



TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JULY 15, 2015

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

Mayor Gail L. Coniglio
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Danielle H. Moore
Penelope D. Townsend
Robert N. Wildrick

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for One Year Time Extension, Variance No. 31-2014
230 Park Avenue
Deferred from the June 10, 2015, Town Council Meeting
John S. Page, Director of Planning, Zoning and Building

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B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCE (MODIFIED)** 221 & 231 ROYAL POINCIANA WAY, SUNSET AVENUE, 214 & 216 SUNSET AVENUE. Project approved May 13, 2015 and June 10, 2015 with condition of approval to enter into a Construction Management Agreement. Construction Management Agreement deferred from the June 10, 2015 Town Council Meeting. Staff recommends deferral to the August 11, 2015 Town Council Meeting. [Attorney: Francis X. J. Lynch]
Deferred from the June 10, 2015, Town Council Meeting

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- b. **VARIANCE #16-2015** The application of Walde Trust, LLC; relative to property commonly known as **444 Chilean Ave.**, described as Lots 52 and 53, Block 12, Revised Map of Royal Park Addition to Palm Beach, Florida according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County Florida in Plat Book 4, Page 1; located in the R-C Zoning District. The Applicant is requesting the following variances: to allow the construction of a 3,776 square foot two-story single family residence on a non-conforming lot: to construct a two-story house with a lot width of 50 feet in lieu of the 75 foot minimum required and a lot area of 6,250 square feet in lieu of the 10,000 square foot minimum required; to construct a two story house with an east side yard setback of 5.7 feet in lieu of the 10 foot minimum required; to construct a two-story garage/guest house with an east side yard setback of 5.7 feet in lieu of the 10 foot minimum required; to construct a two-story garage/guest house with a rear yard setback (south side of the property) of 5 feet in lieu of the 15 foot minimum required; and to construct a two-story single family residence with a landscaped open space of 43.6% in lieu of the 45% minimum required in the R-C Zoning District. [Attorney: Guy Rabideau, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-0]

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Deferred from the June 10, 2015, Town Council Meeting

John S. Page, Director of Planning, Zoning & Building

- c. **VARIANCE #17-2015** The application of Susan Bodnar Malloy (Contract Purchaser); relative to property commonly known as **201 Bahama Lane**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a variance to construct a 8 foot x 38 foot swimming pool in the east side of the residence with a 12 foot street side yard setback in lieu of the 15 foot minimum setback required. [Attorney: Maura Ziska, Esq.]
Deferred from the June 10, 2015, Town Council Meeting
Request for Deferral to the August 11, 2015, Town Council Meeting Per Letter Dated July 7, 2015, from Maura A. Ziska.

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John S. Page, Director of Planning, Zoning & Building

2. New Business

- a. **SPECIAL EXCEPTION #14-2015 WITH VARIANCES** The application of Town of Palm Beach; relative to property commonly known as **1060 North Lake Way**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a special exception approval to add an addition onto the D-10 Storm Water Pump Station and replace a 500 kw generator with a 750 kw generator. The variances to raise the height of a portion of the building and replace the generator are as follows: to allow a front yard setback of 23.5 ft. in lieu of the 25 ft. minimum required; to allow a north and south side yard setback of 11 ft. (south) and 8.1 ft. (north) in lieu of the 12.5 ft. minimum required; to allow a building height of 20.5 ft. in lieu of the 10.67 ft. existing and the 14 ft. maximum allowed; and, to allow an overall building height of 21.5 ft. in lieu of the 12.67 ft. existing and the 17 ft. overall maximum building height. [Attorney: John C. Randolph, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-0]

John S. Page, Director of Planning, Zoning & Building

- b. **SPECIAL EXCEPTION #15-2015 SITE PLAN REVIEW AND VARIANCES** The application of Edwin Leevan, Manager; relative to property commonly known as **2842 South Ocean Blvd.**, described as lengthy legal description on file; located in the R-D (2)/Beach Area Zoning Districts. The Applicant is requesting a special exception with site plan review to modify the site plan to allow a temporary tent over the parking lot that contains 40 parking spaces from December 3, 2015 to December 8, 2015 to allow for a conference to be hosted at the Tideline Ocean Resort & Spa. The following variances are required: to temporarily eliminate (40) required off street parking spaces for the dates identified above; and, to allow a temporary tent to be placed over the required off street parking lot for the dates identified above that would increase lot coverage to 35.93% in lieu of the 29.35% existing and the 22% maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-0]

John S. Page, Director of Planning, Zoning & Building

- c. **SPECIAL EXCEPTION #16-2015 SITE PLAN REVIEW** The application of Thomas G. Bradford, Town Manager; relative to property commonly known as **360 South County Road**, described as lengthy legal description on file; located in the C-TS Zoning District. The Applicant is requesting a special exception with site plan review to modify the Town Hall public open space.

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1. The Memorial Park parcel will be expanded by 1,827 square feet by unifying the parcel described as in ORB 24041 page 1748 and the Memorial Park parcel described in ORB 20789 page 1528. This unification of title requires a Special Exception with Site Plan Review because public structures are being added to the parcels.

2. Reconstruction and repair of the existing Memorial Fountain Plaza hardscape, plaza, steps, balustrades, walls and rill.

3. Landscaping improvements consisting of new Live Oak trees south of the Fountain, Royal palm trees to replace the existing Royal Palm trees that flank the reflecting pool, new Tabebuia trees on each side of the main fountain, potted plants along the reflecting pool, and various shrubs and groundcovers throughout the park and fountain area.

4. Irrigation improvements to provide water to the above listed landscaping improvements.

5. Hardscape, sidewalk, and curb improvements to provide pedestrian connections from the Town Hall area and crosswalks to Memorial Fountain to provide public access. A 30-inch tall decorative aluminum fence will surround the lawn area south of the fountain. Benches will be added along the reflecting pool for public seating. Café tables and chairs will be added under the Live Oak trees near the lawn area south of the Fountain.

6. The sidewalks and ramp to the building entrance on the north side of Town Hall will be reconfigured. Sidewalks will extend from Town Hall to the lower plaza of the fountain.

7. Landscape lighting and ancillary electrical improvements to support the lighting will be made to illuminate the landscaping improvements.

8. Associated paving, grading and drainage infrastructure improvements to support the above listed elements will be performed. Currently, curb and gutter exists that allows runoff from the eastern lanes of South County Road to be conveyed westerly, across Memorial Park south of the fountain, to the western portion of the roadway to be collected by an existing catch basin. In order to create a continuous lawn area south of the fountain, a new catch basin with associated piping will be constructed on the east side of Memorial Park so that the existing curb and gutter that cuts across the proposed lawn area can be removed.

9. Traffic and parking regulatory and enforcement signage in accordance with FDOT and Town of Palm Beach Public Works requirements will be installed.

[Landmark Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impacts to the subject landmark property. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building

- d. **SPECIAL EXCEPTION #17-2015 WITH VARIANCE** The application of Heather Baines, Managing Member of 224 Atlantic LLC; relative to property commonly known as **224 Atlantic Avenue**, described as Condominium Units 1 and 2, PLM BEACH ATLANTIC

CONDOMINIUM ANNEX, according to the Plat thereof, as recorded in Official Records Book 3900, page 1742, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. On May 8, 1979, The Town Council granted Special Exception 10-79 to allow a developer to create seven (7) supplemental off-street parking spaces in conjunction with the construction of a two unit development and which parking spaces were to be used by the subject property (224 Atlantic) and the other portion of the condominium across the street (223 Atlantic) which was also owned by the developer. Special Exception approval was granted with a condition that a Unity of Title be executed and recorded to tie the two properties together. A Unity of Title was recorded on October 26, 1979. The Applicant purchased both units in the duplex (224 Atlantic Avenue) in 2013 and converted the two units into one single family residence. As the structure is now a single family residence, the condominium documents for 224 Atlantic Avenue were terminated by the owner. The Applicant is requesting to modify the previous Special Exception #10-79 to remove the condition of the Unity of Title and remove the seven (7) supplemental off-street parking spaces that were shared by both condominiums and only have a minimum of two (2) required off-street parking spaces remain that would be required for a single family residence. Since the condominium across the street is non-conforming to today's parking requirement in the zoning code, a variance is being requested to eliminate the seven (7) supplemental parking spaces to the single family dwelling which are now considered required for the 19 unit condominium building on the north side of Atlantic Avenue (223 Atlantic Avenue). [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

- e. **SPECIAL EXCEPTION #18-2015 WITH SITE PLAN REVIEW AND VARIANCES** The application of Harvey E. Oyer, Esq., on behalf of the Society of the Four Arts, Inc.; relative to property commonly known as **2 Four Arts Plaza**, described as lengthy legal description on file; located in the R-B Zoning District. A request for approval of Special Exception with Site Plan Review for temporary valet grass parking for special events not to exceed thirty (30) times per calendar year. The applicant operates a non-profit cultural use in the R-B zoning district by an existing Special Exception. The Four Arts provides special events for lectures, art viewings, concerts, films, private parties and live broadcasts of the metropolitan opera along with other cultural affairs for its patrons. 26 temporary valet parking spaces are proposed which would utilize the large landscaped island area no more than 30 times per calendar year. The upgraded natural grass material would be installed by GrassPave2 which is a pervious stabilized grass parking system which maintains the integrity of the existing natural grass surface. A variance is requested to allow the landscape open space area to be reduced from the existing 37.8% to the proposed 32.2% (51,605 sq. ft.) in lieu of 55% maximum landscape open space as required by code. The applicant seeks Town Council approval to utilize the large landscaped island area within the existing Landmarked property to provide 26 temporary valet grass parking for special events. Variances are also requested

to not construct or install the required four (4) foot high hedge or wall between the proposed temporary valet grass parking area and Four Arts Plaza and Lake Drive; to not install any wheel stops within the proposed temporary valet grass parking area used for special events; to reduce the depth of a parking stall (45 degree parking) within the proposed temporary valet grass parking area to 16 feet in lieu of the 18 feet required by code; and, to reduce the width of a driving isle required for 45 degree parking within the proposed temporary valet grass parking area to 10 feet in lieu of the 15 foot minimum drive isle required by code. [Attorney: Harvey E. Oyer, III, Esq.]

[Landmarks Commission Recommendation: Implementation of the proposed special exception with site plan review and variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building

- f. **SPECIAL EXCEPTION #19-2015** The application of Cooklyn Palm Beach, LLC; relative to property commonly known as **150 Worth Avenue**, described as lengthy legal description on file; located in the C-WA Zoning District. The Applicant is requesting a special exception for a new restaurant at 150 Worth Avenue, Suite 234, called Cooklyn, which will replace GiGi's Tap and Table Restaurant (formerly Cha Cha's). The new restaurant will occupy the same square footage (5,243) and have the same number of total seats (151) and outdoor seats (14) as the prior restaurant uses in Suite 234. The applicant agrees to be bound by all existing conditions of approval (see Exhibit G of application. [Attorney: James M. Crowley, Esq.]

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John S. Page, Director of Planning, Zoning & Building

- g. **VARIANCE #19-2015** The application of Beach Club, Inc. (David Shaw, General Manager); relative to property commonly known as **755 North County Road**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting variances to allow the replacement of a tennis court fence that will have a front yard setback of 2.6 feet on North County Road in lieu of the 25 foot minimum required; to allow the replacement of a tennis court fence that will have a street side yard setback of .29 feet on Country Club Road in lieu of the 25 foot minimum required; and, to allow a 10-12 foot tall chain link fence in the front yard and street side yard in excess of the 6 foot maximum allowed. [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

3. Other

- a. 1906 South Ocean Boulevard Tunnel Improvement
A. Construction Management Agreement Revision
B. Extended Work Hours Request

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John S. Page, Director of Planning, Zoning and Building

- b. Sixt Rent A Car, 340 Royal Poinciana Way, Suite 324, Town-Serving Confirmation, Special Exception No. 19-2013

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John S. Page, Director of Planning, Zoning and Building

- c. Proposed Modifications and Changes to Chapter 134, Zoning, Related to Playground Equipment Page 55

John S. Page, Director of Planning, Zoning and Building

- d. Par 3 Golf Course: One Year Review, Special Exception #13-2014 Page 58

Beth Zickar, Director of Recreation

VIII. ORDINANCES

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item (s) be moved to the Regular Agenda and individually considered.

PROCEDURES FOR PUBLIC PARTICIPATION

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.

PUBLIC HEARINGS:

Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS:

Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent

agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS:

Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Time Extensions

Agenda Title

Request for One Year Time Extension, Variance No. 31-2014
230 Park Avenue

Deferred from the June 10, 2015, Town Council Meeting

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated May 29, 2015 from John S. Page](#)
- [Letter dated May 27, 2015 from Rabbi Moshe Scheiner](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director, Planning, Zoning & Building

Re: Request for One Year Time Extension, Variance No. 31-2014
230 Park Avenue

Date: May 29, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council approve an eight month time extension of Variance No. 31-2014 in order to provide the applicant time to obtain Architectural Commission approval of the project.

GENERAL INFORMATION

On April 10, 2013, property owner, Rabbi Moshe Scheiner, was granted a Variance (Variance #11-2013) to eliminate the required one car garage to create living space as part of the proposed renovation of the existing house at 230 Park Avenue. That application expired on April 9, 2014. On July 16, 2014, the property owner was granted approval of the same variance request. The property owner has one year from approval to commence the project by obtaining Architectural Commission approval. The applicant has not applied for Architectural Commission (ARCOM) approval of the project. The property owner has until July 15, 2015, to obtain ARCOM approval or the zoning approval will expire.

Rabbi Moshe Scheiner, the applicant, has submitted the attached letter requesting a one year time extension "due to unforeseen circumstances." It is unclear to Staff why the applicant has yet to have the proposed project approved by ARCOM. Staff recommends the Council allow the applicant an eight month time extension to obtain ARCOM approval. Once approved, the applicant will have one year from ARCOM approval to obtain a building permit to enclose the garage and renovate the house. If so approved, the zoning application approval will remain valid until January 13, 2016

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Veronica B. Close, Asst. Director, Planning, Zoning & Building
Susan Owens, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
pf & zf



RABBI

Moshe E. Scheiner

PRESIDENT

Barbara T. R. Zimet

VICE PRESIDENTS

David Feinberg

Abe Haruvi

TREASURER

Eileen Berman

FINANCIAL SECRETARY

Christopher Popik

Recording Secretary

Hal Matheson

IMMEDIATE PAST PRESIDENT

Michael Scharf

BOARD OF DIRECTORS

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Jay Bauer

Dr. Peter Bendetson

Anthony Beyer

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William Diamond

Nadine Eckstein

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Sandra Krakoff

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Stacey Lampert

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Neil Shoter

Rick Smith

Dr. Edward Steinberg

Murray Steinfeld

Armond Waxman

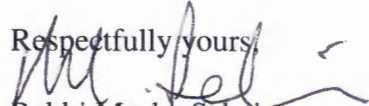
Dr. Eric Weiner

May 27, 2015

Dear Mr. Castro,

My wife and I would like to request a one year extension on our variance for our home at 230 Park Avenue, Palm Beach, issued last July at the town council. Due to unforeseen circumstances we were unable to commence our project this past year but would like to pursue it in the coming year. We would greatly appreciate if you can extend it for us.

Respectfully yours,


Rabbi Moshe Scheiner

RECEIVED
MAY 27 2015
TOWN OF PALM BEACH
PZB DEPARTMENT

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Development Review - Old Business

Agenda Title

SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS

AND VARIANCE (MODIFIED) 221 & 231 ROYAL POINCIANA

WAY, SUNSET AVENUE, 214 & 216 SUNSET AVENUE. Project

approved May 13, 2015 and June 10, 2015 with condition of approval to

enter into a Construction Management Agreement. Construction

Management Agreement deferred from the June 10, 2015 Town Council

Meeting. Staff recommends deferral to the August 11, 2015 Town

Council Meeting. [Attorney: Francis X. J. Lynch]

Deferred from the June 10, 2015, Town Council Meeting

Presenter

John S. Page, Director of Planning, Zoning, and Building

Supporting Documents

- [Memorandum Dated July 2, 2015, from John S. Page, Director of Planning, Zoning and Building](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director, Planning, Zoning & Building Department

Re: Site Plan Review #13-2014 With Special Exceptions And Variance (Modified), 221 & 231 Royal Poinciana Way; Sunset Avenue Parking Lot, 214 & 216 Sunset Avenue.
Consideration of Construction Management Agreement

Date: July 2, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council defer consideration of the proposed Construction Management Agreement to the August 11, 2015 meeting.

GENERAL INFORMATION

The Town Council conditionally approved the Special Exception with Variances portion of the subject zoning application on May 13, 2015. At such time, the Council placed a condition of approval that the applicant enter into an acceptable Construction Management Agreement. The remaining Site Plan Review portion of the application was subsequently approved by the Town Council at the June 10, 2015 meeting and the proposed Construction Management Agreement was deferred to the July 15, 2015 Council meeting to give Staff time to work with the applicant on the Agreement.

The applicant and their attorney have been unavailable most of the last month. While both parties agree on most aspects of the proposed Agreement, there are concerns that need to be discussed before returning the document for Council consideration. The proposed Agreement will address construction issues including demolition, noise, dust, deliveries, dewatering, concrete pours, construction parking, the use of heavy equipment, and remedies for violations to the Agreement. Therefore, Staff is recommending that the proposed Agreement be deferred to the August 11, 2015 Council meeting.

If you have any questions about this issue please contact Paul Castro, Zoning Administrator at 227-6406.

cc: Jay Boodheshwar, Deputy Town Manager
Paul Castro, Zoning Administrator
Bill Bucklew, Building Official
Susan A. Owens, Town Clerk
Frank Lynch
zf & pf

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #16-2015 The application of Walde Trust, LLC; relative to property commonly known as **444 Chilean Ave.**, described as Lots 52 and 53, Block 12, Revised Map of Royal Park Addition to Palm Beach, Florida according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County Florida in Plat Book 4, Page 1; located in the R-C Zoning District. The Applicant is requesting the following variances: to allow the construction of a 3,776 square foot two-story single family residence on a non-conforming lot: to construct a two-story house with a lot width of 50 feet in lieu of the 75 foot minimum required and a lot area of 6,250 square feet in lieu of the 10,000 square foot minimum required; to construct a two story house with an east side yard setback of 5.7 feet in lieu of the 10 foot minimum required; to construct a two-story garage/guest house with an east side yard setback of 5.7 feet in lieu of the 10 foot minimum required; to construct a two-story garage/guest house with a rear yard setback (south side of the property) of 5 feet in lieu of the 15 foot minimum required; and to construct a two-story single family residence with a landscaped open space of 43.6% in lieu of the 45% minimum required in the R-C Zoning District. [Attorney: Guy Rabideau, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-0]

Deferred from the June 10, 2015, Town Council Meeting

Presenter

John S. Page, Director of Planning, Zoning & Building

Supporting Documents

- [E-mail Dated June 10, 2015 from Gordon McCoun](#)
- [E-mail Dated June 10, 2015 from Diana Mack](#)
- [E-mail Dated July 9, 2015 from John Tuohy](#)



Fwd: FW: 444 Chilean

Patrick Segraves

to:

Cindy Delp, Debby Morakis, pgordon, JPage, John Lindgren

06/15/2015 01:52 PM

Hide Details

From: Patrick Segraves <pat@skaarchitect.com> Sort List...

To: Cindy Delp <cdelp@townofpalmbeach.com>, Debby Morakis

<dmorakis@townofpalmbeach.com>, pgordon@townofpalmbeach.com,

JPage@townofpalmbeach.com, John Lindgren <jlindgren@townofpalmbeach.com>

Dear All,

Please find another letter of support from Diana Mack at the Eliot House supporting our project at 444 Chilean Avenue.

Best,

Pat

Patrick W. Segraves, A.I.A.

SKA Architect + Planner

249 Peruvian Avenue, Suite F-2

Palm Beach, Florida 33480

(561) 655-1116 office

(561) 832-7828 facsimile

(561) 346-9880 cellular

www.skaarchitect.com

----- Forwarded message -----

From: **Peter Green** <urbanland@msn.com>

Date: Wed, Jun 10, 2015 at 3:39 PM

Subject: FW: 444 Chilean

To: "pat@skaarchitect.com" <pat@skaarchitect.com>

From: mack.diana@gmail.com

Subject: 444 Chilean

Date: Wed, 10 Jun 2015 14:38:20 -0400

CC: gordon.mccoun@tencostrategy.com; Jake@EquityStake.com

To: urbanland@msn.com

Thank you Gordon. We are in complete agreement and support the attached site plan.

Best regards,

Diana Mack & Jake Little
Eliot House - 2A
434 Chilean Avenue
Palm Beach, FL 33480

Sent from my iPhone

On Jun 10, 2015, at 2:17 PM, Gordon McCoun <gordon.mccoun@lencostrategy.com> wrote:

Peter,

As per our discussion of this morning, we are in agreement with the revised plan that has the driveway to the east of the house and a 13' side setback from the property line, as depicted in the attached plan.

We assume there will be appropriate landscaping to ensure privacy between the two properties.

Please let me know if you have any further questions.

Thank you for your help in working through these issues.

Regards,

Gordon

Gordon McCoun

Senior Managing Director

601 Lexington Ave, 45th Floor

New York, NY 10022

O: [\(646\) 561-3503](tel:(646)561-3503)

M: (917) 797-6100

F: (212) 886-9399

gordon.mccoun@teneostrategy.com

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Fwd: FW: 444 Chilean

Patrick Segraves

to:

Cindy Delp, Debby Morakis, pgordon, JPage, John Lindgren

06/15/2015 01:52 PM

Hide Details

From: Patrick Segraves <pat@skaarchitect.com> Sort List...

To: Cindy Delp <cdelp@townofpalmbeach.com>, Debby Morakis

<dmorakis@townofpalmbeach.com>, pgordon@townofpalmbeach.com,

JPage@townofpalmbeach.com, John Lindgren <jlindgren@townofpalmbeach.com>

Dear All,

Please find another letter of support from Diana Mack at the Eliot House supporting our project at 444 Chilean Avenue.

Best,

Pat

Patrick W. Segraves, A.I.A.

SKA Architect + Planner

249 Peruvian Avenue, Suite F-2

Palm Beach, Florida 33480

(561) 655-1116 office

(561) 832-7828 facsimile

(561) 346-9880 cellular

www.skaarchitect.com

----- Forwarded message -----

From: **Peter Green** <urbanland@msn.com>

Date: Wed, Jun 10, 2015 at 3:39 PM

Subject: FW: 444 Chilean

To: "pat@skaarchitect.com" <pat@skaarchitect.com>

From: mack.diana@gmail.com

Subject: 444 Chilean

Date: Wed, 10 Jun 2015 14:38:20 -0400

CC: gordon.mccoun@tencostrategy.com; Jake@EquityStake.com

To: urbanland@msn.com

Thank you Gordon. We are in complete agreement and support the attached site plan.

Best regards,

Diana Mack & Jake Little
Eliot House - 2A
434 Chilean Avenue
Palm Beach, FL 33480

Sent from my iPhone

On Jun 10, 2015, at 2:17 PM, Gordon McCoun <gordon.mccoun@tencostrategy.com> wrote:

Peter,

As per our discussion of this morning, we are in agreement with the revised plan that has the driveway to the east of the house and a 13' side setback from the property line, as depicted in the attached plan.

We assume there will be appropriate landscaping to ensure privacy between the two properties.

Please let me know if you have any further questions.

Thank you for your help in working through these issues.

Regards,

Gordon

Gordon McCoun

Senior Managing Director

601 Lexington Ave, 45th Floor

New York, NY 10022

O: [\(646\) 561-3503](tel:(646)561-3503)

M: (917) 797-6100

F: (212) 886-9399

gordon.mccoun@teneostrategy.com

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From: tuohyjpt@aol.com
To: pcastro@townofpalmbeach.com
Date: 07/09/2015 12:24 PM
Subject: Variance Request # 16-2015, 444 Chilean

Paul, we reside at 389 South Lake #5C and are cc'd on what looks like the final round of app/approval for 4 hardship variances at 444 Chilean. We are opposed but because we are new residents in PB, hope we are not too late in the game. Can you advise me how to best proceed with your Town Council in short order between now and your hearing next Weds. 7/15, and again hope we are not too late. Unfortunately we are on Long Island for the summer. Thank you, John Tuohy, 917-282-4821.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #17-2015 The application of Susan Bodnar Malloy (Contract Purchaser); relative to property commonly known as **201 Bahama Lane**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a variance to construct a 8 foot x 38 foot swimming pool in the east side of the residence with a 12 foot street side yard setback in lieu of the 15 foot minimum setback required. [Attorney: Maura Ziska, Esq.]
Deferred from the June 10, 2015, Town Council Meeting
Request for Deferral to the August 11, 2015, Town Council Meeting
Per Letter Dated July 7, 2015, from Maura A. Ziska.

Presenter

John S. Page, Director of Planning, Zoning & Building

Supporting Documents

- [Letter Dated July 7, 2015, from Maura A. Ziska](#)

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, *Counsel* •

•Also admitted in New York

•Also admitted in Michigan

Esperanté

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA FACSIMILE: 561-838-5411

July 7, 2015

Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Variance 17-2015 – 201 Bahama Lane, Palm Beach, Florida

Dear Mayor and Town Council:

Please defer the above referenced matter from the **July 15, 2015** Town Council agenda to the **August 11, 2015** Town Council agenda. The reason for the deferral is to allow time to work on the drainage plan as the Engineer has been out of the country.

Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch

cc: Paul Castro
Mario Nievera
Chad Gruber

00028781

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Development Review - New Business

Agenda Title

SPECIAL EXCEPTION #16-2015 SITE PLAN REVIEW The application of Thomas G. Bradford, Town Manager; relative to property commonly known as **360 South County Road**, described as lengthy legal description on file; located in the C-TS Zoning District. The Applicant is requesting a special exception with site plan review to modify the Town Hall public open space.

1. The Memorial Park parcel will be expanded by 1,827 square feet by unifying the parcel described as in ORB 24041 page 1748 and the Memorial Park parcel described in ORB 20789 page 1528. This unification of title requires a Special Exception with Site Plan Review because public structures are being added to the parcels.
2. Reconstruction and repair of the existing Memorial Fountain Plaza hardscape, plaza, steps, balustrades, walls and rill.
3. Landscaping improvements consisting of new Live Oak trees south of the Fountain, Royal palm trees to replace the existing Royal Palm trees that flank the reflecting pool, new Tabebuia trees on each side of the main fountain, potted plants along the reflecting pool, and various shrubs and groundcovers throughout the park and fountain area.
4. Irrigation improvements to provide water to the above listed landscaping improvements.
5. Hardscape, sidewalk, and curb improvements to provide pedestrian connections from the Town Hall area and crosswalks to Memorial Fountain to provide public access. A 30-inch tall decorative aluminum fence will surround the lawn area south of the fountain. Benches will be added along the reflecting pool for public seating. Café tables and chairs will be added under the Live Oak trees near the lawn area south of the Fountain.

6. The sidewalks and ramp to the building entrance on the north side of Town Hall will be reconfigured. Sidewalks will extend from Town Hall to the lower plaza of the fountain.
7. Landscape lighting and ancillary electrical improvements to support the lighting will be made to illuminate the landscaping improvements.
8. Associated paving, grading and drainage infrastructure improvements to support the above listed elements will be performed. Currently, curb and gutter exists that allows runoff from the eastern lanes of South County Road to be conveyed westerly, across Memorial Park south of the fountain, to the western portion of the roadway to be collected by an existing catch basin. In order to create a continuous lawn area south of the fountain, a new catch basin with associated piping will be constructed on the east side of Memorial Park so that the existing curb and gutter that cuts across the proposed lawn area can be removed.
9. Traffic and parking regulatory and enforcement signage in accordance with FDOT and Town of Palm Beach Public Works requirements will be installed.
[Landmark Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impacts to the subject landmark property. Carried 7-0]

Presenter

John S. Page, Director of Planning, Zoning & Building

Supporting Documents

- [Memorandum dated June 30, 2015 from John S. Page, Director of Planning, Zoning and Building](#)
- [Memorial Park Schematic](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Landmarks Preservation Commission: Informal Review
Town Hall Square Streetscape and Infrastructure Improvement Project Phase II

Date: June 30, 2015

STAFF RECOMMENDATION

Staff would like to report that the Landmarks Preservation Commission met on June 17, 2015, completed an “Informal Review” of the Town Hall Square Streetscape and Infrastructure Improvement Project (Phase II), and unanimously determined that planned improvements would not cause negative architectural impacts to the landmarked property.

GENERAL INFORMATION

The concept of improving Memorial Park, the Mizner Fountain, and surrounding area streetscape has been presented to the Commission in several iterations in recent years. As presented by the Public Works Department, together with Kimley-Horn Engineering and SMI Landscaping on June 17, the project now includes roadway paving, grading and drainage improvements, utility improvements, new tabby sidewalks, new street tree and landscape plantings, new landscaping and hardscaping in Town Hall public open space, four additional parking spaces, crosswalk modifications, traffic and parking signage, landscape and street lighting improvements, benches, wherein small tables and chairs are to be included, and a low fence around the proposed lawn area south of the Mizner Memorial Fountain.

Commissioners expressed appreciation for all modifications that have occurred as this public project has evolved, and expressed enthusiasm for seeing final results. Two suggestions emerged for the design team and the Town Council. First, owner Andrew Roddy (332 S. County Road) requested that a planned palm tree be shifted in location in order to prevent an obstruction of his commercial storefront. Second, Mr. Cooney suggested that the Council consider illuminating Town Hall to order to further enhance the beauty of the historical district. Following discussion, the Commission voted unanimously that planned improvements would not negatively impact the landmarked property.

A formal Certificate of Appropriateness (COA) hearing is expected before the Commission on July 23, 2015, assuming the Council approves plans on July 15.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Public Works Director
Kevin Schanen, Kimley-Horn Engineering
Jorge Sanchez, SMI Landscaping



Palm Beach

TOWN HALL SQUARE
Streetscape and Infrastructure Improvements

Current Plan



TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Development Review - New Business

Agenda Title

SPECIAL EXCEPTION #19-2015 The application of Cooklyn Palm Beach, LLC; relative to property commonly known as **150 Worth Avenue**, described as lengthy legal description on file; located in the C-WA Zoning District. The Applicant is requesting a special exception for a new restaurant at 150 Worth Avenue, Suite 234, called Cooklyn, which will replace GiGi's Tap and Table Restaurant (formerly Cha Cha's). The new restaurant will occupy the same square footage (5,243) and have the same number of total seats (151) and outdoor seats (14) as the prior restaurant uses in Suite 234. The applicant agrees to be bound by all existing conditions of approval (see Exhibit G of application. [Attorney: James M. Crowley, Esq.]

Presenter

John S. Page, Director of Planning, Zoning & Building

Supporting Documents

- [Letter Dated July 8, 2015, from Worth Avenue Association](#)

July 8, 2015

Mr. Paul Castro, Zoning Administrator
Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: 150 Worth/Esplanade – Cooklyn-Palm Beach

Dear Paul and Town Council Members:

On behalf of the Worth Avenue Association Board of Directors, I am writing to support the Town's approval of *Cooklyn-Palm Beach*, 150 Worth's newest restaurant tenant.

As we have stated before, we feel that a second floor restaurant is crucial to the health of the retailers of 150 Worth, especially since this tenant has such a fine culinary reputation in other locations. Further, we believe that there will be virtually no negative impact to parking, since the current garage has substantial capacity to accommodate a new business in the building.

The Board joins me in requesting your support and approval for Cooklyn.

Kind regards,

Robin Miller (for the Board)
General Manager

E: Yvonne Jones
James Crowley
Gregg Beletsky
Marianna Dubois

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Development Review - Other

Agenda Title

1906 South Ocean Boulevard Tunnel Improvement

A. Construction Management Agreement Revision

B. Extended Work Hours Request

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated July 1, from John S. Page, Director of Planning, Zoning and Building](#)
- [Letter dated June 24, 2015 from Maura Ziska](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Tunnel Construction: 1906 South Ocean Boulevard
Extended Work Hours Request
Construction Management Agreement Revision

Date: July 1, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and act upon... 1) a request to allow for extended construction work hours between the dates of November 1 and November 14, 2015 to complete a previously Council-authorized roadway tunnel at 1906 South Ocean Boulevard, and... 2) a request to amend the previously approved Construction Management Agreement to accommodate FDOT requirements for repairs to State Road A1A.

GENERAL INFORMATION

The Town Council, on February 11, 2015, approved a Special Exception with Site Plan Review and Variances at 1906 South Ocean Boulevard authorizing several improvements including a +/- 160 foot long tunnel for pedestrian access under the roadway to connect the house to the beach cabana on the east side of State Road A1A. Conditions of approval included limiting road work to no more than fourteen days. Council approved a Construction Management Agreement the following month (March 11) outlining terms of the tunnel work. Terms included: a construction timetable; providing flagmen to aid traffic at all times when the road is closed; FDOT, utilities and Public Works permitting; and remedies for violations. The Agreement also includes the following language... *"South Ocean Boulevard shall be re-routed on the Owner's property for a maximum of two weeks with the proviso that the Owner is able to obtain a waiver to construction hours and is able to work 24 hours a day for those two weeks."*

Two additional requests are hereby submitted to the Town Council for consideration (the first was anticipated by the Council in March). First, Attorney Ziska has requested that permissible work hours, limited per Town Code (in November) to 8:00 a.m. through 6:00 p.m. with no work to be completed on Sundays and holidays, be extended to continuous 24-hours, 7-days per week from November 1 through November 14 in order to commence and complete all necessary road work in a two-week window. Second, consultation with the FDOT regarding permitting has brought a new issue to our attention. FDOT requires a minimum of a 30-day cure time for the

initial asphalt installation before a final road mill and resurface can take place. The only way to satisfy this DOT requirement is to amend the Construction Management Agreement in a fashion that allows a secondary “construction window” to occur later in the season. The DOT has communicated to Livingston Builders that this final asphalt topcoat can be delayed until after the season lapses as long as the temporary pavement stays in good condition (see attached correspondence). Finally, Livingston is reporting that the final mill and resurface will take two days, and can be done one lane at a time so that the road remains open while the work occurs.

Staff is not normally amenable to construction work hours that extend beyond existing Code requirements. This instance, however, does present extenuating circumstances. The Council previously approved the tunnel with the condition that roadway work must be completed in a compressed fashion. The “road construction window” was also deliberately scheduled to avoid conflict with turtle season (ending in October) and with the approaching holiday/high season. If the Council is inclined to approve these two additional requests (extended work hours and a minimum 30-day road completion delay), then it must be determined:

1. Does the Council choose to impose any additional restrictions on the two-week, extended 24 hr. work day (noise, lights, equipment, etc.)?
2. At what date(s) should the final road mill and asphalt work be allowed, and how much time should be allotted for same?

Any Town Council approvals will be incorporated into the Construction Management Agreement.

Attachments

cc: Maura Ziska, Attorney
David Palmer, Livingston Builders
Gene Kissner, FDOT
Paul Brazil, Public Works Director
Kirk Blouin, Public Safety Director
Bill Bucklew, Building Official
Town of Palm Beach Code Enforcement Office
John C. Randolph, Town Attorney

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel •

*Also admitted in New York

*Also admitted in Michigan

Esperanté

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA EMAIL AND HAND DELIVERY

June 24, 2015

Bill Bucklew
Building Official
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RECEIVED

JUN 24 2015

TOWN OF PALM BEACH
PZB DEPT

Re: 1906 South Ocean Boulevard – 1902-1906 South Ocean Blvd LLC
Requesting a Waiver of Section 42-199

Dear Bill:

Enclosed please find the following items for submittal regarding the above mentioned request:

1. Letter requesting the Waiver;
2. Letter sent to neighbors within 200 feet;
3. Notarized Affidavit; and
4. Construction Schedule

If you have any questions concerning the above, please call.

Sincerely,



Maura Ziska

MAZ/jch
Enclosures
00028611.DOC

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Marvin S. Rosen, Counsel•

*Also admitted in New York
• Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

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

June 24, 2015

Bill Bucklew, Building Official
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

**RE: Waiver of Section 42-199/ 1902-1906 South Ocean Blvd LLC
1906 South Ocean Blvd., Palm Beach, Florida**

Dear Mr. Bucklew:

I represent 1902-1906 South Ocean Blvd LLC, located at 1906 South Ocean Blvd. On their behalf, I would like to appear before the July 15, 2015 Town Council meeting to request the following:

- Extended hours of construction to be 24 hours per day from November 1, 2015 through and including November 14, 2015 to complete the portion of the tunnel under South Ocean Boulevard.

The reason for requesting extended hours of construction for a period of two weeks is to shorten the time frame of the road (South Ocean Boulevard) being closed due to the tunnel construction.

Please call me if you have any questions with the foregoing. Thank you.

Sincerely yours,



Maura Ziska

MAZ/jch
00028613.DOC

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, *Counsel**

*Also admitted in New York

*Also admitted in Michigan

Esperanté

222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

June 24, 2015

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of construction, is being requested by 1902-1906 South Ocean Blvd LLC at 1906 South Ocean Blvd. to complete the portion of the tunnel work under the road (South Ocean Blvd.), 24 hours per day, from November 1, 2015 through and including November 14, 2015.

This matter will be presented to the Palm Beach Council at the regularly scheduled meeting on July 15, 2015. Any concerns regarding this matter should be expressed at this meeting.

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

Respectfully,



Maura Ziska

MAZ/jch
00028614.DOC



NOTICE AFFIDAVIT

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME THIS DAY PERSONALLY APPEARED Maura Ziska
WHO BEING DULY SWORN, DISPOSES AND SAYS THAT:

1. He/she is the owner, or the owner's authorized agent, of the real property legally described in the Architectural Commission Application.
2. The accompanying Property Owners List is, to the best of his/her knowledge, a complete and accurate list of all property owners' mailing addresses and property control numbers post dated no later than 10 days prior to the hearing at which the subject application will be heard, and as recorded in the latest official tax rolls for the subject property and all other properties within two hundred (200) feet of the real property.
3. A copy of the letter notifying the surrounding property were sent as required.

Sworn to and subscribed before me this 24th day of June, 2015.

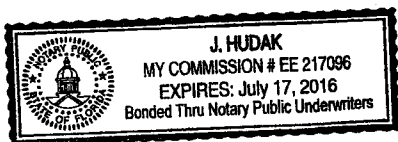
by Maura Ziska who is personally known to me or who has
produced _____ as identification and who did (did not) take an oath.
(Type of identification)

J. Hudak
(Signature of Notary)

J. Hudak
(Printed Name of Notary)

Maura Ziska
(Applicant's Signature)

Maura Ziska
(Printed name of Applicant)



Tunnel Schedule





LIVINGSTON BUILDERS, INC.

Design • Build
Florida Licensed General Contractor - C'GC' A24778

Phone: 561-833-3242
Fax: 561-833-2336

July 1, 2015

Mr. John Page
TOPB Director of P,Z &B
360 South County Road
Palm Beach, Fl. 33480

Re: 1906 S. Ocean Blvd – Tunnel

Dear Mr. Page

Please let this letter serve as clarification for the sequencing of construction along with durations for the proposed tunnel installation below S. Ocean Blvd.

- Construct turn out road onto 1906 property – Month of October 2015
- Construct portion of tunnel below S. Ocean Blvd starting November 1 and completing 1st installation of asphalt by November 14, 2015. This work will be performed on a 24 hour, 7 day per week schedule and assumes no closures do to inclement weather.
- Palm Beach Police will be hired to supervise traffic during the time that traffic is directed onto the turn out and around the tunnel construction
- South Ocean Blvd will be open to normal traffic on November 15th, 2015
- FDOT requires a minimum of a 30 day cure time for the initial asphalt installation before a final mill and resurface can take place. They will also allow us to wait until after season should the Town prefer us to wait to do the final mill and resurface, provided the initial asphalt installation remains in good condition, which we will insure that is does. See attached email correspondence.
- The final mill and resurface will take two days, and can be done one lane at a time so that the road can remain open while the work takes place.
- Final thermoplastic striping of the road will take place per the FDOT's required 14 day curing period for the asphalt and will not require closing the road.

Respectfully,

David Palmer,
Sec. Treasurer Livingston Builders, Inc.

Cc Maura Ziska Esq
James Remez

David Palmer <dpalmer@livingstonbuilders.com>

July 1, 2015 9:14 AM

To: Doug <dwdakota@bellsouth.net>

Cc: Chris Stone <stone@stonefox.us>

Re: tunnel 1906 so ocean

----- Forwarded Message -----

Subject:RE: tunnel 1906 so ocean

Date:Thu, 21 May 2015 13:58:07 +0000

From:Drouin, Brett <Brett.Drouin@dot.state.fl.us>

To:Doug <dwdakota@bellsouth.net>

CC:, Chris Stone <stone@stonefox.us>

Good Morning Doug:

First of all let me apologize for the delayed response.

With that said, the Department will consider the "tunnel work" to be substantially complete when the structural pavement is installed and the roadway is open to traffic. Subsequent to thirty (30) day observation period the Permittee will mill (1-5/8") and resurface the complete roadway a distance of fifty (50') feet either side of the open trench with the wearing surface (SP FC-12.5) and then install temporary paint and associated RPM's. Thermoplastic striping/ marking may be installed after a fourteen 14 day curing period.

Final inspection/acceptance of the permitted work will occur at that point.

I hope this information will be of some value to you. If you have any further concerns please call or write.

Regards,

Brett Drouin
Permits Manager
Palm Beach Operations
7900 Forest Hill Boulevard
West Palm Beach, 33413
(561) 370-1134
Fax: (561) 370-1236

-----Original Message-----

Doug <dwdakota@bellsouth.net>
To: David Palmer
Fwd: RE: FW: south ocean blvd

June 30, 2015 9:16 AM

David --- this is from FDOT Gene responded since Brett is on vacation Doug

----- Forwarded Message -----

Subject:RE: FW: south ocean blvd

Date:Tue, 30 Jun 2015 12:58:39 +0000

From:Kissner, Eugene <Eugene.Kissner@dot.state.fl.us>

To:Doug <dwdakota@bellsouth.net>

CC:Evert, Rosie <Rosie.Evert@dot.state.fl.us>

Doug,

The final resurfacing could wait until after the season as long as the temporary pavement stays in good condition.

Thanks

Gene Kissner
Florida Department of Transportation
Palm Beach Operations
7900 Forest Hill Blvd
WPB, FL 33413

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Development Review - Other

Agenda Title

Sixt Rent A Car, 340 Royal Poinciana Way, Suite 324, Town-Serving
Confirmation, Special Exception No. 19-2013

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated July 1, 2015 from John S. Page, Director of Planning, Zoning and Building](#)
- [Letter dated November 20, 2013 from Paul Castro](#)
- [Letter dated June 30, 2015 from Joseph M. Maus](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director, Planning, Zoning & Building Department

Re: Sixt Rent A Car, 340 Royal Poinciana Way, Suite 324, Town-Serving Confirmation,
Special Exception No. 19-2013

Date: July 1, 2015

STAFF RECOMMENDATION

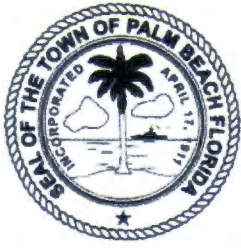
Staff recommends that the Town Council consider and make a determination on Sixt Rent A Car Town-serving documentation.

GENERAL INFORMATION

On August 10, 2013, the Town Council conditionally approved the subject zoning application allowing Sixt Rent A Car to open an office in Royal Poinciana Plaza. One of the conditions of approval is that after six months of operation (business opened in January 2015) the applicant return to the Town Council to demonstrate Town-serving (see attached letter from Paul Castro, dated November 20, 2013) operations.

The applicant has provided the Town with Town-serving information (see attachment). Staff recommends that the Council consider the information and determine whether the business is Town-serving. If you have any questions about this issue please contact Paul Castro, Zoning Administrator at 227-6406.

cc: Jay Boodheshwar, Deputy Town Manager
Paul Castro, Zoning Administrator
Susan A. Owens, Town Clerk
zf & pf



TOWN OF PALM BEACH

Planning, Zoning & Building Department

November 20, 2013

Mr. Joseph Maus
901 East Atlantic Boulevard
Unit 324
Pompano Beach, FL 33060

Subject: Special Exception #19-2013, 340 Royal Poinciana Way, Suite 324, Sixt Rental Car

Dear Mr. Maus:

On November 19, 2013, I sent you the approval letter for the subject business. Please be advised that condition number 2 below has been modified to correctly address the condition of approval related to the rental vehicles. The correct conditions of approval are as follows:

1. The hours of operation shall be from 9:00 a.m. to 5:00 p.m.
2. The business shall not be allowed to have any rental vehicles on the subject property, other than employee cars. Delivery, pickup or return of any vehicles by the applicant or customer to this location is strictly prohibited.
3. The business owner shall come back to the Town Council six months after the business opens and demonstrate that the operation is Town-serving.
4. There shall be a fee of \$2,000 for every violation of any condition in the proposed Declaration of Use Agreement.

The approval is identified on sheet drawings A-1 and A-2 prepared by Glidden Spina & Partners, stamp dated September 20, 2013, and made a part of the approval of this application. You and/or your client's presence is required to be at the December 11, 2013 Town Council meeting to address the proposed Agreement.

The Town Council conditional approval of this application for special exception constitutes only zoning approval and does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as Landmarks Preservation Commission approval and necessary construction permits.

The work authorized under this approval must be commenced within one year from the date of approval or said approval will expire. If you have any questions, please contact me at 227-6406.

Sincerely,



Paul Castro, AICP
Zoning Administrator

cc: John S. Page, Director, Planning, Zoning & Building
Bill Bucklew, Acting Building Official
John Lindgren, Planning Administrator
zf & pf



MAUS LAW FIRM

205 West Davie Boulevard
Fort Lauderdale, FL 33315
jmaus@mauslawfirm.com

Telephone (954) 784-6310
Facsimile (954) 784-6313

June 30, 2015

Paul Castro
Zoning Administrator
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

**Re: Sixt Rent A Car, LLC Declaration of Use
Town-serving car rentals from January 19, 2015
through the present**

Dear Mr. Castro,

As you are aware, the Declaration of Use executed January 3, 2014 between Sixt Rent A Car, LLC ("Sixt") and the Town of Palm Beach required Sixt to provide the Town of Palm Beach evidence demonstrating that Sixt's business meets the Town-serving requirements as defined in Chapter 134, Zoning, in the Town's Code of Ordinances. Sixt opened for business on January 19, 2015.

Please find attached a reservations log for all car rentals for Sixt Rent A Car at its Town of Palm Beach location from January 19, 2015 through the present. You will note that Sixt has received 85 car rental reservations since opening. The reservations log contains the city, state and zip code provided by the rental customer at the time of the 85 reservations.

Of the 85 reservations, 73% (62/85) are town-serving. This percentage is determined by removing all reservations for which a local, Palm Beach County address was provided by the customer. The local reservations that have been removed have addresses in Lake Worth, West Palm Beach, North Palm Beach, Boynton Beach, Lantana, Palm Beach Gardens, Wellington, Lake Park, and Royal Palm Beach. Of the remaining 62 reservations, the customer provided

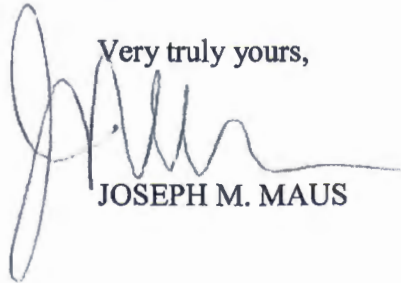
either a Town of Palm Beach address or an out of state address. These reservations qualify as town-serving pursuant to §134-229 of the Town of Palm Beach Municipal Code as they indicate a person residing in the Town of Palm Beach, or visiting from out of state and staying in Palm Beach.

Sixt does not record the name of the hotel at which its customers are staying, although it can do so in the future if necessary. Please note that Sixt operates two West Palm Beach car rental locations – one in downtown West Palm Beach, and one at Palm Beach International Airport. Customers visiting from out of town that are not staying in the Town of Palm Beach would likely rent a car from Sixt at one of these West Palm Beach locations rather than travelling to the Town of Palm Beach to obtain a rental car, then returning to another municipality for their stay.

We are also attaching correspondence from Ernst & Young accounting firm certifying the reservations information provided is accurate.

Please let me know if you have any further questions concerning this issue. As always, thank you for your assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'J. Maus', with a long horizontal flourish extending to the right.

JOSEPH M. MAUS



Ernst & Young LLP
Suite 500
5100 Town Center Circle
Boca Raton, FL 33486

Tel: +1 561 955 8000
Fax: +1 561 955 8000
ey.com

June 30, 2015

Paul Castro
Zoning Administrator
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Review of Palm Beach Island Rental Contracts for Sixt Rent A Car, LLC
Location Address: 340 Royal Poinciana Way, Palm Beach, FL 33480-4048
Period: January 1, 2015 through June 28, 2015

Dear Mr. Castro:

This letter is to confirm the results of our review of the sales data (i.e., rental contracts) for the Sixt Rent A Car, LLC location and period listed above to certify that 73% (62/85) of the customers were either: 1) residents of the Town of Palm Beach or 2) visitors staying at accommodations in establishments located within the town. This review was based upon each customer's address on the rental contract and the following assumptions were made with respect to that information:

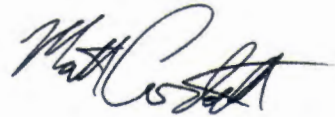
- 1) Customers providing an address within the town were treated as either residents or visitors staying at accommodations in establishments located within the town;
- 2) Customers providing an address located within Palm Beach County but outside the town were regarded as neither residents nor visitors staying at accommodations in establishments located within the town; and
- 3) Customers providing an address outside of Palm Beach County were regarded as being visitors staying at accommodations in establishments located within the town.

In particular, we reviewed redacted rental contract detail, as supplied by Sixt Rent A Car, LLC, for the location and period listed above. The supplied rental contract detail reviewed contained all rental contracts (i.e., sales) for the location and period listed above. The detail included data points such as rental contract number, rental date, and customer's address.

Based on our review of the data supplied, we certify that 73% (62/85) of the customers for the location and period listed above were either residents or visitors staying at accommodations in establishments located within the town.

If I may be of further assistance, please do not hesitate to contact me at (813) 204-6214.

Very truly yours,



Matthew Crocket
Ernst & Young LLP

Column1	RA #	rate	UCI	UDA	RCI	rental ar	address t	town	state	Zip	country	evaluation
1	1824030074	USP12FL1	40512	24-FEB-15	4599	value	DR	PALM BEACH	Florida	33480	USA	inside
2	1824030079	USP13FL1	40512	05-MAY-15	4599	value	DR	PALM BEACH	FL	33480-3615	USA	inside
3	1824030082	USUX4FL1	40512	02-JUN-15	40512	value	DR	PALM BEACH	FL	33480-3946	USA	inside
4	1824030086	USSXF1L1	40512	20-MAY-15	40512	value	DR	PALM BEACH GARDENS	FL	33410-5916	USA	inside
5	1824045046	USP11FL1	40512	12-MAR-15	40512	value	DR	PALM BEACH	Florida	33480	USA	inside
6	1824048164	USSXF1L1	40512	13-MAY-15	40512	value	DR	BOCA RATON	FL	33434-5332	USA	inside
7	1824048168	USUX9FL1	40512	16-MAY-15	40512	value	DR	PALM BEACH	FL	33480-6710	USA	inside
8	9324198997	USUX1FL1	40512	25-JUN-15	40512	value	DR	LANTANA	FL	33462-4138	USA	inside
9	9324134732	USW7UFL1	40512	24-JUN-15	40512	value	DR	BOYNTON BEACH	FL	33435-2922	USA	inside
10	9318485443	USP14FL1	40512	02-FEB-15	40512	value	DR	WELLINGTON	FL	33414	USA	inside
11	9324107972	US24XFL1	40512	24-JUN-15	40512	value	DR	PALM BEACH	FL	33480-3804	USA	inside
12	9318511910	US18XFL1	40512	03-FEB-15	40512	value	DR	WEST PALM BEACH	FL	33418-8669	USA	inside
13	9318513330	USP13FL1	40512	03-FEB-15	40512	value	DR	PALM BEACH	FL	33480	USA	inside
14	9318559699	USPP2FL1	40512	04-FEB-15	4599	value	DR	PALM BEACH	FL	33480	USA	inside
15	9323577118	US23XFL1	40512	12-JUN-15	40512	value	DR	PALM BEACH	FL	33480-3804	USA	inside
16	9318805784	USP14FL1	40512	11-FEB-15	40512	value	DR	PALM BEACH	Florida	33480	USA	inside
17	9323369835	US080FL1	40512	06-JUN-15	40512	value	DR	LAKE WORTH	FL	33461-2318	USA	inside
18	9318927906	US63XFL1	40512	14-FEB-15	4599	value	DR	PALM BEACH	CT	33480	USA	inside
19	9323317369	US026FL1	40512	05-JUN-15	40512	value	DR	WEST PALM BEACH	FL	33405-3006	USA	inside
20	9323249796	USPP9FL1	40512	03-JUN-15	40512	value	DR	PALM BEACH	FL	33480-3613	USA	inside
21	9323087941	US6PUFL1	40512	30-MAY-15	4599	value	DR	PALM BEACH	FL	33480	USA	inside
22	9319245552	USP14FL1	40512	23-FEB-15	2600	value	DR	PALM BEACH	FL	33480-5434	USA	inside
23	9319415134	USW2RFL1	40512	27-FEB-15	40512	value	DR	PALM BEACH	FL	33480	USA	inside
24	9322676400	US20XFL1	40512	21-MAY-15	4599	value	DR	PALM BEACH	FL	33480-3804	USA	inside
25	9322577923	USPE9FL1	40512	18-MAY-15	40512	value	DR	PALM BEACH	FL	33480-4212	USA	inside
26	9322346460	US18XFL1	40512	13-MAY-15	40512	value	DR	PALM BEACH	FL	33480-3804	USA	inside
27	9322058447	US17XFL1	40512	05-MAY-15	40512	value	DR	WEST PALM BEACH	FL	33406-8633	USA	inside
28	9322011114	US23XFL1	40512	05-MAY-15	40512	value	DR	PALM BEACH	FL	33480-3804	USA	inside
29	9319594479	USP14FL1	40512	04-MAR-15	2600	value	DR	WELLINGTON	FL	33414-3507	USA	inside
30	9319619846	USP11FL1	40512	05-MAR-15	4599	value	DR	PALM BEACH	Florida	33480	USA	inside
31	9319682897	USP14FL1	40512	06-MAR-15	2600	value	DR	WEST PALM BEACH	FL	33415	USA	inside
32	9321646286	USUX7FL1	40512	25-APR-15	4599	value	DR	PALM BEACH	FL	33480-3226	USA	inside
33	9321234000	US23XFL1	40512	15-APR-15	40512	value	DR	NORTH PALM BEACH	FL	33408-4018	USA	inside

6/29/2015

34	9321231895	USVMJFL1	40512 15-APR-15	40139 value	DR	NORTH PALM BEACH	FL	USA	inside
35	9319892777	US3PUFL1	40512 12-MAR-15	40512 value	DR	PALM BEACH	FL	33480-3763	USA inside
36	9319901958	USUX6FL1	40512 12-MAR-15	40512 value	DR	WEST PALM BEACH		33409	USA inside
37	9319934111	USUX2FL1	40512 13-MAR-15	2600 value	DR	BOYTON BEACH		33436	USA inside
38	9321032106	USUX3FL1	40512 10-APR-15	2600 value	DR	WEST PALM BEACH	FL	33411	USA inside
39	9320868983	USUX7FL1	40512 06-APR-15	2600 value	DR	PALM BEACH		33480	USA inside
40	9320820746	US11XFL1	40512 04-APR-15	40512 value	DR	WEST PALM BEACH		33480	USA inside
41	9319975948	USUX9FL1	40512 14-MAR-15	40512 value	DR	LAKE PARK		33403	USA inside
42	9319979639	USUX8FL1	40512 14-MAR-15	40512 value	DR	LAKE PARK		33403	USA inside
43	9320751313	USUX6FL1	40512 02-APR-15	40512 value	DR	PALM BEACH	Florida	33480	USA inside
44	9320168778	USP11FL1	40512 19-MAR-15	4599 value	DR	PALM BEACH	Florida	33480	USA inside
45	9320603535	US23XFL1	40512 30-MAR-15	40512 value	DR	LAKE WORTH	FL	33461-5904	USA inside
46	9320599573	US23XFL1	40512 30-MAR-15	40512 value	DR	WEST PALM BEACH	FL	33401-5824	USA inside
47	9320253067	USUX4FL1	40512 21-MAR-15	4599 value	DR	ROYAL PALM BEACH	Florida	33411	USA inside
48	9320318569	USCXAFL1	40512 23-MAR-15	40512 value	DR	PALM BEACH	FL	33480	USA inside
49	9320336782	USP13FL1	40512 24-MAR-15	40512 value	DR	PALM BEACH	FL	33480-3804	USA inside
50	9320501518	US9PRFL1	40512 27-MAR-15	40512 value	DR	WEST PALM BEACH	FL	33409-1803	USA inside
51	9323663367	USRX1FL1	40512 13-JUN-15	40940 value	DR	SEATTLE	WA	98105-3501	USA inside (D2)
52	9324047357	US16XFL1	40512 22-JUN-15	4599 value	DR	WESTPORT	CT	06880-1530	USA Inside (IN)
53	1824030077	US09XFL1	40512 30-APR-15	4599 value	DR	STAMFORD	CT	06902-1321	USA outside
54	1824030078	USP13FL1	40512 19-MAY-15	40512 value	DR	BRONXVILLE	NY	10708-2310	USA outside
55	1824030081	USP13FL1	40512 01-JUN-15	40512 value	DR	NEW YORK	NY	10065-6205	USA outside
56	1824030089	US72XFL1	40512 10-JUN-15	2600 value	DR	DALLAS	TX	75248-1603	USA outside
57	9318219276	US15XFL1	40512 26-JAN-15	40512 value	DR	SOUTH HAMTON		11968	USA outside
58	9318378664	USP14FL1	40512 30-JAN-15	40512 value	DR	NANTUCKET	Massachus	02554	USA outside
59	9318519778	US17XFL1	40512 03-FEB-15	2600 value	DR	CAMDEN	New Jersey	08104	USA outside
60	9324046205	US90XFL1	40512 22-JUN-15	40512 value	DR	AMSTERDAM	L	1019 CS	NL outside
61	9323825463	US73XFL1	40512 17-JUN-15	4 value	DR	LINZ *	O	4040	A outside
62	9318638726	USP13FL1	40512 06-FEB-15	40512 value	DR	NANTUCKET	mass	02554	USA outside
63	9323532527	USUI3FL1	40512 10-JUN-15	40138 value	DR	BELOZERSKY		140 250	RUS outside
64	9323371346	USPW9FL1	40512 06-JUN-15	40512 value	DR	NEWPORT BEACH	CA	92660-6023	USA outside
65	9318852706	USHC4FL1	40512 13-FEB-15	4599 value	DR	NEW YORK	New York	10021	USA outside
66	9323333243	USUX1FL1	40512 05-JUN-15	40512 value	DR	KESWICK	VA	22947-2616	USA outside
67	9323157229	USMU8FL1	40512 01-JUN-15	4599 value	DR	ALLING	Bayern	82239	D outside

68	9322815462	US9XFL1	40512 21-MAY-15	4 value	DR	MAR DEL PLATA	7600	RA	outside
69	9319403958	USW6UFL1	40512 27-FEB-15	40512 value	DR	NEW YORK	10023	USA	outside
70	9322589476	USUX5FL1	40512 18-MAY-15	40512 value	DR	HOUSTON TX	77024-5020	USA	outside
71	9322001109	US66XFL1	40512 04-MAY-15	1122 value	DR	WEST PALM BEACH	33401	CO	outside
72	9319588083	USUX9FL1	40512 04-MAR-15	2600 value	DR	MANAHAWKIN	08050	USA	outside
73	9319595837	US90XFL1	40512 04-MAR-15	2600 value	DR	INDIANAPOLIS IN	46229	USA	outside
74	9321324060	USUX1FL1	40512 17-APR-15	40512 value	DR	PARAMUS NJ	07652-4219	USA	outside
75	9319895763	USUX9FL1	40512 12-MAR-15	2600 value	DR	EAST MEADOW	11554	USA	outside
76	9319932177	USRX2FL1	40512 13-MAR-15	2600 value	DR	ELMIRA, ONTARIO ON	N38 3G5	CAN	outside
77	9319933713	USUX9FL1	40512 13-MAR-15	2600 value	DR	HOWARD BEACH NY	11414-2219	USA	outside
78	9319949316	USP13FL1	40512 13-MAR-15	2600 value	DR	SHREWSBURY	01545	USA	outside
79	9320780952	US90XFL1	40512 03-APR-15	2600 value	DR	NEW YORK NY	10010	USA	outside
80	9320755175	USRX8FL1	40512 03-APR-15	4599 value	DR	POUND RIDGE NY	10576-0228	USA	outside
81	9320650072	US2PUFL1	40512 31-MAR-15	40512 value	DR	RUMSON NJ	07760-1129	USA	outside
82	9320140397	US9PRFL1	40512 18-MAR-15	40512 value	DR	WESTON	02493	USA	outside
83	9320616261	USUX8FL1	40512 30-MAR-15	40512 value	DR	BOULDER CO	80304-0418	USA	outside
84	9320368641	USUX8FL1	40512 24-MAR-15	4599 value	DR	CARLSBORO California	92018	USA	outside
85	9320485700	USW3UFL1	40512 27-MAR-15	40512 value	DR	NEW YORK NY	10075	USA	outside

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Development Review - Other

Agenda Title

Proposed Modifications and Changes to Chapter 134, Zoning, Related to
Playground Equipment

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated June 29, 2015 from John S. Page, Director of Planning, Zoning and Building](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director, Planning, Zoning & Building Department

Re: Proposed Modifications and Changes to Chapter 134, Zoning, Related To Playground Equipment

Date: June 29, 2015

STAFF RECOMMENDATION

It is recommended that the Town Council give direction to Staff relative to the regulation of playground equipment. Once done, Staff will prepare an Ordinance for subsequent action.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its June 16, 2015 meeting, recommended approval of proposed Zoning Code modifications which would allow playground equipment on residentially- zoned properties provided the following conditions are met:

1. Shall comply with the front yard setback, and also setback 15 feet from a side or rear yard property line when the side or rear yard fronts a street.
2. Shall have a 10 foot side or rear yard setback (with no abutting street).
3. Shall be completely screened at ground level eye sight from a street or neighboring property by a hedge, wall, or combination of both.
4. Shall not be more than 10 feet in height, as measured from the grade where the equipment is located, and not have a roof.
5. Shall prohibit tree houses.

In addition, the Commission recommended approval of basketball goals on residentially zoned property provided the following conditions are met:

1. A property be limited to one basketball goal.
2. The basketball goal shall have a minimum 15 foot front, street side, and street rear yard setback. The side and rear setback (when not abutting a street) would remain at 10 feet.
3. Staff would be given the authority to approve said basketball goals.
4. Hours of use should be restricted to 9:00 a.m. through 8:00 p.m.
5. Three or more valid, written noise complaints from a property owner within 200 feet shall be grounds for the removal of the goal, which must be completed within 30 days of notice. There is an appeal process to the Town Council when and if an owner chooses to contest an administrative determination to remove the goal.
6. There is also a special exception approval process for basketball goals if an owner loses an appeal or

decides not to appeal the revocation. In such instances, the Town Council could place specific conditions on any approval.

Please note that the Commission recommendations outlined above differ from Staff's recommendations that were provided to the Commission (see additional detail below).

GENERAL INFORMATION

The Town Council, at its April 15, 2015 meeting, directed staff to work with the Planning and Zoning Commission in drafting proposed changes to Chapter 134 to specifically address playground equipment. Swing sets and other play equipment qualify as accessory structures in residential districts in the Code. As such, they are not allowed in front yard, street side yard and/or street rear yard setbacks. In addition, said equipment cannot exceed a height of fifteen feet and is required to be a minimum of ten feet from a side or rear yard property line. The Council asked for more flexibility in the placement of play equipment (intended for young children) provided it is completely screened from the street.

Staff drafted proposed language which would treat playground equipment differently than other accessory structures. The proposed changes as originally drafted by Staff and provided to the Planning and Zoning Commission would allow said equipment (provided it is not enclosed) to be setback a minimum of fifteen feet from a street side or street rear property line provided it is completely screened from the street by a hedge, wall, or combination of wall or other landscape material. Play equipment would not be allowed in a front yard setback. In addition, the proposal would limit the maximum height of the equipment to fifteen feet from adjacent grade. Accessory structures are presently limited to 15 feet (as measured from the street grade). Tree houses are currently prohibited based on building code and zoning code restrictions and the proposed language addresses that prohibition.

Staff separately addressed basketball goals in the Code. Over the years there have been several complaints about noise from basketball goals. For that reason, basketball backboards are only permitted by special exception based on Sec. 134-1759(a) at present time. The proposed code amendment would allow one basketball goal on a property and allow it in the front, street side or street rear setback provided that the goal is at least fifteen feet from a property line. One aspect not discussed at the Commission meeting was side and rear yard setbacks. Staff recommends that the setback be the same as an accessory structure which is 10 feet from the property line. It was also proposed that Town Staff would approve basketball goals administratively. In addition, if the Town receives three valid written complaints from any neighbor within 200 feet, the basketball goal will be required to be removed (an administrative action). An appeal provision is being recommended and would be heard by the Town Council. If a revocation of the basketball goal occurs and an owner loses an appeal or decides not to appeal the revocation, a property owner could still apply for a special exception for a basketball backboard. The special exception approval process would be heard by the Town Council and can include any mitigating conditions on an approval.

If you have any questions or concerns about the following proposed Code changes please contact Paul Castro, Zoning Administrator at 227-6406.

cc: Planning and Zoning Commission
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Anne-Marie Taylor, Public Safety
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building
Paul W. Castro, AICP, Zoning Administrator

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2015

Section of Agenda

Development Review - Other

Agenda Title

Par 3 Golf Course: One Year Review, Special Exception #13-2014

Presenter

Beth Zickar, Director of Recreation

Supporting Documents

- [Memorandum Dated July 2, 2015 from Rod Gardiner, Assistant Director of Recreation](#)

TOWN OF PALM BEACH

Information for Town Council Development Review Meeting on: July 15, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

Via: Beth Zickar, Director of Recreation

From: Rod Gardiner, Assistant Director of Recreation

Re: Par 3 Golf Course: One Year Review, Special Exception #13-2014

Date: July 2, 2015

STAFF RECOMMENDATION

Staff recommends Town Council approve twelve events per year inside the clubhouse restaurant, which can last until Midnight and twelve events per year on the outside patio, which can last until 10:00pm for an additional year. Staff also recommends Town Council permanently approve three additional parking spaces, one-way drive isles in the parking lot, and the provision of valet services.

GENERAL INFORMATION

At the July 16, 2014, Town Council Development Review meeting, Council gave consideration to Special Exception #13 - 2014 with Site Plan Review and Variances for the Par 3 Golf Course and conditionally approved:

1. Twelve events per years inside the clubhouse, which can last until Midnight.
2. Twelve events per year on the proposed outside patio, which can last until 10:00pm.
3. Three additional parking spaces on the south side of the parking lot.
4. The modification to the parking lot vehicular circulation by creating one way drive isles.
5. Valet parking with designated areas.

In the past year, no events were held inside the clubhouse restaurant and only one was held on the outside patio. If approved, it will be better promoted as an option for after 5pm events.

The modifications of the three additional parking spaces on the south side of the lot, creating one-way drive isles and designating valet only parking have increased the efficiency and safety of the lot. In conjunction, a parking plan was implemented by staff from November 1, 2014, to May 31, 2015, for most restaurant and golf course employees. These employees used spaces at the Phipps Ocean Park south lot, on the southernmost row of parking spaces. This parking plan will be implemented each November through May to free up spaces in the golf course parking lot

for customers. Together these modifications have been quite successful in alleviating the crowding of the parking lot and developing easier access for the general public.

c: Jay Boodheswar, Deputy Town Manager
John S. Page, Director of Planning, Zoning & Building
Paul Castro, Zoning Administrator
Tony Chateauvert, Golf Course Manager