



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

WEDNESDAY, JULY 13, 2011

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

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 (Another opportunity for communications from citizens will be offered immediately after the lunch break.)

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

VI. APPROVAL OF AGENDA

VII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 1-11 An Ordinance Of The Town Council Of the Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On August 11, 2010, With The Adoption Of Ordinance No. 3-10, By Amending The Data & Analysis In The Future Land Use Element And Amending Policy 2.3.1 As It Addresses Square Footage Thresholds For Town-Serving Businesses; Providing For Severability; Repealing All Ordinances Or Part Of Ordinances In Conflict Hereof; Providing For Codification; And Providing an Effective Date.

[John Page, Director of Planning, Zoning, and Building]

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2. ORDINANCE NO. 2-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-2 By Amending The Definition Of Town-Serving By Increasing The Square Foot Threshold In Certain Commercial Zoning Districts; Section 134-229 By Exempting Hotel, Motel and Timeshare Uses And The C-OPI Zoning District From The Town-Serving Requirements; Sections 134-1107, 134-1109, 134-1157, 134-1259, 134-1302 And 134-1304 By Increasing The Town-Serving Square Foot Threshold And Changing The Term Occupational License To Business Tax Receipt In The C-TS, C-WA And C-B Zoning Districts; Section 134-1259 By Changing The Term Occupational License To Business Tax Receipt In The C-PC Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

[John Page, Director of Planning, Zoning, and Building]

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3. ORDINANCE NO. 3-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On August 11, 2010 With The Adoption Of Ordinance No. 3-10, By Amending The Data & Analysis In The Future Land Use Element And Amending Policy 7.3 As It Addresses Rebuilding Structures Located Seaward Of The Coastal Construction Control Line (CCCL), And Permitting Nonconforming Building And Structures To Be Rebuilt Provided Certain Conditions Are Met; Providing For Severability; Repealing All Ordinances Or Parts Of

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Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.

[John Page, Director of Planning, Zoning, and Building]

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4. ORDINANCE NO. 4-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, At Sections 134-419 and 134-420 By Amending the Provisions To Clarify the Regulations for Raising A Nonconforming Building To Meet the Minimum Flood Elevation Requirements and Allow A Nonconforming Building or Structure To Be Rebuilt Within A Defined Time Limit If Unintentionally Damaged Or Destroyed By Act of Terrorism Or War, Or By Fire Or Act Of God Or Nature; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

[John Page, Director of Planning, Zoning, and Building]

B. First Reading

None

VIII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **SPECIAL EXCEPTION #14-2011 WITH VARIANCES**

The application of Palm Beach Country Club, Inc.; relative to property commonly known as **760 North Ocean Boulevard**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review modification to demolish the existing caretaker's house on the west side of the Club golf course and build a new caretaker's house in the same proximity. The proposed house will be 5,581 square feet. The following variances are being requested: to allow a front yard setback/building

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height plane setback for the new caretaker's house to be 19.5 feet in lieu of the 49.5 foot minimum required and to allow an angle of vision to be 136.86 degrees in lieu of the 120 degrees maximum allowed. [Attorney: Maura Ziska] [ARCOM Recommendation: Deferred. Carried 7-0.]

Deferred from the June 15, 2011 Town Council Meeting.

Request for Deferral to the August 10, 2011, Town Council Meeting Per Letter Dated June 29, 2011, from Maura A. Ziska (Second Deferral - Special Circumstances).

2. New Business

a. **SITE PLAN REVIEW #7-2011 WITH VARIANCES**

The application of 1200 South Ocean Boulevard, LLC; relative to property commonly known as **947 No. Ocean Blvd.**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing to construct a new two-story residence containing 17,370 square feet on two lots on the Atlantic Ocean. The project will also include a basement (non-habitable) of 7,171 square feet and a below grade tennis loggia of 888 square feet. There will be a generator with a capacity of over 100kw in the basement. The applicant is requesting a point of measurement variance, a building height variance, and a front yard setback variance. The applicant is requesting a point of measurement of 22 feet NGVD in lieu of the maximum 17.4 feet NGVD allowed; a building height of 24.10' in lieu of the 22.75 feet allowed; a front setback of 119.83 feet at the closest point to the front lot line in lieu of the 152.67 feet minimum allowed. [Attorney: Jacqueline S. Miller, Esq.]

[ARCOM Recommendation: Implementation of the variances, as modified, will not cause negative architectural impacts to the subject property. Carried 6-1, Mr. Karakul opposed.]

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- b. **VARIANCE #11-2011** The application of David and Sara Hruda; relative to property commonly known as **143 Reef Road**; described as Lot 45 of NORTH SHORE ADDITION TO PALM BEACH, according to the Plat thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests variances to construct a two car garage with a 6.25 foot west side yard setback in lieu of the 12.5 feet required; and, an angle of

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vision of 112 degrees in lieu of the 100 degrees allowed.
[Attorney: Maura A. Ziska]

- c. **SPECIAL EXCEPTION #16-2011** The application of Escada US Subco, LLC; relative to property commonly known as **222 Worth Avenue**; described as Lots 17 and 18 Revised Map of Royal Park Addition Plat Book 4, Page 1; located in the C-WA Zoning District. The applicant requests a Special Exception by a new tenant of 222 Worth Avenue to continue to operate a clothing store, the same business as the previous tenant. The store has 3,763 square feet on the first floor for retail use and 3,345 square feet on the second floor for retail, office and shipping uses. The total square footage is 7,108 square feet which is 5,108 square feet in excess of the 2,000 square feet allowed as a matter of right without Special Exception, in the C-WA district. [Attorney: Raymond W. Royce]
- d. **SPECIAL EXCEPTION #18-2011WITH VARIANCE** The application of Worth Avenue Yachts, 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 requests Special Exception approval for a commercial office operation (boat sales and charter office business) containing 3,425 sq.ft. of gross leasable area which is over the 2,000 sq.ft. limitation, which requires Town-serving approval. A Variance is also requested for approval to allow this office use to be located on the first floor which is not permitted by code in this zoning district. [Attorney: James R. Brindell]
- e. **SPECIAL EXCEPTION #19-2011 WITH SITE PLAN REVIEW AND VARIANCE** The application of The Society of the Four Arts, Inc.; relative to property commonly known as **239 Cocoanut Road** and adjacent Parking Lot, **439 Royal Palm Way, Four Arts Plaza, 1 Four Arts Plaza, 2 Four Arts Plaza**; described as lengthy legal description on file; located in the R-B Zoning District. A request for approval of a Special Exception for non-profit cultural use (Section 134-890 (8) and Section 134-229). The applicant, The Society of the Four Arts, Inc. ("Four Arts"), has purchased the landmarked old Palm Beach Public School property located at the southwest corner of Cocoanut Row and Seaview Avenue. The applicant's request is that the Town Council grant a Special Exception to allow the old school site to be used for a non-

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profit cultural use and to modify the Four Arts' existing Special Exception to include the newly acquired property into the Four Arts campus, specifically a proposed connection to the existing Four Arts sculpture garden and the integration of the parking lot located west of the old school site into the site plan. The proposed changes to the old school property include: (i) the demolition of a noncontributing building on the south side of the property; (ii) conversion of the old gymnasium into a new 256 seat theater; (iii) the construction of a new courtyard and reception area on the north side of the building; (iv) the addition of a demonstration kitchen and adult art, lecture, and other cultural activities within the existing classrooms of the old school; and (v) the addition of a visiting artists residence in the building to accommodate visiting artists. Proposed improvements to the site include a new driveway and drop-off along the south side of the old school building so that vehicles can enter the site directly from Cocoanut Row. This driveway will have a new courtyard connected to the existing Four Arts sculpture garden to the south. The existing parking area on the west side of the site will be improved with new landscaped areas, new paving and new drainage. The existing emergency generator enclosure will be enlarged for a new AC chiller and a new 80 KW emergency generator. A request for approval of a Site Plan for the proposed Fitz Eugene Dixon Education Building (Section 134-329). The existing land marked Palm Beach Public School at the southwest corner of Cocoanut Row and Seaview Avenue is proposed to be converted into non-profit cultural center as part of The Society of the Four Arts. The existing two story building will remain except for the demolition of the stand alone 1950's addition on the south side, which is not historic and not in keeping with the original 1920's architectural style. Improvements to the site include the construction of a new courtyard and reception area on the north side of the building and a new driveway and drop off along the south side of the building so that vehicles can enter the site directly from Cocoanut Row; Seaview Avenue is one-way eastbound. This driveway will have a new courtyard connected to the existing Four Arts sculpture garden to the south. The existing parking area on the west side of the site will be improved with new landscaped areas, new paving and new drainage. The existing emergency generator enclosure will be enlarged for a new AC chiller and a new 80 KW emergency generator. The building will be entirely restored based

upon the original 1920's style of architecture. New windows, doors, painting and other improvements will be part of the exterior work. The interior will include new elevators, new air conditioning system, new restrooms, and new finishes throughout. The existing gymnasium will be completely remodeled into a theater with 256 seats and multipurpose room. The existing classroom and administrative area will be remodeled into adult art, lecture, demonstration kitchen and other cultural activity type of uses. There will be new administrative offices and a visiting artist residence. A request for variance for applicant's proposed reduction in parking spaces on the existing Four Arts parking lot located to the west of the old Palm Beach Public School building (Section 134-2175 (b) and Section 134-201). Applicant proposes to reduce the number of parking spaces from 45 to 35 in order to: (i) improve internal circulation within the parking lot with the addition of a new lane on the west side of the parking lot; (ii) accommodate a new driveway and drop off along the south side of the building so that vehicles can enter the site directly from Coconut Row; (iii) accommodate a new AC chiller unit and a new 80 KW emergency generator to service the old Palm Beach Public School building; and (iv) accommodate additional landscaping in the redesigned parking lot. [Attorney: Harvey E. Oyer III]

- f. **SPECIAL EXCEPTION #17-2011** The application of Ritcon Investments South, 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 requests a Special Exception to replace the existing Trevini restaurant in Suite 234 on the second level of 150 Worth Avenue with a new restaurant called Cha-Cha's which will occupy the same square footage (5,243) and will have the same number of seats as was previously approved for Trevini (151, with 14 on the exterior of the common area). The restaurant will provide background dinner music, or entertainment, and may have dancing to live or recorded music, but will not have floorshows. Special Exception request to allow 14 of the 151 maximum seats to be allowed outside the restaurant. [Attorney: James R. Brindell]

D. Other

None

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- 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.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio." 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 under "Agendas, Minutes, and Audio."
- 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.
- 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.
- 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.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

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.

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 on: July 13, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 1-11 An Ordinance Of The Town Council Of the Town of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On August 11, 2010, With The Adoption Of Ordinance No. 3-10, By Amending The Data & Analysis In The Future Land Use Element And Amending Policy 2.3.1 As It Addresses Square Footage Thresholds For Town-Serving Businesses; Providing For Severability; Repealing All Ordinances Or Part Of Ordinances In Conflict Hereof; Providing For Codification; And Providing an Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Ordinance No. 1-11
- Exhibit A, The Town-Serving Report prepared by LaRue Planning and Management Services, Inc.

ORDINANCE NO. 1-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF PALM BEACH COMPREHENSIVE PLAN AS LAST AMENDED ON AUGUST 11, 2010, WITH THE ADOPTION OF ORDINANCE NO. 3-10, BY AMENDING THE DATA & ANALYSIS IN THE FUTURE LAND USE ELEMENT AND AMENDING POLICY 2.3.1 AS IT ADDRESSES SQUARE FOOTAGE THRESHOLDS FOR TOWN-SERVING BUSINESSES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town proposes to amend its Comprehensive Plan in accordance with the requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on August 11, 2010 with the adoption of Ordinance No. 3-10; and

WHEREAS, the Town is amending the Data & Analysis and Goals, Objectives, and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3.1 as it relates to square-footage thresholds for town-serving businesses; and

WHEREAS, after considering the data in the Report from LaRue Planning and Management Services, Inc. (Exhibit "A" attached) and reviewing the proposed amendments to the Town's Comprehensive Plan at their February 22, 2011 meeting, the Planning and Zoning Commission, acting as the Local Planning Agency (LPA), recommended approval and transmittal of the amendments to the Florida Department of Community Affairs (DCA); and

WHEREAS, after considering the data in the Report from LaRue Planning and Management Services, Inc. and reviewing the proposed amendments to the Town's Comprehensive Plan, the Town Council determined that there should be a change in the Town-serving threshold in different commercial zoning districts.

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

Section 1. INCORPORATION OF RECITALS

The above recitals are incorporated as fully set herein.

Section 2. FINDINGS

The proposed amendments to the Data & Analysis and Goals, Objectives, and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3.1 as it relates to square-footage thresholds for town-serving businesses, as more particularly described in Section 3 below, have been determined by the Town Council to promote the public health, safety and welfare, and is consistent with the requirements of Chapter 163 Florida Statutes, Chapters 9J-5 and 9J-11 of the Florida Administrative Code, and all elements of the adopted Comprehensive Plan.

Section 3. AMENDMENT OF COMPREHENSIVE PLAN

The Data & Analysis (first two paragraphs below found on pages I-5 and I-9) and the GOPs in the Future Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows:

The Town's Zoning Ordinance has established 4,000__square-feet as the maximum gross leasable area for commercial establishments in certain districts. To be granted a waiver from this provision, the applicant must demonstrate that the business is Town-serving; that adequate parking is available to support the request for increased floor area; and, that a hardship exists which prevents them from conducting their Town-serving business within 4,000 square-feet or less. The most common waivers have been for financial institutions and professional office space.

4. The dominant character of the Town's commercial sector is one of small scale. The vast majority of the commercial uses in the Town each encompass 4,000 square-feet or less of gross leasable area. Despite the reputation of Worth Avenue and the presence of some large retail anchors and office uses in the Town, the overall character of the Town's commercial areas is one of small business concerns which, individually, would not normally be expected to draw the majority of its patrons from beyond the Town's limits.

POLICY 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 uses in the “Commercial – Office, Professional & Institutional” (C-OPI) zoning district, which are not required to meet town-serving requirements) of 2,000 square-feet or less of gross leasable area in the “Commercial – Planned Center” (C-PC) zoning district, 3,000 square-feet or less of gross leasable area in the 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.

Section 4. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance for any reason, is held to be unconstitutional, void or otherwise invalid, the validity of the remaining portions of this Ordinance shall not be effected thereby.

Section 5. EFFECTIVE DATE

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administrative Commission finding the amendment in compliance in accordance with Chapter 163.3187(3)(C), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

PASSED ON FIRST READING in a regular, adjourned session of the Town Council on the 13th day of April 2011.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council on the 13th day of July 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

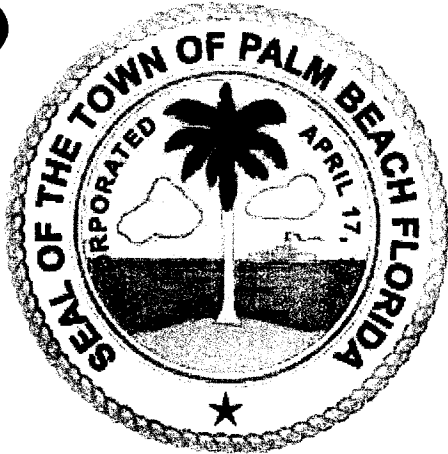
Michael J. Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

EXHIBIT “A”

The Town of Palm Beach
Town-Serving Report
prepared by
LaRue Planning and Management Services, Inc.



Town of Palm Beach

Study of “Town – Serving” Provisions

September 30, 2010

Prepared by:



Serving Florida Local Governments Since 1988

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I. BACKGROUND TO THE "TOWN-SERVING" CONCEPT

At the Town Council meeting on January 9, 1979, Mrs. Barbara Hoffstot, representing the Garden Club, made a presentation to the Council concerning the changing condition of the Town and the Garden Club's dismay at the collapse of services to the residents including the then recent loss of small local oriented retail and service businesses. She noted the demise of a gas station, car repair shop, bakery, fish market, florist, hardware store, hotel, small restaurant, water/ice business and a landscape company. It was this initial presentation that ignited the Town Council's concern over what was perceived to be an evolving trend that was changing the character of the Town's commercial sector.

In April of 1979 the Town Manager, George Frost, provided a memorandum to the Town Council outlining the basis for adopting Ordinance No. 5-79 implementing a Commercial Moratorium. In this memorandum the following paragraphs described the purpose of the study of the Town's commercial development that ultimately formed the basis for the "Town-Serving" provision and associated limitation on gross floor area for commercial uses in the Town.

- "9. Review the existing composition of commercial development in the C-A and C-B Zoning Districts with the intent of encouraging and providing a necessary balance of 'personal service' commercial uses for residents of the Town and discouraging high-volume retail and other commercial uses whose principal purposes are to serve other than residents of the Town."
- "3. Via memoranda dated March 28 and April 3rd on topics of the 1980 Zoning Hearings, Mr. Adley has been requested to study and recommend on the creation of a new commercial zoning district(s) and other relevant techniques and approaches which would differentiate between various types of commercial uses and which would give different treatment to commercial uses providing services to the immediate residential neighborhood..."

In a memorandum dated April 28, 1979 from Harry C. Adley, President of Adley Associates, Inc., the Town's Planning and Zoning Consultant, to the Town Manager, the primary objective of the study to be conducted during the Commercial Moratorium was described as follows:

"1. Primary Objective: Modification of Character of Town's Commercial Areas

To halt, and where possible reverse, the trend by which the Town's commercial districts are changing from a "Town-Serving" function to a region-serving function, changes which are resulting in an increase in traffic congestion, parking demand, loss of convenience to the Townspeople and related problems."

II. BASIC FINDINGS: 1979-80 COMMERCIAL DISTRICT STUDY

Adley Associates, Inc. conducted its study of the uses in the Town's commercial areas during the late summer of 1979 and provided initial findings in October of that year. In December of 1979, the firm presented its "Summary of Research and Findings" for the Commercial District Study. These findings served as the basis for establishing the "Town-Serving" concept and requirement to obtain approval of a special exception to expand an existing commercial use, or establish a new commercial use, involving over 2,000 square feet of gross leasable area (GLA).

Market analysis based on population and spending patterns indicated that the square footage of retail and service type commercial uses in the Town were not likely supportable by the local population. It was also suggested that the loss of small local serving businesses at that time was due to rising rents and property values spurred by competition from larger businesses eager to take advantage of a Palm Beach location and name.

Much of the original Commercial District study dealt with trying to determine the character of the Town's commercial sector and the extent to which "region serving" businesses were located in the commercial districts. However, early on it was suggested, based on general marketing patterns and local knowledge of the character and makeup of commercial establishments in the Town, that commercial uses of over 4,000 square feet were the uses most likely to be serving a market beyond the Town limits.

Inventory of the businesses in the Town indicated that about 80% of the retail and service businesses in the Town contained 2,000 square feet or less of gross floor area. Consequently, the Town determined that it was prudent to set this as the threshold beyond which substantiation would be required to show that the majority of customers of the business could be expected to be "Townpersons". The definition of "Townpersons" included all full-time or seasonal residents living in, or employees working in, or visitors staying overnight in the Town.

Businesses of 2,000 square feet or less were therefore automatically considered "Town-Serving" by virtue of their small size, which was the defining and predominant characteristic among businesses in the Town. A business over 2,000 square feet that could substantiate that the majority of its customers were "Townpersons," was also deemed to be "Town-Serving." While the investigation into the sizes and character of businesses in the Town in 1979-80 was limited to the type and sizes of retail and service businesses in the Town, it was also found that much of the competition for commercial space was due to demand for office space. Occupational license information for 1979 indicated that there were slightly over 400 office-type businesses in the Town. The gross floor area of these businesses was not identified at that time.

At the time the Commercial District Study was undertaken, there were only two commercial zoning districts in the Town, C-A and C-B. The C-B district encompassed only a very small area along Royal Palm Way between South County Road and South Ocean Boulevard. While there was, and still is, a small area of commercial zoning in the vicinity of South Ocean Boulevard and the Lake Worth Bridge, the primary commercial areas in the Town were located, as they are now in two areas of the Town - the Town Center and Royal Poinciana areas. These two areas are identified on the map on the following page.

The Town Center area included Worth Avenue, Peruvian Avenue, South County Road and Royal Palm Way, all zoned C-A, as well as the small area along Royal Palm Way zoned C-B. This area was referred to in the 1979-80 study as the "Worth Avenue Commercial District". The other commercial concentration was mainly in the vicinity of the Royal Poinciana Plaza and along Royal Poinciana Way, Bradley Place, Sunrise and Sunset Avenues, and North County Road. This area was referred to as the "Royal Poinciana Commercial District" in the 1979-80 Study.

The number, type and scale of the larger retail and service establishments in each of these two areas are illustrative of each district's character. The Town Center area was the larger of the two with about 450,000 square feet of retail and service space compared to about 180,000 square feet in the Royal Poinciana area. The former was overwhelmingly devoted to shoppers' type goods and, as can be seen in the Table 1, more and larger retail anchor stores (except for the Publix supermarket which is considered a convenience-oriented retail outlet).

Table 1
Commercial Retail and Service Anchor Establishments
Major Commercial Areas
1979-80

TOWN CENTER AREA		ROYAL POINCIANA AREA	
Anchor Stores	Square Footage	Anchor Stores	Square Footage
Saks Fifth Ave.	16,380	Publix	32,000
Brinkley's Grocery	9,750	Sara Fredericks	10,286
Bonwit Teller	9,576	Stanley Nelson Boutique	4,679
Frances Brewster	8,550	Worrills	10,136
Gucci	5,400		
Sara Fredericks	5,225		
Maus-Hoffman	4,320		
Stagg Ltd.	4,240		
Major Restaurants	Square Footage	Major Restaurants	Square Footage
Taboo	9,678	Restaurant Pappagallo	4,725
Nandos	6,300	Capriccio	4,679
Petit Marmite	5,796	Maurice	4,642
Mandarin	5,400	Testa's	4,125
Flame	4,500	O'Hara's	4,125
Source: 1979-90 Commercial District Study, Adley Associates, Inc. LaRue Planning & Management Services, Inc.			

A black and white map of a city block in Los Angeles, California. The map shows a grid of streets: BRADLEY (vertical, left), SERRANO (vertical, center), COCONUT (horizontal, center), and WHITEHALL (horizontal, bottom). Building footprints are represented by solid black shapes. A large circle is drawn around the central portion of the map, encompassing the area between Bradley and Serrano streets and between Serrano and Whitehall streets. The map is oriented with North at the top.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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 C-A
 C-B

ROYAL PARK

21

The inventory of retail and service uses in 1979 excluded offices, financial institutions and hotels. Using raw data from the 1979 inventory of retail and service uses, the information in the following table indicates that about 76% of the uses were comprised of 2,000 square feet or less. This is reasonably consistent with the initial estimate of about 80% during the 1979-80 study.

Table 2
Square Footage of
Commercial Retail and Service Establishments
1979-80

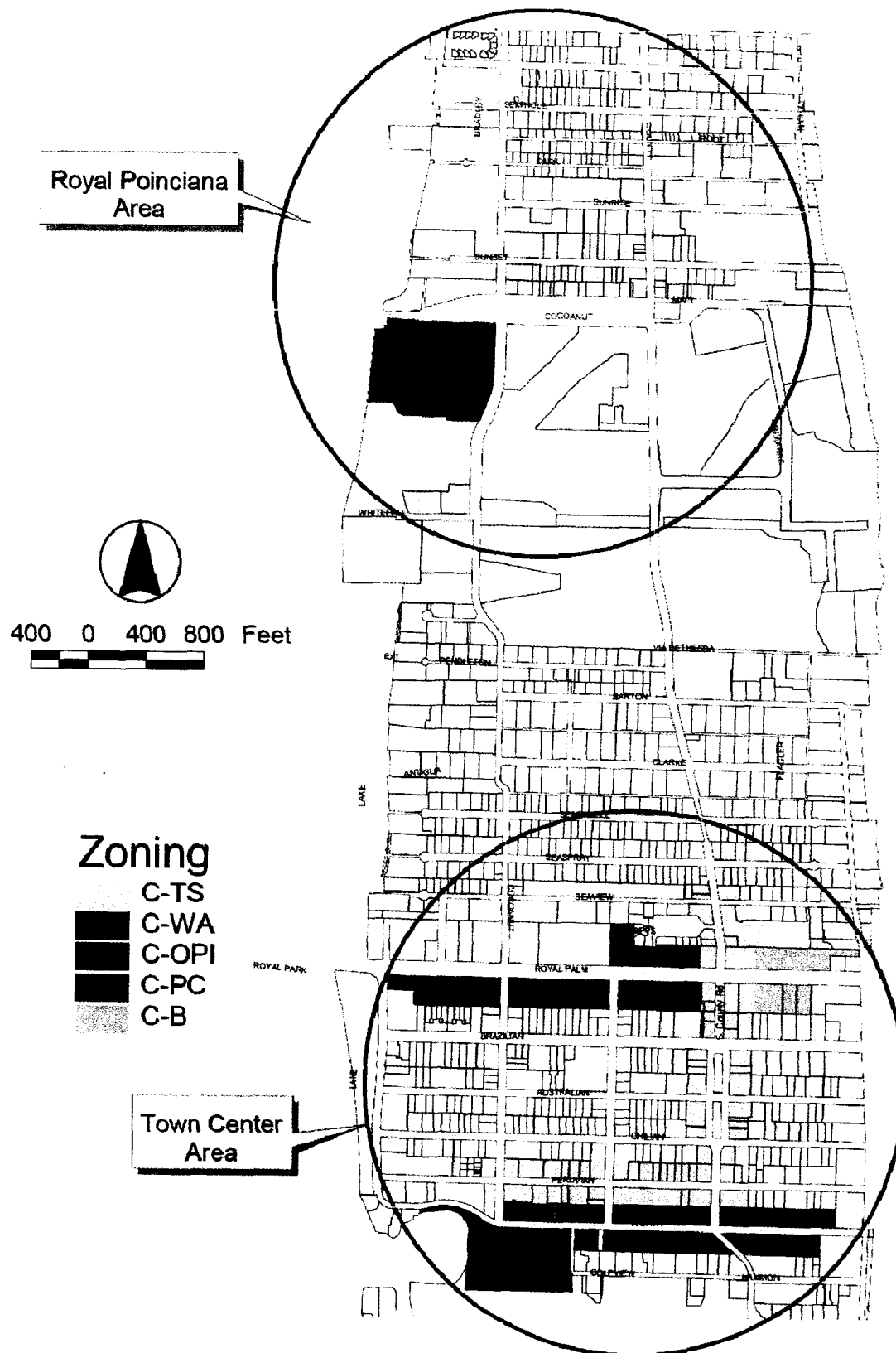
	"WORTH AVENUE"		"ROYAL POINCIANA"		TOTAL	
Square Feet	Number	Percent	Number	Percent	Number	Percent
Up to 2,000	177	78.7	57	69.5	234	76.2
2,001 to 4,000	32	14.2	15	18.3	47	15.3
Over 4,000	16	7.1	10	12.2	26	8.5
Total	225	100.0	82	100.0	307	100.0
Average	1,598		2,243		1,770	
Median	1,080		1,332		1,152	
Source: 1979-90 Commercial District Study, Adley Associates, Inc. LaRue Planning & Management Services, Inc.						

III. CURRENT MIX OF USES BY ZONING DISTRICT, TYPE OF USE, AND SQUARE FOOTAGE

Since 1980, there have been five commercial zoning districts in the Town. The C-A district was divided into the first four districts listed below. The C-B district involves the same geographic area as in 1980. The map on the following page shows the delineation of the Town's five commercial zoning districts listed below.

- C-TS, Commercial – Town-Serving
- C-WA, Commercial – Worth Avenue
- C-OPI, Commercial – Offices, professional and institutional
- C-PC, Commercial – Planned center
- C-B, Commercial – Offices

COMMERCIAL ZONING, 2009



Unlike the 1979-80 study which relied on physical visits to the site of each business to estimate its square footage based on a rough measurement of the geometry of the specific building or unit, the 2009 information is taken from the Town's computerized records of Business Tax Receipts.

Obvious examples of businesses with multiple BTRs (e.g., a restaurant that also carried a BTR for its nightclub or catering operation, or for individual lawyers within a firm which had been issued a BTR), were deleted from the list. Hotels and offices were not included in the 1979 inventory. Therefore hotels and the very largest banks and brokerage and administrative offices have been excluded from the 2009 inventory of the C-TS and C-WA zoning districts. However, since banks and offices have been subject to the need for a special exception to exceed 2,000 square feet, these smaller banks and offices up to 10,000 square feet are included in the 2009 inventory. This leaves 639 BTRs of which 473 (74%) contain complete information. It is these 463 businesses upon which the information in Tables 3 through 9 and associated analyses are based.

**Table 3
BUSINESS SQUARE FOOTAGE
BY ZONING DISTRICT
2009**

DISTRICT	TOTAL BTRs ⁽²⁾	BTRs WITH DATA ⁽¹⁾		TOTAL SQ. FT.	AVERAGE SQ. FT.
		NUMBER	PERCENT		
C-TS	266	180	68%	256,096	1,423
C-WA	233	181	78%	397,120	2,194
C-OPI	79	62	78%	193,640	3,123
C-PC	47	39	83%	105,718	2,711
C-B	14	11	79%	25,748	2,341
TOTAL	639	473	74%	978,322	2,068
⁽¹⁾ Based on active BTRs for which square footage data is available, but with obvious duplications removed. ⁽²⁾ Includes all BTRs but with obvious duplications removed. Source: Business Tax Receipts, Town of Palm Beach, 2010 LaRue Planning & Management Services, Inc.					

Among the 473 businesses included in the analysis, the average size was computed to be 2,068 square feet of gross leasable area. As would be expected based on the intended character of the zoning districts, the lowest average is found in the C-TS district and the highest in the C-OPI and C-PC districts. Because of the small number of uses in the C-B District, data for this district has little significance in this analysis.

As can be seen in Table 4, almost 78% of the businesses contain 2,000 square feet or less and almost 89% contain fewer than 4,000 square feet. Again the C-TS District has the largest percentage of small businesses with over 84% containing 2,000 or fewer square feet and just under 92% of the businesses have less than 4,000 square feet. A substantial majority of businesses in all districts have less than 4,000 square feet of gross leasable area.

Table 4
DISTRIBUTION OF BUSINESSES BY SQUARE FOOTAGE CATEGORY
BY ZONING DISTRICT
2009

SQUARE FEET	C-TS	C-WA	C-OPI	C-PC	C-B	TOTAL		
						NUMBER	PERCENT	CUMULATIVE
2,000 & Under	152	145	39	23	9	368	77.8%	77.8%
2,001- 2,999	9	12	5	5	1	32	6.8%	84.6%
3,000 - 3,999	4	6	9	1	0	20	4.2	88.8%
4,000 - 4,999	6	3	0	3	0	12	2.5%	91.3%
5,000 - 5,999	2	4	2	4	0	12	2.5%	93.9%
6,000 - 6,999	4	2	1	1	0	8	1.7%	95.6%
7,000 - 7,999	2	1	1	0	0	4	0.8%	96.4%
8,000 - 8,999	0	0	0	0	0	0	0.0%	96.4%
9,000 - 9,999	0	4	0	0	0	4	0.8%	97.3%
10,000 - 12,999	0	1	1	2	0	4	0.8%	98.1%
13,000 or more	1	3	4	0	1	9	1.9%	(1)
TOTAL	180	181	62	39	11	473	(1)	
2,000 or less	84.4%	80.1%	63.9%	59.0%	81.8%	77.2%		
Less than 4,000	91.7%	90.1%	86.9%	74.4%	90.1%	88.8%		

(1) Parts to not add to 100.0 due to internal rounding

Source: Business tax receipts, Town of Palm Beach, 2010
LaRue Planning & Management Service, Inc

C-TS, TOWN-SERVING DISTRICT

The average square footage of retail and service businesses in the C-TS District is 1,427 square feet and the vast majority of uses contain 2,000 square feet or less. Almost 92% contain less than 4,000 square feet (See Table 5). The largest retail and service uses in the C-TS are the Palm Ballroom (which is now vacant) at 235 Sunrise Avenue and the Bank of America at 140 North County Road. Including the Palm Ballroom (which held BTRs for restaurant, catering and nightclub operations) there are six restaurants in the C-TS District. Restaurants are the most prevalent uses with over 4,000 square feet in the C-TS District.

Table 5
GROSS LEASABLE AREA OF BUSINESSES
C-TS DISTRICT
2009

LARGEST FIRMS	SIZE (sf)		NUMBER	PERCENT
Club Collette	6,734	2,000 & Under	152	84.4%
Café L'Europe	6,774	2,001 — 2,999	9	5.0%
Palm Beach Historic Inn	7,000	3,000 — 3,999	4	2.2%
Bank of America	7,700	4,000 — 4,999	6	3.3%
The Palm Ballroom	14,000	5,000 — 5,999	2	1.1%
		6000 — 6,999	4	2.2%
		7000 — 7,999	2	1.1%
		8000 — 8,999	0	0.0%
		9000 — 9,999	0	0.0%
		10,000 — 12,999	0	0.0%
		13,000 or more	1	0.6%
TOTAL			180	(1)
TOTAL SF		256,096		
AVERAGE SF		1,423		

(1) Parts to not add to 100.0 due to internal rounding

Source: Business tax receipts, Town of Palm Beach, 2010
LaRue Planning & Management Services, Inc.

C-WA, WORTH AVENUE DISTRICT

Table 6 provides data for businesses in the C-WA, Worth Avenue District. Worth Avenue remains primarily a location for high-end shopping goods. Larger businesses are more prevalent and of considerably greater size in the C-WA District than in the C-TS District. The average square footage is over 1½ times that prevailing in the C-TS District. There are 18 businesses with over 4,000 square feet in this District. The largest are Neiman Marcus (49,917 square feet) and Saks Fifth Avenue (48,661 sf). Both are located on Worth Avenue east of South County Road. Neiman Marcus was first approved in 1998 and the expansion of Saks Fifth Avenue was also approved in 1998. Fourteen (14) of the businesses with 4,000 or more square feet are merchants, two are restaurants and two are banks.

Table 6
GROSS LEASABLE AREA OF BUSINESSES
C-WA DISTRICT
2009

LARGEST FIRMS	SIZE (sf)		NUMBER	PERCENT
Tiffany and Company	11,360	2,000 & Under	145	80.1%
Polo Ralph Lauren	15,816	2,001 — 2,999	12	6.6%
Neiman Marcus	49,917	3,000 — 3,999	6	3.3%
Saks Fifth Avenue	48,661	4,000 — 4,999	3	1.7%
		5,000 — 5,999	4	2.2%
		6000 — 6,999	2	1.1%
		7000 — 7,999	1	0.6%
		8000 — 8,999	0	0.0%
		9000 — 9,999	4	2.2%
		10,000 — 12,999	1	0.6%
		13,000 or more	3	1.7%
TOTAL			181	(1)
TOTAL SF		397,120		
AVERAGE SF		2,194		

(1) Parts do not add to 100.0 due to internal rounding

Source: Business tax receipts, Town of Palm Beach, 2010
LaRue Planning & Management Services, Inc.

CB, OFFICE DISTRICT

The C-B District was retained from the original zoning in 1979. It was intended to provide for office type uses in structures compatible with nearby residential neighborhoods. It is fully developed in office type uses including banks, law, real estate, business and administrative offices. It is also the home of the Palm House (formerly the Heart of Palm Beach Hotel). Because of its small size and limited scope of uses, the C-B District has little relevance to this study of the "Town-Serving" provision. The data provided on Table 7, following, are provided in support of this assertion.

Table 7
GROSS LEASABLE AREA OF BUSINESSES
C-B DISTRICT
2009

LARGEST FIRMS	SIZE (sf)		NUMBER	PERCENT
Palm Beach Board of Realtors Inc	2,970	2,000 & Under	9	81.8%
U S Trust	13,300	2,001 — 2,999	1	9.1%
		3,000 — 3,999	0	0.0%
		4,000 — 4,999	0	0.0%
		5,000 — 5,999	0	0.0%
		6000 — 6,999	0	0.0%
		7000 — 7,999	0	0.0%
		8000 — 8,999	0	0.0%
		9000 — 9,999	0	0.0%
		10,000 — 12,999	0	0.0%
		13,000 or more	1	9.1%
TOTAL			11	100.0%
TOTAL SF		25,748		
AVERAGE SF		2,341		
Source: Business tax receipts, Town of Palm Beach, 2010 LaRue Planning & Management Services, Inc.				

C-OPI, OFFICES, PROFESSIONAL AND INSTITUTIONAL DISTRICT

The C-OPI District is located along both sides of Royal Palm Way, the central entrance to the Town from the mainland via the Royal Park Bridge. It is characterized by banks and other financial institutions, law and real estate firms, and business and administrative offices. In prior years some restaurants were located in this district, but have since been replaced by office type uses. This district has the highest average size per business (3,123 square feet) and has a considerably lower percentage of businesses of 2,000 square feet or less than the neighboring C-TS and C-B districts and the nearby C-WA District. Except for the Rehabilitation Center, the largest businesses are all financial and related institutions.

Table 8
GROSS LEASABLE AREA OF BUSINESSES
C-OPI DISTRICT
2009

LARGEST FIRMS	SIZE (sf)		NUMBER	PERCENT
UBS Financial Services Inc	11,000	2,000 & Under	39	62.9%
Merrill Lynch Pierce Fenner & Smith	14,164	2,001 — 2,999	5	8.1%
Morgan Stanley and Co Inc	14,318	3,000 — 3,999	9	14.5%
JP Morgan Securities	22,185	4,000 — 4,999	0	0.0%
Rehabilitation Center for Children and Adults	30,000	5,000 — 5,999	2	3.2%
		6000 — 6,999	1	1.6%
		7000 — 7,999	1	1.6%
		8000 — 8,999	0	0.0%
		9000 — 9,999	0	0.0%
		10,000 — 12,999	1	1.6%
		13,000 or more	4	6.5%
TOTAL			62	100.0%
TOTAL SF		193,640		
AVERAGE SF		3,123		

Source: Business tax receipts, Town of Palm Beach, 2010
LaRue Planning & Management Services, Inc.

C-PC, PLANNED CENTER DISTRICT

The Poinciana Plaza is considered a planned commercial center and its most recognizable fixture has been the Royal Poinciana Playhouse which was recently given Landmark status by the Town. Apart from the now vacant Playhouse, the C-PC District is largely devoted to office type uses including administrative/business, real estate and property management, law, consulting and banks (19) and medical offices (11). The remaining uses are retail merchants (9), services (5) and restaurants (3). The largest use is the law firm of Alley Maass Rogers & Lindsay with 12, 256 square feet (see Table 9) While most of the uses (59%) do not exceed 2,000 square feet in gross leasable area, this percentage is even less than that recorded for the C-OPI District.

Table 9
GROSS LEASABLE AREA OF BUSINESSES
C-PC DISTRICT
2009

C-PC DISTRICT				
LARGEST FIRMS	SIZE (sf)		NUMBER	PERCENT
Palm Beach Grill	6,515	2,000 & Under	23	59.0%
Island Hospitality Mgt Inc	10,000	2,001 — 2,999	5	12.8%
Alley Maass Rogers & Lindsay PA	12,256	3,000 — 3,999	1	2.6%
		4,000 — 4,999	3	7.7%
		5,000 — 5,999	4	10.3%
		6000 — 6,999	1	2.6%
		7000 — 7,999	0	0.0%
		8000 — 8,999	0	0.0%
		9000 — 9,999	0	0.0%
		10,000 — 12,999	2	5.1%
		13,000 or more	0	0.0%
TOTAL			39	(1)
TOTAL SF		105,718		
AVERAGE SF		2,711		

(1) Parts do not add to 100.0 due to internal rounding.

Source: Business tax receipts, Town of Palm Beach, 2010
LaRue Planning & Management Services, Inc.

IV. COMPARISON OF 1979 and 2009 PATTERNS

The information contained in the 1979-80 Commercial Study is not directly comparable to that collected for 2009. This is because there was only one major commercial zoning district in 1979, the C-A District. Consequently, the 1979 inventory was developed on a geographic basis, separating the Town Center commercial area from the Royal Poinciana commercial area. The Towns current commercial zoning employs five different zoning districts one of which, the C-TS District, is located in both the Town Center and Royal Poinciana areas. The Town Center area contains the C-WA, C-TS, C-B and the C-OPI Districts. The Royal Poinciana area now contains the C-TS District and the C-PC District. The following discussion will compare these areas to the extent that valid comparisons can be made.

TOWN CENTER COMMERCIAL AREA

Because the C-B and C-OPI districts are limited primarily to office type uses for which we have little 1979 data, for the purposes of this analysis these districts are excluded. The Town Center area includes all uses in the C-WA District as well as uses in the C-TS District along Peruvian Avenue, South County Road and parts of Phipps Plaza.

As can be seen in Table 10, overall the average business size in this area has increased by 18% since 1979. This is largely due to changes along Worth Avenue where average size has risen by 28%. The new Nieman Marcus store and the expansion of Saks Fifth Avenue combined with other large stores has resulted in a 64% increase in businesses of 4,000 square feet or more since 1979. More dramatic, however, is the fact that the total square footage associated with these types of businesses has increased to almost 2 1/2 times what it was in 1979, from 81,738 square feet to 197,480 square feet.

A listing of retail and service businesses located in the C-WA District and having 4,000 square feet or more of gross leasable in 1979 and 2009 is provided in Table 11.

Change in the C-TS district has been relatively modest, with average square footage per business increasing less than 7% since 1979. A listing of retail and service businesses of 4,000 square feet or more located in the Town Center C-TS District is provided in Table 12.

Table 10
NUMBER AND SIZE OF BUSINESSES BY ZONING DISTRICT
TOWN CENTER COMMERCIAL AREA
1979 AND 2009

C-WA DISTRICT				
GLA (SF)	1979		2009	
	Number	Percent	Number	Percent
2,000 & Less	106	80.9%	145	80.1%
2,001 — 3,999	14	10.7%	18	9.9%
4,000 & Over	11	8.4%	18	9.9%
TOTAL	131	100.0%	181	(1)
AVERAGE	1,715		2,194	
C-TS DISTRICT				
2,000 & Less	70	77.8%	118	84.9%
2,001 — 3,999	17	18.9%	10	7.2%
4,000 & Over	3	3.3%	11	7.9%
TOTAL	90	100.0%	139	100.0%
AVERAGE	1,345		1,434	
TOTAL TOWN CENTER COMMERCIAL AREA				
2,000 & Less	176	79.6%	263	82.2%
2,001 — 3,999	31	14.0%	28	8.8%
4,000 & Over	14	6.3%	29	9.1%
TOTAL	221	(1)	320	(1)
AVERAGE	1,577		1,864	
(1) Does not add to 100.0 % due to internal rounding.				
Source: 1979 Commercial District Study, Adley Associated, Inc., 1980 Business tax receipts, Town of Palm Beach, 2010 LaRue Planning & Management Services, Inc				

Table 11
C-WA DISTRICT
BUSINESSES BY TYPE AND SQUARE FOOTAGE
1979 and 2009

1979		
BUSINESS NAME	GLA (sf)	TYPE
Saks Fifth Avenue	16,380	Merchant
Frances Brewster	8,550	Merchant
Taboo	9,678	Restaurant
Bonwit Teller	9,576	Merchant
Wally Findlay Galleries Inc	8,073	Art Gallery
Petit Marmite	5,796	Restaurant
Gucci	5,400	Merchant
Sara Fredericks	5,225	Merchant
The Flame	4,500	Restaurant
Stagg Ltd.	4,240	Merchant
Maus & Hoffman	4,320	Merchant
Number	11	
Total Square Footage	81,738	
2009		
Neiman Marcus	49,917	Merchant
Saks Fifth Avenue	48,661	Merchant
Polo Ralph Lauren	15,816	Merchant
Tiffany And Company	11,360	Merchant
Chanel	9,526	Merchant
Mary Mahoney	9,200	Merchant
Escada	7,100	Merchant
Taboo	6,334	Restaurant
Brooks Brothers	6,000	Merchant
Trevini Restaurant	5,243	Restaurant
Maus & Hoffman Inc	5,200	Merchant
St John	5,200	Merchant
Wally Findlay Galleries Inc	5,140	Art Gallery
Giorgio Armani	4,683	Merchant
Giorgio's Of Palm Beach	4,100	Merchant
AB Levy Palm Beach	4,000	Merchant
Number	16	
Total Square Footage	197,480	
Source: 1979 Commercial District Study, Adley Associates, Inc., 1980 Business tax receipts, Town of Palm Beach, 2010 LaRue Planning & Management Services, Inc		

Table 12
C-TS DISTRICT (Town Center Commercial Area)
BUSINESSES BY TYPE AND SQUARE FOOTAGE –
1979 and 2009

1979			
BUSINESS NAME	GLA (sf)	TYPE	ADDRESS
Brinkleys	9,750	Grocery	354 S. County Rd
Mandarin	5,400	Restaurant	323 S County Rd
Courtyard Plaza Interiors	4,125	Interior Decorator	240 S County Rd
Grill & Bar	2,700	Restaurant	264 S County Rd
Number	4		
Total Square Footage	21,975		
2009			
Cafe L'Europe	6,774	Restaurant	331 S County Rd
Club Collette	6,734	Restaurant	215 Peruvian Ave
C Orrico	5,500	Merchant	336 S County Rd
Amici Ristorante & Bar	5,270	Restaurant	375 S County Rd
264 The Grill	4,816	Restaurant	264 S County Rd
Church Mouse	4,759	Merchant	374 S County Rd
Number	6		
Total Square Footage	33,583		
Source: 1979 Commercial District Study, Adley Associates, Inc., 1980 Business tax receipts, Town of Palm Beach, 2010 LaRue Planning & Management Services, Inc			

ROYAL POINCIANA COMMERCIAL AREA

The Royal Poinciana commercial area includes all uses in the Royal Poinciana Plaza (the C-PC District) and along Royal Poinciana Way, Bradley Place, Sunrise and Sunset Avenues, and North County Road (C-TS District).

As can be seen in Table 13, the average size of businesses in this area has not increased appreciably since 1979. For example, in the C-TS portion of this area, the average was 2,109 in 1979 and 2,113 in 2009. In the C-PC District it was 2,842 in 1979 and 2,711 in 2009. However, we have less confidence in the data for this portion of the C-TS district than other areas of the Town because only 59% of the businesses with BTRs include square footage information for 2009. Nevertheless, while there does not appear to have been a significant change in size of businesses in this area, there has been a marked shift in the character of the Royal Poinciana Plaza from retail/service orientation to more of an office complex.

A listing of retail and service businesses of 4,000 square feet or more located in the Royal Poinciana commercial area in 1979 and 2009 is provided in Table 14.

Table 13
NUMBER AND SIZE OF BUSINESSES BY ZONING DISTRICT
ROYAL POINCIANA COMMERCIAL AREA
1979 AND 2009

C-TS DISTRICT				
GLA (SF)	1979		2009	
	Number	Percent	Number	Percent
2,000 & Less	64	69.6%	34	81.0%
2,001 — 3,999	19	20.6%	3	7.1%
4,000 & Over	9	9.8%	5	11.9%
TOTAL	92	100.0%	42	100.0%
AVERAGE	2,109		2,113	
C-PC DISTRICT				
2,000 & Less	10	58.8%	23	62.2%
2,001 — 3,999	3	17.6%	6	16.2%
4,000 & Over	4	23.5%	10	21.6%
TOTAL	17	(1)	39	100.0%
AVERAGE	2,842		2,711	
(1) Parts do not add to 100.0 due to internal rounding.				
Source: 1979 Commercial District Study, Adley Associates, Inc., 1980 Business tax receipts, Town of Palm Beach, 2010 LaRue Planning & Management Services, Inc				

Table 14
ROYAL POINCIANA COMMERCIAL AREA
BUSINESSES OF 4,000 AND MORE SQUARE FEET
BY TYPE AND SQUARE FOOTAGE
1979 and 2009

1979			
BUSINESS NAME	GLA (sf)	TYPE	ADDRESS
C-PC DISTRICT			
Sara Fredericks	10,286	Merchant	Royal Poinciana Plaza
Stanley Nelson Boutique	4,679	Interior Deco.	Royal Poinciana Plaza
Cappriccio	4,679	Restaurant	Royal Poinciana Plaza
C-TS DISTRICT			
Publix	32,000	Supermarket	265 Sunset Avenue
Restaurant Pappagallo	4,725	Restaurant	107 Bradley Place
Maurice	4,642	Restaurant	Bradley Place
Testa's	4,125	Restaurant	223 Royal Poinciana Way
Ohara's	4,125	Restaurant	128 North County Rd.
2009			
C-PC DISTRICT			
Alley Maass Rogers & Lindsay Pa	12,256	Law Firm	Royal Poinciana Plaza
Island Hospitality Mgt Inc	10,000	Adm. Office	
Palm Beach Grill	6,515	Restaurant	Royal Poinciana Plaza
Innkeepers USA Trust	5,620	Adm. Office	Royal Poinciana Plaza
Brown Harris Stevens Of Palm Beach	5,125	Real Estate	Royal Poinciana Plaza
Suntrust South Florida NA	5,020	Bank	Royal Poinciana Plaza
Island Dermatology Laser & Anti-Aging	5,000	Medical	50 Cocconut Row
Michael R McCarty's	4,648	Restaurant	50 Cocconut Row
Sotheby's International	4,100	Real Estate	Royal Poinciana Plaza
Murphy Reid LLP	4,062	Law Firm	Royal Poinciana Plaza
C-TS DISTRICT			
Publix	32,000	Supermarket	265 Sunset Avenue
Palm Ballroom (vacant)	14,000	Caterer, Nightclub, Restaurant	235 Sunrise
Bank of America	7,700	Bank	140 North County Rd.
Echo	4,585	Restaurant	230 Sunrise
Island Hotel, Inc.	4,360	Unclassified	235 Sunrise
251 PB	4200	Restaurant	251 Sunrise
Source: 1979 Commercial District Study, Adley Associates, Inc., 1980 Business tax receipts, Town of Palm Beach, 2010 LaRue Planning & Management Services, Inc			

V. APPROVALS OF SPECIAL EXCEPTIONS BETWEEN 1990 & 2009 FOR BUSINESSES OVER 2,000 SF

The Town provided a handwritten list of 191 special exceptions, each involving more than 2,000 square feet of commercial floor area, that were approved by Town Council during the years 1990 through 2009. Data for the Palm House (formerly the Heart of Palm Beach Hotel) was available but was excluded because hotels were not included in the 1979-80 study. Of the 191 businesses, 161 contained sufficient data for analysis. It should be noted that, according to the Town's Zoning Administrator, no application for a special exception to the 2,000 square foot limitation has been denied since at least 1995.

As can be seen in Table 15, the average approval involved 5,956 square feet. The largest number of approvals was at the lower end of the spectrum. A little less than half (46.6%) involved floor area of less than 4,000 square feet and more than 70% of the approvals involved less than 6,000 square feet.

**Table 15
APPROVALS
BUSINESSES IN EXCESS OF 2,000 SQUARE FEET
TOWN OF PALM BEACH, FLORIDA
1990 - 2009**

TOTAL SQUARE FEET	958,895		
NUMBER OF APPROVALS	161		
AVERAGE SF PER APPROVAL	5,956		
Percent			
Square Footage	Number	By Bracket	Cumulative
2,001 to 2,999	46	28.6%	28.6%
3,000 to 3,999	29	18.0%	36.6%
4,000 to 4,999	26	16.1%	62.7%
5,000 to 5,999	13	8.1%	70.8%
6,000 to 6,999	12	7.5%	78.3%
7,000 to 7,999	6	3.7%	82.0%
8,000 to 8,999	5	3.1%	85.1%
9,000 to 9,999	4	2.5%	87.6%
10,000 to 12,999	12	7.5%	95.1%
13,000 SF or more	8	5.0%	(1)
TOTAL	161	(1)	

(1) Parts do not add to 100.0 due to internal rounding.

Source: Town of Palm Beach, 2010
LaRue Planning & Management Services, Inc.

The establishments with the greatest amount of floor space were two retail stores, Saks Fifth Avenue and Neiman Marcus. Both were approved in 1998 and are located on Worth Avenue east of South County road. These involved 48,661 and 49,917 square feet, respectively.

While retail/service uses are by far the most prevalent in the list of approved special exceptions, banks and financial institutions consistently involve the greater floor areas. In fact, if the two largest retail approvals cited above are excluded, all retail/services, offices, and restaurants average in the range of 4,000 to 5,000 square feet, whereas banks and financial institutions together average 8,994 square feet, almost twice that of the average of all other uses (4,527).

Table 16
SPECIAL EXCEPTION APPROVALS
BUSINESSES IN EXCESS OF 2,000 SQUARE FEET BY TYPE OF USE
TOWN OF PALM BEACH, FLORIDA
1990 - 2009

Type of Use	#	Avg. SF	Largest (SF)
Banks	24	8,545	19,852 and 22,185
Financial	9	10,188	16,088
Offices	29	4,760	20,730
Restaurants	31	4,409	7,074
Retail/Services	64	5,833	48,661 & 49,917
House of Worship	2	4,072	3,820 & 4,323
TOTAL	159	5,944	
Source: Town of Palm Beach, 2010 LaRue Planning & Management Services, Inc			

Most of the special exception approvals were for businesses located in the C-TS District, followed by the C-WA District. The average square footage was the lowest in the C-TS, followed by the C-WA District, with the highest average occurring in the C-OPI District. There were an inconsequential number of approvals in the C-PC District and none in the C-B District.

Whereas a slim majority of approvals in the C-TS and C-WA Districts involved less than 4,000 square feet, less than half of the approvals in the C-OPI District involved less than 8,000 square feet.

Table 17
SPECIAL EXCEPTION APPROVALS
BUSINESSES IN EXCESS OF 2,000 SQUARE FEET BY ZONING DISTRICT
TOWN OF PALM BEACH, FLORIDA
1990 – 2009

Zoning	#	Avg. SF	Adjusted Avg. & Basis for Adjustment
C-TS	81	4,950	Excludes Publix, 52% < 4,000 sf; 85% < 6,000 sf
C-WA	56	6,405	52% < 4,000 sf; 68% < 6,000 sf; 80% < 8,000 sf
C-OPI	21	9,013	10% < 4,000 sf; 19% < 6,000 sf; 48% < 8,000 sf
C-PC	2	NA	Approvals were for 3,000 sf and 4,648 sf
TOTAL	160		
Source: Town of Palm Beach, 2010 LaRue Planning & Management Services,			

VI. OTHER RELEVANT FACTORS AND CHANGES SINCE 1980

Since the 1979-80 Commercial District Study was conducted and the "Town-Serving" provisions were incorporated into the Town's Zoning Code, eight new shopping malls have been constructed in Palm Beach County. These include:

The Gardens Mall
City Place
Legacy Place
Downtown at the Gardens
Town Center at Boca Raton
Mizner Park
The Mall at Wellington Green
Boynton Mall

While a number of these include some retail outlets that are located in the Town of Palm Beach, two – The Gardens Mall and Town Center at Boca Raton – are high-end malls that cater to the same type of customer as shops in the Town of Palm Beach, particularly those on Worth Avenue. As such, they represent competition for customers living outside the Town who, in the past, had no alternative other than Palm Beach in order to patronize such high-end retailers. High-end tenants in these malls that could be expected to be competition to Worth Avenue merchants include:

The Gardens Mall

Gucci

Hamilton Jewelers

Tourneau

Nordstrom

Louis Vuitton

Lilly Pulitzer

Brooks Brothers

Town Center at Boca Raton

Neiman Marcus

Cartier

Tiffany & Company

Louis Vuitton

Michael Kors

Lilly Pulitzer

Ralph Lauren

The advent of such competition could reduce the extent to which Worth Avenue shops attract residents of, and visitors to, areas outside of the Town of Palm Beach. In fact, these high-end malls pose competition to residents and visitors staying in the Town of Palm Beach as well. Despite its beauty, history and charm, Worth Avenue must compete with the newer malls' climate-controlled facilities. The Avenue's exposure to the elements is, in today's world, a potential drawback. Larger establishments like Neiman Marcus and The Esplanade may work to minimize the loss of local patrons who might otherwise be drawn to the newer climate-controlled malls outside of the Town.

VII. CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The following address each of the issues required to be addressed as set forth on page 3 of the Scope of Services.

1. Relevancy of the "Town-Serving" concept and continued need for a "Town-Serving" provision.

We believe the data and analysis contained in this report indicates that the "Town-Serving" concept is still relevant and useful, however less so and perhaps in a different context, than was perceived to be the case at its inception.

The Town's commercial sector continues to be characterized by small establishments. Fully 78% of the businesses contain less than 2,000 square feet of gross leasable area and 89% contain less than 4,000 square feet.

Despite the C-TS District being the subject of the greatest number of special exception approvals, there has been only a slight increase in the average size of establishments in this district. While smaller businesses continue to be the rule rather than the exception in the C-TS District, and this may be due somewhat to the "Town-serving" provision, it is also due at least in part to the inclusion of office uses in the 2009 inventory. Overall, office-type uses tend to be smaller than other uses in the C-TS District, and office uses were not included in the 1979 inventory. Office uses account for about one-third of the uses in the C-TS District for which data is available.

While small shops still dominate the Worth Avenue Zoning District, it has undergone significant change, particularly with the addition of more and much larger anchor establishments than was the case in 1979. The most notable examples are Neiman Marcus and the enlarged Saks Fifth Avenue, each with almost 50,000 square feet. With these, the 100 block of Worth Avenue is not of the same character as the area further west.

Looking at the C-OPI District, it appears clear to us that the current character of the District as well as the history of special exception approvals indicate that the "Town-Serving" concept has little relevance in the C-OPI District. The uses that predominate in this area are primarily financial institutions and professional offices. While they may rely on the aura of a Palm Beach address, the nature of modern banks and financial institutions in particular rely less and less on physical visitation by its customers, thereby possibly minimizing the potential effects of such businesses on the Town. The history of special exception approvals also indicates that the Town recognizes this characteristic, as the average square footage of such approvals is considerably higher than in other districts.

2. Ramifications of eliminating the "Town-Serving" provision.

C-OPI & C-B Districts: We do not believe that eliminating the "Town-Serving" provision in the C-OPI or C-B Districts will have any significant effect upon the Town. This is primarily because of the nature of the businesses located in these districts, specifically as described above. Further, there are already certain limitations in place in these districts on the size and/or appearance of structures in these districts that will inhibit an increase in the size of structures, although it would allow some increase in the size of businesses within them.

C-WA District: Eliminating the "Town-Serving" provision in the C-WA District could result in some increases in the size of businesses, but we find it difficult to envision, after the approval of Saks Fifth Avenue and Neiman Marcus, that any business could not demonstrate that it would meet the "Town-Serving" requirements. Further, with the advent of the Gardens Mall and Town Center at Boca Raton in particular, larger retail establishments in the Town are likely to attract fewer persons from areas outside the Town than may have been the case in 1979 because of the increased availability of more conveniently located high-end retail establishments in competing malls. These factors give credence to the possibility that the "Town-Serving" provision may no longer be necessary or effective in the C-WA District.

C-TS District: With regard to the C-TS District, we believe that, despite some approvals of larger establishments, the "Town-Serving" provision remains valuable, although it would appear that the threshold could be raised to 4,000 square feet without undue effect. A little over half the special exception approvals have been for uses less than 4,000 square feet. In fact, 85% of the approvals for retail and service uses (except restaurants) involved no more than 4,000 square feet. While there can be no objective confirmation, we believe the size limitation as applied in the C-TS District may have encouraged some applicants to limit business sizes to less than may have been the case without the "Town-Serving" provision.

C-PC District: There have been only two special exception approvals for businesses in excess of 2,000 square feet in the C-PC District since 1990. Therefore, there is little basis for modifying the regulations of this district. In fact, the Town has expressed considerable concern in the past over the possibility of creating "increased development opportunities" in the C-PC District because of the possible effect upon the 1979 agreement between Town and the Royal Poinciana Plaza with regard to the continued existence of the Royal Poinciana Playhouse. Consequently, we recommend retaining the "Town-Serving" provision as it now applies to this district.

3. Are there better alternatives to the "Town-Serving" provision?

The current use of gross leasable area allows for a degree of objectivity in determining whether or not a business qualifies as "Town-serving". For this reason, we cannot recommend any alternative approach. We believe that the "Town-Serving" provision is still appropriate and useful in the Town in some instances but that some modification may be warranted. These modifications are incorporated into our recommendations, which follow.

RECOMMENDATIONS

1. **C-WA District:** Eliminate the "Town-Serving" provision in this district. If this is not acceptable, as an alternative we would suggest that the "Town-Serving" provision not apply in the 100 block of Worth Avenue, and that the threshold be increased to uses over 6,000 square feet for the balance of the district.
2. **C-TS District:** Retain the "Town-Serving" provision but increase the threshold to uses over 4,000 square feet, above which it becomes necessary to prove that the majority of its patrons will be "Townpersons".
3. **C-OPI and C-B Districts:** Eliminate the "Town-Serving" provision in these districts.
4. **C-PC District:** Retain the "Town-Serving" provision as it now applies in the C-PC District.
5. Exclude short-term occupancy uses (hotels, motels, bed & breakfasts, and time-sharing) in commercial districts and multi-family residential districts from the "Town-Serving" provision. Such uses are by definition "Town-Serving". The Town's code already limits accessory commercial uses in such uses. For example, Sec. 134-1906 requires that accessory commercial uses in hotels and condominiums be limited to not more than 15% of the total floor area and requires that such accessory commercial uses be entirely located within the principal building with no outside entrances thereto.
6. The "Town-Serving" provision is now applied to any special exception use. This becomes problematic when applied to a use that is not located in a commercial district or which use is not commercial in nature. For example, in the **R-B** district houses of worship, non-profit cultural centers and private and public academic schools are special exceptions and are subject to the provision of Sec. 134-229 that "The proposed use will not attract the principal portion of its customers/clients from off-island locations..." We suggest that the "Town-Serving" special exception criteria should only be applied to commercial enterprises.

7. It appears to us that once a business has proven to the Town Council's satisfaction that it is "Town-Serving" it should not be necessary to prove or certify each year that it continues to qualify. If the information provided initially was adequate, it is entirely likely that the business will be able to substantiate continued compliance. The Town, however, should retain the right to request substantiating documentation by the business if the Town has reason to believe that the business is not continuing to meet the "Town-Serving" criteria.
8. Finally, it should be recognized that the "Town-Serving" concept and the 2,000 square foot limitation is contained in the text of the Future Land Use Element of the Town's Comprehensive Plan which describes the intent and types of uses envisioned as allowable within the Commercial Future Land Use Category. Any change to the "Town-Serving" square foot threshold or to areas and types of uses that may be excluded from this concept will necessitate a text amended to the Comprehensive Plan.

TOWN OF PALM BEACH

Town Council Meeting on: July 13, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 2-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, At Section 134-2 By Amending The Definition Of Town-Serving By Increasing The Square Foot Threshold In Certain Commercial Zoning Districts; Section 134-229 By Exempting Hotel, Motel And Timeshare Uses And The C-OPI Zoning District From The Town-Serving Requirements; Sections 134-1107, 134-1109, 134-1157, 134-1259, 134-1302 And 134-1304 By Increasing The Town-Serving Square Foot Threshold And Changing The Term Occupational License To Business Tax Receipt In The C-TS, C-WA And C-B Zoning Districts; Section 134-1259 By Changing The Term Occupational License To Business Tax Receipt In The C-PC Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Ordinance No. 2-11

ORDINANCE NO. 2-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, AT SECTION 134-2 BY AMENDING THE DEFINITION OF TOWN-SERVING BY INCREASING THE SQUARE FOOT THRESHOLD IN CERTAIN COMMERCIAL ZONING DISTRICTS; SECTION 134-229 BY EXEMPTING HOTEL, MOTEL AND TIMESHARE USES AND THE C-OPI ZONING DISTRICT FROM THE TOWN-SERVING REQUIREMENTS; SECTIONS 134-1107, 134-1109, 134-1157, 134-1259, 134-1302 AND 134-1304 BY INCREASING THE TOWN-SERVING SQUARE FOOT THRESHOLD AND CHANGING THE TERM OCCUPATIONAL LICENSE TO BUSINESS TAX RECEIPT IN THE C-TS, C-WA AND C-B ZONING DISTRICTS; SECTION 134-1259 BY CHANGING THE TERM OCCUPATIONAL LICENSE TO BUSINESS TAX RECEIPT IN THE C-PC ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

WHEREAS, after considering the data in the Report from LaRue Planning and Management Services, Inc., the Local Planning Agency and the Town Council have determined that there should be a change in the Town-serving threshold in different commercial zoning districts;

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Chapter 134, Zoning, of the Code of Ordinances, be amended as hereinafter set forth.

Section 1. Amend ARTICLE I, IN GENERAL, Section 134-2, Definitions and rules of construction, to read rules of construction, to read as follows:

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

Townpersons means all full-time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the town.

Town-serving means establishments principally oriented to serving the needs of townpersons which would not substantially rely upon the patronage of persons not defined as townpersons. Town-serving establishments, by definition, would typically contain

4,000 or less square feet of interior gross leasable area (GLA) in the C-WA district, 3,000 or less square feet of interior GLA in the C-TS and C-B districts and 2,000 or less square feet interior GLA in the C-PC district. Establishment would also not engage in advertising designed to attract other than townpersons.

Section 2. Amend Article II, ADMINISTRATION, Sec. 134-229. Requirements for granting, to read as follows:

Sec. 134-229. Requirements for granting.

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

...

(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.

Section 3. Amend Article VI, DISTRICT REGULATIONS, Commercial Town-serving district, Sec. 134-1107, Permitted uses, at subsection (a) and (b) to read as follows:

Sec. 134-1107 Permitted Uses.

(a) *Enumeration; maximum gross leasable area.*

The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area (GLA), are as follows:

- (1) Antiques.
- (2) Apparel and accessories.

b. *Regulation of existing nonconforming commercial uses.* Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses.

However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to section 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in the C-TS district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet.

Section 4. Amend Article VI, DISTRICT REGULATIONS, Commercial Town-serving district, Sec. 134-1109, Special exception uses, at subsection (a)(11) and subsection (b) to read as follows:

Sec. 134-1109. Special exception uses.

(a) The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the C-TS town-serving district area as follows:

(11) Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the town council has found as a fact, that the proposed use is town serving.

(b) An owner or tenant of a property, located within the C-TS district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new occupational license. This subsection shall not apply to renewal of an existing business tax receipt.

Section 5. Amend Article VI, DISTRICT REGULATIONS, Commercial Worth Avenue district, Sec. 134-1157, Permitted uses, at subsection (a) and (b) to read as follows:

Sec. 134-1157 Permitted uses.

(a) Enumeration; maximum gross leasable area.

The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 square feet gross leasable area (GLA), are as follows:

(b). Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 4,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 4,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 4,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to section 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 4,000 square feet, in a district with a 4,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 10,000 square feet exists in the C-WA districts and the owner wishes to change to an antique store of the same size or subdivide into two 5,000 square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 4,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 4,000 square feet.

Section 6. Amend Article VI, DISTRICT REGULATIONS, Commercial Worth Avenue district, Sec. 134-1159, Special exception uses, (a)(11) and (b) to read as follows:

Sec. 134-1159. Special exception uses.

(a) The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the C-WA Worth Avenue district area as follows:

(11) Any commercial establishment with greater than 4,000 square feet of gross leasable area, provided the town council has found as a fact, that the proposed use is town serving.

...

(b) An owner or tenant of a property, located within the C-WA district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being

granted a new occupational license. This subsection shall not apply to renewal of an existing business tax receipt.

Section 7. Amend Article VI, DISTRICT REGULATIONS, C-PC Planned Center district, Sec. 134-1259, Special exception uses, at subsection (b), to read as follows:

Sec. 134-1259. Special exception uses.

(b) An owner or tenant of a property, located within the C-PC district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new occupational license. This subsection shall not apply to renewal of an existing business tax receipt.

Section 8. Amend Article VI, DISTRICT REGULATIONS, C-B Commercial district, Sec. 134-1302, Permitted uses, at subsection (c) and (d), to read as follows:

Sec. 134-1302. Permitted uses.

(c) There is a maximum gross leasable area. There is a maximum of 3,000 square feet of gross leasable area (GLA)

(d) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to section 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in C-B district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the

existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet.

Section 9. Amend Article VI, DISTRICT REGULATIONS, C-B Commercial district, Sec. 134-1304, Special exception uses, at subsection (a)(8) and subsection (b) to read as follows:

Sec. 134-1304. Special exception uses.

(a) The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the C-B Commercial district area as follows:

(8) Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the town council has found as a fact, that the proposed use is town serving.

(b) An owner or tenant of a property, located within the C-B district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new occupational license. This subsection shall not apply to renewal of an existing business tax receipt.

Section 10. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 11. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 12. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 13. Effective Date.

This Ordinance shall take effect 31 days subsequent to its passage on second and final reading.

PASSED ON FIRST READING in a regular, adjourned session of the Town Council on the 13th day of April 2011.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council on the 13th day of July 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

Michael J Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: July 13, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 3-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On August 11, 2010 With The Adoption Of Ordinance No. 3-10, By Amending The Data & Analysis In The Future Land Use Element And Amending Policy 7.3 As It Addresses Rebuilding Structures Located Seaward Of The Coastal Construction Control Line (CCCL), And Permitting Nonconforming Building And Structures To Be Rebuilt Provided Certain Conditions Are Met; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Ordinance No. 3-11

ORDINANCE NO. 3-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF PALM BEACH COMPREHENSIVE PLAN AS LAST AMENDED ON AUGUST 11, 2010 WITH THE ADOPTION OF ORDINANCE NO. 3-10, BY AMENDING THE DATA & ANALYSIS IN THE FUTURE LAND USE ELEMENT AND AMENDING POLICY 7.3 AS IT ADDRESSES REBUILDING STRUCTURES LOCATED SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL), AND PERMITTING NONCONFORMING BUILDING AND STRUCTURES TO BE REBUILT PROVIDED CERTAIN CONDITIONS ARE MET; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town proposes to amend its Comprehensive Plan in accordance with the requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act; and,

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on August 11, 2010 with the adoption of Ordinance No. 3-10; and,

WHEREAS, the Town is amending the Data & Analysis and Goals, Objectives, and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 7.3 as it relates to rebuilding nonconforming structures throughout the Town, including east of the Coastal Construction Control Line (CCCL); and,

WHEREAS, after reviewing the proposed amendments to the Town's Comprehensive Plan at their February 22, 2011 meeting, the Planning and Zoning Commission, acting as the Local Planning Agency (LPA), recommended approval and transmittal of the amendments to the Florida Department of Community Affairs (DCA); and,

WHEREAS, after reviewing the proposed amendments to the Town's Comprehensive Plan, the Town Council determined that nonconforming buildings and structures should be permitted to be rebuilt if unintentionally damaged or destroyed by an act of terrorism or war or fire or other casualty, or act of God or nature at the location and to the same size, density and intensity provided certain conditions are met.

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

Section 1. INCORPORATION OF RECITALS

The above recitals are incorporated as fully set herein.

Section 2. FINDINGS

The proposed amendments to the Data & Analysis and Goals, Objectives, and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 7.3 as it relates to rebuilding structures (including nonconforming structures) seaward of the CCCL, as more particularly described in Section 3 below, have been determined by the Town Council to promote the public health, safety and welfare, and is consistent with the requirements of Chapter 163 Florida Statutes, Chapters 9J-5 and 9J-11 of the Florida Administrative Code, and all elements of the adopted Comprehensive Plan.

Section 3. AMENDMENT OF COMPREHENSIVE PLAN

The Data & Analysis (language below found on pages I-4 and I-19 through I-21) and the GOPs in the Future Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows:

There are remedial and preventative strategies that can be employed to cope with these basic problems. The three most basic land use protection strategies for Palm Beach are to:

- Discourage the amount and type of region-serving commercial development while encouraging Town-serving ones.
- Control the pace, type, and intensity of redevelopment activity in older areas of Town.
- Encourage development and redevelopment at lower density levels than existing zoning allows, except for redevelopment where maintaining previous densities and/or intensities are allowed after unintentional damage or destruction, such as by fire or other casualty, act of terrorism, war or act of God or nature (and with approval from FDEP if building east of the CCCL).

Single-Family Uses

This is the most predominant land use in the Town. The Future Land Use Plan Map designates 1,103 acres of land for this use of which about 48 acres are vacant. The preferred locations are those with good visual qualities, buffered from annoying traffic influences with easy access to shopping and recreation.

Appropriate uses include estates, single-family homes, residential PUD's and

cluster development up to a maximum density of four dwelling units per gross Palm Beach acre (40,000 square feet). Public uses and facilities, public and private schools, group homes and foster care facilities, essential services, and private group uses and cultural uses are also permitted within this category on a limited basis.

It is estimated that another 85 single-family dwelling units can be accommodated at an average density of 1.8 units per acre. A developed single-family lot can exceed the density that is permitted by code if the density exists, and will not be increased through redevelopment. For a vacant single-family lot in existence for at least 30 years, a single-family home can be built subject to meeting all land development regulations.

Multi-Family Uses

Two multi-family categories, permitting varying densities and uses, are shown on the Future Land Use Plan. In total, the Future Land Use Plan designates about 343 acres of land for this use of which about 8 acres are vacant. Some of these lands are undevelopable, or have been committed to open space associated with other residential units, and most cannot be developed at maximum allowable density due to limited parcel sizes. Consequently, it is estimated that these vacant lands can accommodate about 35 additional multi-family units.

The preferred locations are adjacent to high accessibility corridors; areas with good visual qualities; near commercial centers, and recreation and open space areas to offset effects of higher density.

Multi-Family Moderate Density: Appropriate uses include single-family and two-family homes, townhouses, multi-family units, and residential and mixed-use PUD's up to a maximum density of six dwelling units per gross Palm Beach acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services. The Plan designates about 117 acres of land for this use.

Multi-Family High Density: Appropriate uses include single-family and two-family homes, townhouses, multi-family units, and residential and mixed use PUD's up to a maximum density of thirteen dwelling units per gross Palm Beach acre (40,000 square feet). Hotels up to 26 units/gross Palm Beach acre along with associated accessory commercial uses and time-sharing uses up to 9 units/gross Palm Beach acre may be appropriate under carefully controlled conditions. Other appropriate uses include public uses and facilities, public and private schools, private group uses, group homes and foster care facilities, and essential services. The Plan designates about 226 acres of land for this use. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature

may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Commercial Uses

While only one commercial category is specifically identified on the Future Land Use Plan Map, the Town provides for commercial uses at varying intensities under different zoning categories. The Plan designates about 93 acres for commercial uses, of which only about one-half acre remains vacant. Appropriate uses include a wide range of commercial retail, service, professional and business uses largely intended to serve Town persons; hotels, motels and time-sharing uses; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Public Uses

The Plan designates approximately four acres of land for this use. Appropriate uses include public schools, low intensity public facilities at a scale and intensity necessary to primarily serve the needs of Town persons, and owned, operated, franchised, or supervised by a governmental agency. The designation of a property for Public Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development. The Zoning Ordinance is the tool which indicates those uses which are specifically allowed. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Recreation Uses

The Plan designates approximately 106 acres of land for this use. This category is intended for low intensity public recreational uses or activities at a scale and intensity necessary to primarily serve the needs of Town persons, and to preserve the natural and scenic resources of the Town. Only public facilities, owned, operated, franchised or supervised by a public governmental entity, are given this designation. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Private Group Uses

The Plan designates approximately 219 acres of land for this use. Appropriate uses include low intensity private clubs, golf and country clubs, houses of worship, museums and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, indicates that such properties may also be appropriate for residential or commercial development. The Zoning Ordinance is the tool which indicates those uses which are specifically allowed or prohibited. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Approved PUD

This category represents Planned Unit Developments that have been approved by the Town Council. The Plan designates approximately 168 acres of land for this use. Only the Breaker's PUD contains remaining development potential. If built to maximum density, this PUD could hold another 251 multi-family units and some commercial development. Densities in new PUD's shall be limited to the maximum density allowable in the land use category and zoning district in which they are located prior to their approval, but shall not exceed thirteen units per acre. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the

same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Conservation

This category is intended primarily for the spoil islands in Lake Worth and submerged lands located within the Town's boundary and located west of the MHWL in Lake Worth and which comprise about 39 acres. An additional 3-acre conservation parcel is located south of Southern Boulevard in the Blossom Estate subdivision. Both areas are unique, and will be preserved and protected from development and the negative impacts of public use.

Maps I-1 through I-7, comprising the Town's Future Land Use Map Series, provide mapping of future land use, recreation areas and their general service areas, historic sites and districts, beaches and shores, wetlands and estuarine areas, flood plains, and soils, follow. There are no existing or planned waterwells, cones of influence, rivers, bays, fresh water lakes, harbors, or economic mineral deposits in the Town of Palm Beach.

POLICY 7.3

The Town shall continue to allow designated landmark structures, single-family dwellings, two-family, townhouse, multi-family, commercial, and public structures or public/private group uses which are unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature to be rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced provided FDEP standards are met when building east of the CCCL. Actual construction to replace, restore or reconstruct the nonconforming building_or structure shall commence within the time frame outlined in the land development regulations.

Section 4. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance for any reason, is held to be unconstitutional, void or otherwise invalid, the validity of the remaining portions of this Ordinance shall not be effected thereby.

Section 5. EFFECTIVE DATE

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administrative Commission finding the amendment in compliance in accordance with Chapter 163.3187(3)(C), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

PASSED ON FIRST READING in a regular, adjourned session of the Town Council on the 13th day of April 2011.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council on the 13th day of July 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

Member

William J. Diamond, Town Council

Richard M. Kleid, Town Council Member

Michael Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: July 13, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 4-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, At Sections 134-419 And 134-420 By Amending The Provisions To Clarify The Regulations For Raising A Nonconforming Building To Meet The Minimum Flood Elevation Requirements And Allow A Nonconforming Building Or Structure To Be Rebuilt Within A Defined Time Limit If Unintentionally Damaged Or Destroyed By Act Of Terrorism Or War, Or By Fire Or Act Of God Or Nature; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Ordinance No. 4-11

ORDINANCE NO. 4-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, AT SECTIONS 134-419 AND 134-420 BY AMENDING THE PROVISIONS TO CLARIFY THE REGULATIONS FOR RAISING A NONCONFORMING BUILDING TO MEET THE MINIMUM FLOOD ELEVATION REQUIREMENTS AND ALLOW A NONCONFORMING BUILDING OR STRUCTURE TO BE REBUILT WITHIN A DEFINED TIME LIMIT IF UNINTENTIONALLY DAMAGED OR DESTROYED BY ACT OF TERRORISM OR WAR, OR BY FIRE OR ACT OF GOD OR NATURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

WHEREAS, after considering the Staff Report, the Local Planning Agency and the Town Council have determined that nonconforming buildings and structures should be allowed to be rebuilt to the same size, location and density or intensity if damaged or destroyed by an act of nature or fire;

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Chapter 134, Zoning, of the Code of Ordinances, be amended as hereinafter set forth.

Section 1. Amend Article IV, NONCONFORMITIES, Sec. 134-419, Enlargement, extension, reconstruction or alteration, to read as follows:

Sec. 134-419. Enlargement, extension, reconstruction or alteration.

No nonconforming building or structure shall be enlarged, extended, reconstructed or structurally altered except, as provided for in Sec. 134-416, 134-417 and 134-418, or when required to do so by law as follows:

- (1) *Voluntary demolition, restoration and reconstruction.* A nonconforming building and/or structure may be restored as before, enlarged, extended or partially demolished and reconstructed provided that such demolition, restoration, enlargement, extension or expansion does not exceed 50 percent of its existing cubic footage and provided that the demolition, restoration, enlargement, extension or reconstruction of the building and/or structure does not exceed the floor area, gross leasable area and/or cubic footage which existed prior to the demolition, restoration, enlargement, extension, or reconstruction.

All demolition, restoration, enlargement, extension or reconstruction shall be completed within the time schedule set forth in the construction schedule section 105.4.1.6 of the Florida Building Code as amended in section 18-242. In the event such demolition, restoration, enlargement, extension or reconstruction is not completed within the time frame required by the Building code, construction shall cease and shall not resume until the town council decides the remedy for noncompliance, and review and approves a completion schedule.

- (2) *Alteration and repairs.* Normal maintenance and repair and incidental alteration of a nonconforming building or structure is permitted, provided it does not increase the area, volume or size. A building used for single-family or multi-family residential purposes may be altered in any way to improve interior livability; provided, however, that no alterations shall be made which would increase the number of dwelling units. Single-family dwellings may be added onto or partially demolished in accordance with sections 134-794, 134-844, 134-894, 134-1005 and 134-1060
- (3) Minimum flood elevation. A nonconforming building may be raised to meet the minimum town flood elevation provided:
 - a. That the height as measured from the raised finished floor to the bottom of the top chord of the roof framing member for a pitched roof and the ceiling of a flat roof does not get any taller.
 - b. That the overall height as measured from the raised finished floor elevation to the top of the roof for a pitched roof, and top of the ceiling and parapet for a flat roof.
 - c. The building footprint within the required setbacks is no larger; and is no closer to the property line than it was prior to being raised.
 - d. That any new additions meeting existing lot, yard and bulk regulations.

Section 2. Amend Article IV, NONCONFORMITIES, Sec. 134-420, Destruction or partial destruction, to read as follows:

Sec. 134-420. Unintentional damage or destruction or partial destruction.

(a) Any nonconforming building or structure which is unintentionally damaged or destroyed, such as by an act of terrorism or war or fire or other casualty, or act of God or nature, can be reconstructed in its original location to its original size and configuration provided that the property owner of said building or structure (i) commences with reasonable promptness following such damage or destruction to obtain the necessary permits and approvals for such reconstruction and thereafter continues with reasonable diligence to obtain such permits and approvals and (ii) begins construction within five years of said unintentional damage or destruction and provided further that for residential use, the property does not exceed the existing density and for commercial use it does not exceed the existing or allowed intensity and/or density by Code. In addition, if said

building or structure did not meet the town's minimum flood elevation requirements, the rebuilt building or structure shall be raised to meet said requirements if required by law.

(b) If a nonconforming building or structure is located partially or entirely east of the coastal construction control line, said building or structure may be rebuilt in its original location to its original location, size and configuration, density and/or intensity provided it meets all state and federal requirements for a buildings and/or structures located east of the coastal construction control line.

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect 31 days subsequent to its passage on second and final reading.

PASSED ON FIRST READING in a regular, adjourned session of the Town Council on the 13th day of April 2011.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council on the 13th day of July 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

Michael J. Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: July 13, 2011

Section of Agenda

Old Business

Agenda Title

SPECIAL EXCEPTION #14-2011 WITH VARIANCES The application of Palm Beach Country Club, Inc.; relative to property commonly known as **760 North Ocean Boulevard**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review modification to demolish the existing caretaker's house on the west side of the Club golf course and build a new caretaker's house in the same proximity. The proposed house will be 5,581 square feet. The following variances are being requested: to allow a front yard setback/building height plane setback for the new caretaker's house to be 19.5 feet in lieu of the 49.5 foot minimum required and to allow an angle of vision to be 136.86 degrees in lieu of the 120 degrees maximum allowed. [Attorney: Maura Ziska]

[ARCOM Recommendation: Deferred. Carried 7-0.]

Deferred from the June 15, 2011, Town Council Meeting. **Request for Deferral to the August 10, 2011, Town Council Meeting Per Letter Dated June 29, 2011, from Maura A. Ziska (Second Deferral - Special Circumstances).**

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated June 29, 2011, 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

June 29, 2011

VIA FACSIMILE: 561-835-4621

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

RE: Special Exception #14/2011 w/ Variances

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the July 13, 2011 until the August 10, 2011 Town Council meeting. The reason for the deferral is the project was deferred at ARCOM.

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

Sincerely yours,



Maura A. Ziska

MAZ/mr

cc: Paul Castro
Tom Youchak

TOWN OF PALM BEACH

Town Council Meeting on: July 13, 2011

Section of Agenda

New Business

Agenda Title

SITE PLAN REVIEW #7-2011 WITH VARIANCES The application of 1200 South Ocean Boulevard LLC, by Stephen G. Vogelsang, Esq.; relative to property commonly known as **947 No. Ocean Blvd.**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing to construct a new two-story residence containing 17,370 square feet on two lots on the Atlantic Ocean. The project will also include a basement (non-habitable) of 7,171 square feet and a below grade tennis loggia of 888 square feet. There will be a generator with a capacity of over 100kw in the basement. The applicant is requesting a point of measurement variance, a building height variance, and a front yard setback variance. The applicant is requesting a point of measurement of 22 feet NGVD in lieu of the maximum 17.4 feet NGVD allowed; a building height of 24.10' in lieu of the 22.75 feet allowed; a front setback of 118.83 feet at the closest point to the front lot line in lieu of the 152.67 feet minimum allowed. [Attorney: James R. Brindell, Esq.] [ARCOM Recommendation: Implementation of the variances, as modified, will not cause negative architectural impacts to the subject property. Carried 6-1, Mr. Karakul opposed.]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated May 17, 2011, from Alan D. Bleznak

TOWN OF PALM BEACH

MAY 17 2011

Town Manager's Office



Via: Fax (561) 835 4621

May 17, 2011

David A. Rosow, President, Town Council
Robert N. Wildrick, President Pro Tem, Town Council
William J. Diamond, Town Council Member
Richard M. Kleid, Town Council Member
Michael J. Pucillo, Town Council Member
C/O TOWN OF PALM BEACH
360 South County Road
Palm Beach, Florida, 33480

RE: 947 AND 955 NORTH OCEAN BOULEVARD

Dear Town Council Members:

I am in receipt of a zoning application for the property located at 947 North Ocean Boulevard and 955 North Ocean Boulevard regarding the Site Plan Revision #7-2011 with variances.

Since the demolition of this property by the prior owner(s), the Township sediment control ordinance was not implemented with the demolition of the house and ancillary buildings. I had to protest to the Township and the sediment control permit implemented which included seeding of the lot and underground sprinkling. The off site controls on North Ocean Boulevard to protect my property and street were never implemented and regulated. During and at the end of the demolition, I had to take care of my right of way damage and the damage to the hedges.

I have inspected the plans in the office of the Township and find there is no sediment control plan in the file. It appears there will be three entrances rather than two during construction, and it appears there is no plan for sediment control during construction and the maintenance thereof. I do not want to be put in a position to constantly call the Township and have my right of way area and property run over by trucks, etc. I look to the Township to provide the necessary approvals so that North Ocean Boulevard will be maintained "as is" and that my property which faces this property will not be damaged.

960 North Ocean Boulevard, Palm Beach, Florida 33480

May 17, 2011

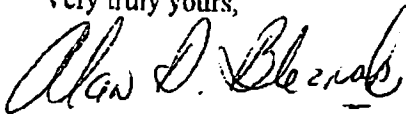
Page Two

Regarding the location of the tennis court and the landscaping surrounding it, I am strongly suggesting that the existing wall become an architectural feature for privacy and that the Committee examine the adjacent property owner walls on North Ocean Boulevard. While the Australian pines are a species not acceptable, they are existing on this property. The noise factor from the tennis court will be a problem for me. I look to the Committee to alleviate this problem by studying the noise factor and have the landscape architect suggest a plan which would be more in keeping with the property. I am meeting with Mr. Sanchez on Tuesday, May 17, 2011, to discuss his suggested plan. Small podocarpus will not do the job, and I was very surprised in reviewing the entire landscape plan to see how small the plants are that have been suggested on the drawings.

There certainly is need of a masonry wall. There is certainly a need to study egress and ingress for construction purposes. The turning radii on North Ocean Boulevard are narrow for big trucks. At the present time, there are two gates and according to the plan, the main entrance will be a third gate on the north side of the property. The set back of the tennis court should be reviewed. As to the height of the structures, could you provide or have your architect provide a document showing where the shadows will fall during the day time?

I wait for a written response before June 15, 2011 concerning these issues. All correspondence can be sent to my home at 960 North Ocean Boulevard, Palm Beach, Florida 33480 until June 1, 2011. Thereafter, you can correspond with me at my office, 5105 North Park Drive, Merchantville, New Jersey 08109. My office telephone number is (856) 665-3410, and my e-mail address is a.bleznak@bleznakorg.com.

Very truly yours,



Alan D. Bleznak

ADB:smh

TOWN OF PALM BEACH

Town Council Meeting on: July 13, 2011

Section of Agenda

New Business

Agenda Title

VARIANCE #11-2011 The application of David and Sara Hruda; relative to property commonly known as 143 Reef Road; described as Lot 45 of NORTH SHORE ADDITION TO PALM BEACH, according to the Plat thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests variances to construct a two car garage with a 6.25 foot west side yard setback in lieu of the 12.5 feet required; and, an angle of vision of 112 degrees in lieu of the 100 degrees allowed. [Attorney: Maura A. Ziska]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated June 23, 2011, from Reef Road Residents
- Letter dated June 30, 2011, from Paul and Sally Gingras
- Letter dated July 1, 2011, from Jesse and Mary Azqueta

Re: VARIANCE # 11-2011

June 23, 2011

To whom it may concern:

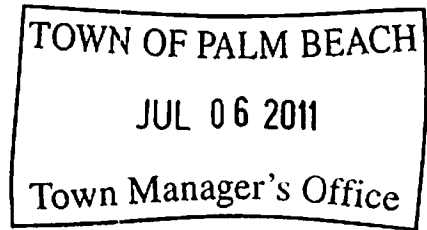
I understand that the owner of 143 Reef Rd has requested a variance to the property so a garage can be added to the property.

We have seen great improvements to the property since he bought it and welcome the continued aesthetic improvements a garage would add to the house and to the street. It has been a transformational improvement since January this year and we are in full support to what he is doing to the home.

Thank you for your consideration

1.  130 Reef Rd
2.  136 Reef Rd
3.  168 REEF RD.
- 4.

Paul Gingras, DMD
153 Reef Road
Palm Beach, FL 33480



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

30 June 2011

Dear Members of the Town Council:

My wife and I live at 153 Reef Road and we received a notice of a request for a zoning variance for a property located at 143 Reef Road. We have three concerns regarding the request.

1. The application lists the property owners as David and Sarah Hruda. We are not sure Mr. and Mrs. Hruda own the property. We have been repeatedly told that someone else owns the property. The Town needs to determine who the owners are before proceeding with the application.
2. Under Exhibit A- Request For Variance, item 4, the applicant states that the residence was built without a garage. This house was originally built with a one car garage. This garage was later converted to a living space by a previous owner. A check with the Building Department will confirm this.
3. The addition of a two car garage would reduce the normal side yard setback by half which would change the appearance of the residence by reducing the greenspace surrounding it. This would set a bad precedent for the R-B zoning in this neighborhood. A one car garage addition would impose less on the normal setback.

We are opposed to a two car garage addition and we are not opposed to a one car garage addition.

Sincerely,

A handwritten signature in cursive script that reads "Paul Gingras, DMD".

A handwritten signature in cursive script that reads "Sally Gingras".

Paul and Sally Gingras

July 1, 2011

RECEIVED ^{pf}

JUL - 6 2011

TOWN OF PALM BEACH
PZB DEPT

Town of Palm Beach

Zoning & Building Department

360 S. County Road

Palm Beach, Florida 33480

Re: 143 Reef Road *Variance # 11-2011*

To Whom it May Concern:

We have been residents of 144 Reef Road for 16 years, the home directly across the street from 143 Reef. We both have also been residents of the town of Palm Beach for 50 years, our entire lives. We are submitting this notice to preserve the ambiance on the north end. Reef Road is a quiet street with an island appeal. Most of the residents like it that way and moved here because they hope to keep it this way. We understand a petition to build a two car garage has been filed. Our concerns are as follows:

The house is being rented and they are not the owners.

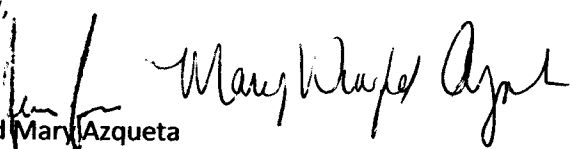
Why do they have to expand to a garage that is so large, the house originally had a one car garage.

The disruption to the safety of the families on the street and the disturbance of peace is overwhelming.

It would seem that the appropriate size garage for this street would be a one car garage, considering the size of the home and property, fitting in with the rest of the street, and the north end.

Thank you for your consideration in this matter.

Sincerely,


Jesse and Mary Azqueta

TOWN OF PALM BEACH

Town Council Meeting on: July 13, 2011

Section of Agenda

New Business

Agenda Title

SPECIAL EXCEPTION #18-2011WITH VARIANCE The application of Worth Avenue Yachts, 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 requests Special Exception approval for a commercial office operation (boat sales and charter office business) containing 3,425 sq.ft. of gross leasable area which is over the 2,000 sq.ft. limitation, which requires Town-serving approval. A Variance is also requested for approval to allow this office use to be located on the first floor which is not permitted by code in this zoning district. [Attorney: James R. Brindell]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated June 28, 2011, from Sherry Frankel
- Letter dated June 30, 2011, from Laurel Baker



Worth Avenue Association

PO Box 2126, Palm Beach, FL 33480
Phone (561) 659-6909 * Fax (561) 681-1316
WWW.WORTH-AVENUE.COM

Quality - Integrity - Service

Email: robinmiller@worth-avenue.com
Fax: 561-655-7191

June 28, 2011

Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Worth Avenue Yachts - 150 Worth, Goodman Company

On behalf of the Worth Avenue Association, please let this letter serve to advise that the Board of Directors has no objection to space being leased to Worth Avenue Yachts at the Goodman Company property located at 150 Worth.

We are aware that the space (#136) is on the ground floor of the building however, it is located in the rear interior portion of the center, and will not affect the flow of retail on Worth Avenue.

Should you require any additional information, please let us know.

Kind regards,

Sherry Frankel, President
Worth Avenue Association

PALM BEACH CHAMBER OF COMMERCE, INC.

400 Royal Palm Way • Suite 106 • Palm Beach, FL 33480

www.palmbeachchamber.com

☎ 561.655.3282

☎ 561.655.7191

June 30, 2011

TOWN OF PALM BEACH

JUL 05 2011

Town Manager's Office

Denise Bober
The Breakers Palm Beach
President
Kevin Lamb
Gunster
Vice-President
Michael R. McCarty
Michael R. McCarty's
Vice-President
Richard Rampell
Rampell & Rampell
Treasurer

Mr. Peter B. Elwell
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: 150 Worth: Worth Avenue Yachts
Special Exception #18-2011 with Variance

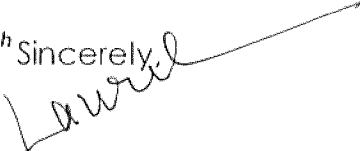
Ned Barnes
Palm Beach Civic Assoc.
Ervin S. Duggan
Society of the Four Arts
Roger Everingham
The Colony Hotel
Linda Goings
Palm Beach Daily News
Brian Johnson
Fidelity Investments
John Maus
Maus & Hoffman
Bradford P. Miller
Bradford P. Miller
Real Estate
Adam Munder
The Sterling Group
Kristy Pressly
The Breakers Palm Beach
Clay Surovek
Surovek Galleries
Directors

To the Mayor & Town Council:

The Palm Beach Chamber encourages your approval of the request made by Worth Avenue Yachts to occupy first-floor space at 150 Worth Avenue. Given the location of the site on the interior of the center, it poses no compromise to the retail character of the facilities.

Thank you for your consideration in maintaining the new vibrancy that has evolved on the Avenue.

Sincerely,



Laurel Baker

James A. Ponce
Historian

Laurel Baker
Executive Director
Secretary

Penny Spano
Membership Services



GUNSTER

ATTORNEYS AT LAW

Our File Number: 00033396.00001
Writer's Direct Dial Number: (561) 650-0511
Writer's E-Mail Address: JBrindell@gunster.com

July 11, 2011

Neil M. Schiller, Esq.
Becker & Poliakoff, P.A.
Emerald Lake Corporate Park
3111 Stirling Road
Fort Lauderdale, FL 33312-6525

Re: Cha Cha's (formerly Trevini)

Dear Neil:

This is in response to concerns which the residents of Winthrop House have raised about how Cha Cha's will be operated. Frank and Nick Coniglio have approved the following statement of how they propose to operate the new restaurant:

Cha Cha's proposes to operate under the same number of seats and under the same conditions as did Trevini (February 9, 2001 approval letter), except that the new operator would like seating to be allowed to occur at the outdoor seats up to 11:00pm instead of the 10:00pm time in the Trevini approval. However, dinner orders at the outdoor seats would have to cease at 11:00pm just as is required at the seats inside the restaurant. As did Trevini and as do other restaurants in the Town, background music would be supplied by one to three musicians or by recorded music, and there would be occasional dancing in the back dining area by those attending a private gathering in that area. Cha Cha's will not operate as a nightclub, except on New Year's Eve as allowed in the Trevini approval.

If you have any further questions, please give me a call.

Sincerely,

James R. Brindell
JRB/gvt

cc: Peter Elwell
John Page
Paul Castro
Frank Coniglio
Nick Coniglio
Bob Saffran

WPB_ACTIVE 4590086.1

July 6, 2011

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

Re: Application of 1200 South Ocean Boulevard, LLC to Construct a Single
Residence at 947 North Ocean Boulevard.
Architectural Commission Case No.: D-029-2011

Dear Gentlemen:

This law firm represents 1200 South Ocean Boulevard, LLC in connection with the above-referenced matter. The Architectural Commission approved the proposed residence at 947 North Ocean Boulevard at its meeting on June 22, 2011. The approval was subject to certain conditions which were stated at the meeting. The Building Plans will be modified and amended in order to comply with the stated conditions. The building permit or other permits of the Town must be in compliance with these conditions.

The conditions are as follows.

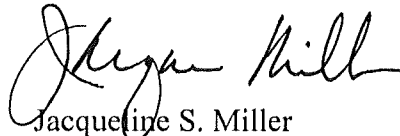
1. The point of measurement for the house and garage building shall be at 20.0 NGVD, and not 22.0 NGVD as shown on the original plans submitted with the application.
2. In addition to #1 above, the house is also to be made lower by lowering the cornice by 16 inches from that shown on the plans filed with the application, except at the pediments.
3. The pediment on the South elevation of the garage building shall be removed and replaced by a hip roof that will not be higher than the roof of the garage building, as adjusted by (a) #1 above, (b) an additional ten inches adjustment lower to match the cornice height of the house building, and (c) an additional 6 inches lower in the height to the cornice of the western portion of the garage building (i.e., not the new hip roof) on the South elevation, but the roof ridge shall be adjusted higher for consistency with the pitch of the new hip roof in lieu of the gabled pediment. The ridge of the roof of the western portion of the garage building will be 2' 3" lower than the ridge of the roof as shown on the original plans filed with the application. The ridge of the roof of the new hip shall be at least 2' 6" lower than the pediment as shown on the original plans. There shall be not less than 1' 9" difference between the cornice elevation of the new hip on the South elevation of the garage building and the garage building west of the new hip.

4. Within 60 feet of the ocean bulkhead, the hedge on either side of the common boundary between this property and the property owned by Murray Goodman south of this property shall be no higher than the current hedge material on the property on Mr. Goodman's side (i.e., 33.60' NGVD).
5. 1200 South Ocean Boulevard LLC will work with Mr. Goodman regarding the placement of trees near the pool by the ocean so as to minimize interference with Mr. Goodman's view from his property.
6. Heavy landscaping will be installed on the South side of the garage building and driveway area, including 9 sable palms as reflected on Drawing No. L-7, bearing "6/24/11 Revisions per ARCOM approvals", to effectively screen the garage from view from Mr. Goodman's property.
7. Prior to commencement of construction of the house, Mr. Goodman shall have access across the property to allow a truck to bring in several palm trees to be installed in Mr. Goodman's yard. Mr. Goodman will repair any damage to the property at 947 North Ocean Boulevard. Mr. Goodman's access across the property shall occur within 30 days of Town Council's approval of the variances requested.
8. There will be no other changes in the plans which would increase the height or mass of the proposed house at 947 North Ocean Boulevard, absent agreement of Mr. Goodman.

The purpose of this letter, as suggested by the Town attorney, is to make certain that all permits issued by the Town are in full according with the conditions which were attached to the approval by the Architectural Commission.

Sincerely,

BROAD AND CASSEL



Jacqueline S. Miller

As authorized agent for

1200 South Ocean Boulevard, LLC

JSM:mds

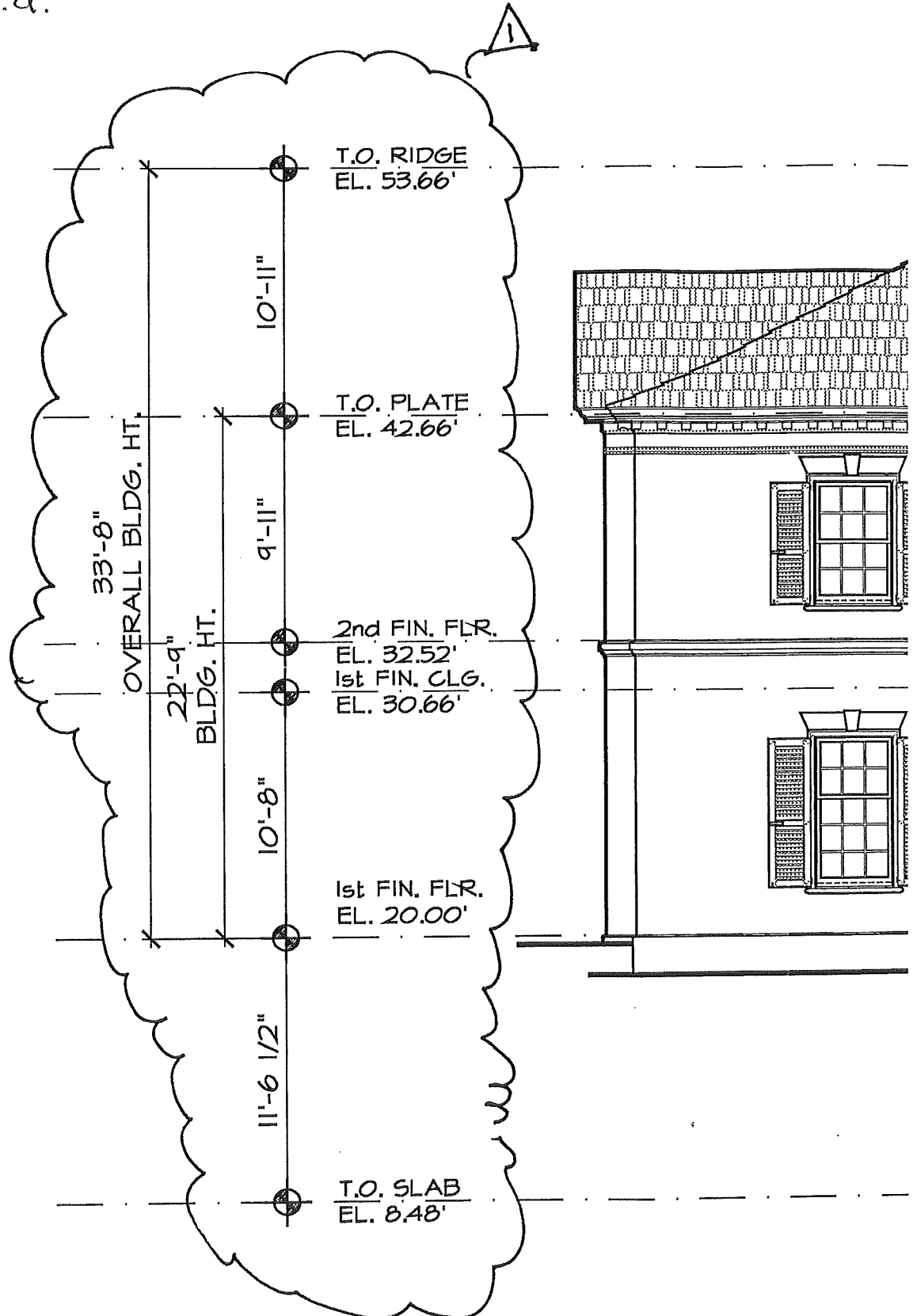
Agreed:

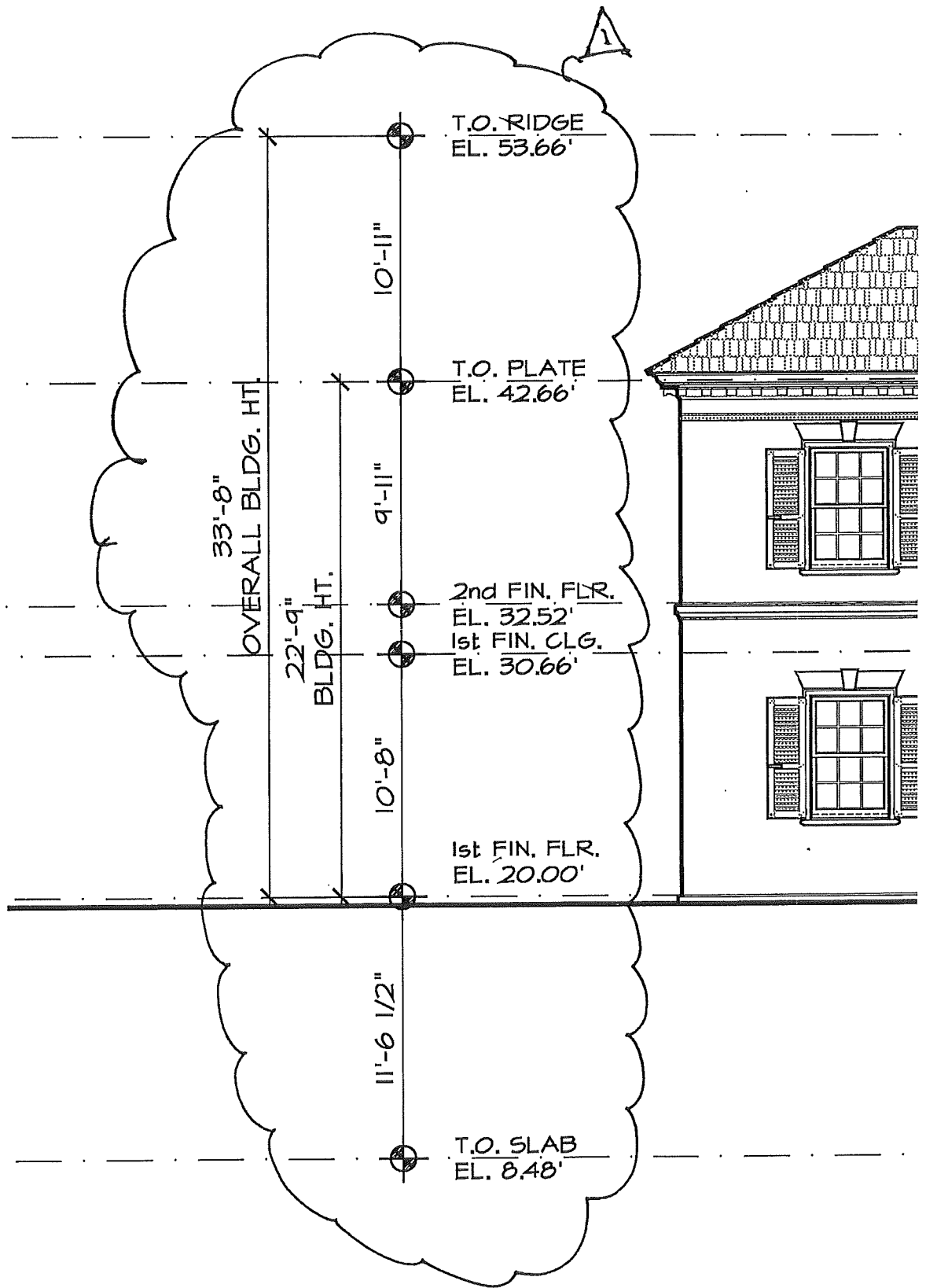


Raymond Royce, Esq., as authorized
agent for Murray Goodman

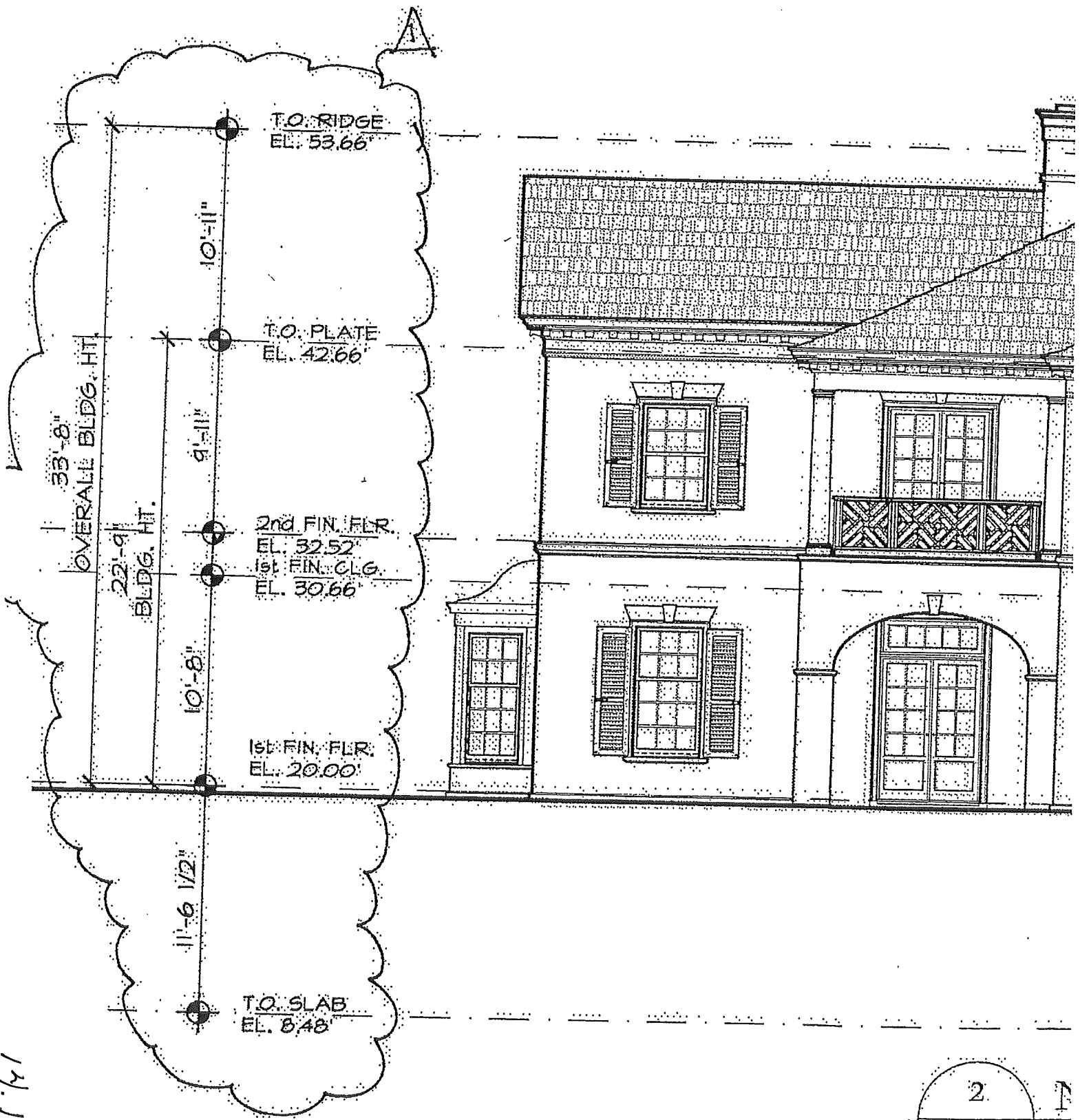
Date: 7/8/2011

SITE PLAN
REVIEW #7-2011
W/ VARIANCES
Item # VIII.C.2.a.

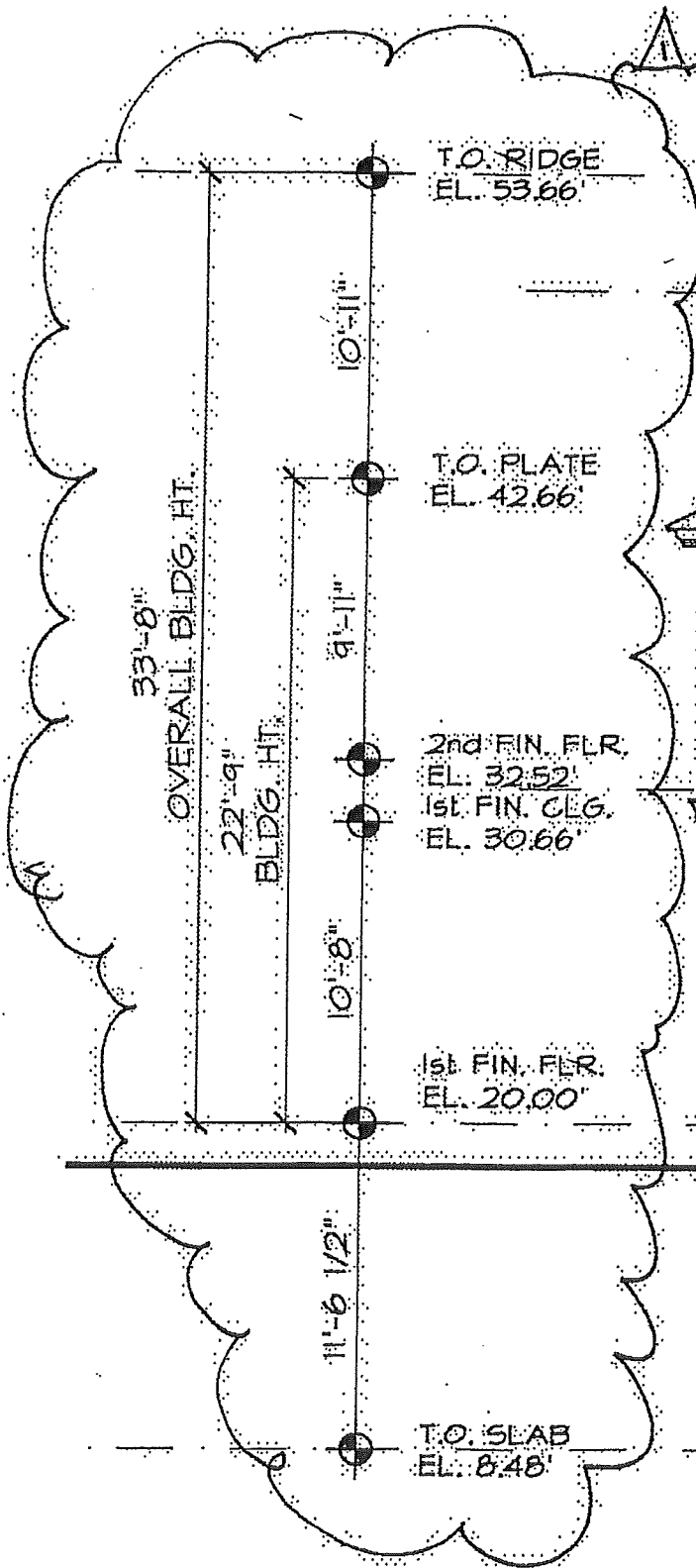




1.41

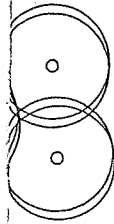


2.7.2



6/24/2011 Revisions per
ARCOM approval

(15) *Cocos nucifera* 'Maypan'
Maypan Coconut Palm
hts vary-see plan for hts
trunks to have character
provide photos for approval



(208) *Ficus microcarpa* 'Green Island'
Ficus Green Island, 3-Gal 12" x 12"

occoloba uvifera
ape, 12' ht ffb

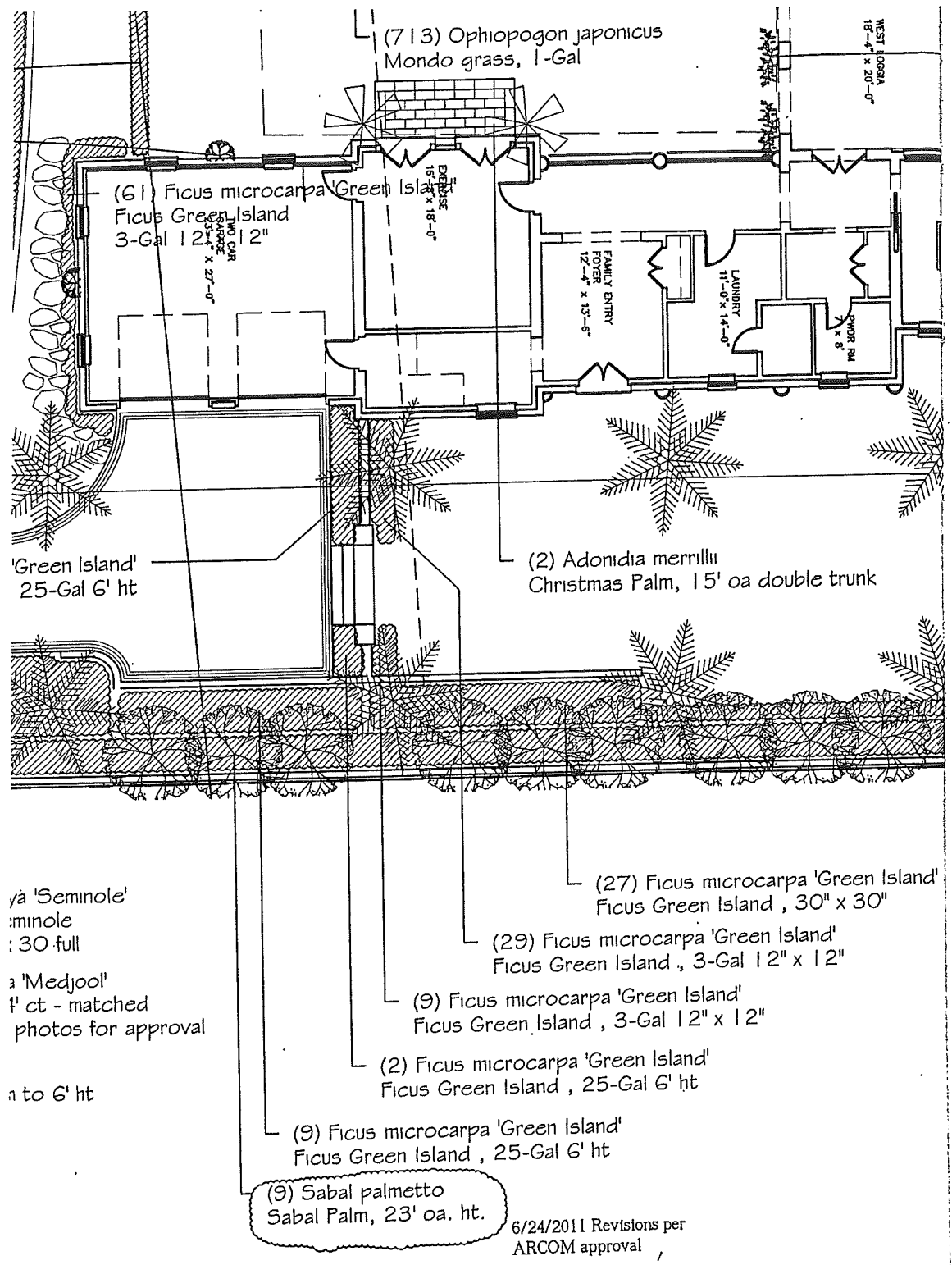
S A N C H E Z & M A D D U X, I N C.
LANDSCAPE ARCHITECTURE

140 Royal Palm Way, Suite #206, Palm Beach, FL 33480
Telephone: 561-655-9006 Fax: 561-655-9007
FL registration #223 & #295 NY registration #1704

Z
SI

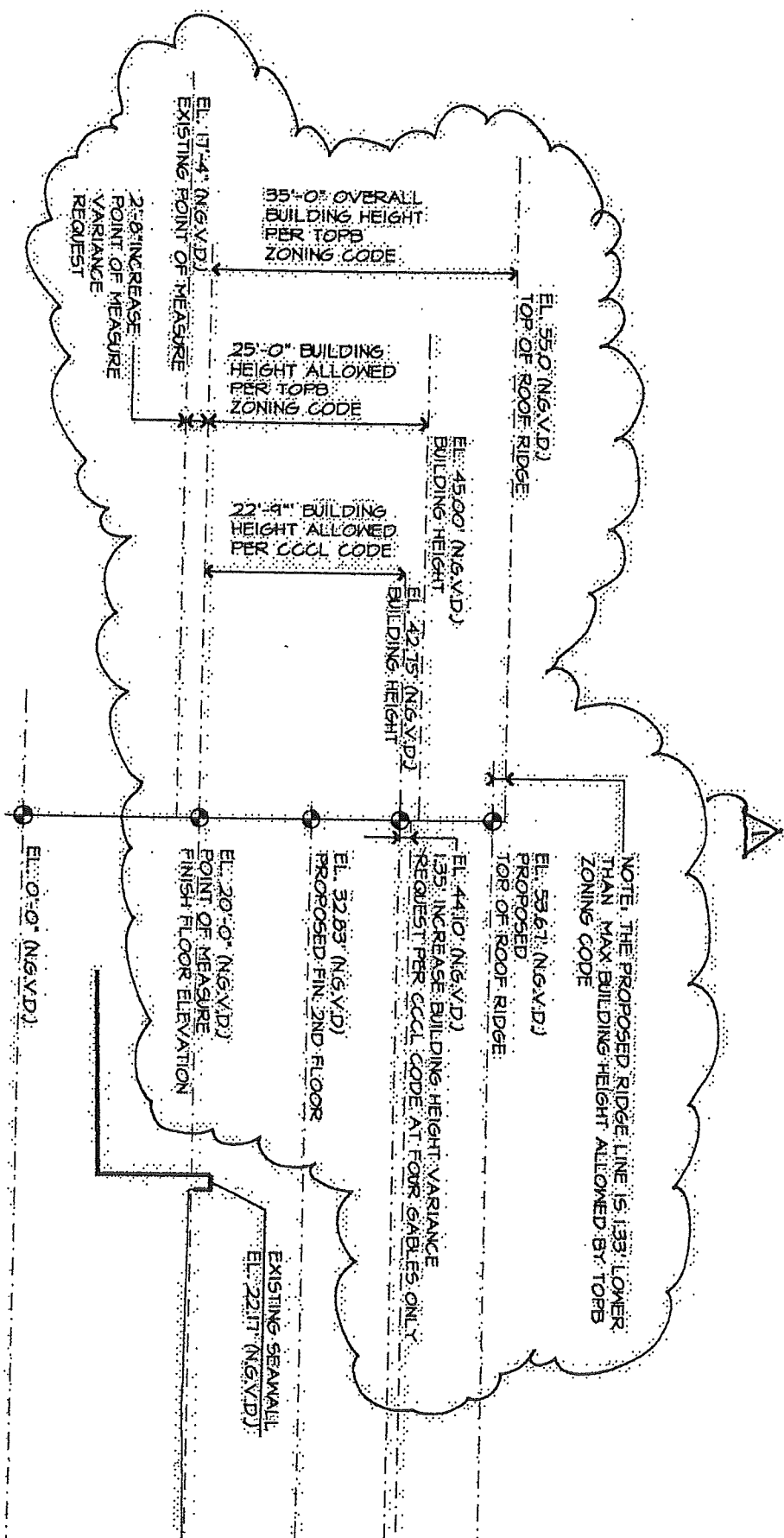
A

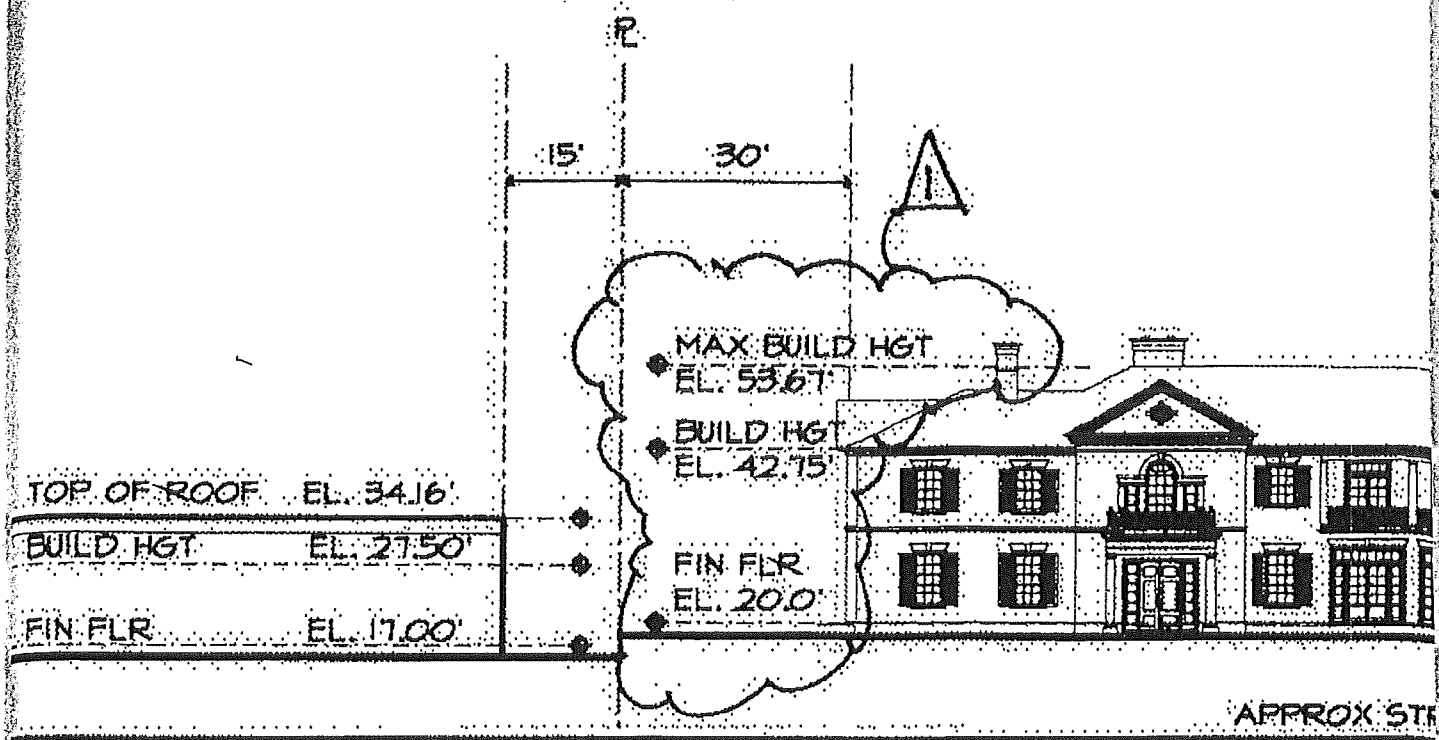
24.1



ya 'Seminole'
minole
30 full
a 'Medjool'
1' ct - matched
photos for approval
n to 6' ht

24.2





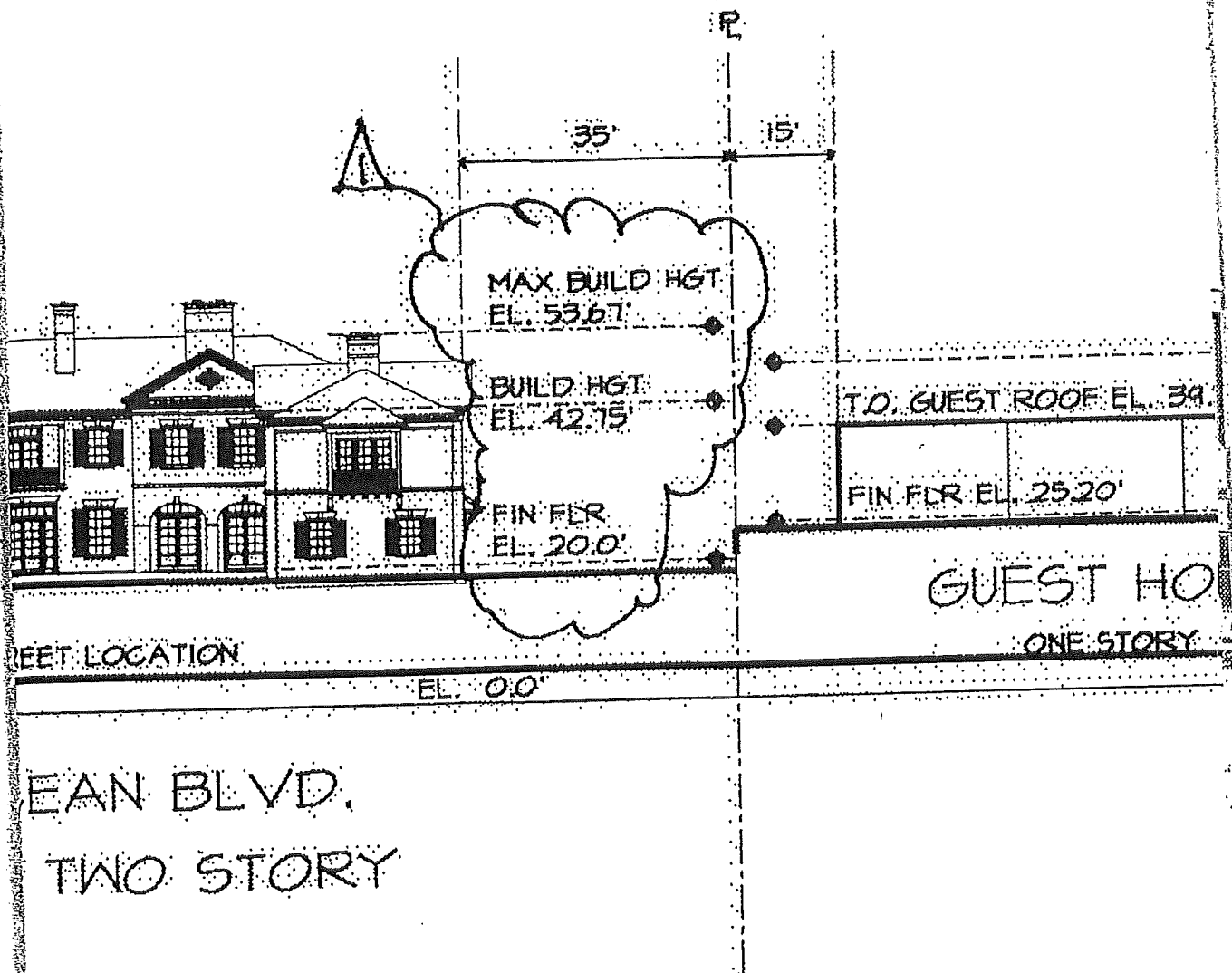
MEAN BLVD.
STORY

947 N. OC
PROPOSED

29.2

SK-2

SCALE: N.T.S.



2

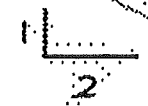
SK-2

STREETSCAPE

SCALE: N.T.S.

29.3

TWO FEET OF SETBACK FOR ONE FOOT OF BUILDING HEIGHT
BUILDING HEIGHT PLANE



EL. 20.0

CENTER LINE OF NORTH
OCEAN BLVD.

ROAD @ PROP. LINE
EL. 45 (NGVD)



ZONING APPLICATION
TOWN OF PALM BEACH

Special Exception #19-2011 with Site Plan Review and Variance
(Zoning Case Number)

REC'D
JUN 27 2011

This application includes requests for:

- ☒ Site Plan Review
☒ Special Exception
☒ Variance

TO BE HEARD BY THE TOWN COUNCIL ON July 13, 2011 AFTER 9:30 A.M. IN THE TOWN OF PALM BEACH COUNCIL CHAMBERS LOCATED ON THE 2 FLOOR 360 SO COUNTY ROAD, PALM BEACH. Pursuant to the Town Zoning Code of Ordinances, Sections 134-172 (Special Exceptions and Variances) and/or 134-328 (Site Plan Review), this application is being sent to all property owners within 300' of the location of the subject zoning application. A copy of this application along with all exhibits such as large drawings and other supporting documents that are not attached to this application are available for inspection at the Town's Planning, Zoning & Building Department, 360 S. County Rd., east entrance, weekdays between the hours of 8:30 a.m. and 4:30 p.m.

All interested persons may appear and be heard at said Public Hearing and may likewise submit written statements prior to and at said Public Hearing. If any person decides to appeal any decision made by the Town Council with respect to this matter, he/she will need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

I. **SUBJECT ADDRESS:** 239 Cocoanut Road and adjacent parking lot Zoning District: R-B
439 Royal Palm Way
Four Arts Plaza
1 Four Arts Plaza
2 Four Arts Plaza

Fee Simple Property Owner's Name: The Society of the Four Arts, Inc.

Legal Description: See attached Exhibit "A"

Name and address of person who can receive service of process for purposes of litigation in Palm Beach County: Harvey E. Oyer, III, Shutts & Bowen LLP, 525 Okeechobee Boulevard, Suite 1100, West Palm Beach, Florida 33401

Applicant Name: Harvey E. Oyer, III

Contact Phone: 561-650-8517

II. **DESCRIPTION OF THE REQUEST TO BE HEARD BY TOWN COUNCIL, citing applicable Town Zoning Code Section Number(s):**

A. Applicable Zoning Code Section Number(s):

1. **Section 134-329 Site Plan Review by Town Council.**
2. **Section 134-890 Special Exception Use (8)**

3. Section 134-229 Requirements for granting.
4. Section 134-2175 (b) Number of parking spaces required
5. Section 134-201 Findings prior to authorization

B. Description of request by Zoning Section Number(s):

1. A request for approval of a Special Exception for non-profit cultural use (Section 134-890 (8) and Section 134-229). The applicant, The Society of the Four Arts, Inc. ("Four Arts"), has purchased the landmarked old Palm Beach Public School property located at the southwest corner of Cocoanut Row and Seaview Avenue. The applicant's request is that the Town Council grant a Special Exception to allow the old school site to be used for a non-profit cultural use and to modify the Four Arts' existing Special Exception to include the newly acquired property into the Four Arts campus, specifically a proposed connection to the existing Four Arts sculpture garden and the integration of the parking lot located west of the old school site into the site plan.

The proposed changes to the old school property include: (i) the demolition of a non-contributing building on the south side of the property; (ii) conversion of the old gymnasium into a new 256 seat theater; (iii) the construction of a new courtyard and reception area on the north side of the building; (iv) the addition of a demonstration kitchen and adult art, lecture, and other cultural activities within the existing classrooms of the old school; and (v) the addition of a visiting artists residence in the building to accommodate visiting artists. Proposed improvements to the site include a new driveway and drop-off along the south side of the old school building so that vehicles can enter the site directly from Cocoanut Row. This driveway will have a new courtyard connected to the existing Four Arts sculpture garden to the south. The existing parking area on the west side of the site will be improved with new landscaped areas, new paving and new drainage. The existing emergency generator enclosure will be enlarged for a new AC chiller and a new 80 KW emergency generator.

2. A request for approval of a Site Plan for the proposed Fitz Eugene Dixon Education Building (Section 134-329). The existing landmarked Palm Beach Public School at the southwest corner of Cocoanut Row and Seaview Avenue is proposed to be converted into non-profit cultural center as part of The Society of the Four Arts. The existing two story building will remain except for the demolition of the stand alone 1950's addition on the south side, which is not historic and not in keeping with the original 1920's architectural style. Improvements to the site include the construction of a new courtyard and reception area on the north side of the building and a new driveway and drop off along the south side of the building so that vehicles can enter the site directly from Cocoanut Row; Seaview Avenue is one-way westbound. This driveway will have a new courtyard connected to the existing Four Arts sculpture garden to the south. The existing parking area on the west side of the site will be improved with new landscaped areas, new paving and new drainage. The existing emergency generator enclosure will be enlarged for a new AC chiller and a new 80 KW emergency generator.

The building will be entirely restored based upon the original 1920's style of architecture. New windows, doors, painting and other improvements will be part of the exterior work. The interior will include new elevators, new air conditioning system, new restrooms, and new finishes throughout. The existing gymnasium will be completely remodeled into a theater with 256 seats and multipurpose room. The existing classroom and administrative area will be remodeled into adult art, lecture, demonstration kitchen and other cultural activity type of uses. There will be new administrative offices and a visiting artist residence.

3. A request for variance for applicant's proposed reduction in parking spaces on the existing Four Arts parking lot located to the west of the old Palm Beach Public School building (Section 134-2175 (b) and Section 134-201). Applicant proposes to reduce the number of parking spaces from 45 to 35 in order to: (i) improve internal circulation within the parking lot with the addition of a new lane on the west side of the parking lot; (ii) accommodate a new driveway and drop off along the south side of the building so that vehicles can enter the site directly from Cocoanut Row; (iii) accommodate a new AC chiller unit and a new 80 KW emergency generator to service the old Palm Beach Public School building; and (iv) accommodate additional landscaping in the redesigned parking lot.

III. APPLICATIONS CONTAINING SITE PLAN REVIEW

If the application contains Site Plan Review, complete Exhibit B, and briefly describe below the reasons why such application should be approved. This explanation should be a summary of information provided in Exhibit B (Site Plan Review by Town Council as stated in the Town's Zoning Code at Section 134-329).

The approval of the Site Plan will allow for the rehabilitation and conversion of the old elementary school to the Fitz Eugene Dixon Education Building, which will allow for the restoration of one of the Town's important historic structures and the adaptive re-use of the facility for cultural purposes that will enhance the quality of the life in the Town.

IV. APPLICATIONS CONTAINING SPECIAL EXCEPTIONS

If the application contains requests for Special Exceptions, complete Exhibit C, and briefly describe below the reasons why such application should be approved. This explanation should be a summary of information provided in Exhibit C (Requirements for granting Special exceptions by the Town Council as stated in the Town's Zoning Code at Section 134-229).

The Special Exception request is to change the existing use of the old elementary school building from educational to cultural to accommodate the proposed Fitz Eugene Dixon Education Building of the Society of the Four Arts.

V. APPLICATIONS CONTAINING VARIANCES

If the application contains requests for variances, please respond to the questions below, and complete Exhibit D (Findings for authorizing a variance as stated in the Town's Zoning Code at Section 134-201). N/A

- a. Applicant should provide a brief description of the special conditions which when subjected to a literal enforcement of the provisions of the zoning ordinance will result in unnecessary and undue **HARDSHIP**. This explanation should be a summary of information provided in Exhibit D.

The old Palm Beach Public School building has almost no on-site parking and certainly not enough to accommodate any reasonable re-use of the 1920's landmarked structure. This inadequate parking condition was created over 80 years ago in an age when fewer automobiles were used and, therefore, fewer parking spaces were necessary. The Town desires to keep the structure, have it restored in accordance with historic restoration standards, and adaptively re-used in a manner that best serves the community. The Four Arts is uniquely situated to fulfill the Town's goals. The Four Arts owns the adjacent parking lot to the west of the old school and is willing to incorporate the parking lot with the old school site in order to provide parking for the adaptive re-use of the old school building. Under the principle of equivalency, there is adequate parking available to operate the Four Arts proposed use at the old school building. Therefore, no parking variance is required to operate the old school building as a non-profit cultural use by the Four Arts. However, in order to

accommodate the driveway to improve neighborhood traffic circulation, accommodate a new internal circulation lane to improve internal traffic circulation, accommodate Town Code required landscaping, and to accommodate a new AC chiller unit and 80 KW emergency generator on the parking lot site (all for the benefit of the old school site), the applicant must reduce the number of parking spaces on the parking lot site from 45 to 35, a reduction of 10 parking spaces. Without the granting of the variance, the parking lot cannot accommodate the above improvements, which in turn would result in the Four Arts inability to restore and adaptively re-use the landmarked old school building for a cultural use benefiting the community. The applicant did not create this adverse parking condition. However, by utilizing its existing parking lot as part of the proposed site plan, the applicant would significantly improve the adverse parking condition for the old school building.

- b. Applicant should address how granting of a variance for these special conditions will not be contrary to the public's interest.

The granting of the requested variance is in the public's interest as it will allow for the restoration and adaptive re-use of the landmarked old Palm Beach Public School building for non-profit cultural use that will serve the entire Town. Without the granting of the variance, this project cannot proceed and the old Palm Beach Public School building will remain in poor physical condition and unusable by the community. The Four Arts is willing to enter into a Declaration of Use that ensures that the proposed 256 seat theater will not host events simultaneously with the Four Arts' main 700+ seat theater unless parking can be adequately accommodated.

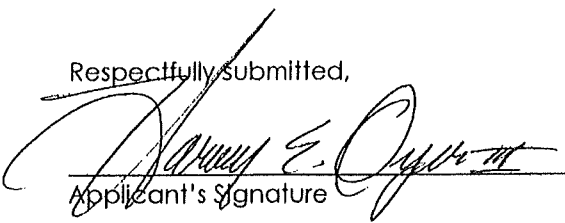
Special Exception #19-2011 with Site Plan Review and Variance
Zoning Case Number

VI. SITE HISTORY

Please provide a detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 applicable to this property. This information should be attached as **Exhibit E** - SITE HISTORY.

See attached Exhibit "E".

Respectfully submitted,


Applicant's Signature

Harvey E. Oyer, III, Esq. 561-650-8517

Typed name & telephone #


Fee Simple Property Owner's Signature
(or his/her duly authorized attorney)

Harvey E. Oyer III, Esq., Attorney for Property Owner, 561-
650-8517

Typed name & telephone #

EXHIBIT A – LEGAL DESCRIPTION

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LOTS 1, 2, 5, 6, A PORTION OF LOTS 3, 4, AND 7, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(PART ONE)

BEGIN AT THE NORTHEAST CORNER OF LOT 7 BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID LOT 7, SAID EAST LINE BEING COINCIDENT WITH THE WEST RIGHT OF WAY LINE OF COCOANUT ROW FOR A DISTANCE OF 275.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE DESCRIBED IN OFFICIAL RECORDS BOOK 1901, PAGE 188; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 23.56 FEET; THENCE N90°00'00"W ALONG THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY AS SHOWN ON THE SAID PLAT OF REVISED MAP OF ROYAL PARK ADDITION FOR A DISTANCE OF 373.90 FEET; THENCE N00°00'00"E ALONG THE EAST RIGHT OF WAY LINE OF FOUR ARTS PLAZA (FORMERLY CEIBA AVENUE), SAID EAST RIGHT OF WAY LINE BEING PARALLEL WITH AND 3.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF LOT 4 OF SAID BLOCK "A" FOR A DISTANCE OF 437.81 FEET; THENCE S90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 73 FOR A DISTANCE OF 179.53 FEET; THENCE S00°00'00"W FOR A DISTANCE OF 147.81 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK "A"; THENCE S90°00'00"E ALONG THE NORTH LINE OF SAID BLOCK "A" FOR A DISTANCE OF 209.40 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE PARCEL OF LAND:

BEGINNING AT THE SOUTHWEST CORNER OF SEAVIEW AVENUE AND COCOANUT ROW IN SECTION 22, TOWNSHIP 43 SOUTH, OF RANGE 43 EAST, AS SHOWN ON PLAT OF POINCIANA PARK, 3RD ADDITION, FILED IN PLAT BOOK 8 AT PAGE 72, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 200 FEET TO A POINT; THENCE SOUTHERLY MAKING AN ANGLE OF 90 DEGREES WITH THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 147.62 FEET TO A POINT IN THE NORTH LINE OF BLOCK "A" OF ROYAL PARK, ACCORDING TO THE PLAT OF ROYAL PARK ON FILE IN PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK "A" OF ROYAL PARK, A DISTANCE OF 219.41 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID COCOANUT ROW, AS NOW LAID OUT AND IN USE;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID COCOANUT ROW AND MAKING AN ANGLE WITH THE NORTH LINE OF SAID BLOCK "A", OF 90 DEGREES, A DISTANCE OF ONE (1) FOOT TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE LEFT, RADIUS OF WHICH IS 217.83 FEET, A DISTANCE OF 61.27 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE RIGHT, RADIUS OF WHICH IS 276.17 FEET, A DISTANCE OF 77.68 FEET TO A POINT, SAID POINT BEING THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE NORTHERLY ALONG TANGENT TO SAID CURVE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING: BEING A TRACT OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA, BOUNDED IN THE EAST BY THE WESTERLY RIGHT-OF-WAY OF COCOANUT ROW, AS NOW LAID OUT AND IN USE, BOUNDED IN THE SOUTH BY THE NORTH LINE OF BLOCK "A", ROYAL PARK ADDITION TO PALM BEACH, AS RECORDED IN PLAT BOOK 4, PAGE 1, SHEET 1 OF 2, PALM BEACH COUNTY, PUBLIC RECORDS AND BOUNDED IN THE WEST BY A LINE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BLOCK "A", OF SAID ROYAL PARK ADDITION, TURN AN ANGLE OF 85 DEGREES 53 MINUTES 40 SECONDS MEASURED FROM WEST ALONG THE NORTH LINE OF SAID BLOCK A, TO THE NORTH AND RUN FOR A DISTANCE OF 128.20 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF SAID COCOANUT ROW.

EXHIBIT B – SITE PLAN REVIEW

In order to assist the Town Council in reviewing the site plan application, please ensure that the following items have been addressed.

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.

The Society of the Four Arts, Inc., a Florida non-profit corporation ("Four Arts"), owns in fee simple all of the property subject to the proposed site plan. Four Arts has operated continuously in the Town of Palm Beach for 75 years and has always operated its lands and facilities for their intended purposes and has not been a liability to the Town.

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

The proposed use of the site is a de-intensification of the site from its existing and prior uses. The proposed use is consistent with the adjoining, existing uses on the Four Arts campus and a less intense use than the existing and prior use for the adjoining residential properties on Seaview Avenue. Moreover, the new paint, windows, and enhanced landscaping will make it a more attractive site for the entire neighborhood.

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

Ingress will be enhanced with the addition of the driveway and drop-off area on the south side of the property. This will provide direct vehicular access from Coconut Row and will relieve vehicular traffic on Seaview Avenue. This will also result in better pedestrian safety for patrons parking on the existing Four Arts main campus and walking across Four Arts Plaza to the site.

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.

Safety and traffic control will be dramatically improved with the unification of title of the existing Four Arts parking lot to the west of the old elementary school. The addition of the parking lot to the elementary school parcel allows for off-street parking that benefits the former school building/new cultural building, relieving on-street parking and removing vehicles that circle the block looking for on-street parking. The addition of the driveway and drop-off location improves traffic circulation for the entire area, thereby improving automotive and pedestrian safety.

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

A new emergency generator and AC chiller unit will be located at site of the present emergency generator on the south side of the parking lot. It will be screened by an extension of the wall that screens the existing emergency generator. A landscape hedge will be added around the proposed terrace on the north side of the old school building facing Seaview Avenue.

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

There will be no adverse drainage consequences adjacent properties and all drainage plans will be in conformance with Town Code requirements.

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

The proposed project will provide new underground utilities on site, new connections to existing utility lines, new water meters, and new backflow preventers. Applicant has verified existing availability and capacity of needed utilities.

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

The proposal will create an entirely new cultural amenity for the Town's residents, while simultaneously restoring an important historic structure, improving traffic circulation and pedestrian safety for the surrounding neighborhood, increasing landscaped open space on the site, and creating connectivity to the existing Hulltar Garden.

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

N/A

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.

There will be no change in the height of the building. The height will remain the same as it has been since original construction in the 1920's.

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. 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.

There will be no change in the size, bulk, or massing of the original 1920's elementary school building. The non-historical 1950's structure will be removed, which results in less building footprint on the property. The result will be an increase in landscaped open space on the site.

EXHIBIT C - REQUEST FOR SPECIAL EXCEPTION

The Town Council must find the application in conformance with a number of requirements. Please provide sufficient information on each of the requirements to enable the Council to make a determination on your application.

1. The use is a permitted special exception use as set forth in article VI of this chapter.
The proposed non-profit cultural use is a permitted Special Exception in the RB zoning district. See Section 134-890 (8).
2. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
The design, location, and operation of the proposed cultural facility will not adversely affect 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.
The proposed use will not cause substantial injury to the value of other property in the neighborhood. In fact, the proposed use should add value to the surrounding neighborhood and the Town.
4. The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
The proposed use is compatible with the adjoining development, part of which is the existing Four Arts campus.
5. The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
The proposed use will comply with all of the requirements set forth in Article VI of the Zoning Code, if applicable.
6. The use will comply with all elements of the comprehensive plan.
The use will comply with all elements of the Town's Comprehensive Plan, if applicable.
7. The use will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
The proposed use will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
8. Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
The proposed use will enhance existing ingress and egress by adding an access drive through the property. The proposed use will de-intensify the use of the property and result in the need for fewer parking spaces than the currently existing use. Moreover, the unity of title with the adjoining parking lot will provide additional parking for the property.

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.

The proposed signage and exterior lighting will comply with the Town Zoning Code and will be in harmony with other properties in the district.

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

Utility service will remain unchanged, thus there will be no negative impact on health and safety.

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

Refuse and service areas will remain unchanged, thus there will be no negative impact on automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

12. The proposed 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 its credibility and the appropriateness of the applicant's conclusions. 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 proposed use shall serve the same Town residents that The Society of the Four Arts has served for the last 75 years. The Society of the Four Arts has been, presently is and will continue to be "town serving".

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

N/A

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

The proposed use will not place a greater burden on police or fire protection services because the square footage of the existing building is being reduced.

EXHIBIT D - REQUEST FOR VARIANCE

CRITERIA FOR AUTHORIZING A VARIANCE

The Town Council must find the application in conformance with a number of criteria. Please address each of the criteria completely in order to provide the Council with sufficient information to make a determination on your application.

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

The old Palm Beach Public School building has almost no on-site parking and certainly not enough to accommodate any reasonable re-use of the 1920's landmarked structure. This inadequate parking condition was created over 80 years ago in an age when fewer automobiles were used and, therefore, fewer parking spaces were necessary. The applicant did not create this adverse parking condition. Other properties in the R-B zoning district are primarily residential and are not burdened by a similar condition. The remainder of the Four Arts campus is also in the R-B zoning district and has been able to accommodate its parking needs for many years and will continue to be able to do so if the variance is granted. The Four Arts is willing to enter into a Declaration of Use that ensures that the proposed 256 seat theater will not host events simultaneously with the Four Arts' main 700+ seat theater unless parking can be adequately accommodated.

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

The old Palm Beach Public School building has almost no on-site parking and certainly not enough to accommodate any reasonable re-use of the 1920's landmarked structure. This inadequate parking condition was created over 80 years ago in an age when fewer automobiles were used and, therefore, fewer parking spaces were necessary. The applicant did not create this adverse parking condition. However, by utilizing its existing parking lot as part of the proposed site plan, the applicant would significantly improve the adverse parking condition for the old school building.

3. Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

The applicant may be the only property owner in the R-B zoning district with this type of problem. Therefore, the granting of the variance will not confer a special privilege on the property owner that would be denied to similar properties in the same zoning district.

4. Demonstrate how literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

The literal interpretation of the ordinance will not allow the old Palm Beach Public School building to be restored and re-used in any reasonable manner. There is almost no parking available on the school site. Therefore, no user of the site would have an incentive to pay the substantial cost of restoring the landmarked structure if there is no ability to park automobiles at the site. Restoration of the landmarked structure is a public policy goal. The only alternative would be for a user to utilize the on-street parking, which is the same on-street parking sought by the current public school across Coconut Row, Palm Beach Day Academy, and users of the Town's Recreation Center. The 200 and 300 blocks of Seaview Avenue currently have one of the worst parking conditions in Town due to the location of all of these facilities within one block of each other. Because the Four Arts owns the adjoining parking lot, as well as a substantially larger parking facilities across Four Arts Plaza, the Four Arts is the best possible user of the old school site and the only user that can offer additional parking for the old school site. Failure to grant the variance would result in the old school building either remaining un-restored or, alternatively, restored by another user that would further adversely

impact the existing on-street parking condition on Seaview Avenue.

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

The applicant is seeking the minimum variance necessary to reconfigure the existing parking lot to accommodate the old school restoration project, meet Town Code, and make the parking lot function safely for pedestrians and vehicular traffic. Clearly, the applicant has a vested interest in maintaining as many parking spaces as possible. Therefore, the applicant is seeking the minimum elimination of parking spaces to still allow the site plan to meet code and to be functional.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested: **N/A**

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

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

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

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

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

The old Palm Beach Public School building has almost no on-site parking and certainly not enough to accommodate any reasonable re-use of the 1920's landmarked structure. This inadequate parking condition was created over 80 years ago in an age when fewer automobiles were used and, therefore, fewer parking spaces were necessary. The applicant did not create this adverse parking condition. Other properties in the R-B zoning district are primarily residential and are not burdened by a similar condition. The remainder of the Four Arts campus is also in the R-B zoning district and has been able to accommodate its parking needs for many years and will continue to be able to do so if the variance is granted.

The granting of the requested variance is in the public's interest as it will allow for the restoration and adaptive re-use of the landmarked old Palm Beach Public School building for non-profit cultural use that will serve the entire Town. Without the granting of the variance, this project cannot proceed and the old Palm Beach Public School building will remain in poor physical condition and unusable by the community.

EXHIBIT E - SITE HISTORY

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

In 1988, the Town Council approved Special Exception #2-88 for construction of a media center and kindergarten.

In 1997, the Town Council approved Special Exception #8-97 to allow church services in the school cafeteria.

In 2006, the Town Council approved Special Exception #7-2006 to allow Hebrew Academy of Palm Beach to operate a private academic pre-school.

EXHIBIT F - PARKING STATEMENT

Please provide a detailed parking statement which includes details of all available off-street parking, including information regarding the number of parking spaces designated for service use (for example: lawn service, pool service, etc), staff/employee use, etc.

COMMERCIAL PROPERTIES MUST:

PROVIDE NUMBER OF OFF-STREET PARKING SPACES AVAILABLE
FOR EMPLOYEES ON THE SUBJECT PROPERTY: 35

PROVIDE NUMBER OF EMPLOYEES/STAFF PER SHIFT: 2

INDICATE LOCATION WHERE EMPLOYEES PARK OFF SITE: Four Arts main campus parking lot

The existing use of the property as a school is vested with the equivalent of 150 parking spaces. The proposed use of the site as a non-profit cultural facility reduces the parking requirement to 92 spaces. Thus, the proposed use reduces the parking requirement by 58 spaces. Additionally, by unifying title with the adjoining parking lot the proposed site will have use of 35 new parking spaces. Therefore, the proposed site plan and proposed use dramatically improves the parking conditions on the subject property.

The parking calculations appear on the next page.

Exhibit "F" cont.

EXISTING BUILDING			
1ST FLOOR	TOTAL	CODE REQUIREMENT	PARKING SPACES REQUIRED
CLASSROOMS	122 PERSONS	1:14 PERSONS	9 SPACES
OFFICES	1,243 SF	1:250	5 SPACES
HOME ECONOMICS	13 PERSONS	1:14 PERSONS	1 SPACE
2ND FLOOR			
CLASSROOMS	187 PERSONS	1:14 PERSONS	14 SPACES
LIBRARY	1,236 SF	1:500 SF	3 SPACES
AUDITORIUM			
AUDITORIUM	336 SEATS	1:4 SEATS	84 SPACES
BLEACHERS	134 SEATS	1:4 SEATS	34 SPACES
TOTAL			150 SPACES

PROPOSED BUILDING			
1ST FLOOR	TOTAL	CODE REQUIREMENT	PARKING SPACES REQUIRED
CULTURAL CENTER BLDG.	7,212 SF	1:500 SF	15 SPACES
2ND FLOOR			
CULTURAL CENTER BLDG.	5,295 SF	1:500 SF	11 SPACES
RESIDENTIAL	1 UNIT	1.75 SPACE	2 SPACES
THEATER			
THEATER	256 SEATS	1:4 SEATS	64 SPACES
TOTAL			92 SPACES

EXHIBIT G - SCHEDULE

TOWN COUNCIL - DEVELOPMENT REVIEW APPLICATION & MEETING DEADLINES FOR 2011

REVISED **MEETING DATES**	PRE-SUBMITTAL MEETING DEADLINE	DEADLINE FOR SUBMITTAL
January 12, 2011	November 16, 2010	November 19, 2010
February 16, 2011 (revised)	December 21, 2010	December 22, 2010 (Wed)
March 09, 2011	January 18, 2011	January 21, 2011
April 13, 2011	February 15, 2011	February 18, 2011
May 11, 2011	March 15, 2011	March 18, 2011
June 15, 2011	April 19, 2011	April 22, 2011
July 13, 2011	May 17, 2011	May 20, 2011
August 10, 2011	June 21, 2011	June 24, 2011
September 14, 2011	July 19, 2011	July 22, 2011
October 12, 2011	August 16, 2011	August 19, 2011
November 9, 2011	September 20, 2011	September 23, 2011
December 14, 2011	October 18, 2011	October 21, 2011
January 11, 2012	November 15, 2011	November 18, 2011
Usually Wednesday following the Second Tuesday of the Month **SUBJECT TO CHANGE**	Presubmittal Deadline = <u>usually</u> 3rd Tuesday of the month	Submittal Deadline = Friday following the 3rd Tuesday



GS&P

GLIDDEN • SPINA & PARTNERS
ARCHITECTURE • INTERIOR DESIGN, INC.

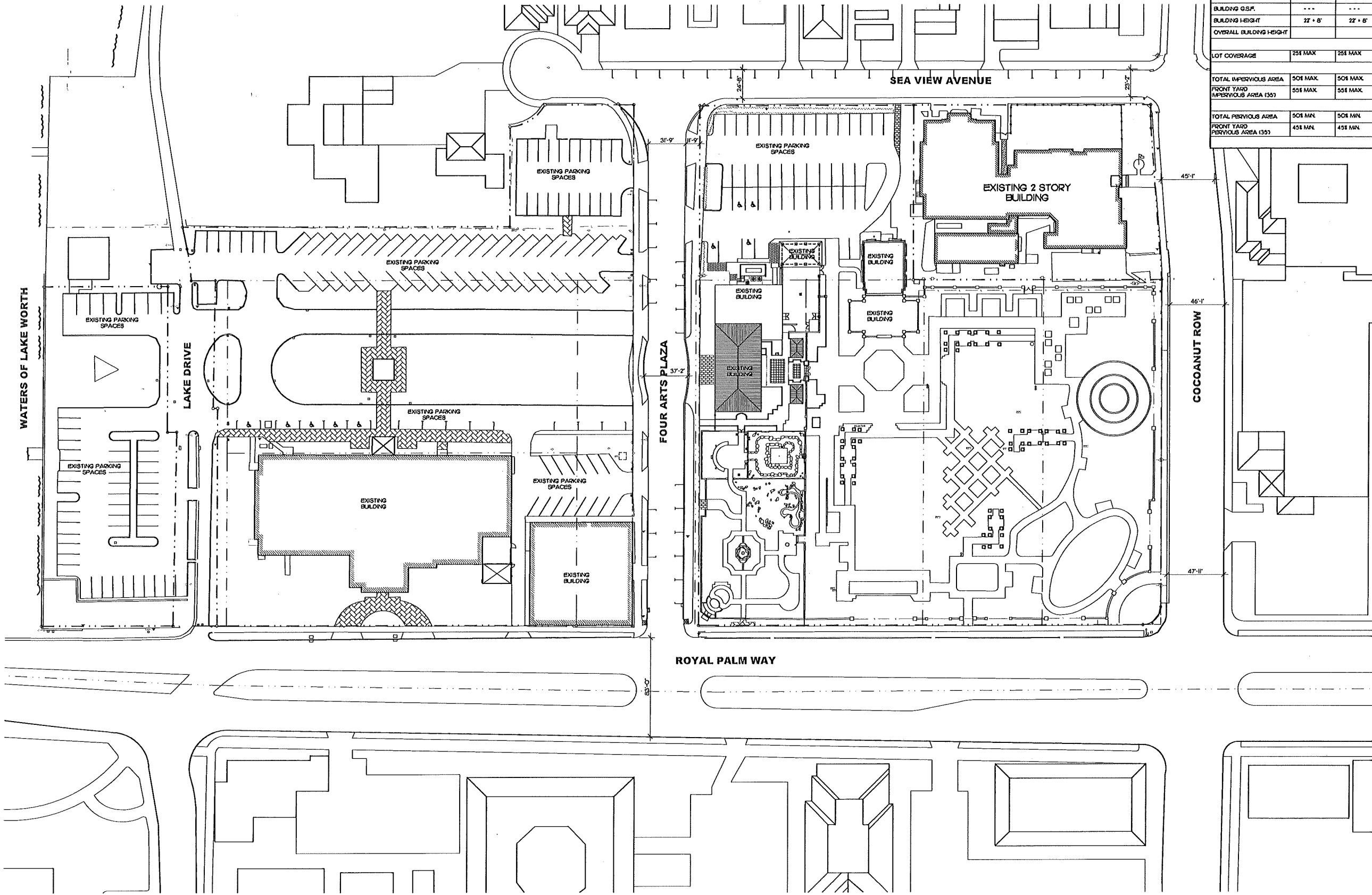


LOCATION MAP



THE SOCIETY OF
THE FOUR ARTS

P:\11\THE SOCIETY OF THE FOUR ARTS-11030\TOWN COUNCIL\SUBMITTAL 5.20.11\SOFA-TO-sp.dwg, 6/27/2011 11:13:55 AM, Kyocera Front Office



1 EXISTING OVERALL SITE PLAN
SCALE: 1" = 40'

SITE DATA

ZONING DISTRICT - R-8 LOW DENSITY RESIDENTIAL

DESCRIPTION	REO/ALLOWED EXISTING	REO/ALLOWED PROPOSED	EXISTING	PROPOSED	✓
LOT AREA	10,000 S.F.	10,000 S.F.	1,983 ACRES / 26,409 S.F.	1,833 ACRES / 24,265 S.F.	✓
LOT WIDTH	100'	100'	379'-6"	379'-6"	✓
LOT DEPTH	100'	100'	147'-3"	147'-3"	✓
FRONT YARD	35'	35'	26'-0"	26'-0"	✓
SIDE YARD (SEAVIEW)	35'	35'	7'-0"	7'-0"	✓
SIDE YARD (INTERIOR)	15'	15'	11'-8"	26'-1"	✓
REAR YARD	15'	15'	185'-0"	185'-0"	✓
BUILDING G.S.F.	---	---	22,556 S.F.	19,698 S.F.	✓
BUILDING HEIGHT	22' ± 6"	22' ± 6"	36'-4"	36'-4"	✓
OVERALL BUILDING HEIGHT			38'-4"	38'-4"	✓
LOT COVERAGE	25% MAX	25% MAX	29.37% (6,568 S.F.)	14.87% (3,336 S.F.)	
TOTAL IMPERVIOUS AREA	504 MAX.	504 MAX.	7,744 (40,468 S.F.)	58,404 (299,981 S.F.)	
FRONT YARD IMPERVIOUS AREA (35')	551 MAX.	551 MAX.	28,958 (1,495 S.F.)	17,981 (2,742 S.F.)	
TOTAL PERVIOUS AREA	504 MIN.	504 MIN.	28,251 (5,941 S.F.)	41,424 (84,233 S.F.)	
FRONT YARD PERVIOUS AREA (35')	451 MIN.	451 MIN.	7,054 (3,669 S.F.)	82,031 (62,523 S.F.)	

The Fitz Eugene Dixon
EDUCATION BUILDING

THE SOCIETY OF
THE FOUR ARTS
2 Four Arts Plaza
Palm Beach, Florida 33480

DESIGN ARCHITECT:

Harry Elson Architect PC

The Chrysler Building
405 Lexington Avenue
37th Floor
New York, New York 10174
Tel: 212.692.0606
Fax: 212.692.0770

ARCHITECT OF RECORD:

Glidden • Spina & Partners
Architecture • Interior Design, Inc.

1401 Forum Way, Suite 100
West Pal Beach, Florida 33401
Tel: 561.684.6844
Fax: 561.684.5594

FL License: #AA26001602
Keith M. Spina #AR13419
Benjamin John Glidden, III #AR6536

Revision 06.27.11

DESCRIPTION DATE

NOT FOR CONSTRUCTION



Existing Overall
Site Plan

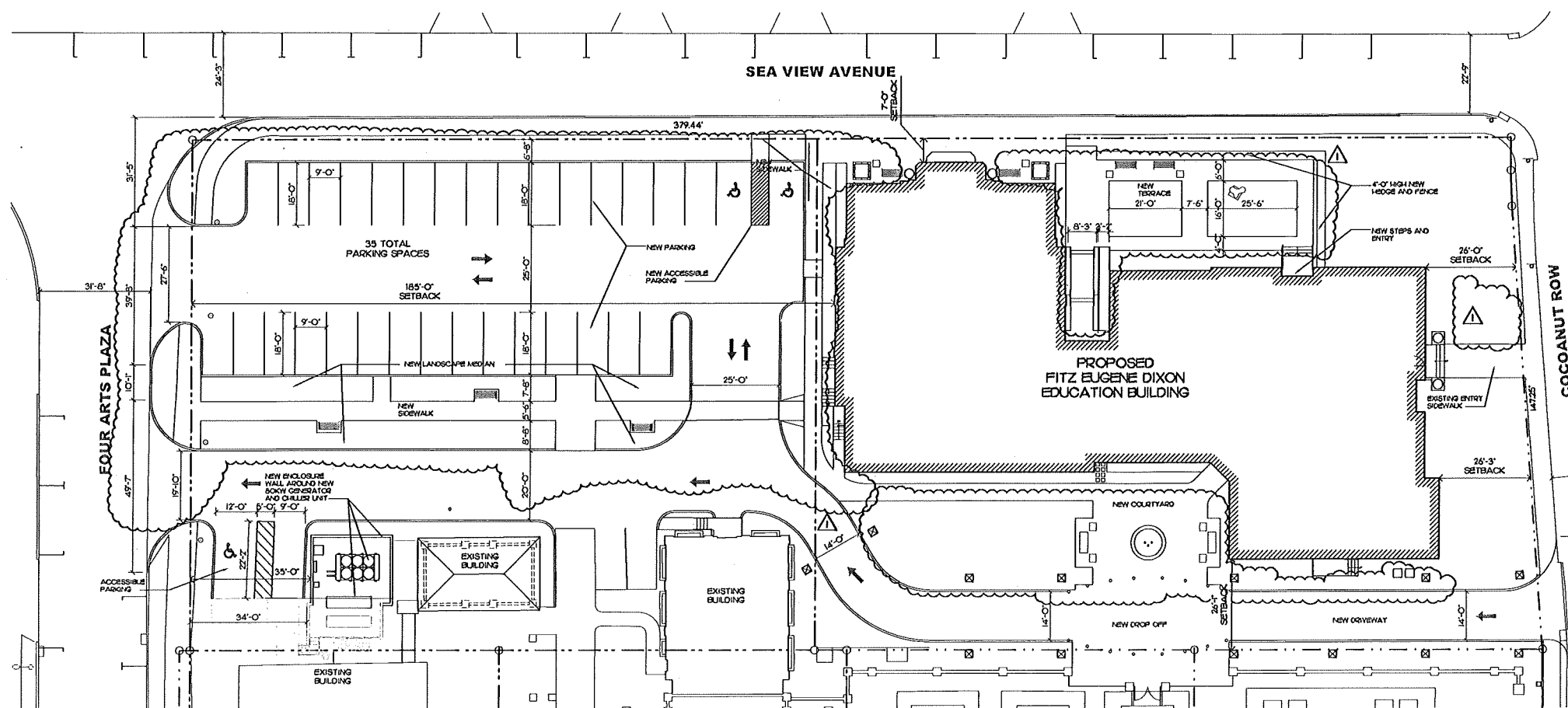
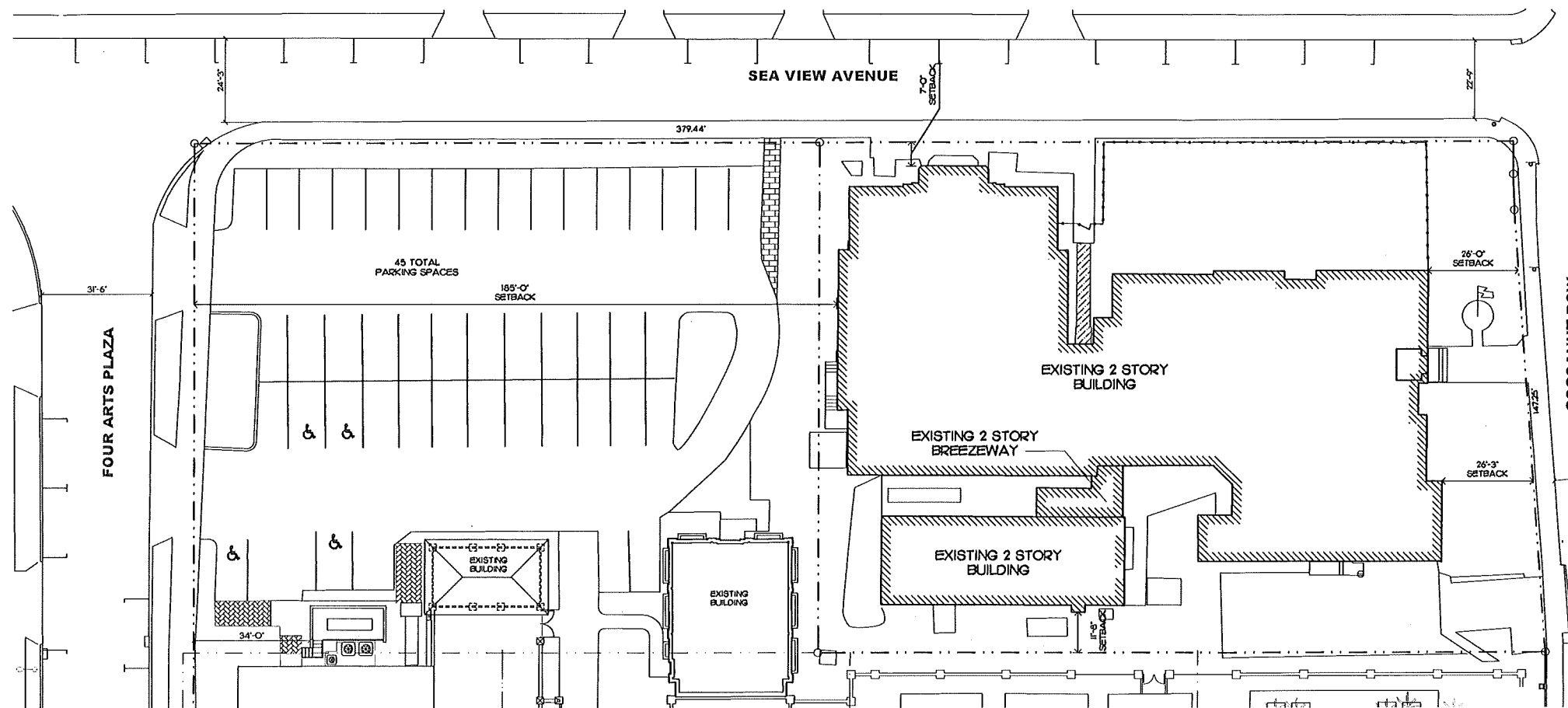
SCALE:
1/20" = 1'-0"

DATE:
May 20, 2011

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SPECIAL EXCEPTION # 19-2011 WITH SITE PLAN REVIEW + VARIANCE

SP-1.0



ZONING DISTRICT					R-B LOW DENSITY RESIDENTIAL	
DESCRIPTION	REQ/ALLOWED EXISTING	REQ/ALLOWED PROPOSED	EXISTING	PROPOSED		
LOT AREA	10,000 S.F.	10,000 S.F.	1195 ACRES / 56,409 S.F.	7833 ACRES / 341,26 S.F.		
LOT WIDTH	100'	100'	379'-6"	379'-6"		
LOT DEPTH	100'	100'	147'-3"	147'-3"		
FRONT YARD	35'	35'	26'-0"	26'-0"		
SIDE YARD (SEAVIEW)	35'	35'	7'-0"	7'-0"		
SIDE YARD (INTERIOR)	15'	15'	11'-8"	26'-1"		
REAR YARD	15'	15'	185'-0"	185'-0"		
BUILDING G.S.F.	...	...	22,556 S.F.	19,698 S.F.		
BUILDING HEIGHT	22' ± 8'	22' ± 8'	36'-4"	36'-4"		
OVERALL BUILDING HEIGHT			38'-4"	38'-4"		
LOT COVERAGE	25% MAX	25% MAX	29.37% (6,568 S.F.)	14.87% (50,756 S.F.)		
TOTAL IMPERVIOUS AREA	50% MAX	50% MAX	17.41% (4,668 S.F.)	58.60% (199,088 S.F.)		
FRONT YARD IMPERVIOUS AREA (35')	55% MAX	55% MAX	78.93% (0.495 S.F.)	17.95% (2,742 S.F.)		
TOTAL PERVIOUS AREA	50% MIN	50% MIN	28.25% (5,241 S.F.)	41.40% (84,233 S.F.)		
FRONT YARD PERVIOUS AREA (35')	45% MIN	45% MIN	71.05% (1,669 S.F.)	82.05% (12,523 S.F.)		

The Fitz Eugene Dixon
EDUCATION BUILDING

THE SOCIETY OF
THE FOUR ARTS
2 Four Arts Plaza
Palm Beach, Florida 33480

DESIGN ARCHITECT:
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The Chrysler Building
405 Lexington Avenue
37th Floor
New York, New York 10174
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Fax: 212. 692. 0770

ARCHITECT OF RECORD:
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Architecture • Interior Design, Inc.

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West Pal Beach, Florida 33401
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Fax: 561.684.5594

FL License: #AA26001602
Keith M. Spina #AR13419
Benjamin John Glidden, III #AR6536

Revision	06.27.11
#	DESCRIPTION
DATE	

NOT FOR CONSTRUCTION



Existing and Proposed Site Plans

SCALE:
1/20" = 1'-0"

DATE:
May 20, 2011

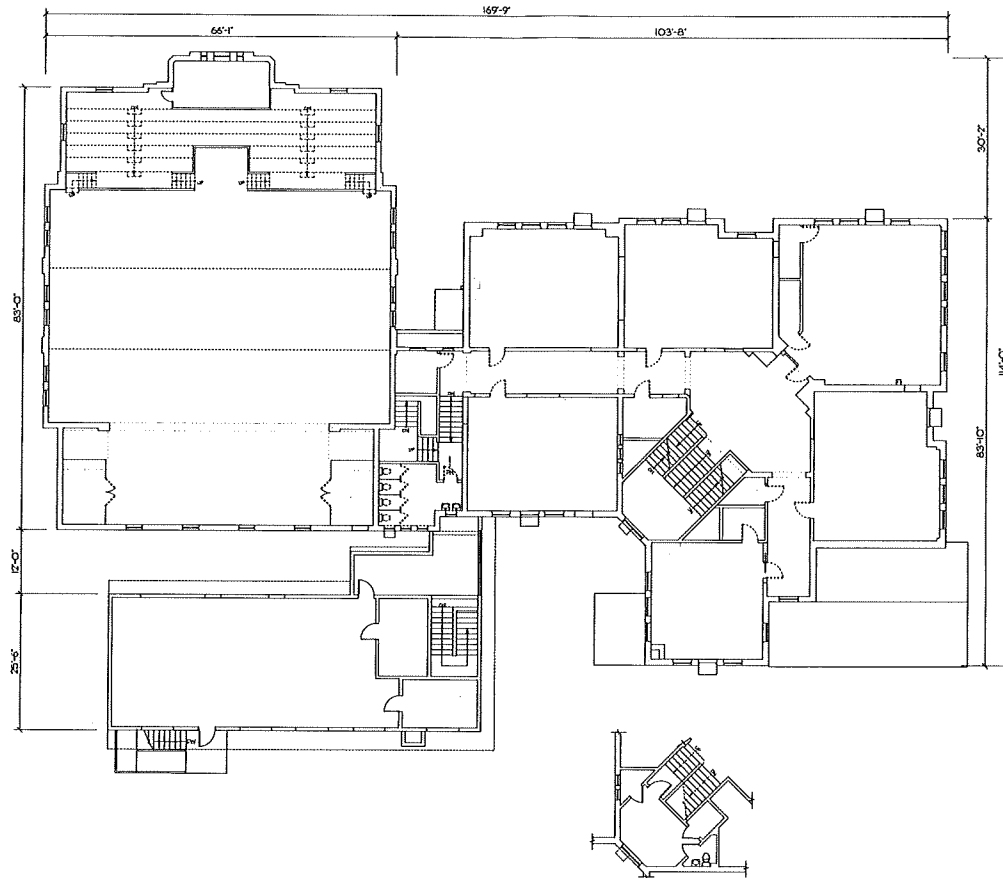
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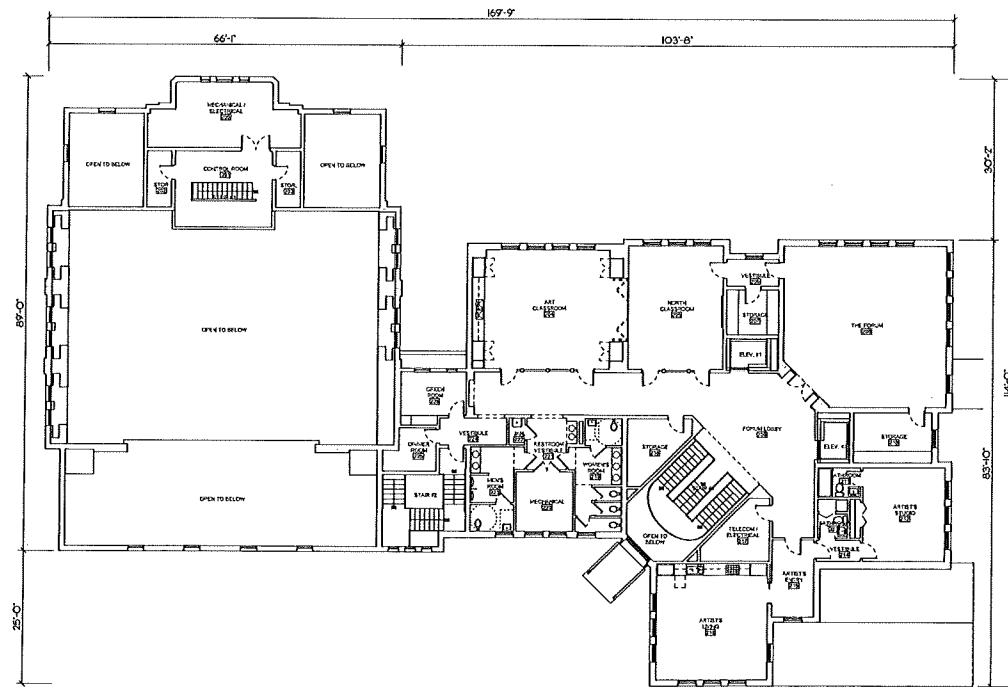
SPECIAL EXCEPTION #19-2011 WITH SITE PLAN REVIEW + VARIANCE

SPECIAL EXCEPTION # 19-2011 WITH SITE PLAN + VARIANCE

PALM BEACH COUNTY COMMISSIONERS' OFFICE, 1000 W. PALM BEACH BLVD., PALM BEACH, FL 33480



1 EXISTING SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"



2 PROPOSED SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"

The Fitz Eugene Dixon
EDUCATION BUILDING

THE SOCIETY OF
THE FOUR ARTS
2 Four Arts Plaza
Palm Beach, Florida 33480

DESIGN ARCHITECT:
Harry Elson Architect PC

The Chrysler Building
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Architecture • Interior Design, Inc.

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Fax: 561.684.5594

FL License: #AA26001602
Kathleen M. Spina #AR13419
Benjamin John Glidden, III #AR6536

DESCRIPTION DATE
NOT FOR CONSTRUCTION



Existing and Proposed
Second Floor Plan

SCALE:
1/8" = 1'-0"

DATE:
May 20, 2011

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SPECIAL EXCEPTION #19-2011 WITH SITE PLAN REVIEW + VARIANCE

The Fitz Eugene Dixon
EDUCATION BUILDING

THE SOCIETY OF
THE FOUR ARTS
2 Four Arts Plaza
Palm Beach, Florida 33480

DESIGN ARCHITECT:
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ARCHITECT OF RECORD:
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LANDSCAPE ARCHITECT OF RECORD:

Morgan Wheelock Inc.

444 Bunker Road Ste 201
West Palm Beach, Florida 33405
Tel: 561-585-8577
Fax: 561-585-0720

Robert Fleck #1331

Revision 06.27.11

DESCRIPTION DATE

NOT FOR CONSTRUCTION

Proposed
Landscape Plan

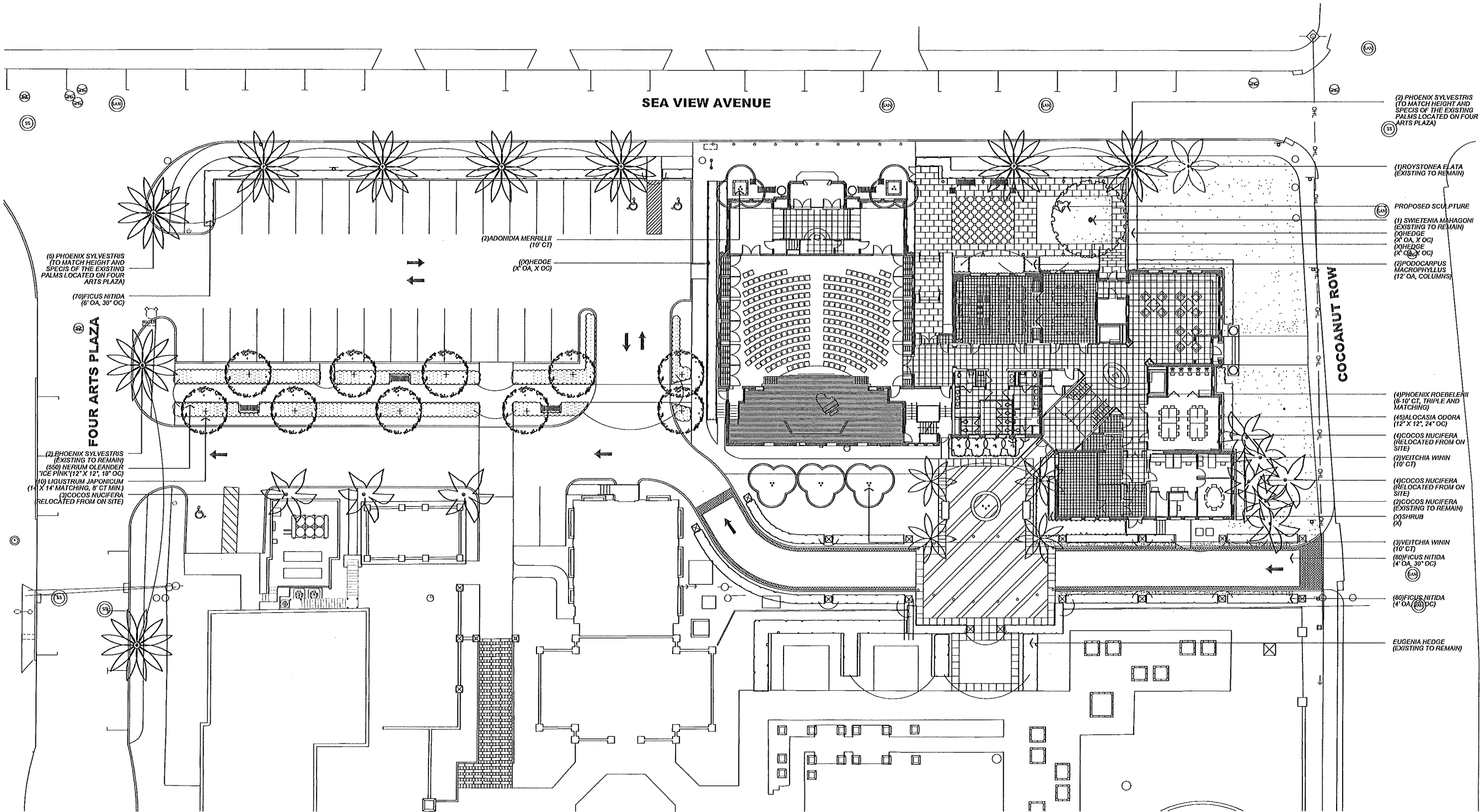
SCALE:

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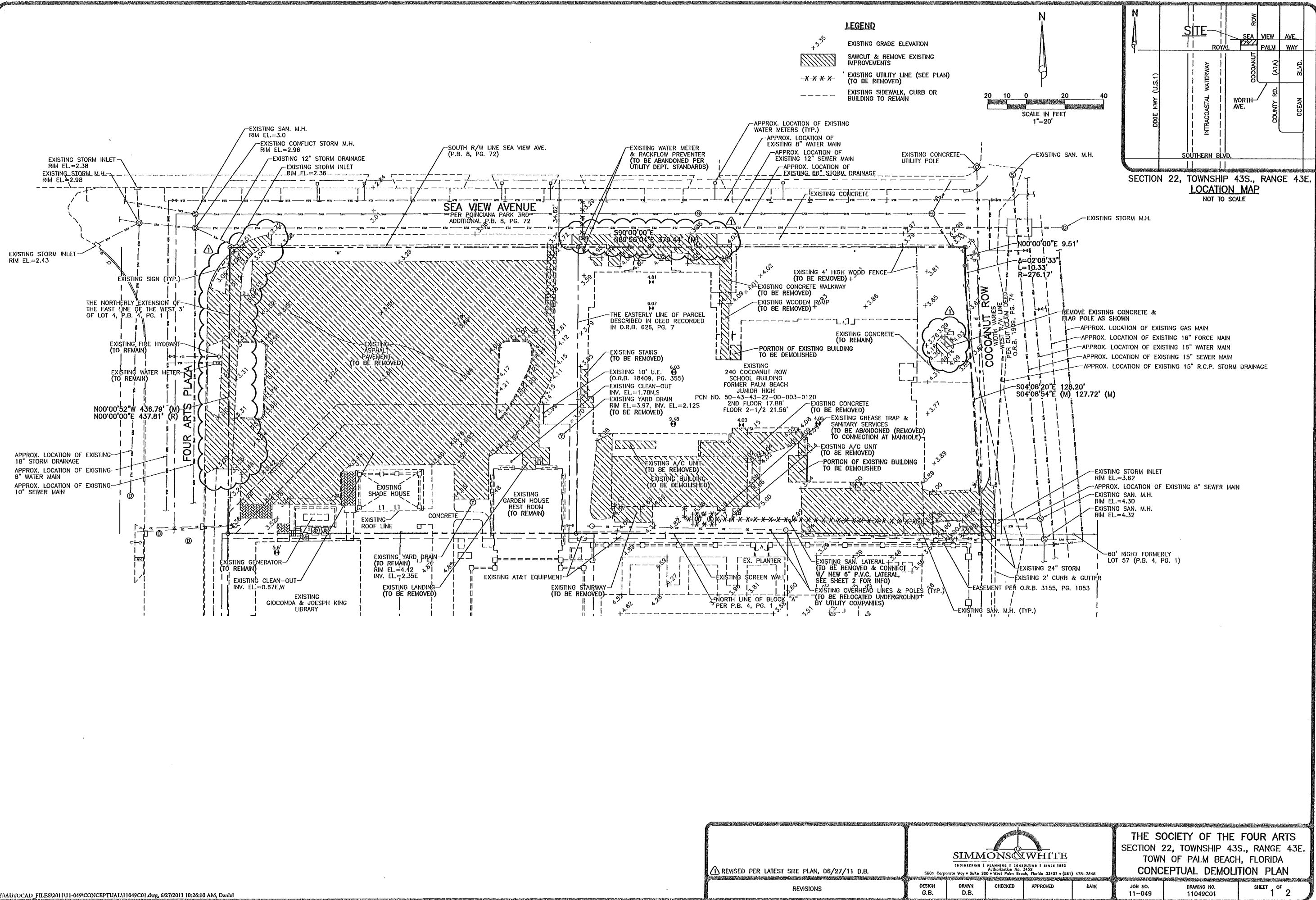
DATE:

June 27, 2011

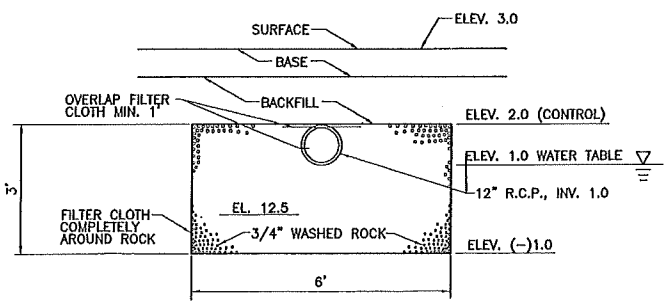
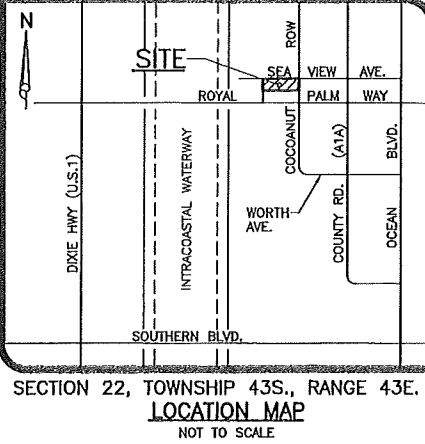
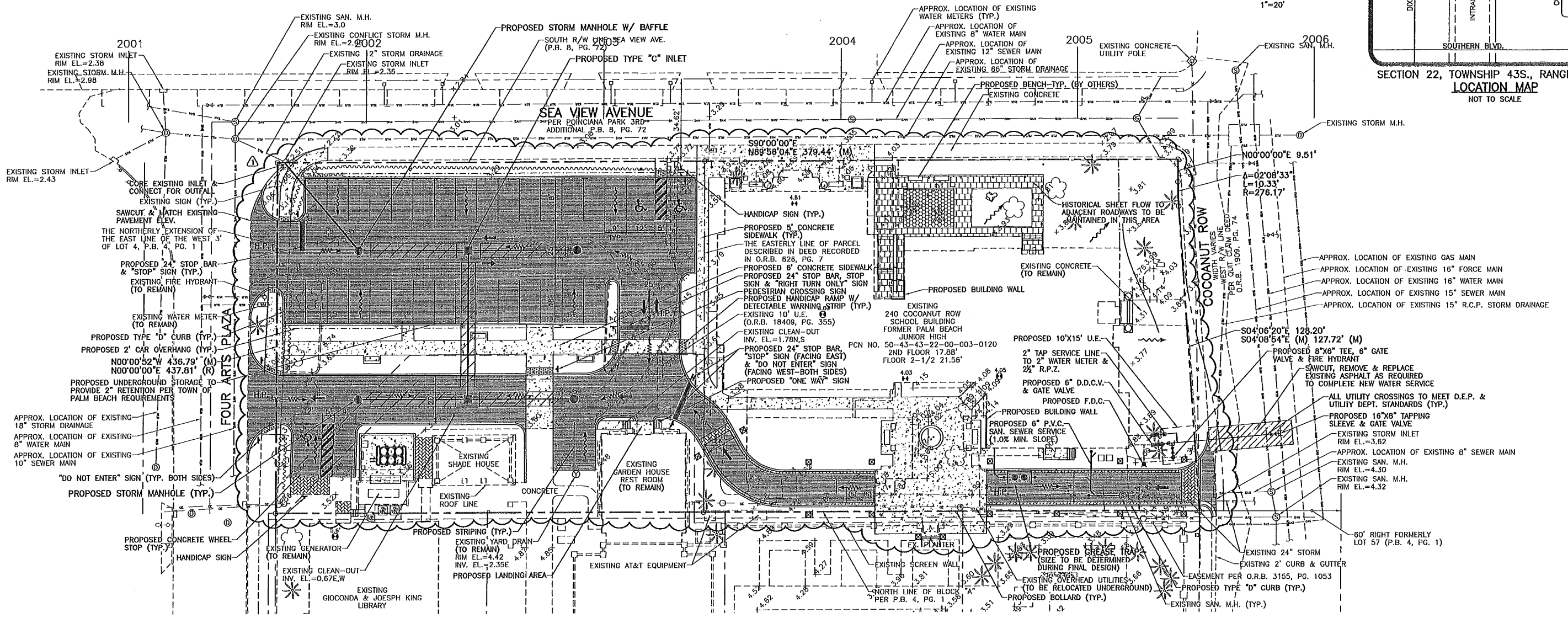
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SPECIM EXCEPTION #19-2011 WITH SIDE PLAN REVIEW + VARIATION



SPECIAL EXCEPTION # 19-2011 WITH SITE PLAN & VARIANCE



- LEGEND**
- PROPOSED STORM SEWER AND CATCH BASIN
 - DIRECTION OF FLOW
 - DIRECTION OF SWALE
 - PROPOSED HIGH POINT
 - EXISTING GRADE ELEVATION
 - EXISTING SIDEWALK, CURB OR BUILDING TO REMAIN
 - PROPOSED ASPHALT PAVEMENT
 - PROPOSED PAVERS OR CONCRETE
 - SAWCUT, REMOVE & REPLACE EXISTING ASPHALT
 - PROPOSED UNDERGROUND STORAGE (SIZE TO BE DETERMINED DURING FINAL DESIGN)
 - SEWER SERVICE W/ CLEAN-OUT
 - FIRE HYDRANT W/ GATE VALVE
 - PROPOSED SANITARY SEWER LINE & MANHOLE
 - WATER SERVICE & R.P.Z. (REFER TO POTABLE WATER SERVICE SINGLE METER INSTALLATION DETAIL)

- NOTES:**
- 1.) THIS PLAN IS CONCEPTUAL AND SUBJECT TO REVISIONS DURING FINAL DESIGN. THE PLAN IS NOT INTENDED FOR CONSTRUCTION OF ANY KIND.
 - 2.) DRAINAGE DESIGN TO BE IN ACCORDANCE WITH TOWN OF PALM BEACH REQUIREMENTS.
 - 3.) WATER AND WASTEWATER DESIGN TO BE IN ACCORDANCE WITH CITY OF WEST PALM BEACH, TOWN OF PALM BEACH AND D.E.P. REQUIREMENTS.
 - 4.) PROPOSED FIRE LINE BEYOND D.D.C.V. ASSEMBLY TO BE DESIGNED, PERMITTED, INSTALLED AND CERTIFIED BY A LICENSED FIRE SPRINKLER CONTRACTOR.

REVISED PER LATEST SITE PLAN, 06/27/11 D.B.		SIMMONS & WHITE ENGINEERING & PLANNING CONSULTING SINCE 1902 5601 Corporate Way • Suite 200 • West Palm Beach, Florida 33407 • (561) 478-7848 Autofacility No. 3452		THE SOCIETY OF THE FOUR ARTS SECTION 22, TOWNSHIP 43S., RANGE 43E. TOWN OF PALM BEACH, FLORIDA CONCEPTUAL ENGINEERING PLAN	
DESIGN G.B.	DRAWN D.B.	CHECKED	APPROVED	DATE	JOB NO. 11-049
REVISIONS				DRAWING NO. 11049C02	SHEET 2 OF 2

The Fitz Eugene Dixon
EDUCATION BUILDING

THE SOCIETY OF
THE FOUR ARTS
2 Four Arts Plaza
Palm Beach, Florida 33480

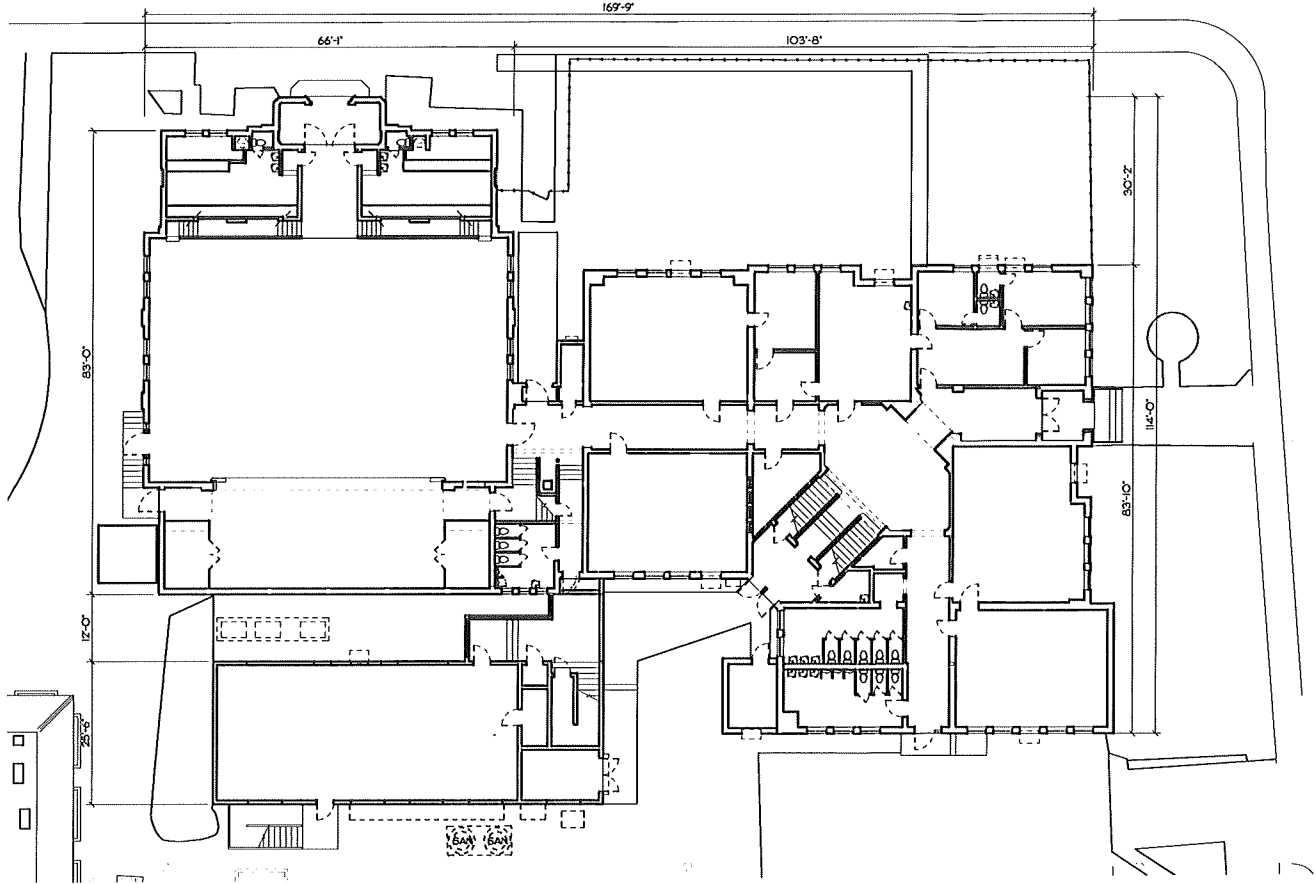
DESIGN ARCHITECT:
Harry Elson Architect PC

The Chrysler Building
405 Lexington Avenue
37th Floor
New York, New York 10174
Tel: 212.692.0606
Fax: 212.692.0770

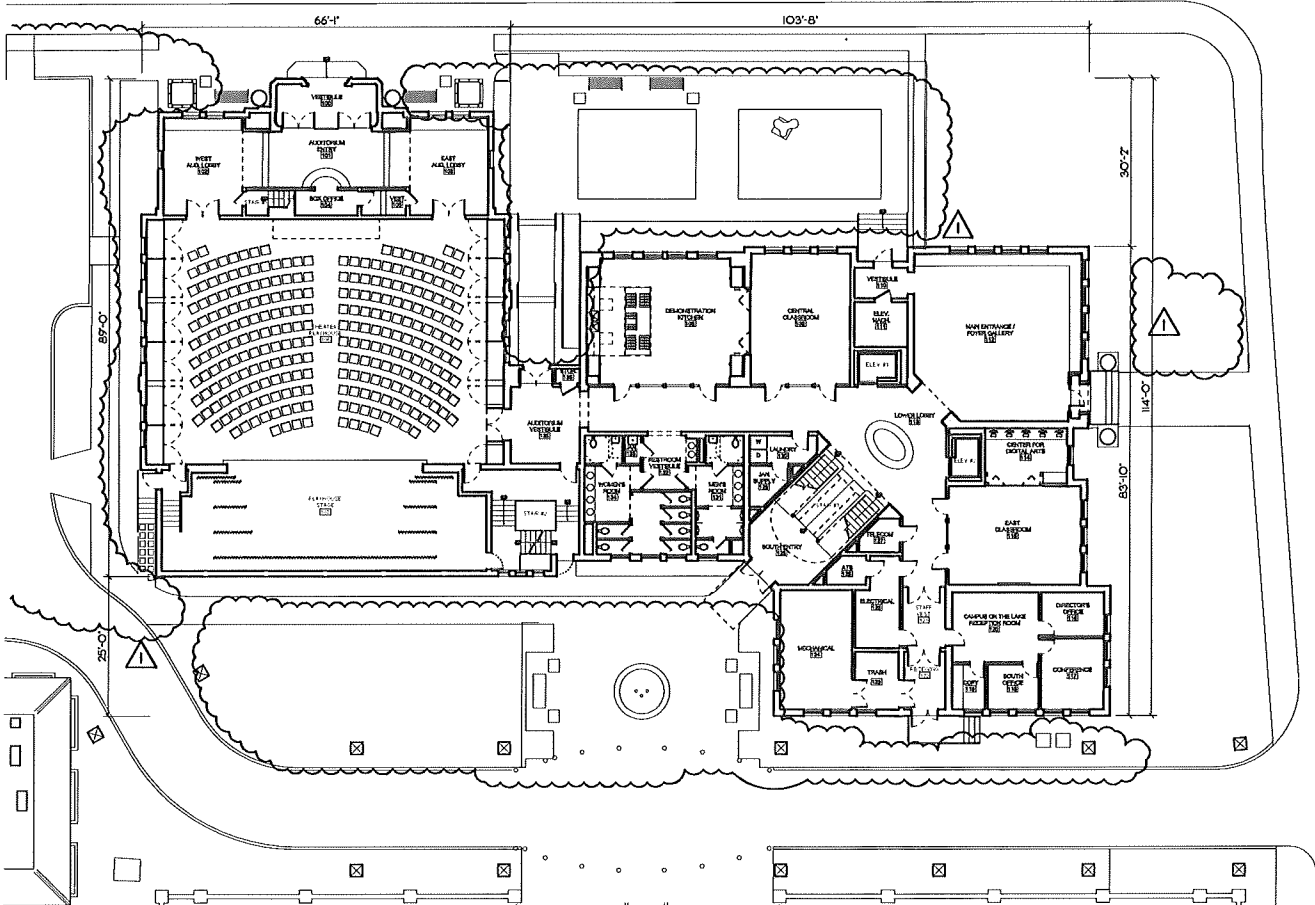
ARCHITECT OF RECORD:
Glidden • Spina & Partners
Architecture • Interior Design, Inc.

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Fax: 561.684.5594

FL License: #AA26001602
Keith M. Spina #AR13419
Benjamin John Glidden, III #AR6536



1 EXISTING FIRST FLOOR PLAN
SCALE: 1" = 16'



2 PROPOSED FIRST FLOOR PLAN
SCALE: 1" = 16'

Revision 09.27.11

DESCRIPTION DATE

NOT FOR CONSTRUCTION



Proposed and Existing
First Floor Plan

SCALE:
1/8" = 1'-0"

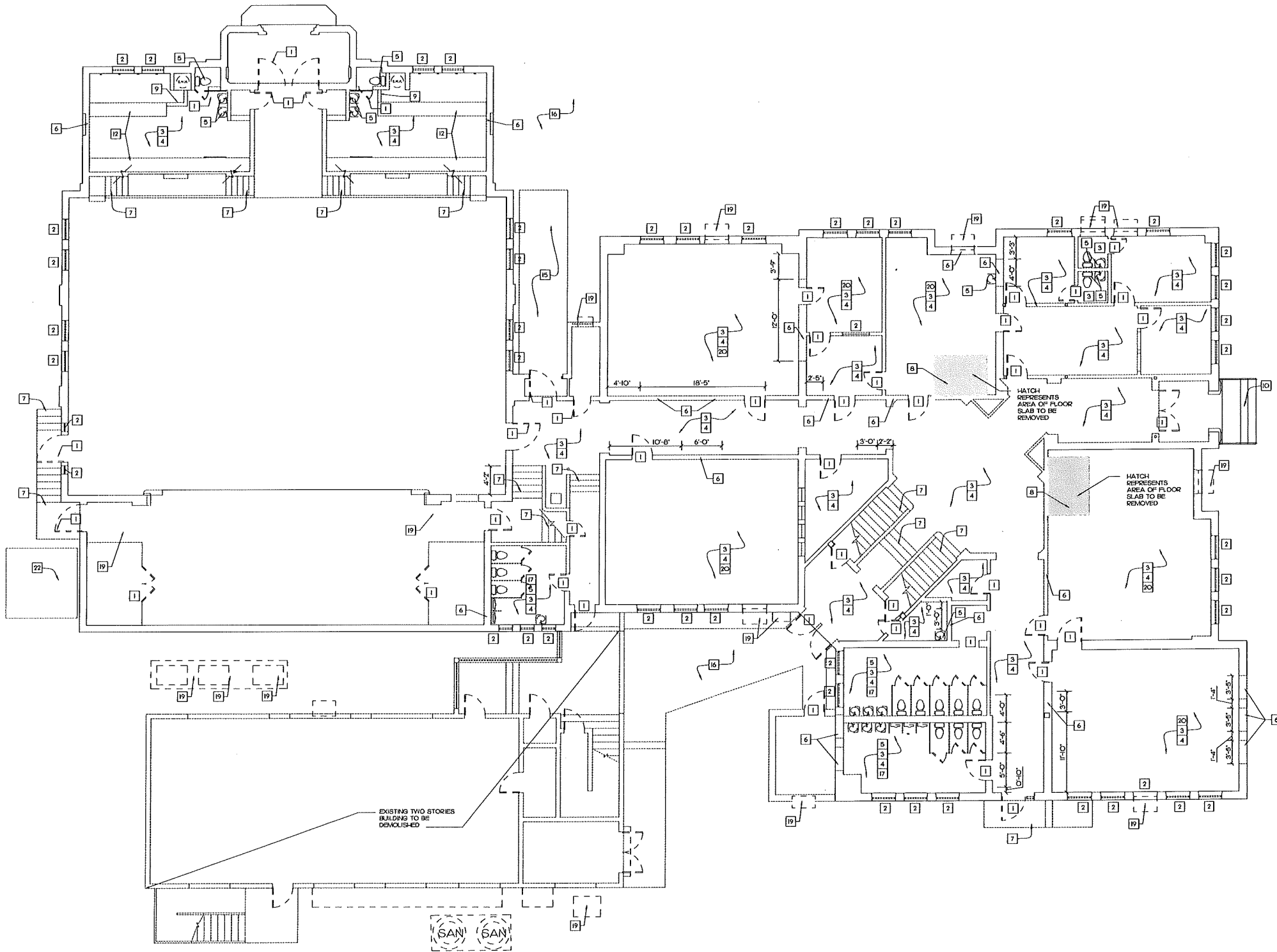
DATE:
May 20, 2011

A-111

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SPECIAL EXCEPTION #19-2011 WITH SITE PLAN REVIEW + VARIANCE

PLUTHE SOCIETY OF THE FOUR ARTS: LUTHERAN COMMUNITY CENTER, 405 LEXINGTON AVENUE, 37TH FLOOR, NEW YORK, NY 10174



① FIRST LEVEL
MATERIAL REMOVAL PLAN
SCALE 1/8"=1'-0"

MATERIAL REMOVAL KEYNOTES

- 1 REMOVE EXISTING DOOR, FRAME, AND ALL RELATED ACCESSORIES
- 2 REMOVE EXISTING WINDOW AND FRAME
- 3 REMOVE EXISTING FLOORING, CEILING, LIGHTING, EXPOSED CONDUITS AND ALL RELATED ACCESSORIES
- 4 REMOVE EXISTING WALL, BASE, TRIM, AND ALL RELATED ACCESSORIES
- 5 REMOVE EXISTING PLUMBING FIXTURES
- 6 REMOVE PORTION OF EXISTING WALL FOR NEW OPENING
- 7 REMOVE EXISTING STAIRS AND ALL RELATED ACCESSORIES - VERIFY DIMENSIONS W/ PROPOSED PLANS
- 8 PORTION OF EXISTING WOOD FRAMING TO BE REMOVED
- 9 REMOVE EXISTING SHOWER CURB AND ALL ACCESSORIES
- 10 EXISTING STAIR TO REMAIN
- 11 EXISTING STRUCTURAL COLUMN TO REMAIN
- 12 REMOVE ALL EXISTING BUILT-IN CABINETS
- 13 REMOVE PARTIAL EXISTING ROOF
- 14 PORTION OF EXISTING CONCRETE SLAB TO BE REMOVED
- 15 REMOVE RAMP AND ALL RELATED ACCESSORIES
- 16 REMOVE CONCRETE SIDEWALK
- 17 REMOVE EXISTING TOILET PARTITION WALLS
- 18 EXISTING ELECTRIC PANEL TO BE REMOVE
- 19 REMOVE EXISTING MECHANICAL EQUIPMENT
- 20 REMOVE ALL INTERIOR CAB FINISHES
- 21 DEMOLISH AND REMOVE ENTIRE WOOD BLEACHERS
- 22 DEMOLISH AND REMOVE METAL SHED

WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED

The Fitz Eugene Dixon
EDUCATION BUILDING

THE SOCIETY OF
THE FOUR ARTS
2 Four Arts Plaza
Palm Beach, Florida 33480

DESIGN ARCHITECT:

Harry Elson Architect PC

The Chrysler Building
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Architecture • Interior Design, Inc.

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FL License: #AA26001602
Keith M. Spina #AR13419
Benjamin John Gildden, III #AR6536

DESCRIPTION DATE

NOT FOR CONSTRUCTION



Existing
First Floor Plan

SCALE:
1/8" = 1'-0"

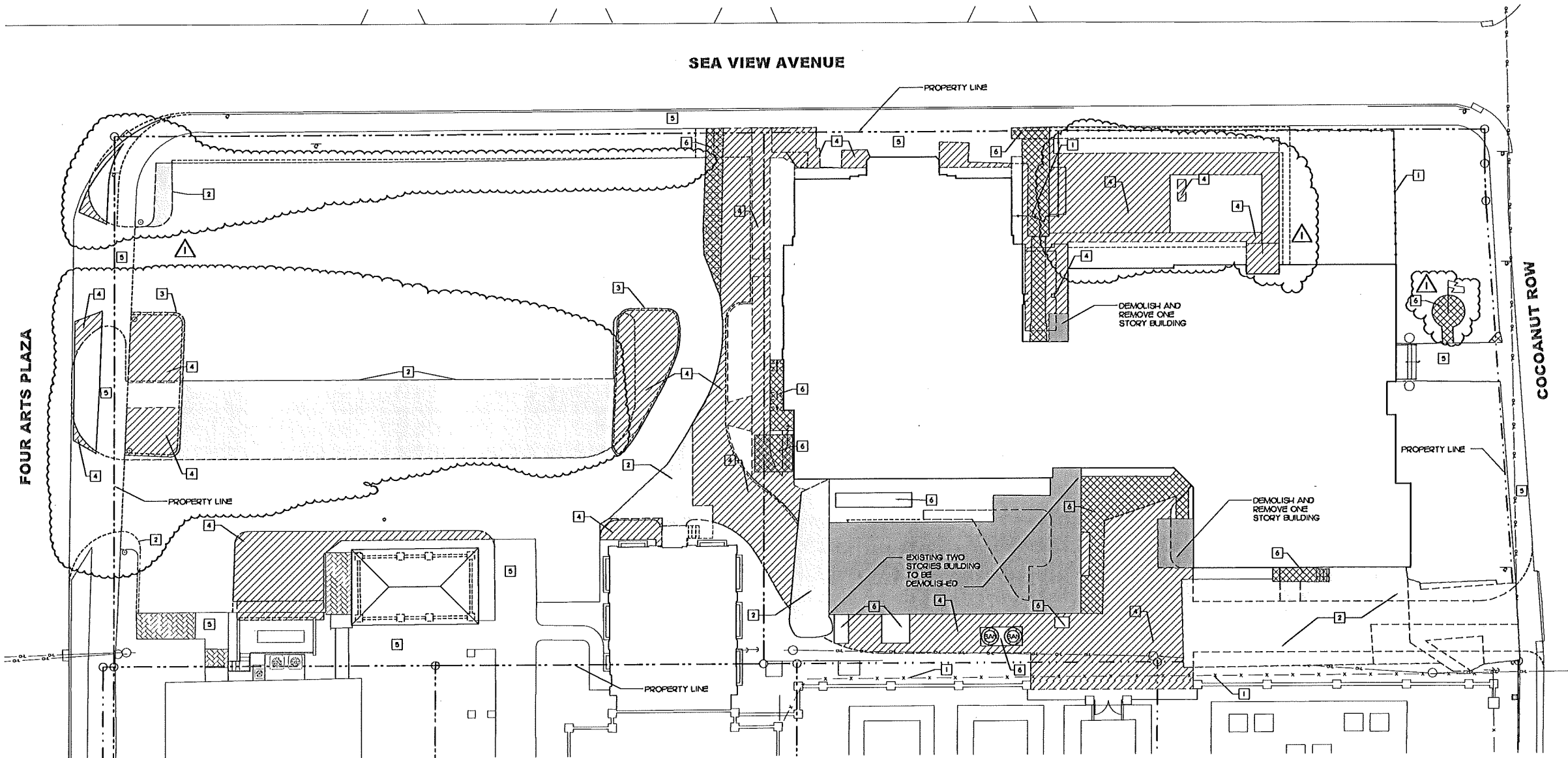
DATE:
May 20, 2011

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D-111

SPECIAL EXCEPTION #19-2011 WITH SITE PLAN REVIEW + VARIANCE

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SITE LEVEL
1 MATERIAL REMOVAL PLAN
SCALE: 1/8"=1'-0"

MATERIAL REMOVAL KEYNOTES

- 1 REMOVE EXISTING FENCE, GATE, FRAVE, AND ALL RELATED ACCESSORIES
- 2 DEMOLISH AND REMOVE ASPHALT PER NEW DESIGN. SEE PROPOSED PLAN FOR DIVISION AND CIVIL DRAWINGS
- 3 EXISTING CONCRETE CURB TO BE REMOVED
- 4 EXISTING LANDSCAPE TO BE REMOVED
- 5 EXISTING CONCRETE SIDEWALK TO REMAIN
- 6 REMOVE EXISTING CONCRETE SIDEWALK

LEGEND

- EXISTING ASPHALT TO BE REMOVED
- EXISTING CONCRETE TO BE REMOVED
- EXISTING LANDSCAPE TO BE REMOVED

The Fitz Eugene Dixon
EDUCATION BUILDING

THE SOCIETY OF
THE FOUR ARTS
2 Four Arts Plaza
Palm Beach, Florida 33480

DESIGN ARCHITECT:
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405 Lexington Avenue
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Fax: 212.692.0770

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Architecture • Interior Design, Inc.

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Keith M. Spina #AR13419
Benjamin John Glidden, III #AR6536

Revision 06.27.11

DESCRIPTION DATE

NOT FOR CONSTRUCTION



Removal Material
Site Plan

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

DATE:
May 20, 2011

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D-101

SPECIAL EXCEPTION 4-19-2011 WITH SITE PLAN REVIEW + VARIANCE

Revision	06.27.11
DESCRIPTION	DATE
NOT FOR CONSTRUCTION	



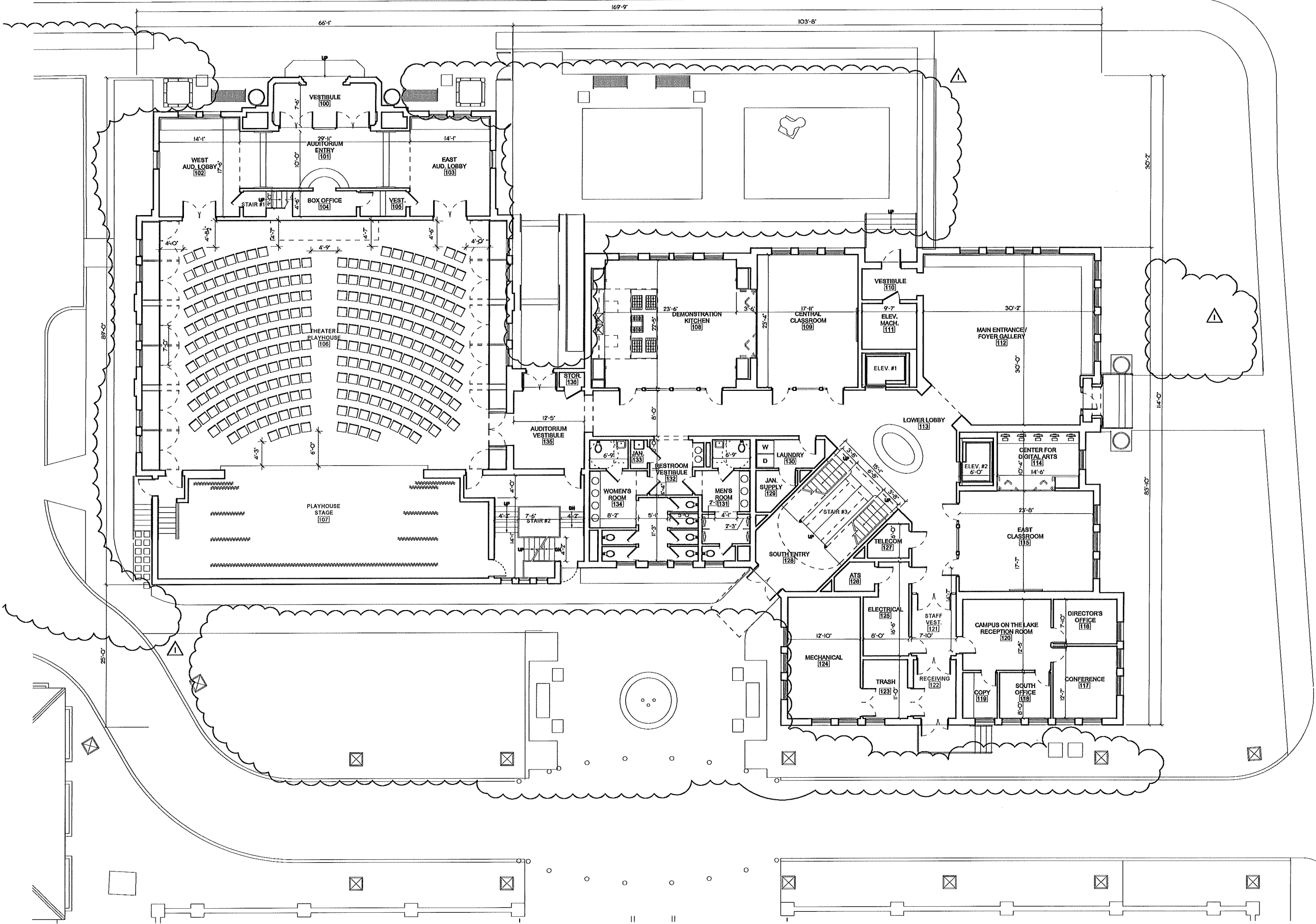
Proposed
First Floor Plan

SCALE:
1/8" = 1'-0"

DATE:
May 20, 2011

A-112

SPECIAL EXCEPTIN # 19-2011 WITH SITE PLAN REVIEW + VARIANCE



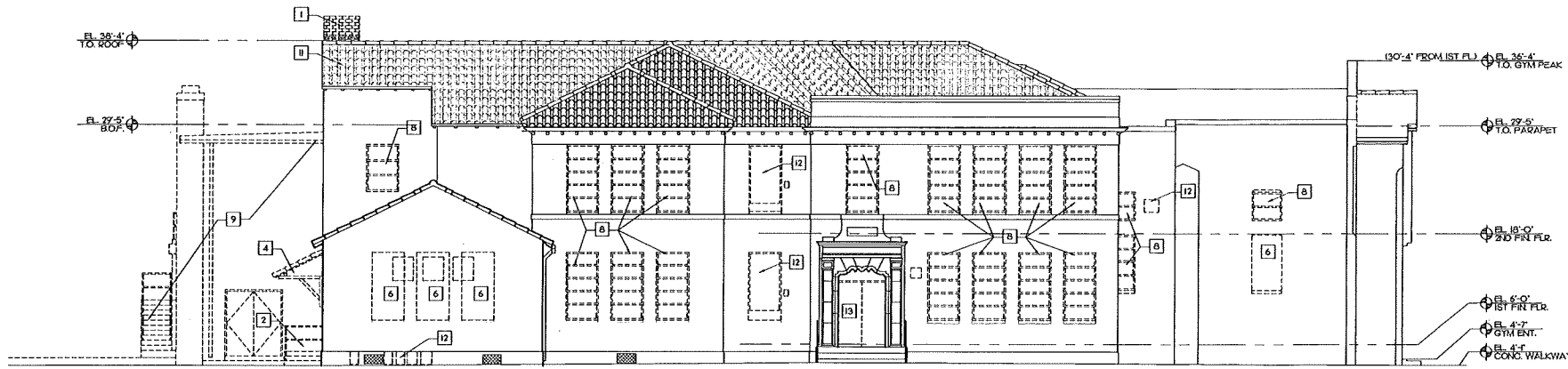


- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED

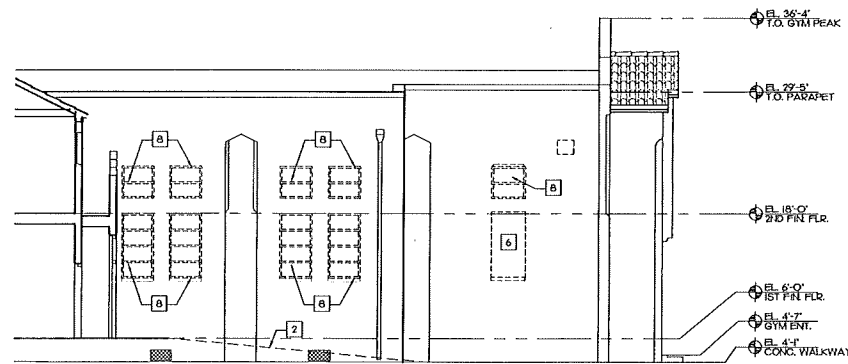
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SPECIAL EXCEPTION # 19-2011 WITH SITE PLAN REVIEW + VARIANCE



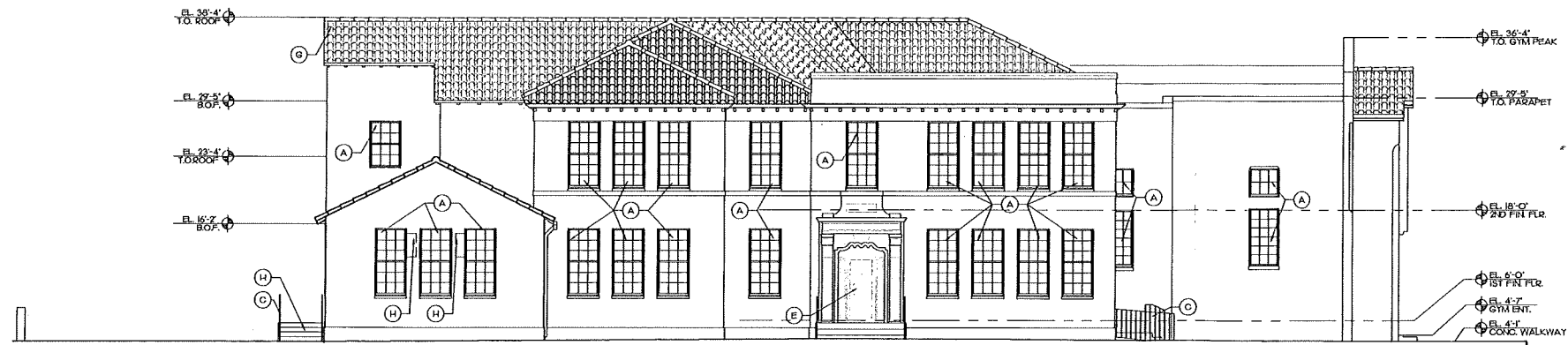
1 EAST ELEVATION
EXISTING EAST ELEVATION
SCALE: 3/16"=1'-0"



2 PARTIAL EAST ELEVATION
EXISTING EAST ELEVATION
SCALE: 3/16"=1'-0"



3 PARTIAL EAST ELEVATION
PROPOSED EAST ELEVATION
SCALE: 3/16"=1'-0"



4 EAST ELEVATION
PROPOSED EAST ELEVATION
SCALE: 1/4"=1'-0"

DEMOLITION KEYNOTES

- 1 REMOVE EXISTING CHIMNEY
- 2 REMOVE STAIR/RAMP AND RAILING
- 3 REMOVE WOOD/GLASS DOORS AND ALL RELATED ACCESSORIES
- 4 REMOVE EXISTING OVERHANG
- 5 REMOVE EXISTING RAILING
- 6 REMOVE PORTION OF EXISTING WALL FOR NEW OPENING
- 7 REMOVE EXHAUST HOOD FROM WALL
- 8 REMOVE EXISTING WINDOWS
- 9 REMOVE ENTIRE TWO STORES BUILDING
- 10 REMOVE PORTION OF WALL AND ROOF- SEE MATERIAL REMOVAL PLANS
- 11 REMOVE ROOF TILE
- 12 REMOVE MECHANICAL EQUIPMENT
- 13 REMOVE EXISTING EXTERIOR DOOR
- 14 DEMOLISH AND REMOVE EXISTING METAL SHED

CONSTRUCTION KEYNOTES

- A NEW WINDOWS TO MATCH 1929 EXTERIOR WINDOWS
- B NEW EXTERIOR WALL TO INFILL OPENING
- C NEW RAILING TO MATCH EXISTING
- D NEW MECHANICAL LOUVER/VENT
- E NEW STOCKFRONT SYSTEM
- F NEW METAL EXTERIOR DOOR
- G NEW ROOF TILES TO MATCH EXISTING
- H NEW FINISH TO MATCH EXISTING TEXTURE
- J NEW METAL OVERHANG
- K NEW RAMP
- L NEW EXTERIOR STAIR

The Fitz Eugene Dixon
EDUCATION BUILDING

THE SOCIETY OF
THE FOUR ARTS
2 Four Arts Plaza
Palm Beach, Florida 33480

DESIGN ARCHITECT:
Harry Elson Architect PC

The Chrysler Building
405 Lexington Avenue
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Fax: 212.692.0770

ARCHITECT OF RECORD:
Glidden • Spina & Partners
Architecture • Interior Design, Inc.

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Tel: 561.684.6844
Fax: 561.684.6594

FL License: #AA26001602
Keith M. Spina #AR13419
Benjamin John Glidden, III #AR6536

DESCRIPTION DATE

NOT FOR CONSTRUCTION

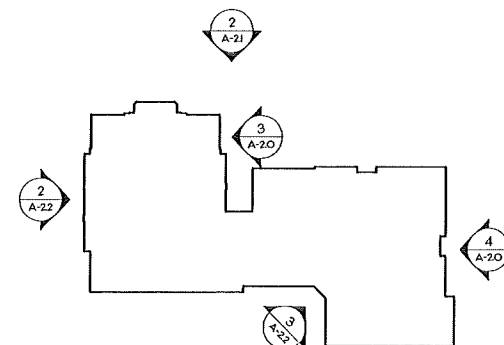
Exterior
Elevations

SCALE:
1/8" = 1'-0"

A-2.0

DATE:
May 20, 2011

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KEY PLAN
SCALE: N.T.S.



Architectural elevation drawing of the exterior of the building. The drawing shows a long facade with multiple windows and a central entrance. Key features include:

- Windows:** Multiple rows of windows, some with decorative elements like pediments or transoms.
- Entrance:** A central arched entrance with a pediment.
- Stage:** A stage area on the right side of the building, marked with 'STAGE' and 'CONC. WALKWAY'.
- Callouts:** Various callouts (A, B, C, D, E, L) pointing to specific architectural details.
- Elevation Markers:**
 - EL. 36'-4" (32'-4" FROM 1ST FL.) TO. ROOF
 - EL. 32'-7" TO. PARAPET
 - EL. 18'-0" 2ND FLOOR
 - EL. 6'-0" 1ST FLOOR
 - EL. 22'-3" TO. STAGE PARAPET
 - EL. 7'-5 3/4" STAGE
 - EL. 4'-7" 6"MT. EXT.
 - EL. 4'-1" CONC. WALKWAY

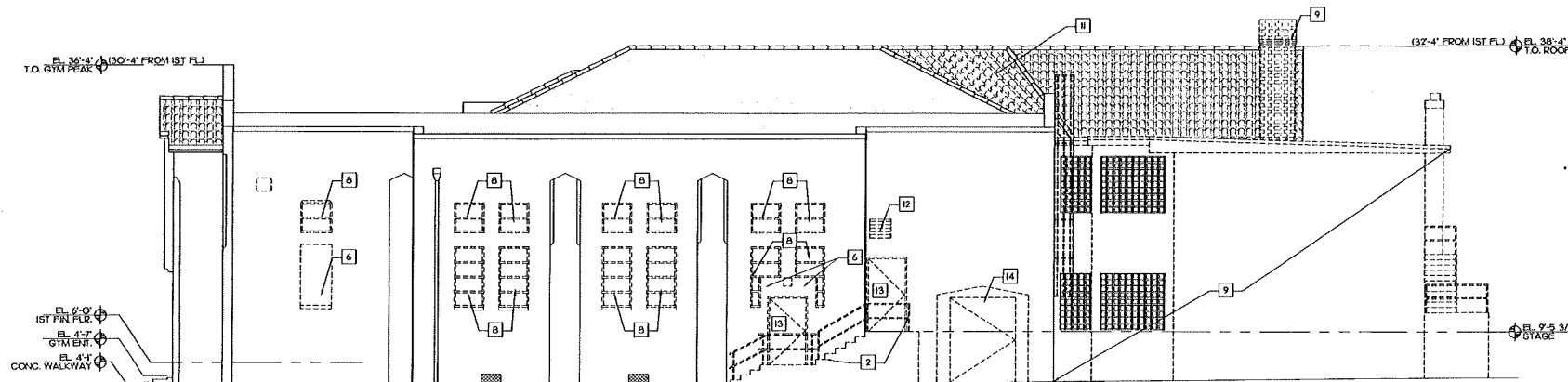
1	REMOVE EXISTING CHIMNEY
2	REMOVE STAR/CLAMP AND RAILING
3	REMOVE WOOD/GLASS DOORS AND ALL RELATED ACCESSORIES
4	REMOVE EXISTING OVER-HANG
5	REMOVE EXISTING RAILING
6	REMOVE PORTION OF EXISTING WALL FOR NEW OPENING
7	REMOVE EXHAUST HOOD FROM WALL
8	REMOVE EXISTING WINDOWS
9	REMOVE ENTIRE TWO STORES BUILDING
10	REMOVE PORTION OF WALL AND ROOF- SEE MATERIAL REMOVAL PLANS
11	REMOVE ROOF TILE
12	REMOVE MECHANICAL EQUIPMENT
13	REMOVE EXISTING EXTERIOR DOOR
14	DEMOLISH AND REMOVE EXISTING METAL SHED

- (A) NEW WINDOWS TO MATCH 1929 EXTERIOR WINDOWS
- (B) NEW EXTERIOR WALL TO INFILL OPENING
- (C) NEW RAILING TO MATCH EXISTING
- (D) NEW MECHANICAL LOUVER/VENT
- (E) NEW STOREFRONT SYSTEM
- (F) NEW METAL EXTERIOR DOOR
- (G) NEW ROOF TILES TO MATCH EXISTING
- (H) NEW FINISH TO MATCH EXISTING TEXTURE
- (J) NEW METAL OVER-HANG
- (K) NEW RAMP
- (L) NEW EXTERIOR STAIR

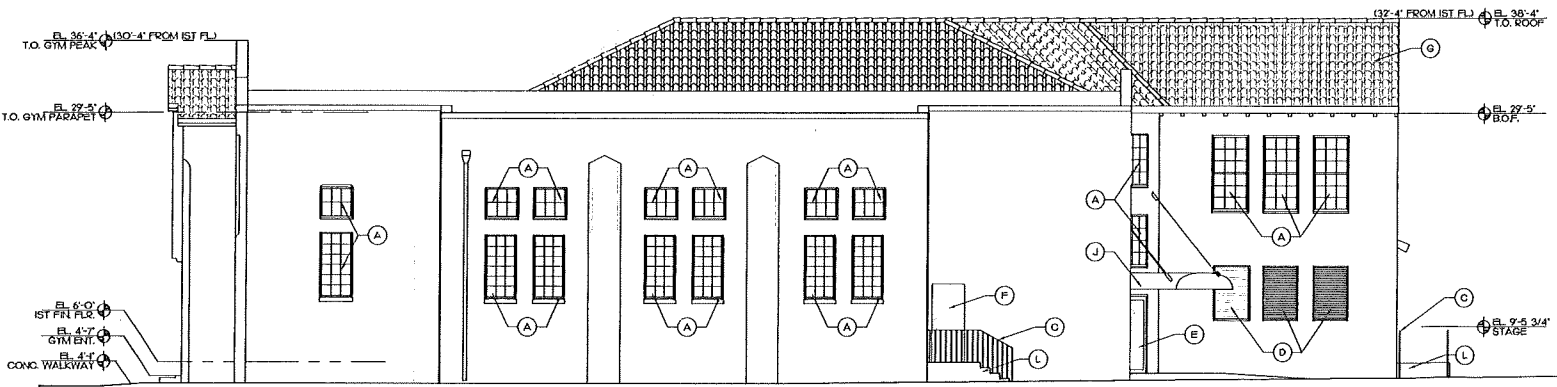
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Keith M. Spina #AR13419
Benjamin John Glidden, III #AR6536

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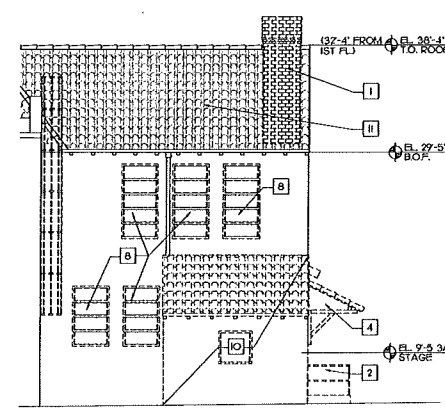
SPECIAL EXCEPTION #19-2011 WITH SITE PLAN REVIEW + VARIANCE



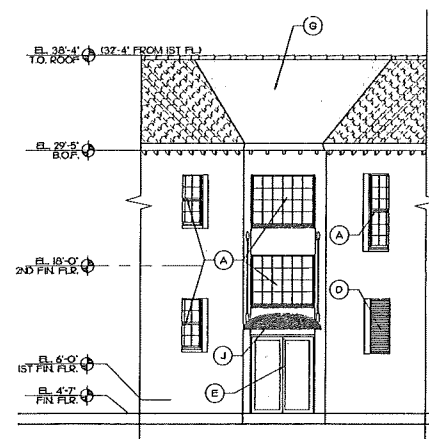
WEST ELEVATION
 1 EXISTING WEST ELEVATION
 SCALE: 1/8"=1'-0"



WEST ELEVATION
 3 PROPOSED WEST ELEVATION
 SCALE: 1/8"=1'-0"



WEST ELEVATION
 2 EXISTING PARTIAL WEST ELEVATION
 SCALE: 1/8"=1'-0"



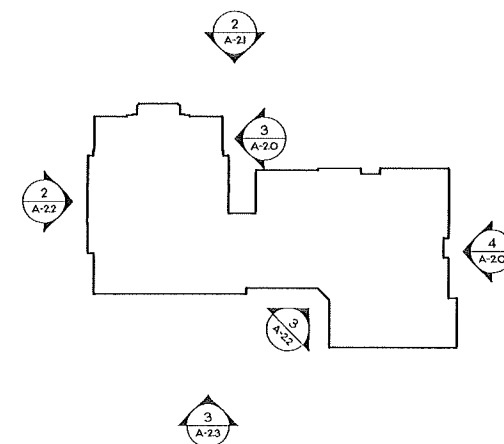
WEST ELEVATION
 3 PROPOSED SOUTHWEST ELEVATION
 SCALE: 1/8"=1'-0"

DEMOLITION KEYNOTES

- 1 REMOVE EXISTING CHIMNEY
- 2 REMOVE STAIR/RAMP AND RAILING
- 3 REMOVE WOOD/GLASS DOORS AND ALL RELATED ACCESSORIES
- 4 REMOVE EXISTING OVER-HANG
- 5 REMOVE EXISTING RAILING
- 6 REMOVE PORTION OF EXISTING WALL FOR NEW OPENING
- 7 REMOVE EXHAUST HOOD FROM WALL
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- 9 REMOVE ENTIRE TWO STORES BUILDING
- 10 REMOVE PORTION OF WALL AND ROOF-SEE MATERIAL REMOVAL PLANS
- 11 REMOVE ROOF TILE
- 12 REMOVE MECHANICAL EQUIPMENT
- 13 REMOVE EXISTING EXTERIOR DOOR
- 14 DEMOLISH AND REMOVE EXISTING METAL SHED

CONSTRUCTION KEYNOTES

- A NEW WINDOWS TO MATCH 1929 EXTERIOR WINDOWS
- B NEW EXTERIOR WALL TO INFILL OPENING
- C NEW RAILING TO MATCH EXISTING
- D NEW MECHANICAL LOUVER/VENT
- E NEW STOREFRONT SYSTEM
- F NEW METAL EXTERIOR DOOR
- G NEW ROOF TILES TO MATCH EXISTING
- H NEW FINISH TO MATCH EXISTING TEXTURE
- J NEW METAL OVER-HANG
- K NEW RAMP
- L NEW EXTERIOR STAIR



KEY PLAN
 SCALE: N.T.S.

The Fitz Eugene Dixon'
 EDUCATION BUILDING

THE SOCIETY OF
 THE FOUR ARTS
 2 Four Arts Plaza
 Palm Beach, Florida 33480

DESIGN ARCHITECT:

Harry Elson Architect PC

The Chrysler Building
 405 Lexington Avenue
 37th Floor
 New York, New York 10174
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 Fax: 212, 692, 0770

ARCHITECT OF RECORD:

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 Architecture • Interior Design, Inc.

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 Tel: 561, 684, 6844
 Fax: 561, 684, 5594

FL License: #AA26001602
 Keith M. Spina #AR13419
 Benjamin John Gildden, III #AR6536

DESCRIPTION DATE

NOT FOR CONSTRUCTION

Exterior
 Elevations

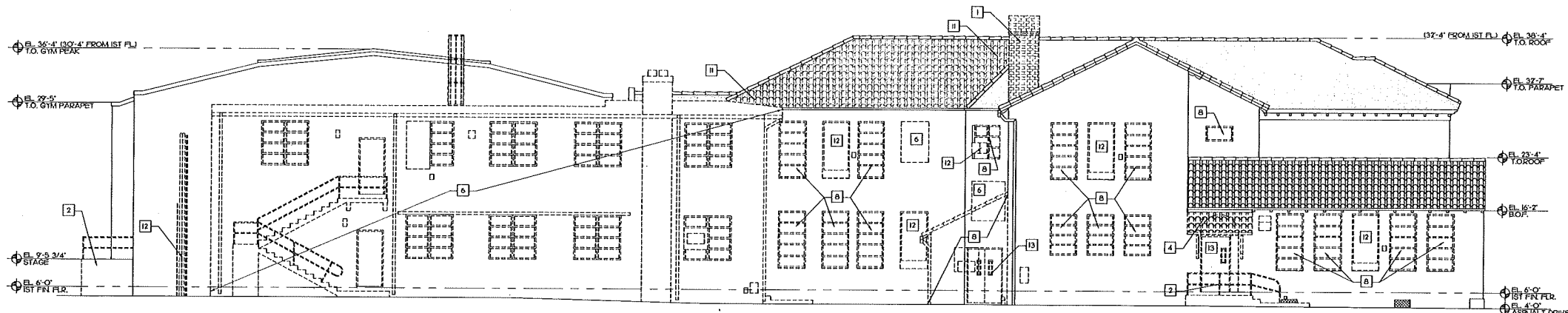
SCALE:
 1/8" = 1'-0"

DATE:
 May 20, 2011

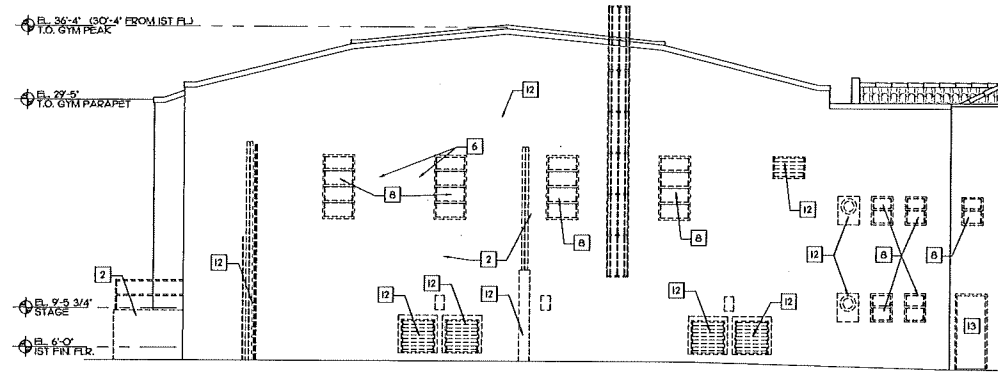
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SPECIAL EXCEPTION #19-2011 WITH SITE PLAN REVIEW + VARIANCE

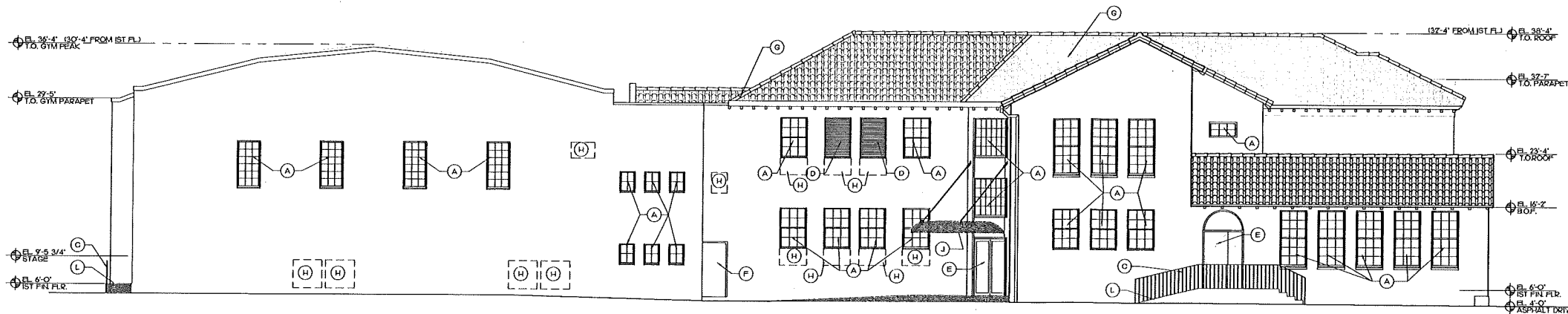
A-2.2



SOUTH ELEVATION
1 EXISTING SOUTH ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
2 EXISTING SOUTH ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
3 PROPOSED SOUTH ELEVATION
SCALE: 1/8"=1'-0"

DEMOLITION KEYNOTES

- 1 REMOVE EXISTING CHIMNEY
- 2 REMOVE STAIR/RAMP AND RAILING
- 3 REMOVE WOOD/GLASS DOORS AND ALL RELATED ACCESSORIES
- 4 REMOVE EXISTING OVERHANG
- 5 REMOVE EXISTING RAILING
- 6 REMOVE PORTION OF EXISTING WALL FOR NEW OPENING
- 7 REMOVE EXHAUST HOOD FROM WALL
- 8 REMOVE EXISTING WINDOWS
- 9 REMOVE ENTIRE TWO STORES BUILDING
- 10 REMOVE PORTION OF WALL AND ROOF - SEE MATERIAL REMOVAL PLANS
- 11 REMOVE ROOF TILE
- 12 REMOVE MECHANICAL EQUIPMENT
- 13 REMOVE EXISTING EXTERIOR DOOR
- 14 DEMOLISH AND REMOVE EXISTING METAL SHED

CONSTRUCTION KEYNOTES

- A NEW WINDOWS TO MATCH 1929 EXTERIOR WINDOWS
- B NEW EXTERIOR WALL TO INFILL OPENING
- C NEW RAILING TO MATCH EXISTING
- D NEW MECHANICAL LOUVER/VENT
- E NEW STOREFRONT SYSTEM
- F NEW METAL EXTERIOR DOOR
- G NEW ROOF TILES TO MATCH EXISTING
- H NEW FINISH TO MATCH EXISTING TEXTURE
- J NEW METAL OVERHANG
- K NEW RAMP
- L NEW EXTERIOR STAIR

The Fitz Eugene Dixon
EDUCATION BUILDING

THE SOCIETY OF
THE FOUR ARTS
2 Four Arts Plaza
Palm Beach, Florida 33480

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DESCRIPTION DATE

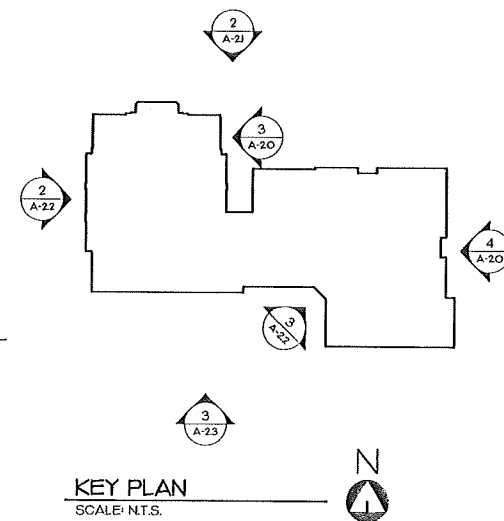
NOT FOR CONSTRUCTION

Exterior
Elevations

SCALE:
1/8" = 1'-0"

DATE:
May 20, 2011

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KEY PLAN
SCALE: N.T.S.



SPECIAL EXCEPTION # 19-2011 WITH SITE PLAN REVIEW + VARIANCE