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, JUNE 15, 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. 14-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, At Section 134-2 To Create Definitions Of Business Directory Sign and Menu Sign; At Section 134-2435 By Creating A Provision To Permit Business Directory Signs At The Entrances To A Via Or Esplanade; Section 134-2446 By Creating Said Section To Provide A Provision To Allow A Menu Sign At The Entrance Of A Restaurant Or Merchant Retail Take-Out Food Establishment; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date. Page 7
[John Page, Director of Planning, Zoning, and Building]

B. First Reading

None

VIII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 135 Bradley Place (Publix Supermarket) Per Letter Dated May 23, 2011, from Martin C. Gierlach. Page 11

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

None

2. New Business

a. **SITE PLAN REVIEW #8-2011 WITH SPECIAL EXCEPTION AND VARIANCES** The application of

250 RPW LLC (Anthony Cordasco); relative to property commonly known as **250 Royal Palm Way**; described as lengthy legal description on file; located in the C-OPI Zoning District. The applicant is requesting a Site Plan Review to (1) modify the exterior of the existing office building by increasing the height of the parapet; and (2) modify the configuration of the spaces in the existing parking garage which will reduce the total number of parking spaces to accommodate two handicap parking spaces and allow an accessible entry into the building from the parking garage where one currently does not exist. Cornices and architectural features will be added to enhance the façade of the building. Landscaping will be added to the sidewalks on the south and west side of the building. The Special Exception request is to allow the parapet to be increased on the third story. The following variances are requested in conjunction with the proposed renovation: to allow the addition of a parapet onto the roof of a nonconforming building which increases the overall height in the required front, street side yard (west), and side yard (east) setbacks; to allow the overall height to be raised to 48.5 feet at the entry parapet and 45.5 feet at the building parapet in lieu of the 40 foot maximum allowed in the C-OPI Zoning District; to allow the number of parking spaces in the garage to be reduced from 75 spaces to 72 spaces proposed in lieu of the 84 required based on the gross leasable square footage of the building (which remains unchanged); to allow a building identification sign above the roof level of the building which is not allowed by Code. The height of the proposed sign will be 44.3 feet. In addition, to allow a variance for a 2 foot wide in-ground landscape strip along the walkways abutting the north and west facades of the building in lieu of potted plants or removable planters which would be required by Code. [Attorney: Maura Ziska]
[ARCOM Recommendation: Approval of the variances will not cause negative architectural impacts. Carried 7-0.]

b. **SPECIAL EXCEPTION #13-2011 WITH SITE PLAN REVIEW** The application of Karen Egger; relative to property commonly known as **216 Colonial Lane**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a Special Exception with Site Plan Review to allow the construction of 2,890 square foot, two-story single family residence on a non-conforming unplatted lot which is 75 feet in width in

Page 15

lieu of the 100 foot minimum; 82 feet in depth in lieu of the 100 foot minimum required; and 6,150 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. [Attorney: Maura Ziska]

c. **SPECIAL EXCEPTION #14-2011 WITH VARIANCES** Page 27

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]
Request for Deferral to the July 13, 2011, Meeting Per Letter Dated May 26, 2011, from Maura A. Ziska.

d. **SPECIAL EXCEPTION #15-2011 WITH VARIANCE** Page 29

The application of Palm Beach Day Academy, Inc.; relative to property commonly known as **241 Seaview Avenue**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a Special Exception approval to modify the interior of the school to remove classrooms that were temporarily constructed in the old auditorium and convert that space back to a complete auditorium with 299 fixed seats. The intent is to relocate theater type performances from the gymnatorium (where they are currently held) to the newly renovated auditorium. The goal would be to have theater-type performances in the new auditorium and athletic events or larger events in the gymnatorium. It is not the intention of the school to have two major events in both facilities at the same time. A variance is requested to provide zero parking spaces in lieu of the 75 additional off-street parking spaces required for the conversion of the old auditorium/classroom area back into an auditorium. [Attorney: Maura Ziska]

(1) Request for Waiver of Section 42-199, Hours of Construction Work, at 241 Seaview Avenue (Palm Page 38

Beach Day Academy) Per Letter Dated June 1, 2011, from Maura A. Ziska.

e. **VARIANCE #9-2011** The application of John Ceriale.; relative to property commonly known as **230 South Ocean Blvd.**; described as Lot 528, Poinciana Park, Second Addition, Plat Book 6, Page 86; located in the R-B Zoning District. Variances requested are: to add onto an existing first floor porch and balcony on the southwest corner of the house. The request is to increase lot coverage 135 square feet, from 28.7 to 29.4 percent in lieu of the 25 percent maximum allowed and to construct an addition to the first floor porch and second floor balcony with a street side yard setback of 20.16 feet in lieu of the 30 foot minimum required. [Attorney: Jose A. Gonzalez]
[ARCOM Recommendation: Eliminate the portion of the proposed corner loggia addition on the street side yard setback. Approval of the lot coverage variance for the remainder of the proposed addition will not cause negative architectural impact. Carried 7-0.]

f. **VARIANCE #10-2011** The application of M. McDermott, Trustee for the David M. McDermott Revocable Trust u/a/d 1/3/2006; relative to property commonly known as **252 Seaspray Avenue**; described as Lots 409, 413 and 415, POINCIANA PARK 2nd addition, according to the plat thereof recorded in Plat Book 6, Page 86, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a Variance to construct a second story addition that would enclose the balcony and would result in a 4.67 foot setback in lieu of the 15 foot minimum setback required in the R-B Zoning District. [Attorney: Maura A. Ziska]

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: June 15, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 14-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, At Section 134-2 To Create Definitions Of Business Directory Sign And Menu Sign; At Section 134-2435 By Creating A Provision To Permit Business Directory Signs At The Entrances To A Via; Section 134-2446 By Creating Said Section To Provide A Provision To Allow A Menu Sign At The Entrance Of A Restaurant Or Merchant Retail Take-Out Food Establishment; 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. 14-11

ORDINANCE NO. 14-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, AT SECTION 134-2 TO CREATE DEFINITIONS OF BUSINESS DIRECTORY SIGN AND MENU SIGN; AT SECTION 134-2435 BY CREATING A PROVISION TO PERMIT BUSINESS DIRECTORY SIGNS AT THE ENTRANCES TO A VIA; SECTION 134-2446 BY CREATING SAID SECTION TO PROVIDE A PROVISION TO ALLOW A MENU SIGN AT THE ENTRANCE OF A RESTAURANT OR MERCHANT RETAIL TAKE-OUT FOOD ESTABLISHMENT; 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 public hearing pursuant to notice required by law, the Local Planning Agency considered all testimony and recommended that the Town Council adopt the subject Ordinance; and,

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 as follows:

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

Sign, Business Directory means a wall mounted sign which identifies only the names of the businesses located in a via or building in a via. Said directory sign at the entrance to a via or building in a via may include the name of the via and the via address.

Sign, Menu means a restaurant or take-out food establishment wall, pedestal or window mounted sign which identifies the menu and prices within said establishment.

Section 2. Amend Article XI, SIGNS, Sec. 134-2435. Signs in vias, to read as follows:

Sec. 134-2435. Signs in vias and the entrances to vias.

For the purpose of ARTICLE XI, DIVISION 3 of Chapter 134, via frontage of a business is considered street frontage for regulating the size and number of business identification signs. Building identification signs are not allowed in vias.

One business directory sign facing each direction of an entrance to a via is permitted. Said business directory sign shall not exceed a maximum of six square feet in area. In addition, each business within a business directory sign shall be allowed only one identification line on the directory sign with no logo. The lettering on the business directory sign shall not exceed a height of one and one quarter inches for the business and shall be in the same font as the other business identification signs on the directory. The exception is that lettering on the business directory sign identifying the via and its address shall not exceed a height of three inches and may be of a different font than the businesses lettering on said sign.

In addition, one business directory sign identifying the upper floor businesses is permitted on a multi-story building where the stairs to the upper floor(s) in the building open onto a via. A business directory sign on said building shall not exceed four square feet in area and shall meet the same lettering requirements as the business directory sign requirements for the entrances to a via.

Section 3. Amend Article XI, SIGNS, Sec. 134-2446, to read as follows:

Sec. 134-2446. Menu Signs.

One menu sign shall be allowed at the front entrance of a restaurant or merchant retail take-out food establishment. Said menu sign shall not be further than four feet from the front entrance of the restaurant or take-out food establishment nor exceed 2 square feet in area. In addition, a pedestal menu sign shall not impede pedestrian movement.

Section 4. 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 5. 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 6. Codification.
This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.
This Ordinance shall take effect 31 days subsequent to its passage on second and final reading.

PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 11th day of May, 2011, and second and final reading on this 15th day of June, 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: June 15, 2011

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction Work, at 135 Bradley Place (Publix Supermarket) Per Letter Dated May 23, 2011, from Martin C. Gierlach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated May 27, 2011
- Memorandum from Martin C. Gierlach dated May 23, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 15, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Planning, Zoning & Building Director

Re: Publix Construction: Water Work / Extended Work Hours Request

Date: May 27, 2011

STAFF RECOMMENDATION

It is recommended that the Town Council consider the request of Publix/Moss Construction to allow overnight water service work to be completed between the hours of 10:00 pm and 7:00 am per their attached request.

GENERAL INFORMATION

During the regular May 11, 2011 meeting, the Town Council considered and approved a request from Publix/Moss Construction to complete selected utility service work during nighttime hours. That work was specific to Comcast, AT&T, and FPL. The Council recognized that disruption to neighboring residents would be minimized if the work was completed during nighttime hours as opposed to daylight hours, and required that Moss personnel be present on site at time of the utility work and encouraged Publix/Moss to inform nearby residents of the pending work to the best of their ability.

A similar request, specific to water service changes, was recently directed to the Planning, Zoning & Building Department. Per the attached explanation, water service changes were originally planned to occur during the day. The City of West Palm Beach (water provider) recently informed Publix/Moss that water taps being abandoned on Sunset and Sunrise Avenues must be plugged rather than capped. This change (from capping to plugging) causes the need to shut off the water main for a period of perhaps six hours. The water service work entails plugging seven existing water tap locations in Sunset Avenue and two existing water tap locations in Sunrise Avenue during separate occurrences. Performing such work after 10:00 pm has the least service impact to area businesses and residences.

The necessity for completing water improvements at night was not originally anticipated. Nighttime water shutoffs, though not desirable, will be less inconvenient than daytime shutoffs. In order to facilitate construction and to also minimize neighborhood water service disruptions, the proposed work should be done commencing after 10:00 pm with the same conditions that were imposed upon the companies last month:

- Publix/Moss Construction personnel should be present on-site at time of the water shutoffs.

- An assurance should be provided from Publix/Moss Construction to the Town Council that they will identify each property that will be affected by the shutoff and communicate pertinent information with as much advance notice as can reasonably be provided.

Attachment

cc: Susan Owens, Town Clerk
Cheryl Kleen, Executive Assistant
Paul Brazil, Public Works Director
Jim Bowser, Town Engineer
Raychel Houston, Parking/Code Enforcement Manager
Rob Walton, Lead Code Enforcement Officer
Hank Porcher, Publix Representative
Martin Gierlach, Project Manager

Publix.
WHERE SHOPPING IS A PLEASURE®

MOSS

May 23, 2011

To: Town of Palm Beach – Public Works, Mayor & Town Council

From: Publix Redevelopment Project – Martin Gierlach, Moss & Associates

RE: Performance of Water Service Public Work during after hours

Introduction:
The Publix Redevelopment project planned on performing water service work on Sunset Ave. & Sunrise Ave. during Town allowed construction hours. Recent modifications to the work requirements by City of West Palm Beach water authority have created the potential need to perform water service work after hours.

The City of West Palm Beach water authority recently informed the Redevelopment project that the water taps being abandoned on Sunset Ave. & Sunrise Ave. must be plugged rather than capped. This change in water termination method to plugging rather than capping causes the need to shut off the water main for a significant period of time, 6 hours. The water authority also communicated that many of its customers are taking exception to the loss of water service during the day time period for the plugging operations to occur. The original construction plan to cap the exiting taps did not require the shutting off of the water main and would support day time work.

Desired Work:
The water service work entails plugging seven (7) existing water tap locations in Sunset Ave. and two (2) existing water tap locations in Sunrise Ave. during separate occurrences. The water authority's stipulated conditions for water plugging require the water mains to be shut off for this work to be performed. Residences have expressed their dissent to day time loss of water causing the need for the work to be performed after hours.

Proposed Hours:
City of West Palm water authority requests the water work be allowed to be performed during after hours, 10:00 pm to 7:00 am, so the water may be shut off to plug the existing water taps. This time period has the least service impact to the area businesses and residences.

Conclusion:
Performance of the water work during after hours is in the best interest to the Town, Water Authority, businesses & residences. Most users of the water system will not perceive the lack of service because the users will not be using the water during these after hours. Complaints from businesses, residences and business patrons will be minimized by performing the work during these after hours.

While it is the intent to perform the water service work along each roadway, Sunset Ave. or Sunrise Ave., during its own single occurrence, conditions may warrant additional occurrences for after hour periods to complete the work.

Regards,

Martin C. Gierlach
Project Manager
Moss & Associates

Publix
223 SUNSET AVENUE
STE. 130
PALM BEACH, FL 33480
PHONE 954.769.8010
FAX 561.832.7115
WEB SITE www.mosscm.com
CONSTRUCTION MANAGERS

TOWN OF PALM BEACH

Town Council Meeting on: June 15, 2011

Section of Agenda

New Business - < 15 Minutes

Agenda Title

SPECIAL EXCEPTION #13-2011 WITH SITE PLAN REVIEW The application of Karen Egger; relative to property commonly known as **216 Colonial Lane**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a Special Exception with Site Plan Review to allow the construction of 2,890 square foot, two-story single family residence on a non-conforming unplatted lot which is 75 feet in width in lieu of the 100 foot minimum; 82 feet in depth in lieu of the 100 foot minimum required; and 6,150 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. [Attorney: Maura Ziska]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated June 6, 2011, from Tiffany Schauer
- Letter dated June 7, 2011, from James W. Harpel
- Letter dated June 8, 2011, from L. Frank Chopin

Tiffany Schauer
224 Colonial Lane
Palm Beach, FL 33480
415 596 5576

TOWN OF PALM BEACH
JUN 08 2011
Town Manager's Office

June 6, 2011

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

Dear Mayor Coniglio and Council Members,

This is to respond to the Zoning Application Special Exception #13-2011 with Site Plan Review for 216 Colonial Lane, Palm Beach, Florida. I am the property owner for 224 Colonial Lane, the immediate next door neighbor on the east side of nonconforming lot. I have the following concerns regarding this Application:

1) I am concerned that the impacted neighbors have not received a timely and accurate notice of the application. I would ask that the application be re noticed to allow for an accurate and timely opportunity for all potentially impacted neighbors and parties to be informed and allowed to comment on the action;

2) I am concerned that the construction is on a nonconforming un-platted lot exceeding the R-B Zoning District standard by 25 feet in width; 18 feet in depth and 3,850 feet in area. The size of the lot relative to the size of the house compared to the majority of traditional beach homes on Colonial lane is a significant divergence from the norm;

3) The proposed project will substantially injure the value of the neighborhood properties. Due to the height and size of the structure, the project will excessively degrade the permanent access to available sunlight and privacy related to the 224 Colonial Lane property;

4) The proposed project will substantially injure the value of the neighborhood properties specifically degrading the architectural consistency of the majority of the neighboring houses. The proposed project is an extreme departure from the traditional Mediterranean style homes surrounding the lot in question. The proposal is an "Art Deco" residence with stucco walls and white aluminum doors. It is a more appropriate design style for Miami rather than the traditional architecture of Palm Beach.

I respectfully request that the Mayor and Council Members consider my concerns. As a grateful resident of Palm Beach, I agree with the Council's view that Palm Beach is world-renowned for its extraordinary beauty, quality of life and small-town character. I, too, share your vision to work to see that Palm Beach remains true to the inspired legacy of our founders, a Mediterranean-style mecca of stunning architecture and natural beauty.

Sincerely,

Tiffany Schauer

Tiffany Schauer

ZONING APPLICATION
TOWN OF PALM BEACH

Special Exception # 13-2011 with Site Plan Review

(Zoning Case Number)

This application includes requests for:
X Site Plan Review
X Special Exception
___ Variance

TO BE HEARD BY THE TOWN COUNCIL ON JUNE 15, 2011 AFTER 9:30 A.M., IN THE TOWN OF PALM BEACH COUNCIL CHAMBERS, LOCATED ON THE 2ND FLOOR, 360 S. COUNTY ROAD. 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., south 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:** 216 Colonial Lane **ZONING DISTRICT:** R-B

Fee Simple Property Owner's Name: Karen Egger

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: Maura Ziska 222 Lakeview Ave., Suite 1500, West Palm Beach, FL 33401

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 134-893 Lot, yard and area requirements – Generally (b) Existing Building Lots.**
2. **Section 134-329. Review by town council.**
3. **Section 134-229. Requirements for granting.**

June 7, 2011

TOWN OF PALM BEACH
JUN 09 2011
Town Manager's Office

Michael J. Pucillo
360 S. County Rd
Palm Beach, FL 33480

Dear Mr. Pucillo,

As the owner and resident of 1102 N. Ocean Blvd on the corner of Colonial Lane, I want to express my strong opposition to the building plan at 216 Colonial Lane.

1) Putting a 2,890 square foot home on 6,150 square foot lot is ridiculous. It will be a real eyesore from the street and from my backyard. It is much too large for the lot.

2) The application for ARCOM review appears deceptive to me. In the answer to question 5: Are there any Town Council approvals necessary to complete the project, the answer given is "no". This is just plain untrue, since I have a copy of their Town Council zoning application.

3) Because of R-B zoning restrictions they need town Council approval. This is a very narrow street and their application says (NA) = not available; when asked: Provide number of off-street parking spaces available for employees on the subject property (NA); provide number of employee/staff per shift (NA); Indicate location where employees park off site (NA). On street parking will be very congestive and ugly for their staff.

4) I am not sure this was well circulated because of the summer and who knows what other reasons but I know at least one neighbor who received very limited data.

Thank you for your consideration. I am really against this project as presented.

Kind regards,

James W. Harpel

L. Frank Chopin, PLC
Attorney at Law

1655 PALM BEACH LAKES BLVD.
SUITE 400
WEST PALM BEACH, FLORIDA 33401
TELEPHONE: (561) 655-9500

MAILING ADDRESS:
POST OFFICE BOX 4297
WEST PALM BEACH, FLORIDA 33402
FACSIMILE: (561) 655-9508

June 8, 2011

TOWN OF PALM BEACH
JUN 0 8 2011
Town Manager's Office

VIA HAND DELIVERY

Mayor and Town Council Members
of the Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: 216 Colonial Lane, Palm Beach

Dear Mayor Coniglio and Town Council Members:

I am writing with respect to the zoning application filed in connection with the above referenced property. I learned of this zoning application only two days ago. I say I only learned of this zoning application because a number of people who were entitled to receive the zoning application, including me, did not receive it. I can not tell you why it did not go to all of the neighbors.

I also learned only two days ago that the ARCOM application that I did receive erroneously represented that no Town Council approvals were required to complete the project that was the subject matter of the ARCOM application. Because of these errors and because of my unsuccessful efforts to convince the Planning Department that fundamental fairness would be best severed by deferring this project for a month to allow people with an interest to receive proper notice, I wrote the Chairman of the Architectural Commission outlining the facts and asking the commission to do what the Town Planning Department refused to do i.e., defer the application for a month. I am enclosing a copy of my letter. Because it sets out the facts, I am not repeating them in this letter to you.

I can not be present next week when the council considers this matter because I did not receive notice of it and will be out of the country. I would ask, however, that you consider the following matters.

1. That notwithstanding the evasive answer that is given to question 4 of the enumerated requirements for granting a Special Exception, the proposed house is not "compatible

with adjoining development". With one possible exception, all of the homes on Colonial Lane are one story and the proposed structure will tower over the houses to the west of its location.

2. The applicant/owner only recently acquired the property (May 2010). Consequently, she knew or should have known that what she was purchasing was non-conforming and that she could not expect the council to grant as a matter of right any application to construct a house, much less one that is as massive and out of conformity with the neighborhood as the one that has been proposed. It is not unfair to deny site plan approval and special exception use for any proposed structure, and it is particularly fair to do so when the proposed structure will tower over and dramatically conflict with the neighborhood's architecture. This is an application that cries out for ARCOM comments before the Council takes action on the zoning application.

3. In light of the misleading ARCOM application for which the applicant and the Town must take responsibility and the failure to provide certain property owners with notice of the zoning application, the pending zoning application and the ARCOM application should be deferred for at least one month to be sure that interested property owners will be granted the opportunity to be heard that they would have had, but for the way in which the notices were handled.

4. The proposed structure is not compatible with the neighborhood because of it is of modular construction (what is referred to as royal wall construction) and art deco design. The houses in the neighborhood are not compatible with such design.

Thank you for your consideration of this letter.

Sincerely,

L. Frank Chopin

LFC/jls
Enclosures

L. Frank Chopin, PLC
Attorney at Law

1655 PALM BEACH LAKES BLVD.
SUITE 400
WEST PALM BEACH, FLORIDA 33401
TELEPHONE: (561) 655-9500

MAILING ADDRESS:
POST OFFICE BOX 4297
WEST PALM BEACH, FLORIDA 33402
FACSIMILE: (561) 655-9508

June 8, 2011

VIA HAND DELIVERY

Chairman and Members of the
Architectural Review Commission
of the Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: 216 Colonial Lane, Palm Beach

Dear Chairman Smith and ARCOM Members:

I am writing with respect to the above referenced property.

Some weeks ago, I received an Application for Architectural Commission Review and in the same envelope a Town of Palm Beach Notification to Property Owners regarding 353 N. Lake Way, Palm Beach, Florida. I confess I was confused by the second of these two documents, but because it was no interest to me, I did not pursue an explanation for why I was getting a notice for 353 N. Lake Way. What I focused on primarily was the statement on the ARCOM application regarding the Colonial Lane application that no Town Council approvals were required to complete the proposed project. I am enclosing with this letter a copy of each of these documents for your easy reference.

By chance, I spoke two days ago with one of the neighbors who kept referencing items that the Town Council had to consider. I had not received the documents to which he was referring and asked that he send me a copy. He did and, for the first time, I learned that contrary to what had been represented both by the applicant's architect and by the Town's Planning Department (the planning department is charged with the responsibility of reviewing the application and then mailing it) Town Council approval was required of the project.

I notified Paul Castro both of the deceptive/erroneous ARCOM application and the failure to provide certain neighbors with a copy of the zoning application. Paul responded that the zoning

applications had been mailed (he mailed only what was received in sealed envelopes provided by the applicant) and that he was not responsible for the ARCOM application. I subsequently learned from John Lindgren that he had spoken to Paul Castro, contacted the applicant's architect and arranged for a new notice to be prepared and that he personally mailed it yesterday. In the course of my conversation with John Lindgren, he informed me that the inclusion of the Notification regarding the property on N. Lake Way was an error made by his staff.

I requested that the currently scheduled ARCOM hearing be deferred to give the neighbors an opportunity to receive the new notice, figure out the difference between the new and the old and prepare themselves to be heard with respect to the substance of the application. In my judgement, given that the applicant and the Town created the problem, a brief deferral is a matter of fundamental fairness. John advised me fairness had nothing to do with the issue and that he felt that the neighboring property owners would get adequate notice. This is in spite of the fact that many of the neighboring property owners are away and some would have unquestionably left town believing erroneously that no Town Council action was required.

In light of the Planning Department's refusal to take reasonable steps to allow for meaningful notice under the circumstances, I am turning to you to request that you defer this matter for at least one month. I am sure you will hear that the technical notice requirement have been satisfied. Since I have not seen the new notice yet, I intend to defer judgement on that issue. I will tell you that the Town Code does not contemplate a situation in which the applicant and the Town erroneously represent a state of facts and does not direct the kind of notice that is required in such circumstances. It may be sufficient to give tens days notice when the waters have not been muddied, but it hardly seems fair when they have.

The fact of the matter is that the applicant knew the property was non-conforming when she bought it and it did not satisfy the size requirements for the RB district. The house that is planned is two story and massive in comparison to the other smaller one story homes on Colonial Lane. This non-conformity is exacerbated by the undersized nature of the lot. It is also designed in a style that is alien to the design of other houses on Colonial Lane.

I apologize for the length of this letter but felt that you deserved to understand what has transpired.

Sincerely,

L. Frank Chopin

LFC/jls
Enclosures

APPLICATION FOR ARCHITECTURAL COMMISSION REVIEW

1. Project Address: 216 Colonial Lane Palm Beach, Florida 33480

2. Name of the Applicant: Karen Egger
(If ownership cannot be verified through the Palm Beach County tax roll, a copy of the recorded warranty deed, or a signed notarized letter from the owner of record must be submitted with this application)
Address: 5 Chemin des Chavanus CH 1297 Founex Switzerland
Telephone: 561-802-3224

3. Architect's name: SKA Architect + Planner Jacqueline Albarran, Architect P.A.

Phone #: 561-655-7676 Fax #: 561-655-3533 Owner's Rep: Phone #

4. Brief description of the project: (The exact wording in this section will appear on the ARCOM agenda . Please include changes in height, type of proposed alterations, changes in use, etc. For new construction indicate if final landscape and hardscape will be presented).
New two story Art Deco residence. "Royal Wall" construction, flat roofs, smooth stucco walls, and cast stone decorative detailing on parapets. White aluminum impact doors and windows. No final landscape/Hardscape plans presented.

5. Are there any Town Council approvals necessary to complete the project? no If so, what is the nature of these approvals and how do they affect the project? (Please provide variance, site plan review, and/or special exception numbers):

6. Number of stories: 2 Roof material (type): built up Const. Type:
CBS: --- Frame: --- Colors: building: white roof: white trim: white shutters none

also, please provide the above information on the cover sheet of the ARCOM plans.

7. Signature: (property owner or applicant)
Please indicate if you are an ARCOM member and have a Conflict of Interest relative to this project

(Please use the attached checklist to ensure that your application is complete. Incomplete applications may cause a deferral of the request. Should you have any questions regarding the requirements, please call John Lindgren, at 227-6414, no less than two weeks prior to the scheduled meeting)

FEES:			
	Major projects:	$750.00	ck # 135007
	Landscape/Hardscape/Site Lighting:	$750.00	ck#
	Minor projects (awnings, signs, fenestration):	$250.00	ck#
	Deferred projects:	no charge	

SUBMISSION DEADLINES: (**Please refer to attached electronic submission instructions**)
Major projects: - 30 days prior to the meeting, or as listed on the Town's Architectural Commission Meeting
Dates and Filing Deadlines list available at www.townofpalmbeach.com
Minor projects: - Two weeks prior to the next scheduled meeting

TOWN OF PALM BEACH
NOTIFICATION TO PROPERTY OWNERS
PER SECTION 18-202 (1) OF THE TOWN ARCHITECTURAL REVIEW ORDINANCE

The above-mentioned ordinance provides that the property owners within a two hundred foot radius of the subject property shall be notified by mail of any proposed structures or major alterations to structures, on subject property.

Please be advised the Town Architectural Commission will consider the following matter at the time and place indicated below:

Address: 353 North Lake Way, Palm Beach, Florida 33480

Description: New second story addition to an existing two story residence. Roof slope and white concrete tiles to match existing. Hurricane impact wood doors and windows and all detalling to match existing.

The Architectural Commission meeting will be held in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, and will begin at 9:00 a.m. on June 22, 2011.

This notification is not to solicit your approval or disapproval. If you desire, you may file your comments in writing before the meeting or you may attend the meeting to speak on the matter. This ARCOM application and plans, (if applicable), are on file in the Planning, Zoning & Building Department and are available for review Monday through Friday between 8:30 a.m. and 4:30 p.m.

If we can be of further assistance, please contact the commission secretary at 227-6408.

TOWN OF PALM BEACH

Town Council Meeting on: June 15, 2011

Section of Agenda

New Business - < 15 Minutes

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] *Request for Deferral to the July 13, 2011, Town Council Meeting Per Letter Dated May 26, 2011, from Maura A. Ziska.*

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated May 26, 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

May 26, 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 June 15, 2011 until the July 13, 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: June 15, 2011

Section of Agenda

New Business - < 15 Minutes

Agenda Title

SPECIAL EXCEPTION #15-2011 WITH VARIANCE The application of Palm Beach Day Academy, Inc.; relative to property commonly known as **241 Seaview Avenue**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a Special Exception approval to modify the interior of the school to remove classrooms that were temporarily constructed in the old auditorium and convert that space back to a complete auditorium with 299 fixed seats. The intent is to relocate theater type performances from the gymnatorium (where they are currently held) to the newly renovated auditorium. The goal would be to have theater-type performances in the new auditorium and athletic events or larger events in the gymnatorium. It is not the intention of the school to have two major events in both facilities at the same time. A variance is requested to provide zero parking spaces in lieu of the 75 additional off-street parking spaces required for the conversion of the old auditorium/classroom area back into an auditorium. [Attorney: Maura Ziska]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated May 9, 2011, from J. Barry Donahue
- Email dated May 10, 2011, from Michael Spaziani
- Note dated May 16, 2011, from Ethel Kinsella
- Email dated May 20, 2011, from Anne and Charlie Pepper
- Email dated May 20, 2011, from Rick Pollock
- Email dated May 20, 2011, from Michael Spaziani
- Letter received June 9, 2011, from Dr. Rebecca van der Bogert

SE 15-2011

James B. Donahue
346 Seaspray Ave
Palm Beach Fl. 33480
561 659 5600

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

May 9, 2011

Re: Palm Beach Day School Variance application regarding parking requirements.

Dear Ladies and Gentlemen,

I write in opposition to the granting of any alteration in the Palm Beach Day School's commitment to limit parking in the sport's field to the few days agreed when they last came before you.

My home, in what was a residential neighborhood when I purchased it twelve years ago, has become increasingly impinged upon by the "requirements" of The Palm Beach Day School, the Public School, The Town's Recreation Center and The Four Arts. The traffic, limited parking for residents and the never ending resubmission of further "concessions" from the Town for the Day School's expansionary ambitions is borne on the backs of the "Sea" street residents. They made a deal. How is it that they have the brass to revise their past commitments in such a fundamental way. It must not be allowed.
I trust that the council's memory is fresh with the broken promises and bad faith shown by The Day School. More of the same again!

My home directly overlooks the proposed parking lot. Every one of my four second floor bedrooms overlooks this area. Whatever claims they will make about days used or nuisance caused will be shaded with self interest and enforced only by homeowners who are affected. By what right can they effectively seek demolition of residential housing for a sporting field only with the passage of time to ask for a parking area? The original demolition would NEVER have been granted. Its a nauseating encroachment creep and as their behavior in the past has evidenced, this is their modus operendi.

I strongly recommend that town officials review the history of the original purchase of this property and all subsequent submissions relating to it from The Day School. All variances granted, all restrictions agreed in providing the variances and violations amassed by The Day School for violations accrued by the disregard shown to agreements entered into should be chronicled and through this prism the Town should consider this most recent grab.

Yours sincerely,

J. Barry Donahue

Re: Proposed variances for the Palm Beach Day School
Michael Vincent John Spaziani, P.A.
05/10/2011 06:11 AM
To:
donahueb, jere.zenko, council
Hide Details
From: "Michael Vincent John Spaziani, P.A." <spazian@aol.com>

To: donahueb@bellsouth.net, jere.zenko@yahoo.com, council@townofpalmbeach.com

History: This message has been forwarded.

Barry:
I talked to Becky Van... the other day. They are turning the auditorium back into an auditorium which was used for additional classroom space. They have shipped the classes that were in the auditorium over to the school on Flagler. She promised me that they would not have two events(gym & aud) going on at the same time. She also promised that she would not mess with the Declaration of Use Agreement. Although the proposal requests that there be an additional 75 parking spaces to address the change under the code, they still have the 12 times a year use of the west field. You know as well as I that there isnt 75 parking spaces available within the area and we certainly dont want them to use the West field for the additional 75 parking spaces for that purpose, which would be a blantant breach of the Agreement. When is it a good time for you to meet with Becky on this issue to make sure we have all of your questions answered. I will coordinate with the other neighbors for that meeting. Thanks so much for your concern. Wishing you all the best neighbor!
Michael
PS. I want a copy of the Town Serving study ASAP before we do anything.

Michael Vincent John Spaziani, BS, MABA, AMD
Commercial and Residential Real Estate Appraiser
State Certified General Real Estate Appraiser RZ1167
State Licensed Real Estate Broker
PALM BEACH'S FOREMOST REAL ESTATE APPRAISER

-----Original Message-----
From: james donahue <barry.donahue1@gmail.com>
To: spazian@aol.com
Sent: Mon, May 9, 2011 11:20 pm
Subject: Fwd: Proposed variances for the Palm Beach Day School

fyi
we must mobilize

tt 15-2011 SE 15-2011

Monday

Dear Town Council,

Can I just where are the extenden of the Auditorium going to park? Not on Seaspray I hope.

Sincerely,
Thel Kinsella
243 Seaspray Ave.

P.S. They used to park where the Holmes building is now

To:
Cc:
Bcc:
Subject: Palm Beach Day Academy variance request

From: Anne Pepper <annepepper@mac.com>
Date: May 20, 2011 3:32:07 PM EDT
To: council@townofpalmbeach.com, Peter Elwell <pelwell@townofpalmbeach.com>, JPage@TownofPalmBeach.com
Subject: Palm Beach Day Academy variance request

Dear Town Council, Peter Elwell and JP,

I met with several of the Palm Beach Day Academy staff who explained their plans for remodeling the present auditorium. Because of this change in use, a parking variance is required. **The Sea Street neighbors have no objection to the granting of the variance provided the School puts in writing that it will not host, nor allow others to hold major events in the Gymnasium and the new state-of-the-art auditorium at the same time.**

The written document should also stipulate that parking on the West Field cannot exceed 12 total times per year as the Agreement now stands between the Town and the PBDA.

The Sea Streets neighborhood, and especially Seaspray Avenue, is under constant parking usage at the west end by the Four Arts, the public School, the Recreation Center and PBDA. We are glad that the school has been able to reduce its on island size through the acquisition of the West Palm Beach campus, relieving it of the pressure to grow beyond the scale for which the Palm Beach campus was designed and intended. We wish them good luck and hope they will continue as good neighbors in the heart of one of Palm Beach's most iconic and charming neighborhoods.

Sincerely,

Anne and Charlie Pepper
333 Seaspray Avenue

To:
Cc:
Bcc:
Subject: Palm Beach Day Academy variance request

From:	rmp <rexrmp@gmail.com>
To:	council@townofpalmbeach.com, pelwell@townofpalmbeach.com, jpage@townofpalmbeach.com
Cc:	annepepper@mac.com, Lamar Briggs <lamar005@comcast.net>
Date:	05/20/2011 05:14 PM
Subject:	Fwd: Palm Beach Day Academy variance request

To The Town of Palm Beach;

I would like to show my support of the following request from the Peppers. I am always surprised by the constant requests to variate existing building provisions which cause an increase to traffic congestion in this part of town. Seaview Avenue is one way already and Seabreeze is a permitted street. That leaves only Seaspray to absorb all over flow and traffic to and from any and all travelers through this part of town. Drivers speed and do not obey current traffic laws as it is; parking is a never ending problem. If the town allows this to occur and multiple events take place in this new gymnasium. There is sure to be an increase of traffic and it really will impact the residents of Seaspray's quality of life. Please think very carefully when deliberating the school's variance request. They have an agenda that is single minded. We on the Sea Streets want to be good neighbors, but it takes two parties to achieve this.

respectfully submitted

Rick Pollock
218 Seaspray Avenue

Day School Auditorium Renovations
Michael Vincent John Spaziani, P.A.
05/20/2011 08:07 AM
To:
council, PElwell, JPage, pcastro
Hide Details
From: "Michael Vincent John Spaziani, P.A." <spazian@aol.com>

To: council@townofpalmbeach.com, PElwell@townofpalmbeach.com, JPage@TownofPalmBeach.com, pcastro@townofpalmbeach.com

History: This message has been forwarded.

RE: Day School Auditorium Renovations

Council/Town Manager/JP/Paul:
I met with the Day School last night to see what they were proposing regarding the renovations.The proposal is to convert the old auditorium (which was partially used for classrooms) back to a state-of-the-art auditorium. The drawings and the concept look wonderful. The use of the gymnasium for concerts was not functioning well due to the poor acoustics. They promised me that they would not hinder the Declaration of Use Agreement and that there would not be more than 12 functions a year where the West Field would be used for parking. I would allow the variance to forego any requirement for additional parking requirements (75 parking spaces) as those parking spaces are within the West Field and would conform to the Declaration of Use Agreement.

With the elimination of some of the classrooms and the transfer of some of those students to the West Campus this has lowered the student count, thus lowering the traffic congestion and the number of cars travelling within our neighborhood. We (the Sea Streets) appreciate the Day School trying to be good neighbors and applaude them on lowering the number of students, thus having a positive effect on this area.

My only concern is that the Day School sign some type of letter promising that there would not be two events (Gym and Auditorium) going on at the same time and that they will not use the West Field for more than the stipulated 12 times as per the Agreement.

This looks like a wonderful project for the Day School and I wish them all the best.

If there are any other zoning issues or Declaration of Use items that the neighbors should be aware of, besides those stipulated within our letters from the Zoning Department, please contact us (the neighbors) as soon as possible.

Others present: Anne Pepper

Thanks so much for your time and dedication to the Town.
Wishing you all the best,
Michael

Michael Vincent John Spaziani, BS, MABA, AMD
Commercial and Residential Real Estate Appraiser
State Certified General Real Estate Appraiser RZ1167
State Licensed Real Estate Broker
PALM BEACH'S FOREMOST REAL ESTATE APPRAISER

PALM BEACH DAY ACADEMY

James B. Donahue
346 Seaspray Ave.
Palm Beach , FL 33480

Dear Mr. Donahue,

I'm writing because I believe you may have been given some misinformation about our request that Palm Beach Day Academy is bringing to the Town Council on June 15th. I want to assure you that we are not asking for additional parking or additional use of the West field.

We are asking to renovate an Auditorium that has existed in the school since 1958 and will not increase any traffic flow. In the mailing that you received from the Town of Palm Beach, it was explained that the request for the variance is being made because "the parking calculation would require an additional 75 parking spaces". However, it went on to explain that. "the parking spaces that are used for theater-type performances that were previously in the gymnatorium are already available on the west field which can accommodate approximately 100 cars. Therefore, there is no need to provide additional parking. The parents and guests will continue to park on the west field but will attend the performances in the new auditorium and not the gymnatorium."

I want you to be assured that we will continue to hold the same events we've had in the past and you will not experience an increase in traffic flow or parking. We have a restriction on us that we can only use the West Field for parking 12 times per year and we are not asking for any changes of that Agreement.

I believe strongly that a school should be a positive part of any community and we have worked hard over the last four years to work with neighbors and correct noise, drainage, and traffic issues. I want to continue to do so and welcome hearing from you about any concerns that we can work on together. Please do not hesitate to call me at 561-655-1188.

Sincerely,

Dr. Rebecca van der Bogert

Dr. Rebecca van der Bogert
Head of Palm Beach Day Academy

TOWN OF PALM BEACH

Town Council Meeting on: June 15, 2011

Section of Agenda

New Business - < 15 Minutes

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction Work, at 241 Seaview Avenue (Palm Beach Day Academy) Per Letter Dated June 1, 2011, from Maura A. Ziska.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated June 1, 2011
- Letter from Maura A. Ziska dated June 1, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 15, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Planning, Zoning & Building Director

Re: Palm Beach Day Academy: Extended Work Hours Request

Date: June 1, 2011

STAFF RECOMMENDATION

The Palm Beach Day Academy is seeking "Special Exception with Variances" approval as a separate Council Agenda item. This extended work hours request is related, but secondary to, their principal request. **This request should only be considered if the Special Exception with Variances application is approved.**

Assuming the Special Exception with Variances application is approved, staff would recommend that work be allowed to be performed as requested (extended hours) at the Palm Beach Day Academy. Approval, if granted, should be conditioned on the following:

- All work performed during the hours granted by this waiver shall be to the interior of the school.
- No work staging areas, partial construction, or other evidence of building activity, other than delivery of materials, shall be conducted outdoors.
- All noise generated from the site shall comply with local Code limitations.
- Notification to all property owners, businesses and residents (condominium association if a condominium) within a 200 foot radius of the subject property announcing the request and scheduled hearing date at least 10 days prior, and a signed affidavit (with copy of the notice) verifying said notification to the Building Official no later than 5 days prior to the scheduled hearing date.
- Any violation of these conditions may result in revocation of a time waiver.

GENERAL INFORMATION

The Palm Beach Day Academy is converting an original auditorium, which was later converted into partial classrooms, back to its former auditorium use. School officials are attempting to commence and complete necessary construction during the summer season prior to the start of the upcoming fall semester. Conversion of this interior space does not alter the permissible number of students attending the Day Academy.

Per the attached letter from Attorney Maura Ziska, extended hours will apply for two hours in the evening, from normal shutdown time of 6:00 pm to 8:00 pm. Town Code, Section 42-199 (b) identifies permissible construction hours. Work must cease at 6:00 pm May through November unless otherwise approved by the Town Council. The proposed schedule is for work Monday through Saturday, excluding Sundays and national holidays (per Code).

Attachment

cc: Maura Ziska, Attorney
Jeff Taylor, Building Official
Paul Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Robert Walton, Code Enforcement

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

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

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

VIA EMAIL AND HAND-DELIVERY

June 1, 2011

John Page, Director
Planning Zoning & Building
360 South County Road
Palm Beach, FL 33480

RE: Palm Beach Day Academy/241 Seaview Ave., Palm Beach

Dear Mr. Page:

In reference to the above construction project, I would like to request that the contractor be allowed to work extended construction hours beginning July 1, 2011 until September 6, 2011. The contractor would start work at 8:00 a.m., which is allowed by code, and work until 8:00 p.m. (2 hours past what is allowed by code). The proposed schedule is for work Monday through Saturday, excluding Sundays and national holidays and will be all interior work.

It is the school's intention to move this project as quickly and diligently as possible and the extended construction hours are essential for a completion date before the beginning of school in September. It is in the best interest of the Town to allow the extended hours to minimize the impact on the residential streets and complete the project before the students and neighbors return from summer vacation.

Please place this matter on the agenda to be heard at the June 15, 2011 Town Council Meeting. Please call me if you have any questions with the foregoing or require any additional information.

Sincerely yours,

Maura A. Ziska

/maz
cc: Becky van der Bogert
Marty List

00010841

TOWN OF PALM BEACH

Town Council Meeting on: June 15, 2011

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #10-2011 The application of M. McDermott, Trustee for the David M. McDermott Revocable Trust u/a/d 1/3/2006.; relative to property commonly known as **252 Seaspray Avenue**; described as Lots 409, 413 and 415, POINCIANA PARK 2nd addition, according to the plat thereof recorded in Plat Book 6, Page 86, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a Variance to construct a second story addition that would enclose the balcony and would result in a 4.67 foot setback in lieu of the 15 foot minimum setback required in the R-B Zoning District. [Attorney: Maura A. Ziska]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated April 29, 2011, from John Garofalo

V10-2011

TOWN OF PALM BEACH
APR 2 9 2011
Town Manager's Office

29 April 2011

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

RE: 252 Seaspray Avenue
Palm Beach, FL
Variance #010-2011

Dear Mayor and Town Council,

I live to the west of the above referenced property owner and have reviewed plans for their 2nd story addition of the balcony enclosure.

I have no objections to the property plans or variance and fully support their application.

I hope you and your staff will grant them the relief they need.

Regards,

Mr. John Garofalo
256 SEASPRAY AVE,
Palm Beach, Florida

(V)

Applicants 416 Brazilian Ave, LLC and Ralph and Cella Guild hereby settle their dispute regarding ARCOM approval of the proposed residence located at 445 Antigua Lane as follows:

1. 2-story guesthouse will be moved and sited 2' to the north of the location approved by ARCOM.

2. The Guilds will execute a letter of no objection to the Applicant's project including the pending easement abandonment application to the Town of Palm Beach.

3. The landscaping plan approved by ARCOM at its May 25, 2011 meeting includes 7'-12' Chinese Palm trees together with Coconut Palm trees on the ~~a~~ shared portion of the boundary between 445 Antigua and the Guild property located west of the proposed Guesthouse. 416 Brazilian Ave, LLC will not substantially increase the height of the proposed landscaping in said location without the prior written consent of Mr. and Mrs. Guild.

4. This Agreement is subject to the approval of Town Council without remand to ARCOM.

[Signatures on the following page]

Acknowledged & Agreed:

M. Timothy Hanlon, as
Attorney for 416 Brazilian Ave., LLC

James K. Green, as Attorney
for Ralph and Calla Guild

6.15.11