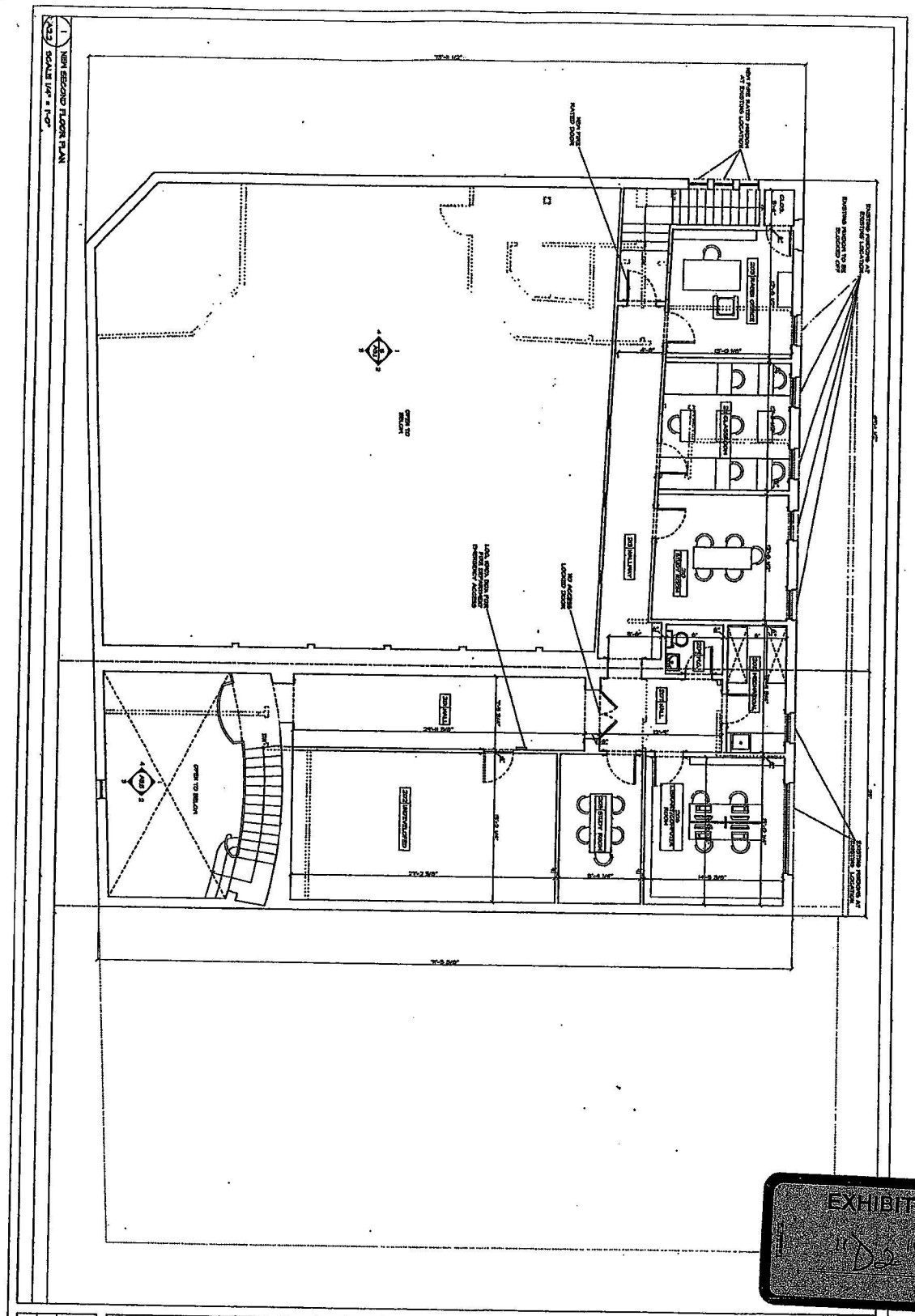
4. New Business- More Than 15 Minutes

a. SITE PLAN REVIEW #8-2007 WITH VARIANCE The application of Victor Moore and John J. Tatooles relative to property described as Lots 6 and 6A of OCEAN VIEW, according to the Plat thereof as recorded in Plat Book 21, Page(s) 16, of the Public Records of Palm



EXHIBIT

"D"


1 NEW SECOND FLOOR PLAN
A2.2
SCALE: 1/4" = 1'-0"
NEW FIRE RATED DOOR
NEW FIRE RATED DOOR
EXISTING OPENING TO BE CLOSED OFF
EXISTING OPENING TO BE CLOSED OFF
NO ACCESS LOCKED DOOR
LOCATION FOR FIRE DEPARTMENT EMERGENCY ACCESS
OPEN TO BELOW
OPEN TO BELOW
CORRIDOR
STORAGE
KITCHEN
MEN
WOMEN
CLOSET
CLOSET
CLOSET

Prepared by and return to:
Harvey E. Oyer, III, ESQ
525 Okeechobee Blvd. Suite 1100
West Palm Beach, FL 33401

AMENDMENT OF DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

PALM BEACH ORTHODOX SYNAGOGUE, INC.

_____, 2024

AMENDMENT OF DECLARATION OF USE AGREEMENT

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

WITNESSETH:

WHEREAS, the Town and PB Synagogue heretofore entered into a Declaration of Use Agreement, dated May 12, 2008, recorded in Official Records Book 22640, Page 0733, of the Public Records of Palm Beach County, Florida (the "Agreement"); and

WHEREAS, the Agreement affected certain land described therein located at 120 N. County Road within the municipal limits of the Town as more particularly described in Exhibit "A" attached hereto (the "Original Synagogue Property"); and

WHEREAS, this Amended Agreement affects the Original Synagogue Property and the additional property acquired by PB Synagogue described in Exhibit "B" attached hereto ("Chey Jean Pierre Property") and made a part hereof (the Original Synagogue Property together with the Chey Jean Pierre Property are collectively hereinafter referred to as the "Property") located at 120-132 N. County Road within the municipal limits of the Town; and

WHEREAS, the Agreement reflected the terms and conditions of a Special Exception / Site Plan Review approved by the Town for the existing synagogue (Special Exception #3-2007 with Site Plan Review), hereinafter referred to as the "Prior Approval"); and

WHEREAS, the Agreement provides that it may be amended by written instrument signed by all parties thereto; and

WHEREAS, on September 5, 2024, PB Synagogue submitted an application for a Special Exception Use / Site Plan Review / Variances (Application Number ZON-24-0055 and COA-24-0022, hereinafter referred to as the "Application") on the Property; and

WHEREAS, the terms and conditions contained in the Agreement are only applicable to the Prior Approval and are hereby repealed and replaced with the terms and conditions in this Amended Agreement as set forth herein; and

WHEREAS, the parties wish to amend the Agreement with this Amended Agreement to reflect the changes approved by the Town as part of the Application approval; and

WHEREAS, the Town Council conditionally approved the Application on _____, 2024 which granted approval of three (3) Special Exceptions for 1) Churches, synagogues or other houses of worship, 2) two-stories in the C-TS zoning district and 3) square footage greater than 3,000 square feet in the C-TS district with Site Plan Review, requiring nine (9) variances due to demolition exceeding 50%, renovations, and building additions, for 1) reduction in the minimum required front yard setback and pedestrian walkway, 2) reduction in the minimum required overall landscape open space, 3) reduction in the minimum front yard landscape open space, 4) increase in the maximum permitted building length, 5) reduction to the on-site parking requirement, 6) elimination of the minimum required number of berths (off-street loading spaces), 7) increase of the maximum permitted gross building area, 8) reduction in the minimum required side yard setback, and 9) reduction in the minimum required rear yard setback for the landmarked property (hereinafter referred to as the "Project"); and

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

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

ARTICLE I
REPRESENTATION OF AUTHORITY

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

ARTICLE II
SYNAGOGUE USE

The synagogue and accessory uses that are the subject of this Amended Agreement shall be as set forth in the Application and approved by the Town Council on _____, 2024 as the same may be amended from time to time (hereinafter referred to as the "Approval").

ARTICLE III
CONDITIONS

The Approval shall be based upon the following conditions:

1. The Project was approved for the continued operation of a synagogue with accessory uses as outlined in the Application.

2. The Sunday School accessory use shall be limited as follows:
    a) Attendees of the Sunday School shall be limited to the family members of the members of the synagogue;
    b) Sunday School shall only operate on Sundays;
    c) Sunday School shall not commence before 9:00 a.m. and shall conclude no later than 2:00 p.m.;
    d) Attendees of the Sunday School shall use a drop-off and pick-up procedure in the internal courtyard area; and
    e) Sunday School shall not operate at the same time as religious services in the sanctuary / worship hall.

3. PB Synagogue shall not operate any type of school for children (e.g., pre-school, K-12 school) on weekdays. The only permitted school shall be the Sunday School described herein.

4. The dining area accessory use is for the purpose of supporting synagogue and congregation activities. There shall not be separate simultaneous events in both the worship hall and dining area.

5. At all times, no less than 50% of the synagogue members shall consist of individuals who are "town-persons" as defined in the Town's Code. Unless otherwise waived by the Town, PB Synagogue is required to provide proof of town-serving compliance on an annual basis per the Town's code.

6. Special Events shall be limited to no more than 250 people. There shall be no more than three Special Events per month. A Special Event is defined as a member-sponsored function for 100 or more people within the confines of the Property and shall include charitable events, weddings, wedding rehearsal dinners, wedding receptions, bar mitzvahs, bat mitzvahs, and birthday parties ("Special Events"). Only a synagogue member may host a Special Event. One off duty police officer shall be required for all Special Events unless an alternative arrangement is recommended by the Town police. The PB Synagogue is required to maintain records of Special Events and will make such records available to the Town upon request. The PB Synagogue shall be required to keep such records for a period of no less than 12 months.

7. Valet parking is required to be available for synagogue members and guests during all Special Events that exceed 150 people in attendance.

8. The PB Synagogue shall maintain a parking agreement(s) with one or more licensed valet provider for off-site parking locations for use during Special Events. If the valet parking spaces are unavailable for any reason, PB Synagogue shall notify the Town's Director of Planning and Zoning within three business days after the spaces become unavailable.

9. The PB Synagogue shall maintain a parking agreement with one or more off-site parking locations for synagogue use during Saturday religious services. PB Synagogue shall furnish a redacted copy of such agreement to the Town. If the parking spaces become unavailable for any reason, PB Synagogue shall notify the Town's Director of Planning and Zoning within three business days after the spaces become unavailable.

10. The PB Synagogue shall instruct its delivery services to use the commercial loading zones adjacent to the Property on Sunset Avenue. There shall be no synagogue deliveries or vendor services before 7:00 a.m. or after 6:00 p.m.

11. The PB Synagogue shall enter into a Construction Management Agreement with the Town prior to the issuance of the first building permit for the Project.

12. The demolition and construction contemplated by the Approval shall be conducted pursuant to the Construction Management Agreement(s) entered into between PB Synagogue and Town prior to the issuance of a building permit for said demolition or construction.

13. The Town shall have the right to conduct inspections on the buildings and Property on a periodic basis to confirm compliance with this Amended Agreement. Failure to allow an inspection by the Town will constitute a violation of this Amended Agreement.

ARTICLE IV
VOLUNTARY AGREEMENT

PB Synagogue agrees to be bound by the terms and conditions in this Amended Agreement.

ARTICLE V
REMEDIES FOR VIOLATION

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

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

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

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

ARTICLE VI
PROVISIONS TO RUN WITH THE PROPERTY

This Amended Agreement shall run with the Property and shall be binding upon PB Synagogue, and shall terminate upon the termination of PB Synagogue's business tax receipt for operation of a synagogue, or rescission of the Approval. This Amended Agreement shall be recorded by PB Synagogue in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

ARTICLE VII
ENTIRE AMENDED AGREEMENT

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

ARTICLE VIII
EFFECTIVE DATE

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

ARTICLE IX
MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

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

[Signatures, Notary, and Exhibits to follow]

Signed, sealed, executed, and acknowledged on this _____ day of _____, 2024. In Palm Beach County, Florida.

IN WITNESS WHEREOF

Owner

_____
Witness # 1 Signature

_____
Palm Beach Orthodox Synagogue, Inc.

_____
Witness # 1 Printed Name

_____
Witness # 2 Signature

_____
Witness # 2 Printed Name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2024, by _____who ☐ is personally known to me or who ☐ has produced _____ as identification.

_____
Notary Public –

_____ Notary Seal:
My Commission Expires:

TOWN:

TOWN OF PALM BEACH

IN WITNESS WHEREOF By:_____
Kirk Blouin, Town Manager

_____
Witness # 1 Signature

_____
Witness # 1 Printed Name

_____
Witness # 2 Signature

_____
Witness # 2 Printed Name

STATE OF FLORIDA

COUNTY OF PALM BEACH

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

_____
Notary Public – State of Florida

Notary Seal: _____

ATTEST:

_____
Kelly Churney, Acting Town Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

_____
Joanne M. O'Connor, Town Attorney

EXHIBIT "A"

LEGAL DESCRIPTION:
Lots 178-176 and the South 8.14 Feet of Lot 175, Floral Park, as recorded in Plat Book 2, Page 6, Palm Beach County, Florida Public Records, less the East 15 Feet of County Road Right of Way.

EXHIBIT "B"

LEGAL DESCRIPTION:
A parcel of land bounded by the existing exterior walls of the Richardson Greenfield Securities Building and the West right-of-way line of South County Road, Town of Palm Beach, Florida; said parcel of land being part of Lots 175 and 176, Plat of **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, and being more fully described as follows:

COMMENCING at the Southeast corner of said Lot 176;
Thence, North 90°00'00" West, along the South line of said Lot 176, a distance of 15 feet to the intersection thereof with the West right of way line of South Country Road and the **POINT OF BEGINNING;**

Thence, continue North 90°00'00" West, along the South line of said Lot 176, a distance of 5 feet, more or less, to the Southeast corner of the said Richardson Greenfield Securities Building;
Thence, continue North 90°00'00" West, along the South face of said building, a distance of 76 feet, more or less, to the Southwest corner of said building;
Thence, Northerly along the West face of said building, a distance of 27.9 feet;
Thence, Easterly along the Northerly face of said building a distance of 5.4 feet;
Thence, Northerly, along the West Face of said building, a distance of 5.3 feet;
Thence, Easterly along the North face of said building, a distance of 74.41 feet, more or less, to the Northeast corner of said building;
Thence continue Easterly along said line, a distance of 5 feet to the West right of way line of said South County Road;
Thence, South 02°45'00" East, along said right of way line a distance of 33.2 feet, more or less, to the **POINT OF BEGINNING.**

The bearings stated herein are based on an assumed North 90°00'00" West, along the South line of Lot 176;

AND

Lots 173 through 176 together with lots 180 through 183, inclusive, Plat of **FLORAL PARK**, as recorded in Plat Book 2, page 6, Public Records of Palm Beach County, Florida.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS

The South 8.14 feet of Lot 175, Less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, of the Plat of **FLORAL PARK** according to the Plat thereof, as recoded in Plat book 2, Page 6, of the Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in official Records Book 13287, Page 1027, in the Public Records of Palm Beach County, Florida.

AND

LESS AND EXCEPT:
Lots 178 and 179, **FLORAL PARK,** according to the Plat thereof, as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in Official Records Book 11295, Page 435.

AND

Parcel A:

The South 8.14 feet of Lot 175, less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida.

Parcel B:

Lot 177, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.

Parcel C:

Lots 178 and 179, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0053 (ARC-24-0086) 240 EL DORADO LANE (COMBO) – SITE PLAN REVIEW & VARIANCES. The applicant, Henry and Laura McNamara (B1 Architect) have filed an application requesting Town Council review and approval for a site plan review and two (2) variances related to angle of vision and rear yard setback resulting from significant demolition and additions to a single-family house. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 5-2.]*

Presenter

ATTACHMENTS:

- **Letter of Intent**
- **Plans 1 of 2**
- **Plans 2 of 2**

B1 ARCHITECT
ARCHITECTURE PLANNING INTERIOR DESIGN

August 26, 2024

To: Town of Palm Beach
Architectural Review Board Members and Planning Department Staff
RE: Request for ARCOM Approval for New Residence located at 240 El Dorado Lane

Dear Board Members and Planning Staff,

Our office, B1 Architect, LLC represents (the "Applicant"), the owner of the above referenced parcel located at 240 El Dorado Lane, Palm Beach FL. Please consider this letter to serve as the letter of intent in support of the owner's request for ARCOM approval for the addition/renovation to an existing single-family residence.

The property is located in the RB zoning district and is approximately 10,480 square feet in size. The existing one-story single-family home will be modified, demolishing some portions of the residence while adding additional total square footage. The proposed project will add an additional 625 s.f. of air-conditioned space, 202 s.f. of garage space, and 280 s.f. of covered terrace area for a total of 4,170 s.f. (39.8%) lot coverage. The proposed residence will include 5 bedrooms, office, swimming pool, and covered outdoor area.

On the front façade, the existing pediment, columns and bay window have been removed. The proposed facade still maintains the existing eave condition of the main portion of the massing. The new redesign has Bermuda inspired entry feature with a scalloped gabled end and an aluminum and glass front door in a herringbone pattern surrounded by a casing of Dominican coquina. The white windows are flanked by blue aluminum shutters (BM-Cool Blue 2058-40). The painted stucco finish house color is white (F&B James White No. 2010), the roof is a white flat concrete tile and the garage doors are to be clad with a whitewashed oak, laid on a diagonal to match the front door.

The proposed new home complies with requirements for setbacks, height, cubic content, and green space. Variances are being requested due to the existing non-conforming lot, which has special circumstances to the land which are not the result of the applicant. The existing lot is only 85' deep as opposed to the required 100'. This lack of depth also results in a variance being requested for a non-conforming angle of vision. The proposed angle of vision is 122 degrees in lieu of the 100 degrees allowed. Granting of these variances is consistent with the previous approvals and rights commonly enjoyed by other properties on this street. The proposed residence is appropriate in relation to the established character of other structures within the immediate area.

Relief is being requested for:

Section 18-205, Criteria for a building permit. The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality. The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value. The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan. The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance: a. Apparently visibly identical front or side elevations; b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements. The proposed building or structure is not excessively dissimilar in relation to any other structure existing or

for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features: Height of building or height of roof. b. Other significant design features including, but not limited to, materials or quality of architectural design. c. Architectural compatibility. d. Arrangement of the components of the structure. e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners. f. Diversity of design that is complimentary with size and massing of adjacent properties. g. Design features that will avoid the appearance of mass through improper proportions. h. Design elements that protect the privacy of neighboring property. The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys). The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

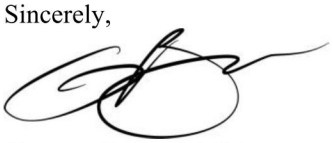
Section 18-206, The criteria for a demolition permit. The property is not designated a landmark and is not included on a list of properties within the planning, zoning and building department placed under consideration as a landmark structure.

Section 134-201, Finding prior to authorization, Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. The special conditions and circumstances do not result from the actions of the applicant. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district. Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. 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.

Our design would be in keeping with the other residences on the street. Since the lot is deficient in the depth, by no fault of the owner, the only buildable area would be to the sides of the property. If the lot were the standard depth, the structure would conform with its width. All other houses on this street exceed the angle of vision, and would also require a variance. This request is in keeping with the surrounding properties.

We feel that our design is in keeping with the intent of the code and design guidelines in terms of use, neighborhood context, character, scale, massing and design. We believe our elevations are well articulated and believe that the approval of this new well-designed home will be a great improvement to the area and ask that the Board approve our application as submitted.

Sincerely,



Gregory Bonner, A.I.A,
B1 Architect LLC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0056 (COA-24-0021) 225 S COUNTY RD (COMBO) - VARIANCES. The property owner, Sphinx Properties LLC, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the minimum front yard setback and 2) increase the angle of vision associated with new trellises for the property currently under consideration to be Landmarked. The Landmarks Preservation Commission shall perform design review of the application impacting the property under consideration to be Landmarked. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project. Carried 7-0.]*

Presenter

ATTACHMENTS:

- **Letter of Intent**
- **Plans 1 of 2**
- **Plans 2 of 2**

SKA
ARCHITECT + PLANNER

RE: 225 South County Road
Palm Beach, FL 33480

Date: September 06, 2024

SKA Architect + Planner – LETTER OF INTENT

RELATED TO THE RENOVATION OF TWO STORY RESIDENCE AT 239 TANGIER AVENUE

A) LANDMARKS Sec. 54-1

The submitting party, Daniel Tanious, is seeking Landmarks Commission review and approval for the renovation of a 3,556 sq. ft., 3-story residence built in 1924 (non-conforming and non-historic). The proposed renovations include a new roof, stucco, windows, and doors, as well as updated landscaping and hardscaping. Interior modifications will involve adjusting the location of one window in the master bedroom, relocating the master bathroom, and improving circulation in the living room and den.

Two variances are needed: one to reinstall a non-conforming trellis from the original design, and another to allow for an increase in the allowable angle of vision to 132 degrees, as detailed in Section 134-893(b)(6). The design will be reviewed by the Landmarks Commission.

B) VARIANCES Sec. 135-1576

1. A variance is sought to permit the reconstruction of a non-conforming trellis that was part of the original building design and encroaches upon the current front yard setback requirements.

2. A second variance is requested for an increase in the allowable angle of vision from 50 degrees to 132 degrees. As outlined in Section 134-893(b)(6), the allowable angle of vision increases by two degrees for every 10 feet of lot width exceeding the minimum lot width requirement. This adjustment is necessary to accommodate the unique conditions of the property while adhering to the overall intent of the zoning regulations.

Sincerely,

Patrick W. Segraves, A.I.A.

249 PERUVIAN AVE., SUITE F-2 • PALM BEACH, FL 33480 • 561-655-1116 • FAX 561-832-7828

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0061 (ARC-24-103) 1247 S OCEAN BLVD (COMBO) – SPECIAL EXCEPTION AND VARIANCE. The applicant, Providencia Partners LLC (Maura Ziska, Authorized Signatory), has filed an application requesting Town Council review and approval for a special exception (1) to construct a pickleball court and a variance (1) to exceed maximum wall height permitted within the front yard setback, as part of a previously approved application for development of a residential estate. The Architectural Commission shall perform design review of the application.*[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 7-0.]*

Presenter

ATTACHMENTS:

- **Letter of Intent**
- **Plans 1 of 4**
- **Plans 2 of 4**
- **Plans 3 of 4**
- **Plans 4 of 4**

SMITH AND MOORE ARCHITECTS, INC.

Harold Smith • Jonathan Moore • Peter Papadopoulos • Daniel Kahan

Re: 1247 South Ocean Blvd (Formerly 60 Blossom Way)
Palm Beach, FL 33480

October 21, 2024

LETTER OF INTENT (LOI)
ARC-24-0103
ZON-24-0061

REQUESTED MODIFICATIONS TO A PREVIOUS ARCOM APPROVAL FOR – THE CONSTRUCTION OF NEW RESIDENCE, GUEST HOUSE, AND ASSOCIATED HARDSCAPE, LANDSCAPE, AND SITE IMPROVEMENTS

Please find for review the attached drawings for our project at 1247 South Ocean Blvd in the R-AA Zoning District of Palm Beach. The current application is requesting a slight increase to the height of the previously approved privacy/site walls fronting on South Ocean Boulevard. Due to the low street elevation, and the natural reduction in height of the road from north to south along the property frontage, these walls are in excess of the height allowed by code.

The originally approved proposal was for the unification of 10 Blossom Way, 70 Blossom Way, 60 Blossom Way, and a portion of 1265 South Ocean Boulevard. The proposal on the newly formed property is to construct a new one-story main house and new one-story guest house at the eastern end of the property. Associated gardens, pools, and site improvements are also being proposed. We believe the proposal is in accordance with the following guidelines:

ARCHITECTURAL REVIEW IN ACCORDANCE WITH SECTION 18-205 AND 18-206:

Sec. 18-205. - Criteria for building permit.

1. The plan for this proposed residence is in conformity with good taste and design and in general contributes to the image of the town and neighborhood as a place of beauty, spaciousness, balance, charm and high quality.
2. The plan for the proposed building or structure is reasonably protected against external and internal noise and other factors that would tend to make the environment less desirable.
    a. The plans show that major entertaining spaces are centrally located on the site placing these spaces far as possible from neighboring properties.
    b. The pool area is located at the rear of the residence.
    c. The proposed generator and pool equipment are located in a walled enclosure on the North side of the house.
3. The proposed building exterior design and appearance is not of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance value.
4. The proposed residence is in harmony with the proposed developments on land in the general area and with the compressive plan for the town.

1500 South Olive Avenue • West Palm Beach, Florida 33401
Telephone (561) 835-1888 • Fax (561) 832-7015
www.smithmoorearchitects.com • Florida AAC No. 001285

3. The granting of the variance will not confer on the applicant a special privilege. There are other properties in the neighborhood with higher walls constructed prior to today's zoning code requirements.
4. The proposed increase in height is minor and necessary to protect the privacy of the residents.
5. The variance requested in the minimum necessary to make reasonable use of the land in order to create a modest addition.
6. Granting the variance will not be injurious to the neighborhood as the request is minor and is necessary to properly screen the property.

Sincerely,

Daniel Kahan

Principal Architect

1500 South Olive Avenue • West Palm Beach, Florida 33401
Telephone (561) 835-1888 • Fax (561) 832-7015
www.smithmoorearchitects.com • Florida AAC No. 001285

5. The proposed residence is not excessively similar to any other structure existing or within 200 feet of the proposed site in respect to one or more of the following features of the exterior design and appearance:

    a. This proposal does not have apparently visible identical front or side elevations.
    b. This proposal does not have substantially identical size and arrangement of either doors, windows, porticos or other opening or breaks in the elevation facing the street, including reverse arrangement.
    c. We do not have other significant identical features of design such as, but not limited to, material roof line and height of other design elements.
6. The proposed residence is not excessively dissimilar in relation to any other structures existing or within 200 feet of the proposed site in respect to one or more of the following features:
    a. Height of building or height of roof.
    b. Other significant design features including, but not limited to, materials or quality of architectural design.
    c. Architectural compatibility.
    d. Arrangements of components of the structure.
    e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
    f. Diversity of design that is complimentary with the size and massing of adjacent properties.
    g. Design features that will avoid the appearance of mass through improper proportions.
    h. Design elements that protect the privacy of a neighboring property.
7. The proposed addition or accessory structure is subservient in style and massing to the principal or main structure. This is not applicable; however, the design keeps the garage wing subservient to the principal mass.
8. The proposed residence is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
9. The proposed development is in conformity with the standards of this code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved. The proposed design meets the zoning code without requiring variances.
10. The projects' location and design adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways and similar features. The proposed residence does not negatively impact any existing natural features.

Special Exception
Section 134-1759(e) & (d): A request for a special exception for the construction of a Pickleball court.

Variances 134-201
Section 134-1475(c)(1): Request to allow a wall height ranging from 6.9' to 8'0 ½" in lieu of the six foot (6') maximum allowed above the crown of road along South Ocean Boulevard.

1. The property is located in the R-A-A Zoning District and due to the low street elevation and the natural reduction in height of the road from North to South along the property frontage, these walls are in excess of the height allowed by code.
2. The applicant was not the cause of the special conditions of the property, as the characteristics of the land have been in existence before they acquired the land.

1500 South Olive Avenue • West Palm Beach, Florida 33401
Telephone (561) 835-1888 • Fax (561) 832-7015
www.smithmoorearchitects.com • Florida AAC No. 001285

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0068 (ARC-24-0110) 233 OLEANDER AVE (COMBO) - VARIANCES. The applicants, Kimmi & David Smick of CWI233 LLC, have filed an application requesting Town Council review and approval for two (2) variances to (1) revest existing nonconforming landscape open space and (2) to revest existing nonconforming perimeter landscape open space; resulting from the substantial improvement of more than 50% of the site. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project for Option 4. Carried 6-0.]*

Presenter

ATTACHMENTS:

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

B BELL DESIGN, INC
Estate gardens ◦ Hospitality ◦ Development
Palm Beach ◦ Southampton ◦ Washington, D.C.
www.belldesigninc.net ◦ rbell@belldesigninc.net ◦ +1 410 310 6374

October 21st, 2024

Development Reviewer
Planning, Zoning & Building Department
360 South Country Road
Palm Beach, FL 33480

Re: Letter of Intent - PROJECT #: ARC-24-0110

Dear Sir/Madam:

Please find in this LOI information regarding the proposed site alterations at 233 Oleander Avenue, Palm Beach, FL 33480. As the agent and landscape architect for clients Kimberly and David Smick, I propose the following:

> Revising the front driveway and walkways to create a more attractive and functional entry sequence while providing more screening of the parking from both the roadway and neighbors. New decorative aluminum garden gates in the front garden area to secure the property and create an attractive view of the property from Oleander Avenue. New decorative aluminum screening of HVAC/pump area. Expanding greenspace areas along the west and north property lines with new trees, hedges and herbaceous materials. Replacing the existing rear terrace paving and adding new water storage methods under the paved areas to mitigate existing drainage issues and bring the property into current code compliance.

The residence was built in 1955 as two rental units with renovations in the 1970s, 1990, and finally in 2011 to combine the units and add the attached garage. Over the years the landscape has deteriorated and the present site has little foliage and persistent drainage issues that require remediation

Variances requested will likely include those for Landscape Open Space and Perimeter Open Space. The existing building footprint and required paving for normal vehicle & pedestrian accommodation and standard use does not does not allow expansion of landscape areas to the full required amounts of LOS and POS without detriment to the owners' full use and enjoyment of the property. The new plans propose increasing the square footage of all the exterior green areas, replacing existing paving with new pervious paving, and upgraded hedges and trees to create new screening between all adjacent properties and the street.

Sincerely,

ROBERT J. BELL
President

Bell Design, Inc.
1901 Columbia Rd NW #504
Washington, D.C. 20009

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0069 343 EL BRAVO WAY – VARIANCE The applicant, Hilarie L. Morgan as Trustee of The Mitchell and Hilarie Morgan Palm Beach Trust Dated May 21, 2007, has filed an application requesting Town Council review and approval of a variance to reconstruct a marine structure (dock) with a deficient south side-setback.

Presenter

ATTACHMENTS:

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

LETTER OF INTENT
RELATED TO THE BOAT DOCK AT 343 EL BRAVO WAY

November 13, 2024

We are pleased to submit the accompanying drawings to install a marginal dock and floating vessel platform to the west at 343 El Bravo Way. 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 marginal dock and floating vessel on the west side of their property. The variance being requested is per Section 62-74(2)(i): A variance for a boat dock setback of 16' at the South property line in lieu of the 17' setback existing and the 25' minimum 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 due to the design requirements for this particular dock and applicant's boat to be moored as such, the extra 9 feet from the setback is needed.**
2. **The special conditions and circumstances related to the variances do not result from the actions of the Applicant because the 25' setback requirement is arbitrary and doesn't account for different boat mooring needs.**
3. **The granting of the variances will not confer on the applicant a special privilege because other property owners have varying setbacks for docks along Lake Worth.**
4. **The hardship, which runs with the land, is that it would be impossible to safely moor a vessel outside of the allowable 25 foot setback so a variance would be justified for this property on Everglades Island.**
5. **The variance requested is the minimum necessary to make reasonable use of the land considering the need to replace the existing dock that is in extreme disrepair.**
6. **The granting of the variance will be in harmony with the general intent of the ordinance and not be injurious to the neighborhood. Many other docks along Lake Worth are within the 25 foot setback.**

Sincerely,

Maura Ziska

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0071 (ARC-24-0118) 239 WORTH AVE (COMBO) VARIANCES AND SITE PLAN REVIEW. The applicant, CSPB WORTH LLC, has filed an application requesting Town Council review and approval for Variances to reduce the required on-site parking for a retail addition, to exceed the maximum allowable lot coverage for a one-story commercial building, and to reduce the required overall landscape open space in order to construct a new one-story addition to the rear of an existing one-story commercial building in the C-WA district. The Architectural Commission shall perform design review of the application.

Presenter

ATTACHMENTS:

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

January 03, 2025

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

Project : Addition to Bottego Veneta
239 Worth Avenue
Palm Beach, Florida 33480
ARC-24-0118/ZON-24-0071

LETTER OF INTENT, (Final Submittal) Town Council Development Review

Zoning for the project is C-WA : Commercial Worth Avenue

This Development Review submittal is for a one story addition of 1,137 square feet to rear of **Bottega Veneta**, 239 Worth Avenue. The existing store is 1276.0 SF, total proposed for Bottega Veneta is 2,413 SF. The addition will match the existing building.

A variance is required to allow the expansion without providing parking:

VARIANCE 1: Sec. 134-2176: A variance to not provide the required six (6) on-site parking spaces for a 1137 SF retail addition.

VARIANCE 2: Sec. 134-1163(11): A variance to reduce overall landscape open space from existing 3,148 SF (25%) to proposed 2,011 SF (16.08%) when 1,875 SF (15%)is required for a one-story addition.

VARIANCE 3: Sec. 134-1163(9): A variance to exceed the maximum allowable lot coverage of 9,375 SF (75%) to permit 10,401 SF (83.2%) from existing 9,264 SF (74.12%) for a one-story addition. **The proposed expansion of the store square footage is to accommodate an existing retailer who is in need of additional space and storage.**

1) The applicant was not the cause of the existing needs of the retailer needing more space.

2) Granting the variances will not confer on the applicant a special privilege as very few if any small retail shops on Worth Avenue have on-site parking.

3) The hardship for not adding on-site parking is because there is not room on the site for surface parking spaces and applicant is unable to add greenspace.

4)The granting of the variances will be in harmony with the general intent of the district and will not be detrimental to the public welfare as the customers on Worth Avenue both park on the street or the Apollo parking lot or other parking lots.

Do not hesitate to contact me if any questions arise.

Respectfully submitted,

Jerome I. Baumoehl, NCARB
Jerome Baumoehl Architect, Incorporated

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0070 306 MADDOCK WAY – VARIANCE. The applicant, Cecilia L. Kemble, has filed an application requesting Town Council review and approval of a variance to construct a boat dock that exceeds the maximum width permitted.

Presenter

ATTACHMENTS:

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

LETTER OF INTENT
ZON-24-0070
RELATED TO THE BOAT DOCK AT 306 MADDOCK WAY

December 2, 2024

We are pleased to submit the accompanying drawings to install a dock, boat lift and two dolphin mooring piles to the west at 306 Maddock Way. Please note the following:

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161
Not applicable - This property is not landmarked

B) ARCOM 18-205
Not applicable

B) ARCOM 18-206
Not applicable

C) SPECIAL EXCEPTION 134-229
Not applicable

D) SITE PLAN REVIEW 134-329
Not applicable

E) VARIANCES 134-201
The applicant has filed an application requesting Town Council to review and approve a dock and boat lift on the west side of their property. The variances being requested are per Section 62-74(2) and Section 62-74(h): A variance for a new boat dock with a gangway width of 17' in lieu of the 10' maximum gangway width permitted.

The following criteria is in support of the variance request:

1. **The special conditions and circumstances peculiar to this land which are not applicable to other lands in the same zoning district due to the design requirements for this particular dock and applicant's boat to be moored as such, the extra width is required.**
2. **The special conditions and circumstances related to the variances do not result from the actions of the Applicant because the 10' width requirement is arbitrary and doesn't account for different boat mooring needs.**
3. **The granting of the variances will not confer on the applicant a special privilege because other property owners have varying widths of docks along Lake Worth.**
4. **The hardship, which runs with the land, is that it would be impossible to safely moor a vessel within the allowable 10 foot width so a variance would be justified for this property on Everglades Island.**
5. **The variance requested is the minimum necessary to make reasonable use of the land considering the need to have a wider dock for mooring.**
6. **The granting of the variance will be in harmony with the general intent of the ordinance and not be injurious to the neighborhood. The intention of Section 62-76(h) is for a limitation of the width of a dock that would be adjacent to the land, not a dock that is out in the water.**

Sincerely,

Maura Ziska

Maura Ziska

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda
Time Extensions

Agenda Title
Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at **441 Seaview Ave.**

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 15, 2025

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Manager in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 441 Seaview Ave, Permit B-22-97563

Date: December 26, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Tim Givens for Tim Givens Building & Remodeling regarding a second time extension in which to complete the renovations at 441 Seaview Ave. The request is to extend the permit by eight months – until August 31, 2025.

GENERAL INFORMATION

The current owner is 441 Seaview LLC, which purchased the property in March of 2022. The building permit was issued on February 22, 2023, with a duration of 16 months – expiration date 06/21/2024. The Town Council previously granted an extension for six months with an expiration date of December 31, 2024. At this time, the contractor explains in his letter dated December 20, 2024, the need for a second time extension is due to the size of the property causing no onsite parking and limited space to accept deliveries which has caused setbacks to get all trades and materials on site. To keep from disrupting neighbors during the season they want to postpone all streetside exterior work until May allowing all interior work to be completed by end February 2025. The revised construction schedule shows completion by August 31, 2025.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from Tim Givens, with Construction Schedule
Letter for nuisance mitigation measures
Permit Summary for the Property
Property Appraiser Details for the Property
Neighbor notice

TOWN OF PALM BEACH

Planning, Zoning and Building

RECEIVED
DEC 2 6 2024
TOWN OF PALM BEACH
PZB DEPARTMENT

Ext Permit- 24-00034

THIS IS A REQUEST FOR:

__X__ **BUILDING PERMIT TIME EXTENSION**

_____ **WAIVER OF TOWN CODE SECTION 42-199, CONSTRUCTION WORKING HOURS**

Any request for a Building Permit Time Extension OR Waiver of Town Code Section 42-199, Construction Working Hours must be submitted to the Town no later than 30 days PRIOR to permit expiration or period of request. Please send the following items to Director Bergman and Michelle Sentmanat at msentmanat@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension or waiver is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide a Statement of Nuisance Mitigation measures currently in place on the site.
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 or waiver is to be considered.
5. Include with the above Statement, a copy of the above notification to neighbors. NOTE: Must include in the notification letter the permit number, site address and meeting date at which this matter will be considered. Also, the following statement must be included in the notification: Comments or concerns regarding this request may be emailed to publiccomment@townofpalmbeach.com.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – pay all applicable fees by the submittal deadline.

Deadlines: See Schedule for submittal deadlines (page 3). Town Council Meeting dates are subject to change. Please visit our website at **www.townofpalmbeach.com**

- Town Council Development Review Date (Wednesday meeting): January 15, 2025
- Deadline for submittal of request/backup must be received by: _____
  (Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: mailed December 20, 2024; Certificate of Mailing delivered December 20, 2024
  (Notice to Neighbors must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-22-97563 Exp. Date: 12/31/24

Job Address: 441 Seaview Ave. Palm Beach, FL 33480

Length of time extension being requested: (in days) 243 days

Specific request for waiver/working hours being proposed: _____

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

Contact: Tim Givens Phone: 561-533-5828

Email: timgivensbuilding@outlook.com

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

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Job Address: 441 Seaview Ave

Permit# : B-22-97563 Job Value $ 730,000.00
Permit# : _____ Job Value $ _____
Permit# : _____ Job Value $ _____
Permit# : _____ Job Value $ _____
TOTAL valuation of project $ _____

Value of work remaining to complete the project, even if included in valuation above. Include labor, materials and the value of any owner supplied items, etc $ 75,000

Time Extension fee due based upon 1% of this amount: $ _____
Waiver fee due $ _____
Technology Fee (2% of permit fee above) $ _____
Total Time Extension/Waiver Fee Paid:
(attach a copy of the receipt for payment) $ _____

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

[signature] 12-20-24
OWNER SIGNATURE DATE

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 20 day of December

20 24, By Nancy Gauer

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

Matthew Holmes
Printed Name of Notary

[signature]
Signature of Notary

SEAL:

MATTHEW HOLMES
Notary Public - State of Florida
Commission # HH 225415
My Comm. Expires Feb 18, 2026
Bonded through National Notary Assn.

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

[signature] 12-20-24
CONTRACTOR SIGNATURE DATE

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 20 day of Decem

2024, By Tim Givens

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

Matthew Holmes
Printed Name of Notary

[signature]
Signature of Notary

SEAL:

MATTHEW HOLMES
Notary Public - State of Florida
Commission # HH 225415
My Comm. Expires Feb 18, 2026
Bonded through National Notary Assn.

TIM GIVENS BUILDING & REMODELING, INC.

December 20, 2024

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

Re: 441 Seaview, Palm Beach – Permit Extension

To Whom It May Concern:

We are requesting an 8-month extension on Permit B-22-97563 to complete the remaining interior finishes and exterior work by August 31, 2025.

Exterior work to be completed:

- Drainage
- Landscaping
- Driveway
- Paving

Interior work to be completed:

- Painting/wallcoverings
- Window treatments
- Furnishings & Artwork

Due to the small size of the property, there is no on-site parking and limited space to accept deliveries, which has proven to be a setback to getting all the trades and materials on site in the allotted timeframe.

To keep from disrupting the neighbors during the season, we propose to postpone all streetside exterior work until May 2025. All interior work is set to be completed by end of February 2025 including furnishings and artwork.

Sincerely,

Tim Givens

Tim Givens Building & Remodeling, Inc.

TIM GIVENS BUILDING & REMODELING, INC.

December 20, 2024

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

Re: 441 Seaview, Palm Beach – Permit Extension

To Whom It May Concern:

We are requesting an 8-month extension on Permit B-22-97563 due to the extent of the remodel. We have taken the necessary construction mitigation precautions throughout this project and will continue to do so for the duration of construction. We have full-time parking enforcement for traffic, safety, and parking management, a new site wall, a silt fence for all soil run offs, and a transportation shuttle to minimize parking demand.

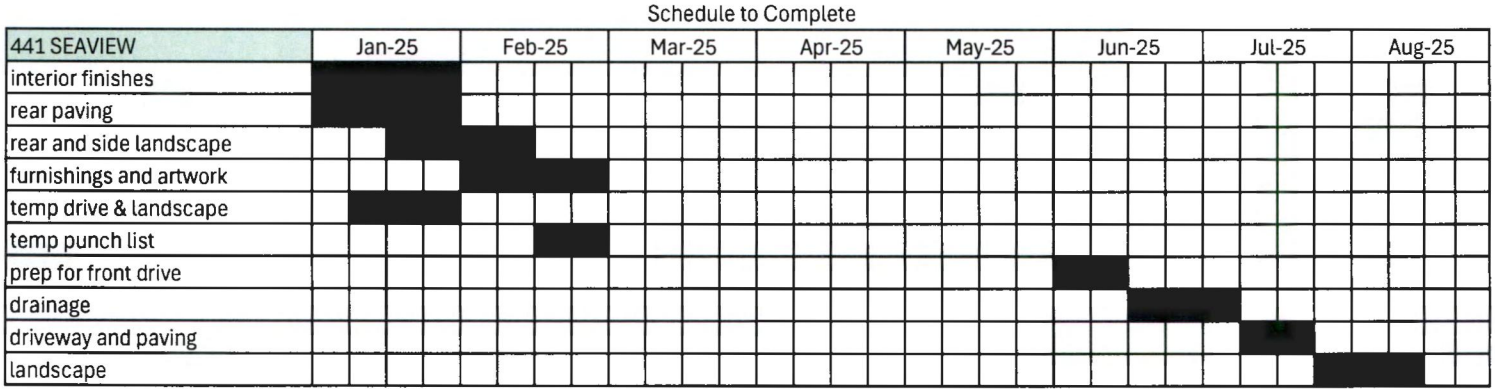
Sincerely,

Tim Givens

Tim Givens Building & Remodeling, Inc.

Tim Givens Building Remodeling, Inc. 441 Seaview 12/20/24

Schedule to Complete



TIM GIVENS
BUILDING & REMODELING

December 20, 2024

To: Neighbors of 441 Seaview Avenue

Re: 441 Seaview Avenue, Palm Beach
Residence Permit #B-22-97563

We are the general contractor overseeing the construction of the residence at 441 Seaview Avenue. By way of this correspondence, we would like to notify you of the requests that we will be submitting to the Town of Palm Beach to extend the timeline for the remodel and site work to August 31, 2025. The town will review our request at the January 15th meeting.

Our anticipated substantial completion date for all interior finishes, furniture and artwork deliveries is February 2025. We are postponing the front exterior site work until after the season (May 2025) including drainage, landscape, paving, and driveway. All sitework will be completed by August 2025.

We will continue our best efforts to protect your property throughout the course of this project. In addition to having a full-time superintendent, we also have a full-time traffic attendant on site to manage vehicles, parking, deliveries, etc. Our goal is to make this a smooth experience for everyone and to keep you informed and accommodated during the construction process.

Should you have any questions or requests, please feel free to reach out to us and we will try our best to oblige you.

Project Manager – Matthew Holmes: (561) 427-8230 / mcholmes21@outlook.com
Office - TGBR: (561) 533-5828 / timgivensbuilding@outlook.com

Thank You,

Tim Givens Building & Remodeling

5390 Georgia Avenue
West Palm Beach, FL 33405
O 561.533.5828 I F 561.533.6030

Property Detail

Location Address : 441 SEAVIEW AVE
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-22-08-000-6100
Subdivision : POINCIANA PARK 3RD ADD IN
Official Records Book/Page : 33421 / 640
Sale Date : MAR-2022
Legal Description : POINCIANA PARK 3RD ADD LTS 610 & 612

Owner Information

Owner(s)	Mailing Address
441 SEAVIEW LLC	222 LAKEVIEW AVE STE 1500 WEST PALM BEACH FL 33401 6174

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAR-2022	$6,800,000	33421 / 00640	WARRANTY DEED	441 SEAVIEW LLC
MAY-2006	$2,800,000	20530 / 00783	WARRANTY DEED	THOMPSON SANDRA
MAR-2005	$1,400,000	18266 / 01033	WARRANTY DEED	BRYAN KATHERINE
MAR-2002	$1	13465 / 00254	WARRANTY DEED	LEBEAU NORMAN
DEC-1999	$100	11584 / 00322	WARRANTY DEED	LEBEAU LIMITED PARTNERSHIP 1999
MAY-1996	$550,000	09263 / 01572	WARRANTY DEED	
MAR-1992	$412,000	07177 / 00207	WARRANTY DEED	
MAR-1986	$285,000	04825 / 00596	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 2
***Total Square Feet :** 2828
Acres : .11
Property Use Code : 0100—SINGLE FAMILY
Zoning : R-B—LOW DENSITY RESIDENTIAL (50-PALM BEACH)

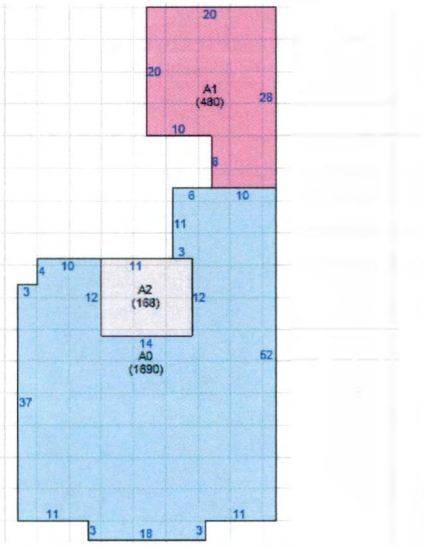
Building Details

Structural Details

Structural Element for Building 1

Exterior Wall 1	WSF: STUCCO
Year Built	1924
Air Condition Desc.	HTG & AC
Heat Type	FORCED AIR DUCT
Heat Fuel	ELECTRIC
Bed Rooms	2
Full Baths	2
Half Baths	0
Exterior Wall 2	NONE
Roof Structure	GABLE/HIP
Roof Cover	ASPHALT/COMPOSITION
Interior Wall 1	DRYWALL
Interior Wall 2	N/A
Floor Type 1	CERAMIC/QUARRY TILE
Floor Type 2	CARPETING
Stories	1

Sketch for Building 1



Subarea and Square Footage for Building 1

Code Description	square Footage
SFB Semi Finished Base Area	480
BAS Base Area	1690
SFB Semi Finished Base Area	168
Total Square Footage	2338

Area Under Air	2338

Property Extra Feature

Description	Year Built	Units
Patio	1924	604
Spa	1997	1

Property Land Details

Land Line #	Description	Zoning	Acres
1	SFR	R-B	0.1122

Appraisals

Tax Year	2024	2023	2022	2021	2020
Improvement Value	$458,819	$1,416,635	$1,355,996	$455,267	$468,446
Land Value	$2,902,844	$2,171,493	$1,880,085	$1,280,227	$1,175,907
Total Market Value	$3,361,663	$3,588,128	$3,236,081	$1,735,494	$1,644,353

Assessed and Taxable Values

Tax Year	2024	2023	2022	2021	2020
Assessed Value	$3,361,663	$3,588,128	$1,370,996	$1,331,064	$1,312,686
Exemption Amount	$0	$0	$50,500	$50,500	$50,500
Taxable Value	$3,361,663	$3,588,128	$1,320,496	$1,280,564	$1,262,186

Taxes

Tax Year	2024	2023	2022	2021	2020
AD VALOREM	$49,989	$53,867	$20,624	$20,949	$20,994
NON AD VALOREM	$800	$745	$738	$776	$764
TOTAL TAX	$50,789	$54,612	$21,362	$21,725	$21,757

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda
Time Extensions

Agenda Title
Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at **336 West Australian Ave.**

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 15, 2025

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Manager in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 336 Australian Ave- Unit West, Permit B-23-99624

Date: December 26, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Greg Poirier with The Watermark Contractors regarding a request for time extension, in which to complete the renovations at 336 Australian Ave. The request is to extend the permit by three months - until March 31, 2025.

GENERAL INFORMATION

The current owner is Loeb Sharon Handler, which purchased the property in August of 2020. The building permit was issued in Just of 2023, with a duration of 16 months – expiration date 11/12/2024. Mr. Bergman granted a thirty-day extension in which to allow work to continue while the contractor prepared items required to go before the Town Council. Expiration date of courtesy extension, December 12, 2024. Currently, the contractor has provided a detailed list explaining the delays which include change of plan in electrical layout, loss of equipment due to weather as well as delays of materials and equipment. The revised construction schedule shows completion by March 31, 2025.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from The Watermark, with Construction Schedule
Letter for nuisance mitigation measures
Permit Summary for the Property
Property Appraiser Details for the Property
Neighbor notice

Ext Permit - 24-00033

TOWN OF PALM BEACH

Planning, Zoning and Building

RECEIVED
DEC 23 2024
TOWN OF PALM BEACH
PZB DEPARTMENT

THIS IS A REQUEST FOR:

✓ **BUILDING PERMIT TIME EXTENSION**

____ **WAIVER OF TOWN CODE SECTION 42-199, CONSTRUCTION WORKING HOURS**

Any request for a Building Permit Time Extension OR Waiver of Town Code Section 42-199, Construction Working Hours must be submitted to the Town no later than 30 days PRIOR to permit expiration or period of request. Please send the following items to Director Bergman and Michelle Sentmanat at msentmanat@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension or waiver is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide a Statement of Nuisance Mitigation measures currently in place on the site.
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 or waiver is to be considered.
5. Include with the above Statement, a copy of the above notification to neighbors. NOTE: Must include in the notification letter the permit number, site address and meeting date at which this matter will be considered. Also, the following statement must be included in the notification: Comments or concerns regarding this request may be emailed to publiccomment@townofpalmbeach.com.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – pay all applicable fees by the submittal deadline.

Deadlines: See Schedule for submittal deadlines (page 3). Town Council Meeting dates are subject to change. Please visit our website at **www.townofpalmbeach.com**

- Town Council Development Review Date (Wednesday meeting): 1/15/25
- Deadline for submittal of request/backup must be received by: 12/23/24
  (Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: 12/20/24
  (Notice to Neighbors must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-23-99624 Exp. Date: DEC. 12TH 2024

Job Address: 336 W AUSTRALIAN AVE

Length of time extension being requested: (in days) 90 DAYS

Specific request for waiver/working hours being proposed: _____

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

Contact: GREGG POIRIER Phone: 561-248-8654

Email: watermark0550@aol.com

VALUATION OF PERMITS TO DATE:
(Original permit value and any permit updates containing valuation to date)

Job Address: 336 N AUSTRALIAN AVE

Permit# : B-23-99624 Job Value $ 300,000

Permit# : _____ Job Value $ _____

Permit# : _____ Job Value $ _____

Permit# : _____ Job Value $ _____

TOTAL valuation of project $ 300,000

Value of work remaining to complete the project, even if included in valuation above. Include labor, materials and the value of any owner supplied items, etc $ 1.7 MILLION

Time Extension fee due based upon 1% of this amount: $ 12,000

Waiver fee due $ _____

Technology Fee (2% of permit fee above) $ 24,000

Total Time Extension/Waiver Fee Paid:
(attach a copy of the receipt for payment) $ 36,000

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

Sharon Loeb 12/23/24
OWNER SIGNATURE DATE

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

[signature] 12/23/24
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me this 23rd day of Dec 2024, By Sharon Loeb

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

Rachel L. Miller
Printed Name of Notary

Rachel L Miller
Signature of Notary

SEAL:

RACHEL L MILLER
Notary Public - State of Florida
Commission # HH 576897
My Comm. Expires Jul 29, 2028
Bonded through National Notary Assn.

NOTARY TO CONTRACTOR

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me this 23rd day of Dec 2024, By GREG POIRIER

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

Rachel L. Miller
Printed Name of Notary

Rachel L Miller
Signature of Notary

SEAL:

RACHEL L MILLER
Notary Public - State of Florida
Commission # HH 576897
My Comm. Expires Jul 29, 2028
Bonded through National Notary Assn.

REQUEST FOR TIME EXTENSION

- CHANGE OF PLAN IN ELECTRICAL LAYOUT AND CUSTOM FIXTURES DELAYED UNTIL 2ND WK OF JAN
- AN EQUIPMENT LOST DURING THE TORNADO ~~REPLACE MT~~ REPLACEMENT EQUIPMENT DELAYED UNTIL THE END OF JANUARY
- LANDSCAPE FROM WEST COAST DELAYED UNTIL JAN 2
- FLAT WORKED DELAYED UNTIL LANDSCAPE IS COMPLETE
- POOL REMODLE NOT YET PERMITED BE CAUSE OF STOP WORK

THE WATERMARK
CONTRACTORS, INC

Office/Fax 561-333-0327
E-Mail- watermark0550@aol.com
15770 Edgefield Road Wellington, FL 33414
CGC# 1510550

RECEIVED
DEC 23 2024
TOWN OF PALM BEACH
PZB DEPARTMENT

December 19, 2024

To Whom It May Concern:

A waiver of Town Ordinance 18-242, Section 105.4.1.6, agreed maximum time schedule for completion of construction, is being requested by 336 west Australian Ave, Palm Beach, Florida, allowing extra time to complete construction. The new completion date would be by the end of March 2025.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled meeting on January 15, 2025. Any concerns regarding this matter should be expressed at this meeting and/or submitted to the Town's Planning, Zoning & Building Department in advance of the Town Council meeting.

Respectfully,

Gregg Poirier

Gregg Poirier

DATE 12/23/24

PURPOSE B-23-9960A

CUE COLUMN

NOTES

NUISANCE MITIGATION MEASURES

- SILT FENCE OUT FRONT OF PROPERTY
- CAR POOLING TO REDUCE STREET PARKING

SUMMARY

DATE 12/23/24

PURPOSE B-23-991624

CUE COLUMN

NOTES

REQUEST FOR PERMIT EXTENSION

SCOPE OF WORKED CHANGED

- WAITING ON FIBER OPTIC ART LIGHTS
- AV EQUIPMENT LOST FROM TORNADO IN LOXAHATCHEE WILL NOT HAVE MOST OF THE EQUIPMENT UNTIL INSURANCE SETTLES WITH AV VENDOR
- FLAT WORKED DELAYED DUE TO OUR LANDSCAPE BEING DAMAGED ON THE WEST COAST
- POOL REFINISHING PENDING PERMIT EXTENSION

SUMMARY

From: **Greg Koufos** watermark0550@aol.com
Subject: **Loeb 336 W Australian Completion Schedule**
Date: **Dec 23, 2024 at 1:05:07 PM**
To: **Greg Koufos** watermark0550@aol.com

See attached Loeb completion schedule.

Gk

Project Management

Loeb-336 W Australian

To do

Name	Status	Timeline - Start	Timeline - End	Priority
Electrical	Stuck	2025-01-16	2025-02-03	High
Plumbing	Stuck	2025-01-16	2025-01-25	High
A/V	Stuck	2025-01-30	2025-02-28	High
Landscape	Stuck	2025-01-16	2025-02-14	High
Misc Punch-Out	Not Started	2025-02-28	2025-03-31	
Pool if Permitted		2025-02-03	2025-03-28	
		2025-01-16	**2025-03-31**	

Property Detail

Location Address : 336 AUSTRALIAN AVE W
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-23-05-006-0070
Subdivision : ROYAL PARK ADD TO P B IN
Official Records Book/Page : 31677 / 167
Sale Date : AUG-2020
Legal Description : ROYAL PARK ADD LTS 7 & 8 BLK 6

Owner Information

Owner(s)	Mailing Address
LOEB SHARON HANDLER	336 AUSTRALIAN AVE PALM BEACH FL 33480 6086

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
AUG-2020	$3,900,000	31677 / 00167	WARRANTY DEED	LOEB SHARON HANDLER
NOV-2006	$2,066,730	21152 / 00698	WARRANTY DEED	LOCKS MARK
APR-1986	$550,000	04859 / 00002	WARRANTY DEED	KASSAR RAYMOND E
DEC-1983	$200,000	04123 / 00139	WARRANTY DEED	
JAN-1979	$80,000	03216 / 01586		
JAN-1973	$100	02213 / 01359	QUIT CLAIM	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 3292
Acres : .14
Property Use Code : 0100—SINGLE FAMILY
Zoning : R-C—MEDIUM DENSITY RESIDENTIAL (50-PALM BEACH)

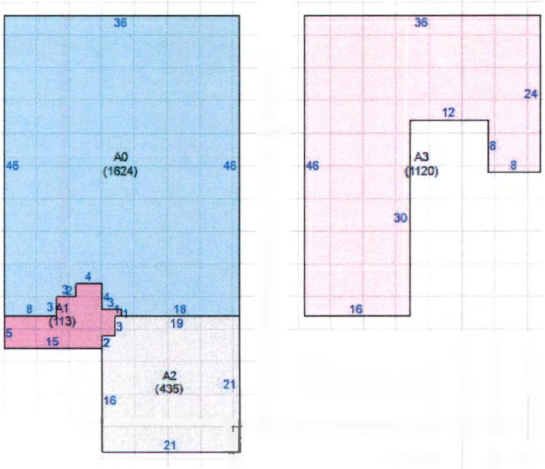
Building Details

Structural Details

Structural Element for Building 1

Exterior Wall 1	MSY: CB STUCCO
Year Built	1985
Air Condition Desc.	HTG & AC
Heat Type	FORCED AIR DUCT
Heat Fuel	ELECTRIC
Bed Rooms	2
Full Baths	4
Half Baths	1
Roof Structure	WOOD TRUSS
Roof Cover	CONCRETE TILE
Interior Wall 1	DRYWALL
Floor Type 1	HARDWOOD
Floor Type 2	MARBLE
Stories	2

Sketch for Building 1



Subarea and Square Footage for Building 1

Code Description	square Footage
FUS Finished Upper Story	1120
BAS Base Area	1624
FOP Finished Open Porch	113
FGR Finished Garage	435
Total Square Footage	3292
Area Under Air	2744

Property Extra Feature

Description	Year Built	Units
Pool - In-Ground	1985	1
Walkway-Concrete	1985	156

Property Land Details

Land Line #	Description	Zoning	Acres
1	SFR	R-C	0.1435

Appraisals

Tax Year	2024	2023	2022	2021	2020
Improvement Value	$1,624,128	$1,410,231	$1,292,447	$1,177,150	$1,231,108
Land Value	$4,062,500	$3,412,500	$2,871,550	$2,062,500	$2,625,000
Total Market Value	$5,686,628	$4,822,731	$4,163,997	$3,239,650	$3,856,108

Assessed and Taxable Values

Tax Year	2024	2023	2022	2021	2020
Assessed Value	$4,311,975	$3,919,977	$3,563,615	$3,239,650	$1,658,356
Exemption Amount	$0	$0	$0	$0	$50,000
Taxable Value	$4,311,975	$3,919,977	$3,563,615	$3,239,650	$1,608,356

Taxes

Tax Year	2024	2023	2022	2021	2020
AD VALOREM	$72,800	$64,678	$59,132	$52,564	$26,703
NON AD VALOREM	$856	$783	$780	$849	$838
TOTAL TAX	$73,656	$65,461	$59,913	$53,413	$27,542

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda
Time Extensions

Agenda Title
Requesting a Waiver of Town Code Section18-237, for Building Permit Extension at **224 S. Ocean Blvd.** ***[Received a two month extension at the November Town Council meeting. Returning to provide further information and request approval.]***

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 15, 2025

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 224 S. Ocean Blvd – Permit B-21-92107

Date: January 7, 2025

STAFF RECOMMENDATION

The contractor had an original request for extension at the October 2024 Town Council meeting in which they were granted thirty days requiring them to return in November. At the November 2024 Town Council meeting contractor was granted a two-month extension requiring them to return in January with project updates from the ARCOM and Code board meetings in December. The Code board meeting held December 19, 2024, found the property in violation and assessed administrative fees in the amount of $150.00 and advised they must come into compliance by February 17, 2025. See attached Order Finding Violation. At the December 20, 2024, ARCOM meeting the new driveway design with artificial turf strips has been approved. Please see the attached Development Order. Contractor is required to submit a permit update to PZB reflecting approved ARCOM changes. The original extension request was for a one-year extension with work to be completed by May 12, 2025.

GENERAL INFORMATION

The property is owned by Manoogian Armen A. Trust. The property was purchased in November of 2020. The original permit was issued May 13, 2022. Based upon the size of the home, the permits were originally valid for 24 months. The master permit expired May 13, 2024. The contractor has stated in their letter dated September 17, 2024, the reason for the extension is they were unaware of the overall construction expiration time as well as delays in materials, design changes, added scope of work and delays with the local utility companies having to come in to remove the abandoned undergrounds to make room to build the pool.

Staff would like to bring to the attention of the Town Council that the contractor does have an open code case for material and pattern of driveway which is different from the ARCOM approved. Contractor would need ARCOM approval for changes. In addition, they are in violation for the installation of artificial turf without approval/permit.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Code Order Finding Violation
ARCOM Development Order

TOWN OF PALM BEACH
POLICE DEPARTMENT

DEDICATED TO EXCELLENCE

December 19, 2024

BEFORE THE CODE ENFORCEMENT BOARD OF THE TOWN OF PALM BEACH

ORDER FINDING VIOLATION

CERTIFIED MAIL: 9314 8699 0430 0129 5369 65

Claudia & Arman Manoogian
224 S. Ocean Blvd.
Palm Beach, FL 33480

Re: Case # CE 24-1789, 224 S. Ocean Blvd., Claudia & Arman Manoogian:
Violation of Chapter 18, Section 18-205 of the Town of Palm Beach Code of Ordinances states the architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether criteria's are complied with.

The Code Enforcement Board heard testimony at the Code Enforcement Board Hearing held on the 19th day of December 2024, and based on the evidence, the Code Enforcement Board enters the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER.

FINDINGS OF FACT

1. The Town of Palm Beach Code Enforcement Officer Rodriguez presented the facts of the case and entered evidence into the record.

2. Bruce Rodriguez was present on behalf of the property owner and gave testimony in the case.

345 South County Road • Palm Beach, Florida 33480-4443 • (561) 227-7080 • Fax (561) 835-4736 • www.palmbeachpolice.com

CONCLUSIONS OF LAW

Violation of Chapter 18, Section 18-205 of the Town of Palm Beach Code of Ordinances states the architectural commission may approve. approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether criteria's are complied with.

ORDER

It is the order of this Board regarding Case # **CE 24-1789** to find the violator in non-compliance, assess administrative costs in the amount of **$150.00** to be paid within thirty days of this order and to come into compliance by **February 17, 2025. If compliance is not met, this case will be returned for Fine Consideration at the February 20, 2025, Code Enforcement Board hearing.**

Upon complying, it is the responsibility of the violator to notify the Town of Palm Beach Code Enforcement Office at (561) 227-7080 to request a re-inspection of the property.

DONE AND ORDERED this 19th day of December 2024.

Martin Klein
Chairman, Code Enforcement Board

TOWN OF PALM BEACH

Planning, Zoning & Building Department

DEVELOPMENT ORDER (ARCOM)

File: ARC-24-0112
Property: 224 S Ocean Blvd
Meeting Date: December 20, 2024

The Architectural Commission (ARCOM) approved the new driveway design (4-2) accordance with Section 18-205 of the Town Code with the following condition(s) to be included as part of this Development Order: None

Provided, the applicant builds substantially in accordance with the approved plans, as prepared and submitted by **Gonzalez Architects** on December 4, 2024, as by ARCOM, and as determined by staff.

Approval of this application by the ARCOM does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as Town Council approval and the necessary building permits. A building permit for the work authorized under this approval must be obtained within one year from the date of approval or said approval will expire.

When requesting a building permit, the plans submitted to the Town for permit are required to be consistent with the plans approved by the Commission and modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Development Order. A copy of all pages of the Development Order shall be scanned into the plans submitted for a building permit and shall be located immediately after the front cover page of the permit plans.

Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the Commission and shall be subject to all conditions of approval herein, unless otherwise modified by the Commission. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

This Development Order shall serve as the written finding of the ARCOM in accordance with Section 18-203(4).

Dated this 23rd day of December, 2024.

Sincerely,

Wayne Bergman, Director of Planning, Zoning and Building, on behalf of
ARCHITECTURAL COMMISSION

cc: James G. Murphy, Assistant Director of Planning, Zoning and Building
Bradely Falco, Design & Preservation Planner (PM)

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 15, 2025

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed ordinance to amend the Town's Comprehensive Plan

ORDINANCE NO. 015-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives, And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

No Attachments Available