



TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JUNE 13, 2018

9:45 AM

Welcome!

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Danielle H. Moore, President
Margaret A. Zeidman, President Pro Tem
Julie Araskog
Lew Crampton
Bobbie Lindsay

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal Page 10
446 North Lake Way
Case # 054-2017
Request for Withdrawal Per Letter Dated May 31, 2018 from James K. Green

B. Time Extensions and Waivers

1. Waiver of Town Code Section 42-199, For Extended Working Hours Page 24
Royal Poinciana Project -Testa's
2. Waiver of Town Code Section 42-199, For Extended Working Hours Page 35
at the Breakers Golf Course.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Page 46
Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [The Landmark Preservation Commission decided to hold their recommendation at this time and subsequently deferred the project to the June 20, 2018 meeting. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated June 5, 2018 from Maura Ziska**
- b. **Z-17-00066 MODIFIED SITE PLAN REVIEW** Page 48
Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic

pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front façade was too modern and fit into the area, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design. They all agreed that accessibility at the entrance was necessary. [The Architectural Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to the August 15, 2018 Town Council Meeting Per Letter Dated June 5, 2018 From Maura Ziska**

- c. **Z-18-00084 VARIANCE(S)** The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to July 11, 2018 Town Council Meeting Per Letter Dated June 5, 2018 from Maura Ziska** Page 50

- d. **Z-18-00093 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The application of PALM V ASSOCIATES LIMITED PARTNERSHIP(BURT HANDELSMAN), Applicant, relative to property located at **240 WORTH AVE SUITE: 200**, legal description on file, is described below. Site Plan Review with Special Exception is being requested to make modifications and improvements to the southeast area of the courtyard (Unit 200) by reconstructing an exterior staircase to access the second floor and roof which will require the following variances: 1) Lot coverage of 79.1% in lieu of the 78.7% existing and the 35% maximum allowed in the C-WA Zoning District; and 2) Rear yard setback of 4.9 feet in lieu of the 10 foot minimum required in the C-WA Zoning District. Page 60

[Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property with the condition that extra extension to the roof is removed. Carried 7-0. The Landmark Preservation Commission deferred the project for one month to the June 20, 2018 meeting. Carried 7-0.] **Request for Withdrawal Per Letter Dated May 25, 2018 from Maura Ziska**

- e. **Z-17-00046 SPECIAL EXCEPTION** Iberiabank: Town-Serving Confirmation
180 Royal Palm Way

Page 62

2. New Business

- a. **Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: B-A Beach Area
The application of 916 SOUTH OCEAN BOULEVARD LLC (BRIAN STOCK, MANAGER), Applicant, relative to property located at **916 S OCEAN BLVD**, legal description on file, is described below. 1. 134-227 and 134-1474. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 2. 134-843(a)(7) and 134-843(a)(10). Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet North American Vertical Datum ("NAVD") in lieu of 17.56 feet NAVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon Esq] [The Architectural Review Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated June 5, 2018 from M. Timothy Hanlon**
- b. **Z-18-00096 VARIANCE(S)** Zoning District: R B Low Density Residential The application of Thomas J. Harrington, as Trustee of the 1558 NORTH OCEAN WAY REALTY TRUST u/a/d March 3, 2017 and Thomas J. Harrington, as Trustee of the 1558 NORTH OCEAN WAY REALTY TRUST u/a/d March 2, 2017, Applicant, relative to property located at **1558 N OCEAN WAY**, legal description on file, is described below. Construction of a 1,809 square foot, two story, guesthouse on a lot having an area of 29,145 square feet, thereby requiring front and rear yard setbacks and building height plane provisions to comply with those provisions of the R A Zoning District despite the fact that that the subject property is located in the R B Zoning District. In connection with the proposed construction, the following variances are being requested: a. Section 134 843(a)(5): A request for a

variance for the existing house with a front yard setback (east side of the property) of 32 feet in lieu of the 35 foot minimum required in the R A Zoning District. b. Section 134 157 (6): A request for a variance for the proposed guesthouse with a rear yard street side setback (west side of the property) of 30 feet in lieu of the 35 foot minimum required in the R A Zoning District. c. Section 134 843(a)(7): A request for a variance for the proposed guest house with a building height plane (west side of the property) of 30 feet in lieu of the 38 foot minimum required in the R A Zoning District. [Applicant's Representative David E. Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances for the rear yard setback and building height plane will cause negative architectural impact to the subject property; and implementation of the proposed variance for the existing home will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Review Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Withdrawal Per Letter Dated June 6, 2018 from David E. Klein**

- c. **Z-18-00097 SITE PLAN REVIEW** Zoning District: R B Low Density Residential The application of 232 Bahama Lane, LLC (Manager of 232 Bahama Lane, LLC: Manager I, LLC. Manager of Manager I, LLC: E. Liwyd Ecclestone, Jr.), Applicant, relative to property located at **232 BAHAMA LN**, legal description on file, is described below. Site Plan Review to allow the construction of a 4,300 square foot, two story, single-family house on a non conforming platted lot, which is 90 feet in depth in lieu of the 100 foot depth required in the R B Zoning District. [Applicant's Representative David E. Klein Esq] [The Architectural Review Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated May 31, 2018 from David E. Klein** Page 75
- d. **Z-18-00098 VARIANCE(S)** Zoning District: R B Low Density Residential The application of GRISWOLD ALEXANDER H., Applicant, relative to property located at **249 MONTEREY RD**, legal description on file, is described below. The subject property is 21,200 square feet in total area. The applicant is requesting a variance to split the lot, which would result in a non conforming east side yard setback for the existing house. The two resulting lots would have the following areas: East lot - 10,200 square feet; and the West lot 11,000 square feet. Both parcels would exceed the minimum area requirement in the R B Zoning District, which is 10,000 square feet. All improvements will be removed from the East lot and the following variances are being requested in order to split the properties and return the West lot back to its previous condition: 1. An east side yard setback of 10.67 feet in lieu of the 15 foot minimum required in the R B Zoning District for the two Page 77

story portion of the house. 2. An east side yard setback of 10.67 feet in lieu of the 12.5 foot minimum required in the R B Zoning District for the one story portion of the house. [Applicant's Representative Maura Ziska Esq]

- e. **Z-18-00099 VARIANCE(S)** Zoning District: R C Medium Density Residential The application of Bryan Donahue, PLA (for **GAMBILL BEN S.** - owner), Applicant, relative to property located at **353 CHILEAN AVE**, legal description on file, is described below. Modification to Variance # 57-94 to increase the approved wall height from 7.5' to 10' along the north property line in lieu of the maximum code allowed height of 6' as measured from the crown of road in the street side yard setback for the west 25' of wall, and the maximum code allowed 7' as measured from the adjacent grade in the rear yard setback for the remaining portion of the wall. [Applicant's Representative Bryan Donahue] Page 81

- f. **Z-18-00100 VARIANCE(S)** Zoning District: R A Estate Residential The application of Nedim Soylemez (contract purchaser), Applicant, relative to property located at **1030 S OCEAN BLVD**, legal description on file, is described below. 1. Request for a variance to allow the construction of a new 13,049 square foot two-story residence with a point of measurement of 17.17 feet North American Vertical Datum ("NAVD") in lieu of the 15.16 foot NAVD maximum allowed for the (i) overall building height and (ii) building height. 2. A request to have a building height plane setback 53.16 feet in lieu of the 69 foot minimum setback required for the gable end pediment architectural feature. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Review Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter dated June 5, 2018 from Maura Ziska** Page 84

- g. **Z-18-00103 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R B Low Density Residential The application of SAILFISH CLUB OF FLORIDA INC, Applicant, relative to property located at **1338 N LAKE WAY SUITE: SITE**, legal description on file, is described below. 1. A request for special exception approval with site plan review to allow the following modifications to the Sailfish Club property: Expand kitchen 505 square feet to the east into existing service area (wall and parapet roof will be extended); create a 157 square foot walkway from existing parking lot to existing electrical room and new generator room for service access. Pool deck renovation to include: replace existing pool deck floor with new floor finishes, eliminate cabanas and replace with new locker rooms, new cabanas, youth recreation rooms and seating area, add covered Page 89

walkway from north side of pool deck to south side of pool deck, awnings to the west side of the pool deck and north side of existing pool deck between existing terrace and dining area (see roof plan), add a 704 square foot sun deck on the southwest side of the pool deck; Install 150 KW generator in a 325 square foot building on east side of the building; Replace wood shake roof with new roof to match existing. 2. A variance is being requested to allow a decrease in landscaped open space to 19.2 % in lieu of the 20.1 % existing and 45% minimum required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project. Carried 7-0.]

VIII. ORDINANCES

A. First Reading

Page 94

1. ORDINANCE NO. 11-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Modifying Building, Height Of (Applicable Only In The R-B Districts) To Correct The Definition's Intent And Building Height Of, Corner Lot To Correct A Scriveners Error Which Inadvertantly Eliminated Language In The Definition Related To The Definition's Applicability To The R-B Zoning District; Article II, Administration, Section 134-172, Hearing Procedure, Section 134-328, Review By Director Of Planning, Zoning And Building Or His/Her Designee And Section 134-330. Action By Town Council; Deviations; Time Limit For Beginning Work, To Increase The Notice Requirements For Special Exceptions, Variances And Site Plan Reviews That Are An Intensification Of Use Or For Off-Street Parking Variances; To Require The Legal Notices To Be Mailed By The Applicant; And To Allow 36 Months To Commence Work By The Issuance Of A Building Permit Related To The Zoning Application; Section 134-532, Public Hearings, To Add A 300 Foot Mailing Notice And Legal Advertising Requirement For PUD Applications; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

IX. ANY OTHER MATTERS

- A. Stop Work Order Under 3-Strike Rule
223 Orange Grove Road

Page 105

Paul Castro, Acting Director of Planning, Zoning and Building

- B. Discussion of the Lot Split Administrative Approval Process in Chapter 110, Subdivisions, in the Code of Ordinances

Page 115

X. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 3:30 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 3:30 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

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

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

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

**OTHER AGENDA
ITEMS:**

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Appeals

Agenda Title

ARCOM Appeal

446 North Lake Way

Case # 054-2017

Request for Withdrawal Per Letter Dated May 31, 2018 from James K. Green

Presenter

ATTACHMENTS:

- ❑ **Memorandum Dated May 1, 2018 From Paul Castro**
- ❑ **Letter Dated February 2, 2018 From James Green**
- ❑ **Letter Dated May 31, 2018 From James Green**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director of Planning, Zoning & Building

Re: Deferral Request for ARCOM Appeal
446 North Lake Way
Case # B-054-2017 New Home with Landscape, Hardscape & Swimming Pool

Date: May 1, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the deferral request for the appeal of Stephen A. Levin (“Owner”) filed with the Town on February 5, 2018.

GENERAL INFORMATION

Owner Stephen A. Levin originally made application to ARCOM on May 23, 2017 for “Project Description: New contemporary 2 story home and 1 story accessory garage totaling 13,093 gross s.f. and associated landscaping, hardscape and swimming pool” located at 446 North Lake Way.

The owner’s architect for the project is Benjamin Schreier from Affiniti Architects; however, the owner’s architectural designer, Daniel Ménard from LeBerge & Ménard, presented the revised project to the Commission on January 24, 2018. The project was previously presented to the Commission on June 28, 2017, September 27, 2017, and on November 29, 2017 where the Commission deferred the project and asked that a major restudy of the project be done. The January 24, 2018 presentation included photographs, streetscape plans, revised site plan, revised elevations, dimensioned architectural details, and a listing of the Commission’s comments from the November 29, 2017 meeting. James Green (attorney for the applicant) advocated for the project, and noted that he had worked with the neighbor to the north to make sure he was comfortable with the design.

While the Commission did state that there were positive advances made with the project, they also voiced several concerns, including a lack of a full restudy of the project and that the project did not fit-in to Palm Beach. Following all discussion, it was moved by Mr. Garrison and seconded by Ms. Grace to defer the project to the February 28, 2018 ARCOM meeting. Mr. Green requested that the Commission deny the project instead of deferring it; however, the motion to defer carried with a 4-3 vote (Messrs. Ives, Corey and Mrs. Vanneck opposed).

On February 5, 2018, the applicant's attorney filed an appeal of the Architectural Commission's decision to defer the project (copy attached); as stated in his appeal he contends that ARCOM's actions were flawed because of the following:

1. "ARCOM exceeded its authority and scope of its review by unreasonably withholding approval where all the ARCOM criteria had been met."
2. "ARCOM's actions were inconsistent and not in conformity with the Palm Beach Code of Ordinances."
3. "[S]talling approval of a matter before ARCOM is arbitrary and capricious."
4. "ARCOM's arbitrary insertion of differing and higher standards for contemporary designs violates the Property Owner's right to due process, particularly given the time and expense incurred by the Property Owner in responding to ARCOM's concerns."

In summary, the applicant's attorney is requesting that Town Council reverse ARCOM's decision to defer the application at their January 24, 2018 meeting, and to direct ARCOM to approve the project at its next regularly scheduled meeting.

DEFERRAL REQUEST

On March 13, 2018 the Town received a deferral request from the appellant/applicant's attorney James Green requesting deferral of the appeal to the April 11, 2018 Town Council meeting (copy attached). The rationale for the deferral request is to see if the appellant/applicant's architect and architectural designer can address ARCOM's comments and concerns, and obtain approval for the project at the March 28, 2018 ARCOM meeting.

cc: John C. Randolph, Town Attorney
Architectural Commissioners
James K. Green
Benjamin Schreier
Daniel Ménard

Attachments

RECEIVED

FEB 05 2018

JAMES K. GREEN, P.A.

LAWYERS

JAMES K. GREEN
NINA M. ZOLLO
ANNE F. O'BERRY
NANCY E. UDELL, OF COUNSEL

Town of Palm Beach
PZB Dept

SUITE 1650, ESPERANTE
222 LAKEVIEW AVENUE
WEST PALM BEACH, FLORIDA 33401
561.659.2029
FACSIMILE 561.655.1357

VIA HAND DELIVERY

February 5, 2018

Kathleen Dominguez, Town Clerk
Palm Beach Town Hall
360 South County Road
Palm Beach, FL 33480

Re: Appeal of January 24, 2018 Architectural Commission Decision on Item No. B-054-2017, deferring decision on application to approve construction of a new residence at 446 North Lake Way, Palm Beach, FL 33480

Dear Ms. Dominguez:

Pursuant to Section 18-177 of the Palm Beach Code of Ordinances, Stephen Levin (the "Property Owner"),¹ through the undersigned counsel, hereby files this appeal with the Town Clerk of the decision by the Palm Beach Architectural Commission ("ARCOM") at their January 24, 2018 meeting to defer, over objection, decision on the Property Owner's application for ARCOM review and approval of the construction of a new residence at 446 North Lake Way, Palm Beach, Florida 33480 (the "Property").

Enclosed is a check in the amount of \$320.00 made payable to the Clerk of the Town of Palm Beach to cover the required cost of filing this appeal.

I. Background Information regarding the Property and the Application

The Property is bounded on the east by a residential property and a utility station, on the west by the Intracoastal Waterway, on the south by a residential property, and on the north by another residential property. The Property is located in the Town's R-B Zoning District. Presently, an empty lot is located at the Property.

On May 23, 2017, the Property Owner made an initial application ("Initial Application"), Item No. B-054-2017 New Residence, proposing to construct a two-story contemporary home totaling 11,097 square feet, and a one-story accessory garage with a swimming pool and associated landscaping. The proposed building was white and natural travertine stone, with a gray flat built-up roof. (Initial Application). Since the initial design and first presentation on June 28, 2017 before ARCOM, the Property Owner proposed a number of changes based on the comments of ARCOM's members during that and subsequent ARCOM hearings.²

¹ The successor in interest to Mr. Levin and current owner of the property is 446 North Lake Way, LLC.

²Two ARCOM members, Anne Vanneck and Alexander Ives, were opposed to any contemporary home at this location, even though all four proposed designs required no variances and met all setbacks.

One member at the first ARCOM hearing stated that “the neighbors on both sides agree that this is something that they like in the neighborhood.” Another liked the setback for the proposed home, but suggested removing the gate to provide an unobstructed view of the water feature. He also reminded the commissioners about other contemporary homes in the area and was in favor of the design. Another said that a low-key contemporary home can work next to the Vicarage if it is properly landscaped. Another questioned the gate, suggested a restudy, and also suggested using a lighter tabby for the driveway. Another stated she thought the design was cold and similar to a hotel but appreciated that the house was set back from the road. She suggested some plantings in front of the water feature to soften the view. Another said, “I think that the design is elegant. And, I am not a person that jumps right into bed with a contemporary. I am very traditional, so that speaks highly of the design.” That member further stated: “In terms of its fitting into the area, I really spent a lot of time on that and researched the contemporary buildings down the street and we have such an eclectic mix of homes and I think this definitely fits the area.”

The application was deferred for a major restudy. http://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=1877, beginning at 6:17:30.

On September 27, 2017, the Property Owner made a second, revised application (“Second Application”), Item No. B-054-2017 New Residence, proposing to construct a two-story contemporary home, with a garage, swimming pool and associated landscaping. The color of the stone was changed, with a gray flat built-up roof. (Second Application). Since the initial design and first presentation on June 28, 2017 before ARCOM, the Property Owner proposed a number of extensive changes to the home’s design addressing concerns raised by ARCOM members:

1) In response to the concern that the house appears more commercial than residential, four changes were made to the design: (a) the large gridded overhangs at the one-story garage on the east, at the covered entry to the house, and at the rear of the house have been removed; (b) to reduce the mass of the home, 2’-0” projecting eaves have been placed at the second story windows. By projecting out from the house, when viewed from eye level, the mass of the house is reduced; (c) the stone on the exterior of the home has been changed from a beige color to an earthy brown color for greater warmth; and (d) the color of the windows has been changed from a putty color to a warm bronze color.

2) In response to a comment that the north and south (side) elevations were not rhythmic enough, the proportions of stone and stucco and placement of the windows have been made more regular.

3) The rear covered loggia is now anchored by stucco to the ground rather than stone.

- 4) The gates for the property have been redesigned.
- 5) The color of the driveway has been changed from dark gray to the tabby color like at the Town Hall.

The Applicant went through the criteria and demonstrated how its application met each of the criteria.

ARCOM responded with another round of compliments and critiques:

Mr. Schreier presented the proposed modifications for the new residence.

Mr. Ives stated that the changes were thoughtful. He questioned the design and whether it fit into the Town.

Mr. Corey thought the proposed home was too commercial looking and said he could not support the design. He thought the home was too dissimilar to the surrounding homes.

Ms. Grace was in favor of the changes with the exception of the pergola. She suggested some changes to the landscape.

Ms. Vanneck thought the changes were not significant enough and questioned whether the home belonged in the Town.

Mr. Small thought the changes made were positive. He asked the architect about a contemporary home in the area, south of the project and suggested that the proposed project was not dissimilar.

Mr. Garrison thought the design was well done and thought the home would never be seen from the street.

Ms. Catlin thought the design was elegant and graceful and thought it did fit into the neighborhood. She thought there might be a problem with how the home presented itself.

Mr. Sammons thought the home was grossly over-scaled and looked too commercial.

A motion was made by Ms. Vanneck and seconded by Mr. Ives to defer the project for two months to the November 29, 2017 meeting for restudy. The motion carried with all in favor.

The application was therefore deferred a second time. http://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=1903, beginning at 4:08:22.

On November 29, 2017, the Property Owner hired a new designer, Associate Architect Daniel Menard (“Mr. Menard”), and made a third, revised application (“Third Application”), Item No. B-054-2017 New Residence, proposing to construct a two-story contemporary home, with a garage, swimming pool and associated landscaping. (Third Application). Since the second design and second presentation on September 27, 2017 before ARCOM, the Property Owner proposed a number of changes based on the comments of ARCOM’s members. The members made the following comments in response:

Mr. Small asked the architect if he considered an alternate placement for the garage. The attorney for the applicant stated that the neighbor to the north asked if the proposed garages could face each other, rather than face north. Mr. Small stated that he would be in favor of an alternate garage to the north, across from the currently proposed garage structure. Mr. Menard responded that the neighbor to the north requested that the garages be placed on the south side of the site.

Mr. Corey was in favor of the scale, size and site plan and thought they worked well. He indicated that the design changes were a step in the right direction. Mr. Corey expressed concern about the fenestration on the elevations facing the Lake Trail.

Ms. Shiverick agreed with Mr. Corey’s assessment of the project, except that she was in favor of the fenestration. She suggested removing all of the stone, with the exception of the stone on the fireplace, from the proposed home. She requested a sample of the paint colors.

Ms. Grace thought the redesign was a big improvement. She was in favor of both garages on the south side and the proposed stone on the home. She suggested restudying the overall mass and the fenestration on the west side.

Mr. Sammons questioned whether the changes were significant. He suggested a restudy of the mass and volume of the proposed home. He also suggested adding a courtyard to allow light into the middle of the home.

Mr. Vila thought the proposed home needed more light and air.

The Applicant again went through the ARCOM criteria and demonstrated how its application met each of the criteria.

The application was deferred a third time. http://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=1932, beginning at 3:56:20.

On January 24, 2018, the Property Owner made a fourth, revised application (“Fourth Application”), Item No. B-054-2017 New Residence, proposing to construct a two-story contemporary home, with a garage, swimming pool and associated landscaping. (Fourth

Application). Since the third design and third presentation on November 29, 2017 before ARCOM, the Property Owner proposed a number of changes based on the comments of ARCOM's members, including re-orienting the home to the south and opening the center for more light. http://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=1959, beginning at 22:35.

The Applicant again went through the ARCOM criteria and demonstrated how its application met each of the criteria.

On January 24, 2018, the application was again deferred, over the applicant's objection, a fourth time.

II. ARCOM Has a Duty to Decide and Approve

ARCOM's actions at the January 24, 2018 meeting were flawed in several respects. First, ARCOM exceeded its authority and the scope of its review by unreasonably withholding approval where all the ARCOM criteria had been met. *See Park of Commerce Associates v. City of Delray Beach*, 606 So. 2d 633, 635 (Fla. 4th DCA 1992) (on rehearing *en banc*), *aff'd*, 636 So. 2d 12 (Fla. 1994) (holding that "a city cannot unreasonably withhold approval once the legislatively adopted legal requirements have been met" and that the official approval of a site plan application cannot "depend upon the whim or caprice of the public body involved"); *City of Tampa v. City Nat. Bank of Florida*, 974 So. 2d 408, 413-414 (Fla. 2d DCA 2007) (holding that the Tampa architectural review commission had exceeded its authority in restricting the height of applicant's proposed building because "[t]he language of the enabling statute is a telling limitation on the powers of the ARC" and no such power had been granted to it).

Second, ARCOM's actions were inconsistent and not in conformity with the Palm Beach Code of Ordinances (the "Code"). *See* Section 18-177 of the Code (providing that appeals "shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this Code"). Section 18-205(b) of the Code provides that if the criteria set forth in 18-205(a) are met:

the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing and signed by the chair, and a copy thereof shall be made available to the applicant upon request.

Under Florida law, agencies, like ARCOM, "have no inherent or common law powers." *College Sav. Bank v. Florida Prepaid Postsecondary Educ. Expense Bd.*, 948 F. Supp. 400, 412 (D.N.J. 1996) (citing *Kizar v. Wittenberg*, 398 So. 2d 1002, 1003 (Fla. 5th DCA 1981), and *State ex rel. Greenberg v. Florida State Bd. of Dentistry*, 297 So. 2d 628, 636 (Fla. 1st DCA 1974), *cert. dismissed*, 300 So. 2d 900 (Fla. 1974)). Instead, they have "only those powers specifically granted to them by the legislature." *College Sav. Bank*, 948 F. Supp. at 412. *See also Atl. City*

Elec. Co. v. FERC, 295 F.3d 1, 8 (D.C. Cir. 2002) (“In the absence of statutory authorization for its act, an agency’s action is plainly contrary to law and cannot stand.”) (internal quotation marks and citations omitted).

Here, two ARCOM members, Ms. Vanneck and Mr. Ives, were opposed to any contemporary home at this location, next to the Vicarage,³ even though all four proposed designs required no variances, met all setbacks, and met all the ARCOM criteria. Even though contemporary style homes are listed as one of the “predominant” styles in Palm Beach in ARCOM’s Guidelines Approved by the Architectural Commission 1/25/95 and modified by staff 2/10/97, <https://www.townofpalmbeach.com/DocumentCenter/View/109> (“ARCOM Guidelines”), ARCOM Chair Anne Vanneck stated at the January 24, 2018 meeting that she held the design for contemporary homes to a higher standard. This is despite the fact that neither the ARCOM code nor guidelines allow such a heightened burden. According to the ARCOM Guidelines:

International style is one of the prevalent contemporary styles found in Palm Beach and is usually represented by one and two-story flat roofed asymmetrical structures with larger amounts of undivided fenestration (up to 30% of the surface) and materials which vary from cement block to aluminum panels to horizontal brick with many other variations. Since, due primarily to the flat roof, larger size, and increased fenestration, this style can appear quite diverse from other styles prominent in Palm Beach, it is suggested that the proposed project be of comparable scale to other houses in order to maintain the harmony and balance of the neighborhood. When neighborhood styles are very diverse, careful attention should be paid by the project’s architect to blend the project’s building height and gross square footage with neighboring structures, and to create a drought resistant, comparable landscaping and site plan to decrease the impact of an incompatible style.

ARCOM Guidelines at 2. Here, although the proposed project was smaller in scale than its neighboring structures, the Vicarage was not visible from the north, south, east or west, and the Applicant addressed each and every concern in ARCOM’s guidelines for contemporary homes, Ms. Vanneck imposed a higher standard on this application than on other designs.

Third, stalling approval of a matter before ARCOM is arbitrary and capricious. Some members liked the waterfall entrance in the first design, while some did not. Some liked the first design’s placement on the lot, while others thought there was too much glass visible from the Lake Trail. Some liked the third design; others criticized it for not having enough light in the center. When, in the fourth design, the Applicant created a courtyard space in the center to allow more light (as suggested by ARCOM members), others criticized it for not having enough curves with portholes. Employment of a shifting rationale as a basis for denying an application bespeaks arbitrariness. *See, e.g., Houston v. Unum Life Ins. Co. of America*, 246 Fed. Appx. 293 (6th Cir. 2007) (holding that insurer’s shifting rationale for denying coverage and its inexplicable reversal of its own conclusion was unreasoned, unprincipled, arbitrary and capricious). As the

³ Notably, the Vicarage is not visible from either the street or the Lake Trail.

court observed in *Sweeney v. Mack*, 625 So. 2d 15 (Fla. 5th DCA 1993), “[e]ven if ... an architectural review committee is given the absolute power to approve or to disapprove building plans, such power cannot be exercised unreasonably or arbitrarily.” *Id.* at 16 (citing *Young v. Tortoise Island Homeowner’s Ass’n, Inc.*, 511 So. 2d 381, 384 (Fla. 5th DCA 1987)). See McLaren and Glasgow, “Success in Litigating Local Permit Denials: Alternative Theories of Obtaining Justice,” 86 *Fla. Bar J.* 20, 24 (Dec. 2012) (hereinafter “*Permit Denials*”) (“If a person of common intelligence reviewing the ordinance cannot determine what must be done in order to meet the required criteria, ... it is vulnerable to subjective discretion on the part of the quasi-judicial board, and can be applied in an arbitrary and discriminatory fashion”).

ARCOM is required to apply criteria that do not permit decision makers to “act upon whim, caprice or in response to pressures which do not permit ascertainment or correction.” *Friends of Great Southern, Inc. v. City of Hollywood ex rel. City Com’n*, 964 So. 2d 827, 830 (Fla. 4th DCA 2007) (quoting *Nostimo, Inc. v. City of Clearwater*, 594 So. 2d 779, 781 (Fla. 2d DCA 1992)). See *Broward County v. Narco Realty, Inc.*, 359 So. 2d 509, 510 (Fla. 4th DCA 1978) (“the official approval of a plat application [should not] depend upon the whim or caprice of the public body involved”). As stated in *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983):

the owner or purchaser of property so zoned has a right to know what the requirements are that he must comply with in order to implement the permitted use; these requirements must be of uniform application, and once the requirements are met, the governing body may not refuse the application. ... Any other interpretation promotes the evil which the decisions seek to avoid – that councilmen can act upon whim, caprice or in response to pressures which do not permit of ascertainment or correction.

Id. at 509 (citation omitted). See *Park of Commerce v. Delray Beach*, 606 So. 2d at 635 (holding that property owners are entitled to notice of the conditions they must meet to obtain approval in accord with zoning and other regulations; “[t]hose conditions should be set out in clearly stated regulations” and “[c]ompliance with those regulations should be capable of objective determination in an administrative proceeding”). ARCOM’s actions, viewed cumulatively, were arbitrary and capricious and should be reversed.

Fourth, ARCOM’s arbitrary insertion of differing and higher standards for contemporary designs violates the Property Owner’s right to due process, particularly given the time and expense incurred by the Property Owner in responding to ARCOM’s concerns. See *ABC Liquors, Inc. v. City of Ocala*, 366 So. 2d 146, 149 (Fla. 1st DCA 1979) (“Any standards, criteria, or requirements which are subject to whimsical or capricious application or unbridled discretion will not meet the test of constitutionality.”); *Park of Commerce*, 606 So. 2d at 635 (Farmer, J., specially concurring) (“land ownership is at the core of our constitutional freedoms and thus the power of government must be exercised with a healthy regard for that right”); *Permit Denials*, 86 *Fla Bar J.* at 25 (observing that “[w]hile the federal courts have eroded the ability of landowners to bring substantive due process claims to protect property rights under the Fifth and 14th Amendments, Fla. Const. art. I, §9 is alive and well to protect property owners from arbitrary and/or capricious government actions that adversely affect property rights”).

(citing *Chicago Title Ins. Co. v. Butler*, 770 So. 2d 1210, 1214 (Fla. 2000)); see also *North Bay Village v. Blackwell*, 88 So. 2d 524, 526 (Fla. 1956) (“An ordinance whereby the City Council delegates to itself the arbitrary and unfettered authority to decide where and how a particular structure shall be built or where located without at the same time setting up reasonable standards which would be applicable alike to all property owners similarly conditioned, cannot be permitted to stand as a valid municipal enactment.”); *City of Margate v. Amoco Oil Co.*, 546 So. 2d 1091, 1094 (Fla. 4th DCA 1989) (holding that “[w]here a governmental body acts arbitrarily to avoid its duty by delaying the matter so as to effectuate a change in the law adverse to the application, it is proper for the court to disregard the newly enacted limitations”); *City of Gainesville v. GNV Invests., Inc.*, 413 So. 2d 770 (Fla. 1st DCA 1982) (where property owner’s site plan petition to construct a permitted skate center on property zoned “shopping center” met all technical requirements of city’s ordinances regarding site plan approval, city plan board’s denial of petition for site plan approval was unlawful and arbitrary).

For the foregoing reasons, ARCOM should be equitably estopped from revisiting matters that it had already approved at earlier hearings. As explained in *Hollywood Beach Hotel Co. v. City of Hollywood*, 329 So. 2d 10 (Fla. 1976):

Every citizen has the right to expect that he will be dealt with fairly by his government. ... ‘Unfair dealing’ by a municipality can also serve as the basis for the invokement of equitable estoppel. *City of Jacksonville v. Wilson*[, 157 Fla. 838, 27 So. 2d 108 (1946)]. While a City Commission certainly possesses the prerogative of deciding to defer action on such a proposal over a long period of time, it must assume the attendant responsibility for the adverse effect it knows or should know its deliberate inaction will have upon the parties with whom it is dealing. In the instant case, the course of inaction chosen by the City and its subsequent arbitrary actions must necessarily be equated with ‘unfair dealing.’

Id. at 18 (citations omitted). See *City of Lauderdale Lakes v. Corn*, 427 So. 2d 239, 243-44 (Fla. 4th DCA 1983) (holding that city was equitably estopped from denying property owner’s rights based on change in zoning ordinance where owner relied in good faith upon then-existing zoning to induce him to request annexation of his property and not only expended considerable sums of money but also substantially changed the nature and contour of the land and its drainage system because of that reliance).

Moreover, because zoning regulations are in derogation of private rights of ownership, the ordinance should be interpreted in favor of the property owner. *Rinker Materials Corp. v. City of North Miami*, 286 So. 2d 552, 553 (Fla. 1973).

III. Summary and Request for Relief

ARCOM exceeded its authority and the scope of its review, and abused its discretion, in deferring approval *for the fourth time* based upon a litany of ever-changing items and shifting rationales for its repeated deferrals. This Council should consider its precedent in B-011-2012 (273 Tangier) where the Town Council sent a strong message to ARCOM:

Several Council members expressed favorable opinion after viewing the new perspectives, yet noted that the appeal must be based solely on materials that had been previously submitted to ARCOM. The Council did not approve architectural plans. They remanded the issue back to ARCOM, instructed the architect to share the new perspectives with the Commission, expressed optimism for obtaining approval, and made clear their intention that ARCOM should be very specific about potential plan alterations if another deferral or a denial should occur. Per records from the Town Clerk, the Council took the following action:

ACTION: REMANDED BACK TO ARCOM WITH THE INSTRUCTIONS THAT, IF THE APPLICATION IS DENIED OR DEFERRED, ARCOM BE SPECIFIC IN THEIR REASONING SO THAT THE APPLICANT CAN ADEQUATELY ADDRESS ARCOM'S CONCERNS, AND THAT THE 3-D RENDERINGS OF THE PROJECT BE INCLUDED IN THEIR DELIBERATIONS.

See attached. (Notably, the Town Council did not grant the appeal because the Applicant presented new evidence on appeal, i.e., 3-D renderings, that had not been presented first to ARCOM. Here, however, the Applicant did first present the 3-D renderings to ARCOM, and there is no need for a remand—just reversal.)

Request is therefore made by the Property Owner and undersigned counsel that the Town Council: (1) reverse ARCOM's January 24, 2018 decision to defer the Application, and (2) direct ARCOM to approve the architecture at its next regularly scheduled ARCOM meeting.

Respectfully submitted,

/s/ James K. Green, Esq.
Florida Bar No: 229466
James K. Green, P.A.
222 Lakeview Avenue
Suite 1650, Esperanté
West Palm Beach, FL 33401
(561) 659-2029 (telephone)
(561) 655-1357 (facsimile)
jkg@jameskgreenlaw.com

Counsel for Appellant

ccs: Mayor Gail L. Coniglio
Honorable Richard M. Kleid, President
Danielle H. Moore, President *Pro Tem*
Julie Araskog, Council Member
Bobbie Lindsay, Council Member
Margaret Zeidman, Council Member
John C. Randolph, Esq.



273 Tangier Avenue
John Page to: Cindy Delp
Cc: John Lindgren

05/16/2012 12:09 PM

History: This message has been forwarded.

Cindy: Please forward this message to ARCOM members as an update. Thanks. JP

ARCOM members:

Maura Ziska, attorney for the owners at 273 Tangier Avenue, appealed your most recent deferral of the partial second story addition at this address to the Town Council for their consideration on 5/9/12. Attorney Ziska and Architect Bromoehl attended the Council meeting and outlined recent history at the site. They expressed frustration with continual deferrals (three), and noted that ARCOM failed to give clear direction regarding changes at time of the most recent deferral in April.

Staff explained the time and care that ARCOM had given the project, but noted that the majority of members remain concerned about the "disconnect" between the first and second floors. Mr. Vila attended and spoke in greater detail about the various issues that have prevented the Commission from approving the proposed project. Mr. Bromoehl shared several 3-dimensional perspectives of the proposed home (not previously submitted to ARCOM). Several Council members expressed favorable opinion after viewing the new perspectives, yet noted that the appeal must be based solely on materials that had been previously submitted to ARCOM. The Council did not approve architectural plans. They remanded the issue back to ARCOM, instructed the architect to share the new perspectives with the Commission, expressed optimism for obtaining approval, and made clear their intention that ARCOM should be very specific about potential plan alterations if another deferral or a denial should occur. Per records from the Town Clerk, the Council took the following action:

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The applicant will be bringing the project back to ARCOM at the May 25 meeting, and the presentation will include the 3-D renderings that were shown to Town Council. Besides the architecture, this application also includes a pool, landscape and hardscape, which has been presented to the Commission at the past meetings.

John Page
Director, Planning, Zoning & Building Department
Phone: 561-227-6405
e-mail: jpage@townofpalmbeach.com

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from Town of Palm Beach officials and employees regarding municipal business are open records available to the public and media upon request. Under Florida law e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing. If you have received this message in error, please notify us immediately by replying to this message, and please delete it from your computer. Thank you.

JAMES K. GREEN, P.A.
LAWYERS

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ANNE F. O'BERRY
NANCY UDELL, OF COUNSEL
JOHN F. PAULY, OF COUNSEL

SUITE 1650, ESPERANTE'
222 LAKEVIEW AVENUE
WEST PALM BEACH, FLORIDA 33401
561.659.2029
FACSIMILE 561.655.1357

May 31, 2018

John Lindgren, AICP
Planning Administrator
Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480

Re: Applicant's Appeal of ARCOM Decision on 446 North Lake Way to Town Council

Dear John:

This is to notify you that the Applicant withdraws the above appeal conditioned on no appeals being filed as to last week's ARCOM approval of the application on the above property.

Sincerely,

/s/ James K. Green

cc. John Randolph, Esq.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 42-199, For Extended Working Hours
Royal Poinciana Project -Testa's

Presenter

ATTACHMENTS:

- ❑ **Memorandum Dated May 30, 2018 From Paul Castro**
- ❑ **Letter From Dave Frisbie**
- ❑ **Concrete MOT**
- ❑ **Email Dated 6/7/18 from John Kent Thurston**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours
Royal Poinciana Project – Testa's

Date: May 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider modifying the hours of the previously approved continuous concrete pour. The request is for a continuous concrete pour and roadway closure, which is proposed for Saturday, June 16, 2018 from 12:00 a.m. to 3:00 p.m.

Staff has notified the applicant that granting of extended working hours is at the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant, T3 Family Investments, LLC, is requesting (see attachment) to modify the concrete pour that was previously approved to occur between June 9th and June 15th between 9:00 p.m. and 9:00 a.m. The applicant is also requesting an extension of time to complete work on the Royal Poinciana continuous concrete pour beyond the allowed working hours that were recently adjusted by the Town Council. Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Beginning May 1 and continuing until the first Monday before Thanksgiving, construction work is allowed Monday through Friday from 8:00 a.m. until 6:00 p.m. Saturday work is allowed during this time period, but cannot commence until 9:00 a.m. and must cease at 5:00 p.m. All Saturday work during this time period must be quiet work and is subject to the noise restrictions in Section 42-198 of the Town Code.

The applicant is requesting an extension of these working hours to allow all regular construction activities (initial concrete pour) on the site on the target date of Saturday, June 16th beginning at 12:00 a.m. and ceasing no later than 3:00 p.m. June 23rd is the fall back date if there is inclement weather. It is assumed, but not identified in the request, that this is also to allow heavy equipment and machinery prohibited in Section 42-198 of the Town Code during these same proposed hours for all of the concrete pours approved at the May 9, 2018 Council meeting.

The Maintenance of Traffic (MOT) plan (see attachment) identifies implementation of the proposed road closure from 12:00 a.m. to 3:00 a.m. with on-street parking control on Royal Poinciana Way beginning at 3:30 p.m. on Friday, June 15th. The proposed 12-hour concrete pour would occur between 3:00 a.m. to 3:00 p.m. Upon completion of the pour, the MOT would be removed and all lanes cleaned and open for the traveling public. All work, including removal of the MOT would be completed no later than 3:00 p.m. on Saturday.

Attached is the written request from the applicant that describes the nature of the work and the time extension that is being requested. The applicant has notified surrounding property owners of the date of this meeting as required.

Attachments

PC/wcb

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Ann-Marie Taylor, Deputy Police Chief
Darrel Donnatto, Fire Chief
Bill Bucklew, Building Official
H. Paul Brazil, Public Works Director
Ben Alma, Code Enforcement Unit

FRISBIE GROUP

203 ROYAL POINCIANA WAY
PALM BEACH, FL 33480

PAUL CASTRO
ACTING PLANNING, ZONING, & BUILDING DIRECTOR

360 S COUNTY ROAD
PALM BEACH, FL 33480

Mr. Paul Castro,

The Frisbie Group (T3 Family Investments, LLC) is formally requesting a modification of the previously approved operating times for the (4) large concrete foundation pours for the Royal Poinciana Palm Beach project (Testas), as well as a waiver of Town Code Section 42-199 Construction Working Hours to allow for the concrete pours to take place on Saturdays off-season. The requested times of operation are from 12:00am to 3:00pm, with Saturday as the proposed day of the week. From 12:00am to 3:00am, all of the Maintenance of Traffic (MOT) requirements will be put into place per the approved engineered plans to ensure public safety during the pour. The 12-hour concrete pour operations will occur between 3:00am and 3:00pm.

Pouring the large slabs in the manner proposed, and at the revised times proposed, will generate a dramatic reduction in the construction timeline. The time range of 12:00am to 3:00pm on a Saturday was coordinated in order to comply with Federal Motor Carrier regulations pertaining to driver safety and number of hours per day driven. The first concrete pour will require a minimum of (40) ready-mix drivers/vehicles associated with the continuous transportation of concrete to the jobsite from (3) batch plants solely dedicated to this operation. All of these drivers must comply with the drive time safety regulations. Should the 9:00pm to 9:00am restriction remain in place, smaller pours with multiple road closures would be required, as the concrete companies could not provide sufficient service and materials while also meeting driver safety requirements within that time frame.

Recent weather patterns have impacted construction operations, and to avoid potential continued delays the date of the first pour is proposed as Saturday June 16th, pending Town Council approval of the hours described above. In order to meet the June 16th pour date, Frisbie Group proposes to coordinate with Public Works on the placement of the engineered electronic traffic notification signage on North County Road and at the East end of the Royal Poinciana Way median, which must be in place on June 9th, (7) days prior to the pour date. This signage will further notify the public of the specific road closures and parking closures. The only modification from June 16th would be an unforeseen weather impact which would change the date to the proposed back-up of June 23rd. Should the date push to June 23rd, all parties would be notified of the change.

Pour #1 – Pour #4 are proposed to take place between June 16 and September 29. As the dates for each are solidified, we will inform all parties of the final date with as much notice as possible.

To date, in efforts to reduce the construction duration and spare the Community from further construction fatigue, the Frisbie Group has invested in excess of \$1 million in efficiency driven construction alternatives. Firmly committed to the revitalization of Royal Poinciana Way, our team continues to make every effort to complete this project with minimal disruption and maximum efficiency.

Please contact me should you have any further questions.

A handwritten signature in black ink, appearing to read 'DFR', is written over a horizontal line.

Dave Frisbie
Principal
561-818-0030



Parking Coordination

Parking spaces that will be closed: all of Royal Poinciana Way

Royal Poinciana Way Work Rev 1 5.2

Police Participation

Minimum 2 off-duty police officers will be present



This Certifies that
Roosevelt M. Bynes III

Has Completed a Florida Department of Transportation Approved
Temporary Traffic Control (TTC) Advanced (Refresher) Course.

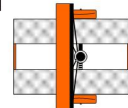
Date Expires: 02/12/2022
Instructor: Juan Morales

Certificate # 36715
FDOT Provider # 37

ATSSA
Phone: 540-368-1701
15 Riverside Parkway Ste.100
Fredericksburg, VA,
www.atssa.com
donna.clark@atssa.com



**POLICE OFFICER PRESENT DURING
DURATION OF PROJECT**



POINCIANA
WESTBND
CLOSED

USE
SUNRISE AVE
DETOUR



MOT SHALL COMPLY WITH THE FDOT DESIGN STANDARDS AND THE MUTCD

OVERVIEW

PLACE VM'S 7 DAY IN ADVANCE NORTH & SOUTH ON N COUNTY RD
ALSO WEST BOUND ROYAL POINCIANA

SUNSET AVE
WEST PALM BEACH, FL



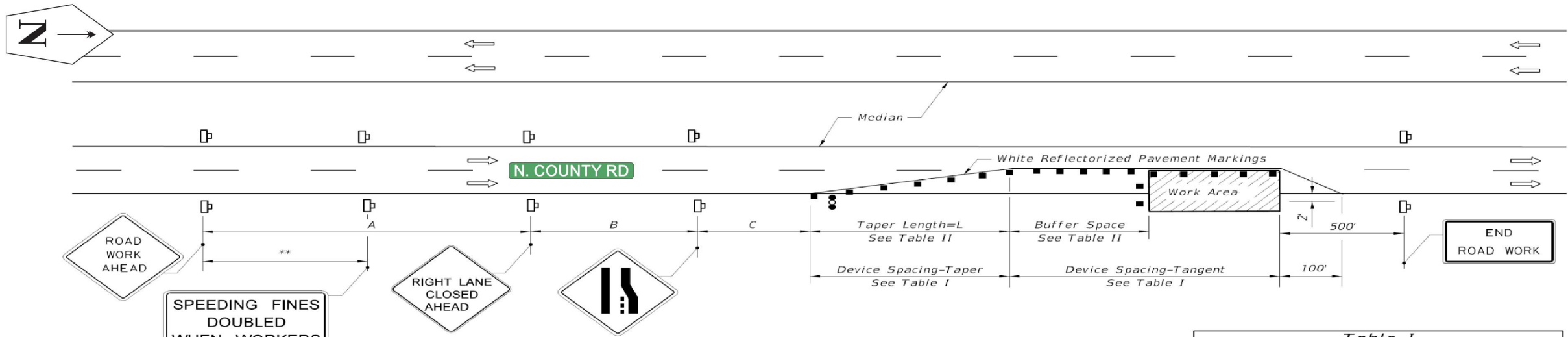
LONGITUDINAL CHANNELING DEVICE (LCD)



TYPE II BARRICADE



Coastal



DISTANCE BETWEEN SIGNS			
Speed	Spacing (ft.)		
	A	B	C
40 mph or less	200	200	200
45 mph	350	350	350
50 mph	500	500	500
*55 mph or greater	2640	1640	1000

* The ROAD WORK 1 MILE sign may be used as an alternate to the ROAD WORK AHEAD sign and the RIGHT LANE CLOSED ½ MILE sign may be used as an alternate to the RIGHT LANE CLOSED AHEAD sign.

** 500' beyond the ROAD WORK AHEAD sign or midway between signs whichever is less.

SYMBOLS

- Work Area
- Channelizing Device (See Index No. 600)
- Work Zone Sign
- Advance Warning Arrow Board

GENERAL NOTES

- Work operations shall be confined to one traffic lane, leaving the adjacent lane open to traffic.
- On undivided highways the median signs as shown are to be omitted.
- When work is performed in the median lane on divided highways, the channelizing device plan is inverted and left lane closed and lane ends signs substituted for the right lane closed and lane end signs.

The same applies to undivided highways with the following exceptions:
a. Work shall be confined within one median lane.
b. Additional barricades, cones, or drums shall be placed along the centerline abutting the work area and across the trailing end of the work area.

When work on undivided highways occurs across the centerline so as to encroach on both median lanes, the inverted plan is applied to the approach of both roadways.
- Signs and traffic control devices are to be modified in accordance with INTERMITTENT WORK STOPPAGE details (sheet 2 of 2) when no work is being performed and the highway is open to traffic.
- The two channelizing devices directly in front of the work area may be omitted provided vehicles in the work area have high-intensity rotating, flashing, oscillating, or strobe lights operating.
- When paved shoulders having a width of 8 ft. or more are closed, channelizing devices shall be used to close the shoulder in advance of the merging taper to direct vehicular traffic to remain within the travel way. See Index No. 612 for shoulder taper formulas.
- When a side road intersects the highway within the TTC zone, additional TTC devices shall be placed in accordance with other applicable TCZ Indexes.
- This TCZ plan does not apply when work is being performed in the middle lane(s) of a six or more lane highway. See Index No. 614.
- For general TCZ requirements and additional information, refer to Index No. 600.

Table I Device Spacing				
Speed (mph)	Max. Distance Between Devices (ft.)			
	Cones or Tubular Markers		Type I or Type II Barricades or Vertical Panels or Drums	
	Taper	Tangent	Taper	Tangent
25	25	50	25	50
30 to 45	25	50	30	50
50 to 70	25	50	50	100

Table II Buffer Space and Taper Length			
Speed (mph)	Buffer Space	Taper Length (12' Lateral Transition)	
	Dist. (ft.)	L (ft.)	Notes (Merge)
25	155	125	$L = \frac{WS^2}{60}$
30	200	180	
35	250	245	
40	305	320	
45	360	540	
50	425	600	L = WS
55	495	660	
60	570	720	
65	645	780	
70	730	840	

When Buffer Space cannot be attained due to geometric constraints, the greatest attainable length shall be used, but not less than 200 ft.

For lateral transitions other than 12', use formula for L shown in notes column. Where:

L = Length of taper in feet
W = Width of lateral transition in feet
S = Posted speed limit (mph)

DURATION NOTES

- Temporary white edgeline may be omitted for work operations less than 3 consecutive calendar days.
- For work operations up to approximately 15 minutes, signs, channelizing devices, arrow board, and buffer space may be omitted if all of the following conditions are met:
a. Speed limit is 45 mph or less.
b. No sight obstructions to vehicles approaching the work area for a distance equal to the buffer space and the taper length combined.
c. Volume and complexity of the roadway has been considered.
d. The closed lane is occupied by a class 5 or larger, medium duty truck(s) with a minimum gross weight vehicle rating (GWVR) of 16,001 lb with high-intensity, rotating, flashing, oscillating, or strobe lights mounted above the cab height and operating.
- For work operations up to 60 minutes, arrow board and buffer space may be omitted if conditions a, b, and c in DURATION NOTE 2 are met, and vehicles in the work area have high-intensity, rotating, flashing, oscillating, or strobe lights operating.

CONDITIONS

WHERE ANY VEHICLE, EQUIPMENT, WORKERS OR THEIR ACTIVITIES ENCROACH ON THE LANE ADJACENT TO EITHER SHOULDER AND THE AREA 2' OUTSIDE THE EDGE OF TRAVEL WAY.

LAST REVISION	DESCRIPTION:	FY 2017-18 DESIGN STANDARDS	MULTILANE, WORK WITHIN TRAVEL WAY MEDIAN OR OUTSIDE LANE	INDEX NO.	SHEET NO.
01/01/16				613	1 of 2

This Certifies that
Roosevelt M. Bynes III
Has Completed a Florida Department of Transportation Approved
Temporary Traffic Control (TTC) Advanced (Refresher) Course.
Date Expires: 02/12/2022 Certificate # 36715
Instructor: Juan Morales FDOT Provider # 37

ATSSA
SAFER ROADS SAVE LIVES
Phone: 540-368-1701
15 Riverside Parkway Ste.100
Fredericksburg, VA
www.atssa.com
donna.clark@atssa.com

ACME BARRICADES

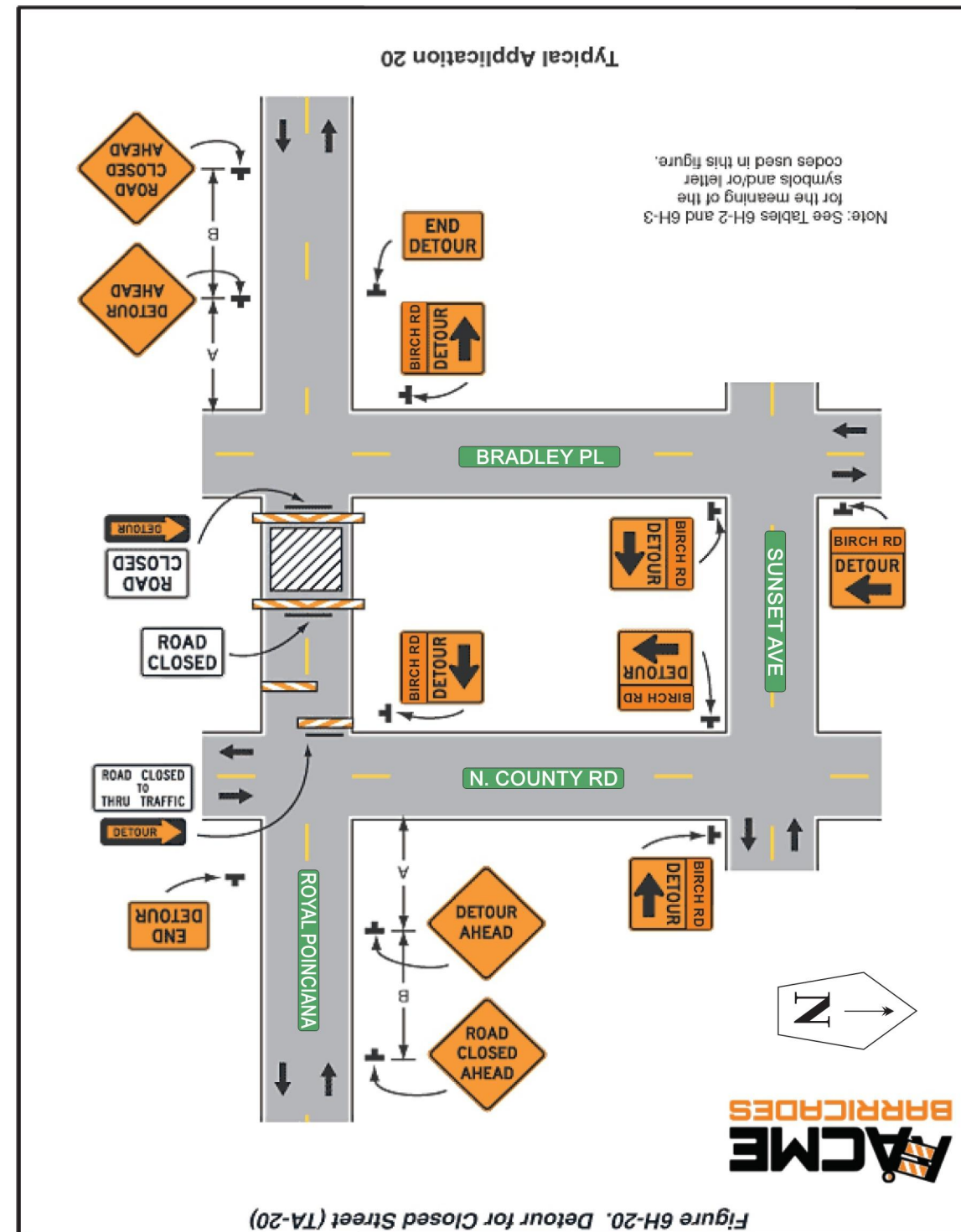
MOT SHALL COMPLY WITH THE FDOT DESIGN STANDARDS AND THE MUTCD

OVERVIEW

SUNSET AVE
WEST PALM BEACH, FL

Coastal

30



MOT SHALL COMPLY WITH THE FDOT DESIGN STANDARDS AND THE MUTCD

OVERVIEW

SUNSET AVE
WEST PALM BEACH, FL



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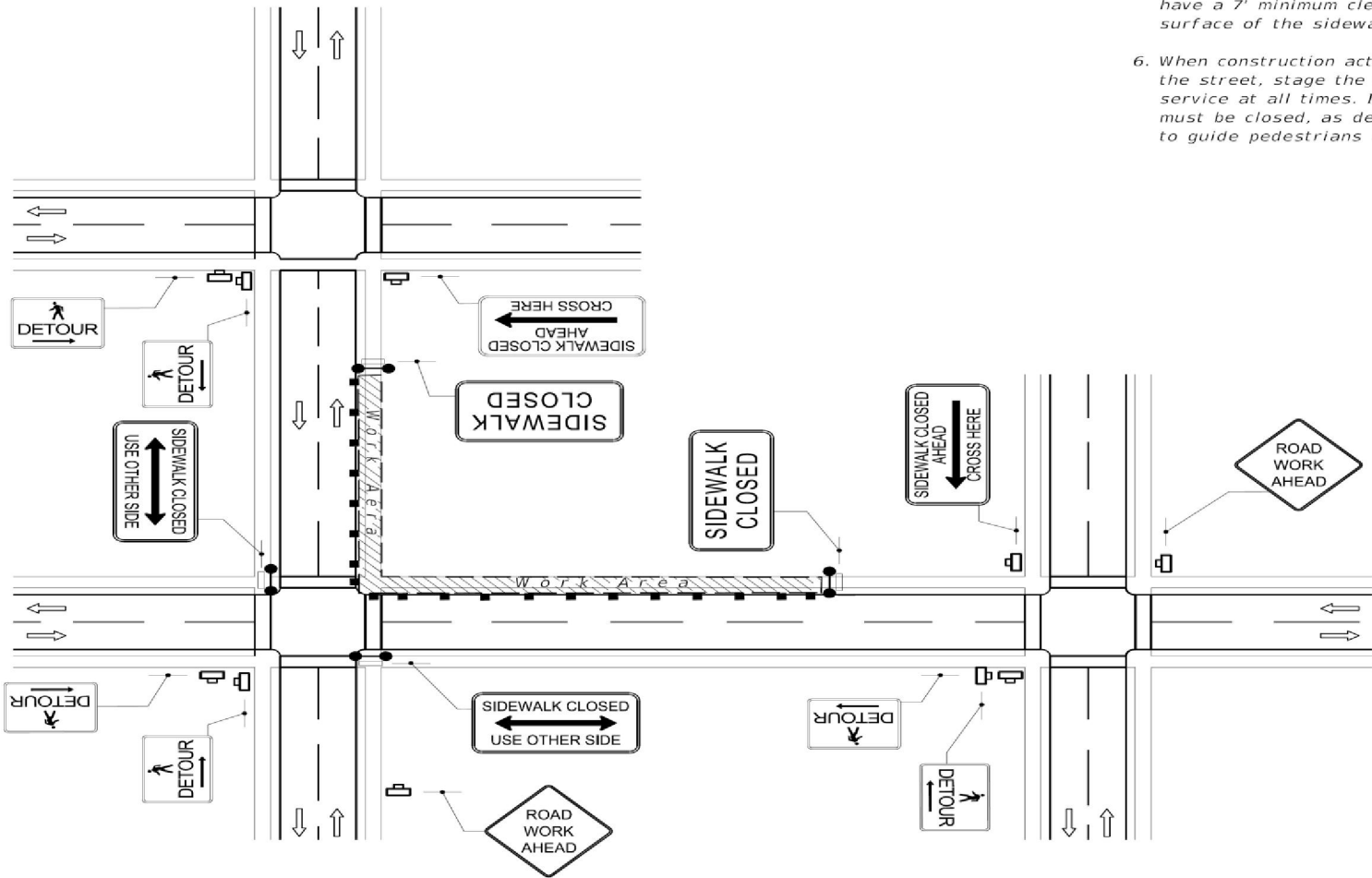


SYMBOLS

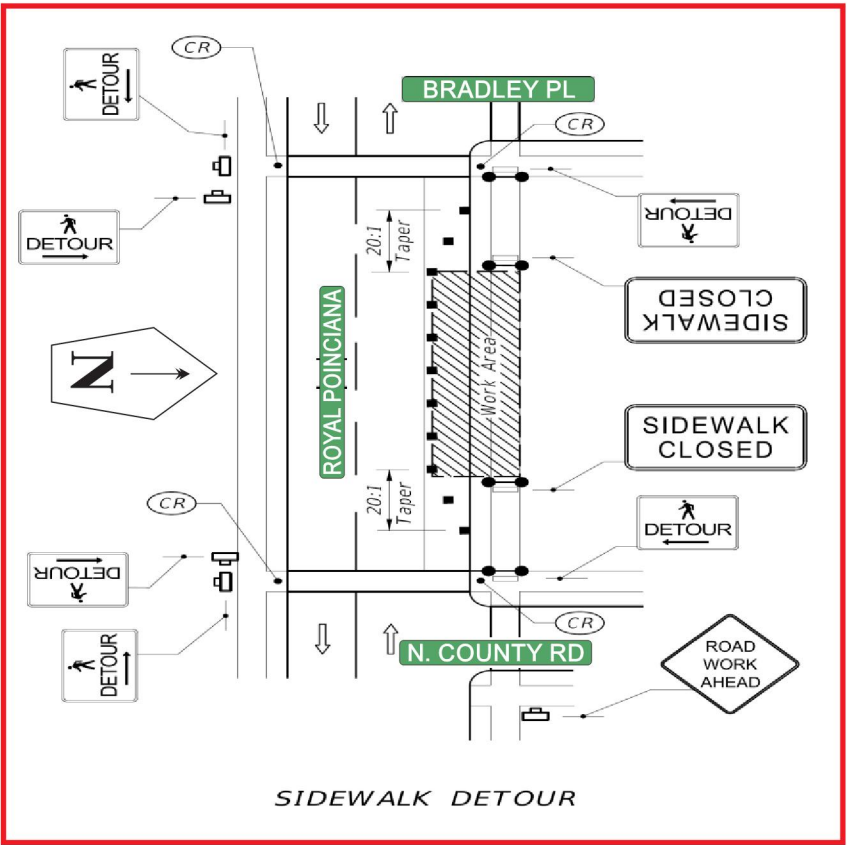
- Work Area
- Channelizing Device (See Index 600)
- Work Zone Sign
- Required Locations For Either Temporary Or Permanent Curb Ramps.
- Lane Identification + Direction of Traffic
- Pedestrian Longitudinal Channelizing Device (LCD) with Mounted Work Zone Sign or separate Work Zone Sign
- Pedestrian Longitudinal Channelizing Device (LCD)

GENERAL NOTES

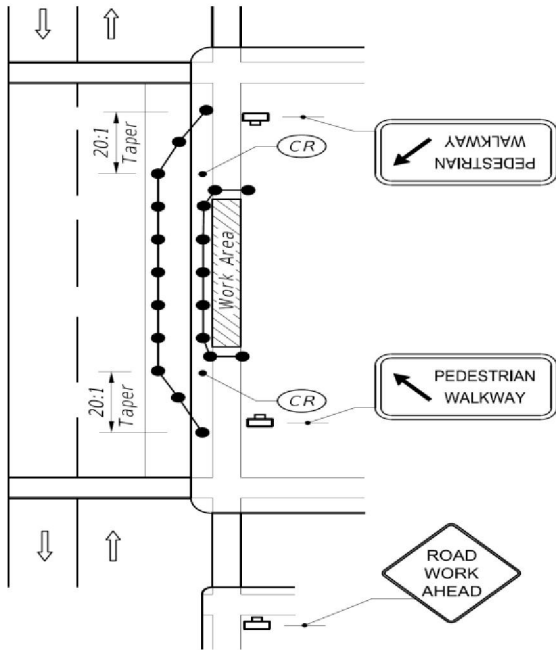
1. Route pedestrian traffic around work areas when construction activities encroach on the sidewalk for more than 60 minutes using the devices and remedies shown on this Index. Use project specific designs for scenarios not included on this Index.
2. For spacing of traffic control devices and general TCZ requirements refer to Index 600. The maximum spacing between barricades, vertical panels, drums or tubular markers is 25'.
3. Use delineators on longitudinal channelizing devices separating the work area from vehicular traffic.
4. Cover or deactivate pedestrian traffic signal display(s) controlling closed crosswalks.
5. Post mounted signs located near or adjacent to a sidewalk must have a 7' minimum clearance from the bottom of sign to the surface of the sidewalk.
6. When construction activities involve sidewalks on both sides of the street, stage the construction so that one sidewalk is in service at all times. If this is not feasible and both sidewalks must be closed, as determined by the Engineer, provide a detour to guide pedestrians around the construction zone.
7. Provide a 5' wide temporary walkway, except where space restrictions warrant a minimum width of 4'. Provide a 5' x 5' passing space for temporary walkways less than 5' in width at intervals not to exceed 200'.
8. Provide a cross-slope with a maximum value of 0.02 for all temporary walkways.
9. Temporary walkway surfaces and ramps must be stable, firm, slip resistant, and kept free of any obstructions and hazards such as holes, debris, mud, construction equipment and stored materials.
10. Remove temporary walkways immediately after reopening of the sidewalk, unless otherwise noted in the plans.
11. Meet the requirements of Index 304 for temporary curb ramps.
12. Place pedestrian longitudinal channelizing device(s) across the full width of the closed sidewalk. For temporary walkways, similar to the Sidewalk Diversion, place LCD's to delineate both sides of the temporary walkway.



CROSSWALK CLOSURE AND PESESTRIAN DETOUR



SIDEWALK DETOUR



SIDEWALK DIVERSION

LAST REVISION 11/01/16	DESCRIPTION:	FDOT FY 2017-18 DESIGN STANDARDS	PEDESTRIAN CONTROL FOR CLOSURE OF SIDEWALKS	INDEX NO. 660	SHEET NO. 1 of 1
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FDOT This Certifies that
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Date Expires: 02/12/2022 Certificate # 36715
Instructor: Juan Morales FDOT Provider # 37

ATSSA
SAFER ROADS SAVE LIVES

ACME
BARRICADES

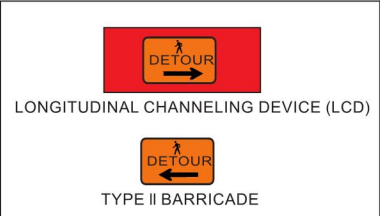
ATSSA
Phone: 540-368-1701
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Fredericksburg, VA,
www.atssa.com
donna.clark@atssa.com

MOT SHALL COMPLY WITH THE FDOT DESIGN STANDARDS AND THE MUTCD

OVERVIEW

PLACE VM'S 7 DAY IN ADVANCE NORTH & SOUTH ON N COUNTY RD
ALSO WEST BOUND ROYAL POINCIANA

SUNSET AVE
WEST PALM BEACH, FL



From: [Paul Castro](#)
To: [Kelly Churney](#)
Subject: Objection Road Closure
Date: Thursday, June 07, 2018 9:31:36 AM

Kelly,

Please put this in the backup for the Testa's request for extended construction hours and road closure at the front the of the June 13th Council agenda.

Thank you,

Paul Castro, AICP
Acting Planning, Zoning & Building Director

360 South County Road
Palm Beach, FL 33480
561-227-6406
www.pcastro@townofpalmbeach.com

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

From: John Kent [<mailto:kent@cucinapalmbeach.com>]
Sent: Wednesday, June 06, 2018 10:35 AM
To: Paul Castro <PCastro@TownofPalmBeach.com>; Gail Coniglio <gailconigl@aol.com>
Cc: Trish Thurston <trish@cucinapalmbeach.com>; Nick Coniglio <nick@cucinapalmbeach.com>
Subject: RP Road Closure

To whom it may concern,

This email illustrates our interest in the planned closure of Royal Poinciana Way on Friday June 15th, 2018 - Saturday June 16th, 2018.

Our restaurant - Cucina Palm Beach - is extremely busy on the aforementioned dates as they coincide with a holiday weekend (Father's Day).

On Friday night the 15th we have an important event which has been on our Calendar for months now, and it's for a high profile guest. We are concerned the construction on Royal Poinciana Way will detract from our all of our guest's overall experience. We feel it will bring about several inconveniences such as delays in traffic, parking complications and also noise/visual disturbances. The following days (post pending project) are busy for us as well. We want our street to look it's best, and we need to ensure our customers have the best possible experience. A massive concrete pour will be disruptive to say the least.

I am requesting the date of the prospective project on the Frisbie property be moved to the following weekend or another time thereafter.

For what it's worth, we never received notice of this impending project and if we had, we certainly would have immediately requested a date change.

Please understand we wish this construction project to be completed quickly and conveniently for everyone involved, from the fellow small business owners on our street to the owners of the property undergoing construction. Rescheduling is the proper thing to do for everyone involved.

Thanks for your time!

Sincerely,

John Kent Thurston
Proprietor
Cucina Palm Beach

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 42-199, For Extended Working Hours at the Breakers Golf Course.

Presenter

ATTACHMENTS:

- ❑ **Memorandum Dated May 30, 2018 From Paul Castro**
- ❑ **Letter Dated May 25, 2018 From James Crowley**
- ❑ **Letter Dated May 25, 2018 From James Norquest**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours at the Breakers Golf Course

Date: May 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the hours for construction work for the Breakers Golf Course.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting an extension of time to complete work on the golf course at the Breakers Hotel beyond the allowed working hours that have recently been adjusted by the Town Council. Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Beginning May 1 and continuing until the first Monday before Thanksgiving, construction work is allowed Monday through Friday from 8:00 AM until 6:00 PM. Saturday work is allowed during this time period but cannot commence until 9:00 AM and must cease at 5:00 PM. All Saturday work during this time period must be quiet work and is subject to the noise restrictions in Section 42-198 of the Town Code.

The applicant is requesting an extension of these working hours to allow all regular construction activities on the site during the Saturday hours beginning at 8:00 AM and ceasing at 6:00 PM through August, 2018 with the exception of limiting work to 5:00 PM on the 7th hole (immediately adjacent to Pendleton Avenue). The request is to allow heavy equipment and machinery prohibited in Section 42-198 of the Town Code during these hours.

Attached is the written request from the applicant that describes the nature of the work and the time extension that is being requested. The applicant has notified surrounding property owners of the date of this meeting as required.

Attachments

PC/wcb

cc: James M. Crowley, Esquire
Bill Bucklew, Building Official
H. Paul Brazil, Public Works Director
Ben Alma, Code Enforcement Unit



May 25, 2018

RECEIVED
MAY 25 2018

VIA HAND DELIVERY

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

Town of Palm Beach
PZB Dept

Re: The Breakers - Request for Extended Construction Hours for Golf Course Renovation

Dear Mr. Bucklew:

The purpose of this letter is to request a waiver of Section 42-199 of the Town Code, as it pertains to the redevelopment of the Breakers' golf course, so that the golf course can open by December 1, 2018. By way of background, the Town Council approved application number Z-17-00055 (the "Special Exception Application") on January 10, 2018. The Special Exception Application authorized, among other things, the complete renovation and redevelopment of the Breakers Ocean Course, which is currently being undertaken by the Breakers in accordance with all Town building and zoning regulations.

The approval of the Special Exception Application did not provide for any restricted construction hours and, therefore, the Breakers developed a construction schedule and entered into significant contracts in reliance upon the zoning regulations in effect at the time the Special Exception Application was approved, including, but not limited to, the hours during which construction would be permitted to occur.

After approval of the Special Exception Application, however, the Town Council considered and approved Ordinance #3-2018, which significantly altered the permissible construction hours by prohibiting any work on Saturdays during the summer months (other than quiet work). This change to the permissible work hours, coupled with the unusual amount of rainfall experienced during the month of May, has significantly and detrimentally reduced the likelihood that the project can remain on schedule.

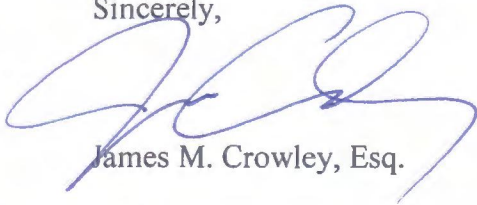
The project has been scheduled in four phases corresponding to the four "quadrants" of the golf course, as shown on the attached Master Plan and Construction Schedule. It is important to note that, while work is scheduled through the end of November, the last 12 weeks of all phases consist of sod grow-in, which will be quiet and unobtrusive. In other words, the active construction phase of the project will be over by mid-August, weather permitting.

Bill Bucklew, Building Official
May 25, 2018
Page 2

As such, we are respectfully requesting that the Town Council grant a waiver of Section 42-199 to allow for regular construction activities on Saturdays from 8:00 AM to 6:00 PM, which were the construction hours permitted by the Town Code at the time the Special Exception Application was approved. We are sensitive to the concerns of neighbors on Pendleton Avenue and have taken the proactive step of ceasing construction activities on the 7th hole (immediately adjacent to Pendleton) at 5:00 PM on weekdays. We would agree that any extended construction hours for Saturdays would similarly end at 5:00 PM for construction activity on the 7th hole.

It is our understanding that this item will be placed on the June 13, 2018 Town Council agenda. We mailed the required notices to surrounding property owners on May 24, 2018. We appreciate your cooperation thus far and your consideration of this matter.

Sincerely,



James M. Crowley, Esq.

JMC/op
Enclosures

cc: Paul Castro, Acting Planning, Zoning and Building Director
Alex Gilmurray, The Breakers
Paul Leone, The Breakers
Mark Reid, The Breakers

WPB_ACTIVE 8520927.1

The Breakers Schedule | Ocean Course

ID	Task Name	Duration	Start	Finish	Apr 8, '18	May 6, '18	Jun 3, '18	Jul 1, '18	Jul 29, '18	Aug 26, '18	Sep 23, '18	Oct 21, '18	Nov 18, '18	Dec 13, '18
					T S	W S	T M F	T S W	S T M	F T	S W S	T M F	T S	
1	NorthWest Quad	129 days	Tue 5/1/18	Fri 10/26/18										
2	Strip & Bury Turf	6 days	Tue 5/1/18	Tue 5/8/18										
3	Earthwork & Shaping	18 days	Wed 5/2/18	Fri 5/25/18										
4	Irrigation & Drainage	21 days	Wed 5/16/18	Wed 6/13/18										
5	Feature Construction	24 days	Mon 5/21/18	Thu 6/21/18										
6	Install Cart Path	12 days	Mon 6/4/18	Tue 6/19/18										
7	Grassing	18 days	Mon 7/2/18	Wed 7/25/18										
8	Grow-In	84 days	Tue 7/3/18	Fri 10/26/18										
9	SouthWest Quad	135 days	Wed 5/9/18	Tue 11/13/18										
10	Strip & Bury Turf	6 days	Wed 5/9/18	Wed 5/16/18										
11	Earthwork & Shaping	18 days	Sat 5/26/18	Tue 6/19/18										
12	Irrigation & Drainage	21 days	Wed 6/6/18	Wed 7/4/18										
13	Feature Construction	24 days	Mon 6/4/18	Thu 7/5/18										
14	Install Cart Path	14 days	Wed 6/20/18	Mon 7/9/18										
15	Grassing	16 days	Wed 7/18/18	Wed 8/8/18										
16	Grow-In	84 days	Thu 7/19/18	Tue 11/13/18										
17	NorthEast Quad	137 days	Thu 5/17/18	Fri 11/23/18										
18	Strip & Bury Turf	5 days	Thu 5/17/18	Wed 5/23/18										
19	Earthwork & Shaping	9 days	Wed 6/20/18	Mon 7/2/18										
20	Irrigation & Drainage	12 days	Wed 6/27/18	Thu 7/12/18										
21	Feature Construction	18 days	Mon 6/18/18	Wed 7/11/18										
22	Install Cart Path	8 days	Tue 7/10/18	Thu 7/19/18										
23	Grassing	12 days	Mon 7/30/18	Tue 8/14/18										
24	Grow-In	84 days	Tue 7/31/18	Fri 11/23/18										
25	SouthEast Quad	137 days	Thu 5/24/18	Fri 11/30/18										
26	Strip & Bury Turf	9 days	Thu 5/24/18	Tue 6/5/18										
27	Earthwork & Shaping	18 days	Tue 7/3/18	Thu 7/26/18										
28	Irrigation & Drainage	24 days	Thu 7/5/18	Tue 8/7/18										
29	Feature Construction	27 days	Mon 6/25/18	Tue 7/31/18										
30	Install Cart Path	16 days	Mon 7/23/18	Mon 8/13/18										
31	Grassing	20 days	Mon 8/6/18	Fri 8/31/18										
32	Grow-In	84 days	Tue 8/7/18	Fri 11/30/18										

B
THE BREAKERS
PALM BEACH
THE OCEAN COURSE
GOLF COURSE MASTER PLAN

Hole #17

- Enlarge and realign the tees
- Add a forward tee
- Reduce the number right fairway bunkers
- Remove the left fairway bunker
- Shift the cross bunker forward the tee
- Add a bunker on the right side of the second landing area and add a right greenside bunker
- Enlarge the green to the right and recontour the green surface

Hole #16

- Shift the tee to the left
- Add a forward tee
- Remove the right fairway bunker and expand the fairway to the right
- Reduce the size of the left fairway bunkers
- Enlarge the green to the left and recontour the green surface

Hole #1

- Convert the back tee to one tee
- Add a forward tee
- Remove the right fairway bunker and expand the fairway
- Shift the left fairway bunker toward the green and reduce the size
- Rebuild the greenside bunkers to widen the approach
- Enlarge the green to the front and recontour the green surface

Hole #2

- Enlarge the tees and realign them to the left
- Add a forward tee
- Remove the left fairway bunker and shift the right bunker toward the green
- Rebuild the lake to widen the approach to the green
- Enlarge the green to the left and recontour the green surface. Add burning to the right approach

Hole #3

- Enlarge and realign the tees
- Add a forward tee
- Remove the short left fairway bunker and expand the fairway
- Shift the two right fairway bunkers toward the green
- Add a chipping area to the rear
- Lower and enlarge the green surface

Hole #4

- Add a forward tee
- Remove the right fairway bunker and expand the fairway
- Convert the left fairway bunkers to one bunker
- Enlarge the green surface to the front left and recontour the green surface
- Relocate the trees behind the green

Short Game Area

- Expand the short game area to the original clubhouse location

Hole #5

- Enlarge and realign the tees
- Add a forward tee
- Remove the left fairway bunker and trees on the left side to expand the landing area
- Convert the right fairway bunkers to one bunker
- Shift the pond toward Hole #7 tees to widen the approach to the green
- Remove the bunker closest to the green and shift the other two back with additional burning
- Enlarge and recontour green surface



Hole #14

- Enlarge and realign the tees
- Add a forward tee
- Remove the short bunker and lower the approach to the green
- Shift the green toward the tee and to the right to extend as a peninsula into the lake

Hole #15

- Enlarge and realign the tees
- Add a forward tee
- Remove the short left fairway bunker and lower the ridge to achieve visibility of the landing area
- Rebuild the right fairway bunkers and add a right fairway bunker
- Widen the approach to the green
- Enlarge and recontour the green surface

Hole #14

- Enlarge and realign the tees
- Add a forward tee
- Remove the short right fairway bunker
- Shift the landing area to the left
- Shift the right fairway bunkers farther out
- Add a far left fairway bunker
- Remove the frontal bunker and rebuild the green on a left to right angle with a right greenside bunker

Hole #13

- Convert the rear tee to a practice green
- Enlarge the middle tee back
- Add forward tee
- Remove the short left greenside bunker and shift the left and right bunkers
- Enlarge and recontour the green surface

Hole #12

- Consolidate and realign the tees
- Add a forward tee
- Remove the right fairway bunkers and shift the landing area to the right
- Reconfigure the left fairway bunkers
- Remove the short right greenside bunker and enlarge the green to the front

Hole #11

- Enlarge and realign the tees
- Remove the short left fairway bunker and regrade the fairway to see the landing area
- Enlarge and recontour the green surface

Hole #10

- Enlarge and realign the tees
- Add a forward tee
- Remove the short left fairway bunkers and expand the fairway
- Shift and reduce the size of the left and right fairway bunkers
- Remove the left rear greenside bunker and enlarge the green to the left

Hole #7

- Shift the tees to the right
- Add a forward tee
- Reduce the size of the right fairway bunker and enlarge the landing area
- Convert the two left fairway bunkers into one bunker
- Add a left greenside bunker and convert the right bunkers into one
- Enlarge the green surface to the left

Hole #6

- Enlarge and realign the tees
- Add a forward tee
- Expand the pond in front of the green and vary the height of the bulkhead
- Reduce the size of the greenside bunker and expand the green to the left and right

Hole #8

- Shift the tees to the left for improved sunlight
- Add a forward tee
- Convert the large right fairway bunker to two smaller bunkers
- Relocate the two palm trees on the left side of the landing area
- Enlarge the green surface to the third third angle the green from left to right

Hole #9

- Enlarge and realign the tees
- Add a forward tee
- Remove the short left and right fairway bunkers and expand the fairway
- Reduce the size of the fairway bunkers
- Shift the green to the left
- Add a grass approach on the right side with a greenside bunker protecting the right side of the green
- Convert the rear bunkers to a grass chipping area

Date: 14 April 2018
Scale: 1" = 100'



Rees Jones, Inc.
41 COURSE DESIGN



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 01446.090000
Writer's Direct Dial Number: (561) 650-0651
Writer's E-Mail Address: jnorquest@gunster.com

May 25, 2018

RECEIVED

MAY 25 2018

VIA HAND DELIVERY

Town of Palm Beach
PZB Dept

Mr. Bill Bucklew
Building Official
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

**Re: The Breakers Golf Course
Request for Extended Work Hours**

Dear Mr. Bucklew:

As required, attached are the following documents regarding the above matter:

1. Original Notice Affidavit;
2. Waiver Notice;
3. Property Owner's List; and
4. Tax Map.

Sincerely yours,

James K. Norquest, AICP
JKN/op
Enclosures

cc: James M. Crowley, Esq.
Alex Gilmurray

WPB_ACTIVE 6080063.I

NOTICE AFFIDAVIT

STATE OF FLORIDA
COUNTY OF PALM BEACH, TOWN OF PALM BEACH

BEFORE ME THIS DAY PERSONALLY APPEARED JAMES M. CROWLEY WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner, or the owner's authorized agent, of the real property located at 1 South County Road, Palm Beach, FL 33480; and
2. The accompanying Property Owners List is, to the best of his/her knowledge, a complete and accurate list of all property owners' mailing addresses and property control numbers dated no more than 90 days prior to the Town Council hearing at which the subject Waiver request will be heard, and as recorded in the latest official tax rolls for the subject property and all other property within three hundred (300) feet of the real property, or all property within three hundred (300) feet of all contiguous property owned wholly or in part by the owner of the real property, if applicable; and
3. A copy of the Hours of Construction Work Waiver Notice (copy attached) is included in each envelope which has been mailed, using the labels provided by the Property Appraiser.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 24th day of May, 2018, by
Month/Year

JAMES M. CROWLEY who is personally known to me or who has produced
(Name of person acknowledging)

(type of identification)

as identification and who did (did not) take an oath.

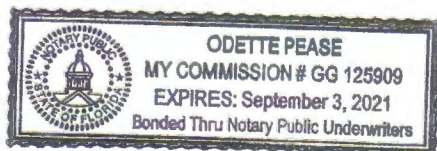
Odette Pease
(Signature of Person Taking Acknowledgment)

Odette Pease
(Printed Name of Acknowledger)

Notary Public
(Title or Rank)

My Commission #GG 125909
(Serial Number, if any)

(NOTARY SEAL)



[Signature]
Applicant's Signature

JAMES M. CROWLEY
Applicant's Printed Name

777 South Flagler Drive, Suite 500-E
Street Address

West Palm Beach, FL 33401
City, State, Zip Code

(561)650-0633
Telephone Number

BOCA RATON
FT. LAUDERDALE
JACKSONVILLE
KEY LARGO
MIAMI
ORLANDO
PALM BEACH



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

STUART
TALLAHASSEE
TAMPA
VERO BEACH
WEST PALM BEACH
WINTER PARK

May 24, 2018

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours for Construction Work, is being requested by The Breakers for work on Saturdays during the summer and fall of 2018. The work consists of reconfiguring the holes on the Ocean Golf Course. The work is being phased so that the heavy construction will be completed by mid-August, weather permitting. The last 12 weeks of the project will consist primarily of sod grow-in, which will be quiet and unobtrusive. The following additional work hours are requested:

- Regular (non-quiet) work on Saturdays, from 8:00 am to 6:00 pm.

These extended work hours will run from June 16, 2018 through December 1, 2018.

No work will be done on the 7th hole (immediately adjacent to Pendleton Avenue) after 5:00 pm.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled Development Review meeting on June 13, 2018. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 20 days prior to the regularly scheduled meeting.

Please feel free to call James Crowley, phone number (561) 650-0652, if you have any questions about this request.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [The Landmark Preservation Commission decided to hold their recommendation at this time and subsequently deferred the project to the June 20, 2018 meeting. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated June 5, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated June 5, 2018 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

*Also admitted in New York

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

June 5, 2018

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-17-00058 – 323 Chilean Avenue

Dear Paul and Kelly:

Please defer the above referenced matters from the June 13, 2018 Town Council agenda to the July 11, 2018 Town Council agenda. The reason for the deferral is due Landmarks deferring the project at the May 16, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00066 MODIFIED SITE PLAN REVIEW

Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front façade was too modern and fit into the area, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design. They all agreed that accessibility at the entrance was necessary. [The Architectural Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to the August 15, 2018 Town Council Meeting Per Letter Dated June 5, 2018 From Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated June 5, 2018 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

*Also admitted in New York

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

June 5, 2018

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-17-00066 – 313.5 Worth Avenue

Dear Paul and Kelly:

Please defer the above referenced matters from the June 13, 2018 Town Council agenda to the August 15, 2018 Town Council agenda. The reason for the deferral is due to a conflict of scheduling with the architect being out of the country in July and the project is still being reviewed by ARCOM. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00084 VARIANCE(S) The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to July 11, 2018 Town Council Meeting Per Letter Dated June 5, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated June 1, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated May 17, 2018 From Feldberg**
- ▣ **Letter Dated June 5, 2018 From Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00084 VARIANCE(S)**
901 N OCEAN BLVD

Date: June 01, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height.

ADDRESS: 901 N OCEAN BLVD

OWNER: FRIEDMAN LORRAINE L TRUST &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-10-00-001-0025

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 10/11-43-43, S 227.55 FT OF SUB C & N 71 FT OF
SUB D IN GOV LT 1 SECS 10 & 11 LYG N & E OF
OCEAN BLVD

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00084 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 901 N OCEAN BLVD

DESCRIPTION:

1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	2/22/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/4/2018	Please confirm that the placement of the Stormwater Management System has been coordinated with the Landscape Architect. Specifically, the northwestern exfiltration trench appears to be in close proximity to the perimeter landscaping. The exfiltration calculations are not checked at this level of review.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	The town ordinance will require the residence to be sprinkled
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Architectural Commission (ARCOM) as a major combination project.



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/22/2018	Jack & Lorraine Friedman Trust CERTIFIED MAIL-9314 8699 0430 0042 9981 47 901 N. Ocean Blvd. Palm Beach, FL 33480 NOTICE OF CODE VIOLATION AND HEARING 901 N. Ocean Blvd., Palm Beach Case # CE 18-10 Property Control Number: 50-43-43-10-00-001-0025 Dear Property Owner, A re-inspection of your property found you have not complied with the Code Enforcement violation written warning issued January 5, 2018 and the vegetation that was removed during demolition, and in violation of your ARCOM approval and permit, has not been replaced .Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances outlines the criteria for a demolition permit which states perimeter landscaping and other landscaping considered by the architectural commission to be worthy of saving be left in place and/or preserved in a manner satisfactory to the architectural commission. Please replace any and all vegetation/trees as specified in the original ARCOM demolition agreement by February 18, 2018. Any questions involving the ARCOM agreement should be directed to Planning Administrator John Lindgren at (561) 227-6414. Should compliance with the Town Ordinances not be met within this time frame, you are hereby notified there will be a public hearing before the Code Enforcement Board on March 15, 2018 at 2:00 p.m. in the second floor Town Council Chambers at City Hall, 360 S. County Road, Palm Beach. If you decide not to be present, the hearing will be held in your absence. If you are found in violation of the Town Code, the Code Enforcement Board has the power by law to levy fines up to Two Hundred Fifty (\$250.00) Dollars a day against you and your property for every day any violation continues beyond the date set in the order for compliance. An administrative fee of One Hundred Fifty (\$150.00) Dollars for the cost of the hearing may be assessed to you should your case be heard.If you have any questions, please do not hesitate to call me at (561) 227-6422. Your immediate attention to this matter is appreciated. Sincerely, John T. Moriarty, Code Enforcement Officer No Comment
PZB DIRECTOR			
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

PZB - ZONING

Paul Castro, Zoning
Administrator

2/22/2018

The applicant must demonstrate the hardship relative to the request for variances on a new house on a newly created lot. In addition, there is a pending code enforcement case relative to landscape demolition approved by the Architectural Commission. If adjudicated and found in noncompliance by the Code Enforcement Board this case cannot be heard by the Architectural Commission or Town Council until the property owners come into compliance. The wall along the curve of the property is required to be removed out of the site visibility easement. In addition, there is no hardship to not require the wall to be setback 3 feet outside of that easement and a 3 foot high hedge planted in front of said wall. The applicant can make the wall 4 feet in height and meet Code where they want to build it.

Mr. and Mrs. Sumner Feldberg

1020 N. Ocean Blvd.

Palm Beach, FL 33480

To: Members of the Architectural Review Commission (ARCOM) and Town Council.

**Objections to 901 N. Ocean Blvd and 905 N. Ocean Blvd
Applications for Architectural Approval and Variance.**

As longtime residents of 1020 N. Ocean Blvd., near these Proposed Project Sites, we object to the above applications.

ARCOM and the Town Council should make very sure that we do not have another disaster at this most visible bend in North Ocean . It serves as "The Entryway to the North End". Any construction here will stand out and brand the North End forever. In the past we have seen too many mistakes approved and most people recognize that.

This site is as important, or more important than Widener's Curve. Like Widener's, we have here a long open stretch on the Ocean that looks directly upon the duneland where these projects are proposed. Whatever is constructed there should be required to be architecturally beautiful and in scale and harmony with the open charm of the North End.

Presently, however, there is just too much, too much mass, too much construction, too much height asked to be crammed into one location that had always been one residence partitioned into separate modular structures, totaling about the same size that is now sought to be developed on each of the now split narrow

properties. 18-205(a). It would destroy the charm and harmony. Also 18-146. The requested variance isn't needed at all and isn't minimized (18-201) so the variance should be denied.

Please deny these applications or require drastic reductions, and a beautiful lasting result of which we are all proud.

Sincerely,

A handwritten signature in cursive script, reading "Karen Feldberg". The signature is written in dark ink and is positioned below the word "Sincerely,".

TO ALL MEMBERS OF THE
ARCH. REVIEW COMMISSION
+
TOON COUNCIL

FROM MRS S FELDBERG
1020 N. OCEAN BLVD
P.B FL 33480

RECEIVED

MAY 18 2018

Town of Palm Beach
PZB Dept

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

*Also admitted in New York

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

June 5, 2018

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-18-00084 – 901 N Ocean Blvd

Dear Paul and Kelly:

Please defer the above referenced matters from the June 13, 2018 Town Council agenda to the July 11, 2018 Town Council agenda. The reason for the deferral is due ARCOM deferring the project at the May 23, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00093 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The application of PALM V ASSOCIATES LIMITED PARTNERSHIP(BURT HANDELSMAN), Applicant, relative to property located at **240 WORTH AVE SUITE: 200**, legal description on file, is described below. Site Plan Review with Special Exception is being requested to make modifications and improvements to the southeast area of the courtyard (Unit 200) by reconstructing an exterior staircase to access the second floor and roof which will require the following variances: 1) Lot coverage of 79.1% in lieu of the 78.7% existing and the 35% maximum allowed in the C-WA Zoning District; and 2) Rear yard setback of 4.9 feet in lieu of the 10 foot minimum required in the C-WA Zoning District. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property with the condition that extra extension to the roof is removed. Carried 7-0. The Landmark Preservation Commission deferred the project for one month to the June 20, 2018 meeting. Carried 7-0.] **Request for Withdrawal Per Letter Dated May 25, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated May 25, 2018 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

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

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

VIA EMAIL

May 25, 2018

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

RE: Z-18-00093 and COA-022-2018; 224-246 Worth Avenue, Palm Beach, Florida

All:

Please **withdraw** the above referenced project from the **TOWN COUNCIL** and **LANDMARKS** agendas. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

/maz

cc: Paul Castro
John Lindgren
Kelly Churney
Kathleen Ruderman

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00046 SPECIAL EXCEPTION Iberiabank: Town-Serving Confirmation
180 Royal Palm Way

Presenter

ATTACHMENTS:

- ❑ **Memorandum Dated June 1, 2018 From Paul Castro**
- ❑ **Development Order for Z-17-00046**
- ❑ **Iberiabank Town-Serving Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning & Building

Re: Iberiabank: Town-Serving Confirmation
Z-17-00046 Special Exception
180 Royal Palm Way

Date: June 1, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and make a determination on Iberiabank's Town-serving documentation.

GENERAL INFORMATION

On December 13, 2017, the Town Council conditionally approved the subject zoning application. A condition of approval is that the applicant is required to return to the Town Council at its June 13, 2018 meeting to address how the bank is Town-serving (see attached letter from Paul Castro, dated December 22, 2017).

The applicant has provided the Town with the attached Town-serving information. Staff recommends that the Council consider the information and determine whether the bank is Town-serving.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
zf & pf



TOWN OF PALM BEACH

Planning, Zoning & Building Department

December 22, 2017

Mr. Peter Broberg, Esq.
223 Peruvian Avenue
Palm Beach, FL 33480

Subject: Z-17-00046, 180 Royal Palm Way, Iberiabank

Dear Mr. Broberg:

The Town Council, at its December 13, 2017 meeting, conditionally approved your client's special exception with site plan review application to use the subject building totaling 13,559 square foot as a bank (IBERIABANK). The condition of approval is that the applicant provide the Town Planning, Zoning and Building Department with Town-serving documentation by May 28, 2018, and return to the Town Council at its June 13, 2018 Council meeting to demonstrate that the bank is Town-serving. The conditional approval is identified on sheet, drawings 77696-1 through 77696-3 prepared by Theodore M. McAnlis, Engineer, stamp dated October 20, 2017 and made part of the approval of this application.

The Town Council conditional approval of this application constitutes only zoning approval and does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as Architectural Commission approval and necessary construction permits. The work authorized under this approval must be commenced within one year from the date of approval or said approval will expire.

Sincerely,

Paul Castro, AICP
Zoning Administrator

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





401 East Las Olas Boulevard, Suite 1100
Ft. Lauderdale, Florida 33301-4230
Tel 954.202-8600
Fax 954.202.8639
www.crowehorwath.com

May 21, 2018

Mr. Howard Burnston
Senior Vice President – Senior Corporate Counsel
IBERIABANK
180 Royal Palm Way
Palm Beach, Florida 33480

Dear Mr. Burnston:

We have performed an internal audit review of IBERIABANK ("Bank"). Our review focused on the policies and procedures as well as the records maintained by the Bank in identifying customers of the Palm Beach Office who are 'Townpersons' as defined in the Town of Palm Beach Zoning Ordinance Section 134-1107(2)(b).

Iberia Bank, by virtue of obtaining a special exception for use of its 180 Royal Palm Way, Palm Beach, Florida location, is required under the Town of Palm Beach Zoning Ordinance 134-1109(a)(12) to submit evidence that not less than fifty percent of its customers in that location are "townpersons". The Town of Palm Beach Zoning Ordinance Section 134-2(b) defines 'townpersons' as "all full time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the town". The procedures performed included the following:

- A review of the Bank's customer records to determine the total number of customers served by this Office and of those customer records, the number of customers identified as townpersons;
- A review to determine if the Bank's procedures to identify customers as a townperson were in accordance with the above referenced specifications; and
- A test of 40 randomly selected accounts identified in the Bank's records as townperson and 30 randomly selected accounts identified as "non-townperson" to determine the reliability of the Bank's records.

As a result of the procedures performed, it was determined that the Bank's procedures are reasonable in distinguishing customers as townpersons and that the Bank's records are reliable in identifying townpersons in accordance with the Town of Palm Beach Zoning Ordinance 134-2(b). Additionally, based on the records provided at the time of review, it was also determined



401 East Las Olas Boulevard, Suite 1100
Ft. Lauderdale, Florida 33301-4230
Tel 954.202-8600
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www.crowehorwath.com

that 52.10% of the Bank's Palm Beach Office customers satisfy the definition of "Townperson".

Accordingly, the minimum percentage of IBERIABANK customers at the Bank's 180 Royal Palm Way, Palm Beach, Florida location who are townpersons as defined in the Town of Palm Beach Zoning Ordinance Section 134-2(b), referred to above represents the minimum percentage of IBERIABANK's customers at the Bank's 180 Royal Palm Way, Palm Beach, Florida location as of April 30, 2018 which are townpersons in conformity with the measurement criteria set forth in the preceding paragraph.

This report is intended solely for the use of Management and the Board of Directors of IBERIABANK and representatives of the Town of Palm Beach, Florida.

A handwritten signature in black ink, appearing to read 'Mark R.', is positioned above a horizontal line.

Crowe Horwath Representative

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: B-A Beach Area The application of 916 SOUTH OCEAN BOULEVARD LLC (BRIAN STOCK, MANAGER), Applicant, relative to property located at **916 S OCEAN BLVD**, legal description on file, is described below. 1. 134-227 and 134-1474. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 2. 134-843(a)(7) and 134-843(a)(10). Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet North American Vertical Datum (“NAVD”) in lieu of 17.56 feet NAVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon Esq] [The Architectural Review Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated June 5, 2018 from M. Timothy Hanlon**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated June 5, 2018 From M. Timothy Hanlon**

LAW OFFICES
ALLEY, MAASS, ROGERS & LINDSAY, P.A.

340 ROYAL POINCIANA WAY, SUITE 321

POST OFFICE BOX 431

PALM BEACH, FLORIDA 33480-0431

(561) 659-1770

FACSIMILE (561) 833-2261

WWW.AMRL.COM

ALAN LINDSAY
DAVID H. BAKER
WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CAROL S. WAXLER
CATHERINE KENT
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK
WARREN D. HAYES, JR.

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1928-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044

June 5, 2018

Via Email: pcastro@townofpalmbeach.com

Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Attention: Paul Castro

Re: 916 South Ocean Blvd. / Z-18-00094

Dear Paul:

On behalf of the Applicants and because ARCOM deferred the application, I hereby request a deferral of the above-referenced application to the July 11, 2018 Town Council meeting.

If you have any questions, please contact me.

Sincerely,


M. Timothy Hanlon

cc: Kelly Churney

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00096 VARIANCE(S) Zoning District: R B Low Density Residential The application of Thomas J. Harrington, as Trustee of the 1558 NORTH OCEAN WAY REALTY TRUST u/a/d March 3, 2017 and Thomas J. Harrington, as Trustee of the 1558 NORTH OCEAN WAY REALTY TRUST u/a/d March 2, 2017, Applicant, relative to property located at **1558 N OCEAN WAY**, legal description on file, is described below. Construction of a 1,809 square foot, two story, guesthouse on a lot having an area of 29,145 square feet, thereby requiring front and rear yard setbacks and building height plane provisions to comply with those provisions of the R A Zoning District despite the fact that that the subject property is located in the R B Zoning District. In connection with the proposed construction, the following variances are being requested: a. Section 134 843(a)(5): A request for a variance for the existing house with a front yard setback (east side of the property) of 32 feet in lieu of the 35 foot minimum required in the R A Zoning District. b. Section 134 157 (6): A request for a variance for the proposed guesthouse with a rear yard street side setback (west side of the property) of 30 feet in lieu of the 35 foot minimum required in the R A Zoning District. c. Section 134 843(a)(7): A request for a variance for the proposed guest house with a building height plane (west side of the property) of 30 feet in lieu of the 38 foot minimum required in the R A Zoning District. [Applicant's Representative David E. Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances for the rear yard setback and building height plane will cause negative architectural impact to the subject property; and implementation of the proposed variance for the existing home will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Review Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Withdrawal Per Letter Dated June 6, 2018 from David E. Klein**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated June 6, 2018 from David E. Klein**
- ▣ **Memorandum Dated June 1, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

RABIDEAU LAW

PALM BEACH - TORONTO

*David E. Klein, Esq.
direct: 561.402.7412
dklein@rabideau-law.com*

June 6, 2018

Via E-Mail – pcastro@townofpalmbeach.com

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

Re: Property: 1558 N. Ocean Way
Owner: Thomas J. Harrington, as Trustee
Variance #Z-18-00096

Dear Mr. Castro:

In connection with the above-referenced matter, I request that this variance application be cancelled. Please note that the owner may continue moving forward with the ARCOM application.

Please let me know if you have any questions.

Sincerely,



David E. Klein

DEK/cac

cc: Logan Elliott, via e-mail lelliott@townofpalmbeach.com
Kathleen Ruderman, via e-mail kruderman@townofpalmbeach.com
Kelly Churney, via e-mail kchurney@townofpalmbeach.com

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00096 VARIANCE(S)**
1558 N OCEAN WAY

Date: June 01, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Construction of a 1,809 square foot, two-story, guest house on a lot having an area of 29,145 square feet, thereby requiring front and rear yard setbacks and building height plane provisions to comply with those provisions of the R-A Zoning District despite the fact that that the subject property is located in the R-B Zoning District. In connection with the proposed construction, the following variances are being requested: a. Section 134-843(a) (5): A request for a variance for the existing house with a front yard setback (east side of the property) of 32 feet in lieu of the 35 foot minimum required in the R-A Zoning District. b. Section 134-157 6: A request for a variance for the proposed guest house with a rear yard street side setback (west side of the property) of 30 feet in lieu of the 35 foot minimum required in the R-A Zoning District. c. Section 134-843(a)(7): A request for a variance for the proposed guest house with a building height plane (west side of the property) of 30 feet in lieu of the 38 foot minimum required in the R-A Zoning District.

ADDRESS: 1558 N OCEAN WAY

OWNER: 1558 NORTH OCEAN WAY REALTY TRUST

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-42-34-02-000-0270

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: BOCA RATONE CO INLET SUB LTS 27 & 28
(LESS W 25FT)

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/26/18

APPLICATION NO.: Z-18-00096 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 1558 N OCEAN WAY

DESCRIPTION:

Construction of a 1,809 square foot, two-story, guest house on a lot having an area of 29,145 square feet, thereby requiring front and rear yard setbacks and building height plane provisions to comply with those provisions of the R-A Zoning District despite the fact that the subject property is located in the R-B Zoning District. In connection with the proposed construction, the following variances are being requested:

a. Section 134-843(a)(5): A request for a variance for the existing house with a front yard setback (east side of the property) of 32 feet in lieu of the 35 foot minimum required in the R-A Zoning District. b. Section 134-157 6: A request for a variance for the proposed guest house with a rear yard street side setback (west side of the property) of 30 feet in lieu of the 35 foot minimum required in the R-A Zoning District.

c. Section 134-843(a)(7): A request for a variance for the proposed guest house with a building height plane (west side of the property) of 30 feet in lieu of the 38 foot minimum required in the R-A Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	4/20/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	6/1/2018	The required sketch of a Stormwater System and coordination with Landscape Architect have been provided. The exfiltration calculations are not checked at this level of review. Provide a 10-foot wide underground utility easements along the street frontage of North Ocean Boulevard and Arabian Road.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/1/2018	No fire code concerns with this project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	6/1/2018	This project requires review and approval from the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/20/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	6/1/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/4/2018	I do not know what the hardship is to grant a variance on a new house. The applicant is required to demonstrate to the satisfaction that there is a hardship base on Sec. 134-201 of the Code of Ordinances.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00097 SITE PLAN REVIEW Zoning District: R B Low Density Residential The application of 232 Bahama Lane, LLC (Manager of 232 Bahama Lane, LLC: Manager I, LLC. Manager of Manager I, LLC: E. Llwyd Ecclestone, Jr.), Applicant, relative to property located at **232 BAHAMA LN**, legal description on file, is described below. Site Plan Review to allow the construction of a 4,300 square foot, two story, single-family house on a non conforming platted lot, which is 90 feet in depth in lieu of the 100 foot depth required in the R B Zoning District. [Applicant's Representative David E. Klein Esq] [The Architectural Review Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated May 31, 2018 from David E. Klein**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated May 31, 2018 from David Klein**

RABIDEAU LAW

PALM BEACH - TORONTO

*David E. Klein, Esq.
direct: 561.402.7412
dklein@rabideau-law.com*

May 31, 2018

Via E-Mail – pcastro@townofpalmbeach.com
& U.S. Mail

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

Re: Property: 232 Bahama Lane
Owner: 232 Bahama Lane, LLC
Variance #Z-18-00097

Dear Mr. Castro:

In connection with the above-referenced matter, I request that the variance matter that is scheduled to appear before Town Council on June 13, 2018 be deferred to the following Town Council Meeting occurring on July 11, 2018.

The matter will be heard at ARCOM on June 27, 2018 due to a vote for deferral by ARCOM at the May 23, 2018 meeting. As such, we request a one-month deferral from the June 13, 2018 Town Council Meeting.

Please let me know if you have any questions.

Sincerely,



David E. Klein

DEK/cac

cc: Logan Elliott, via e-mail lelliott@townofpalmbeach.com
Kathleen Ruderman, via e-mail kruderman@townofpalmbeach.com
Kelly Churney, via e-mail kchurney@townofpalmbeach.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00098 VARIANCE(S) Zoning District: R B Low Density Residential The application of GRISWOLD ALEXANDER H., Applicant, relative to property located at **249 MONTEREY RD**, legal description on file, is described below. The subject property is 21,200 square feet in total area. The applicant is requesting a variance to split the lot, which would result in a non conforming east side yard setback for the existing house. The two resulting lots would have the following areas: East lot - 10,200 square feet; and the West lot 11,000 square feet. Both parcels would exceed the minimum area requirement in the R B Zoning District, which is 10,000 square feet. All improvements will be removed from the East lot and the following variances are being requested in order to split the properties and return the West lot back to its previous condition: 1. An east side yard setback of 10.67 feet in lieu of the 15 foot minimum required in the R B Zoning District for the two story portion of the house. 2. An east side yard setback of 10.67 feet in lieu of the 12.5 foot minimum required in the R B Zoning District for the one story portion of the house. [Applicant's Representative Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated May 30, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00098 VARIANCE(S)**
249 MONTEREY RD

Date: May 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

The subject property is 21,200 square feet in total area. The applicant is requesting a variance to split the lot which would result in a non-conforming east side yard setback for the existing house. The two resulting lots would have the following areas: East lot -t 0,200 square feet; and the West lot -11,000 square feet. Both parcels would exceed the minimum area requirement in the R-B Zoning District, which is 10,000 square feet. All improvements will be removed from the East lot and the following variances are being requested in order to split the properties and return the West lot back to its previous condition: 1. an east side yard setback of 10.67 feet in lieu of the 15 foot minimum required in the R-B Zoning District for the two story portion of the house.

2. an east side yard setback of 10.67 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for the one story portion of the house.

ADDRESS: 249 MONTEREY RD

OWNER: GRISWOLD ALEXANDER H &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-03-13-000-0121

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: GREGORY ADDITION W 10 FT OF LT 12,
LTS 14 & 16, E 10 FT OF LT 18 & EL
ENCANTO PL 2 PB13P14 S 10 FT OF E 70 FT OF
LT 45 & S 10 FT OF W 50 FT OF LT 46

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/26/18

APPLICATION NO.: Z-18-00098 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 249 MONTEREY RD

DESCRIPTION:

The subject property is 21,200 square feet in total area. The applicant is requesting a variance to split the lot which would result in a non-conforming east side yard setback for the existing house. The two resulting lots would have the following areas: East lot - 0,200 square feet; and the West lot - 11,000 square feet. Both parcels would exceed the minimum area requirement in the R-B Zoning District, which is 10,000 square feet. All improvements will be removed from the East lot and the following variances are being requested in order to split the properties and return the West lot back to its previous condition: 1. an east side yard setback of 10.67 feet in lieu of the 15 foot minimum required in the R-B Zoning District for the two story portion of the house.
2. an east side yard setback of 10.67 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for the one story portion of the house.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	4/20/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	5/31/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	5/25/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	5/29/2018	The demolition portion of this project will require review and approval from the Architectural Commission (ARCOM) as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/20/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	5/29/2018	There appears to be no hardship to split the lot and create a nonconforming house.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00099 VARIANCE(S) Zoning District: R C Medium Density Residential
The application of Bryan Donahue, PLA (for GAMBILL BEN S. - owner), Applicant, relative to property located at **353 CHILEAN AVE**, legal description on file, is described below. Modification to Variance # 57-94 to increase the approved wall height from 7.5' to 10' along the north property line in lieu of the maximum code allowed height of 6' as measured from the crown of road in the street side yard setback for the west 25' of wall, and the maximum code allowed 7' as measured from the adjacent grade in the rear yard setback for the remaining portion of the wall. [Applicant's Representative Bryan Donahue]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated May 30, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00099 VARIANCE(S)**
353 CHILEAN AVE

Date: May 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Modification to Variance #57-94 to increase the approved nonconforming wall height from 7.5' to 10' along the north property line in lieu of the maximum code allowed height of 6' as measured from the crown of road in the street side yard setback for the west 25' of wall, and the maximum code allowed 7' as measured from the adjacent grade in the rear yard setback for the remaining portion of the wall.

ADDRESS: 353 CHILEAN AVE

OWNER: GAMBILL BEN S &

OWNER'S REPRESENTATIVE: INSITE STUDIO INC

PROPERTY CONTROL NO.: 50-43-43-23-05-006-0541

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: ROYAL PARK ADD W 6.25 FT OF LT 54 &
LTS 55 & 56 BLK 6

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/26/18

APPLICATION NO.: Z-18-00099 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 353 CHILEAN AVE

DESCRIPTION:

Modification to Variance #57-94 to increase the approved nonconforming wall height from 7.5' to 10' along the north property line in lieu of the maximum code allowed height of 6' as measured from the crown of road in the street side yard setback for the west 25' of wall, and the maximum code allowed 7' as measured from the adjacent grade in the rear yard setback for the remaining portion of the wall.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	4/20/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	5/31/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	5/30/2018	No Fire Code Concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	5/29/2018	This project will require Architectural Commission (ARCOM) administrative approval from Town staff.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/20/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	5/29/2018	The applicant must demonstrated to the satisfaction of the Town Council that a hardship exists in order to grant a variance to raise the height of the existing wall.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00100 VARIANCE(S) Zoning District: R A Estate Residential The application of Nedim Soylemez (contract purchaser), Applicant, relative to property located at **1030 S OCEAN BLVD**, legal description on file, is described below. 1. Request for a variance to allow the construction of a new 13,049 square foot two-story residence with a point of measurement of 17.17 feet North American Vertical Datum ("NAVD") in lieu of the 15.16 foot NAVD maximum allowed for the (i) overall building height and (ii) building height. 2. A request to have a building height plane setback 53.16 feet in lieu of the 69 foot minimum setback required for the gable end pediment architectural feature. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Review Commission deferred the project for one month to the June 27, 2018 meeting. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter dated June 5, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 1, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated June 5, 2018 From Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00100 VARIANCE(S)**
1030 S OCEAN BLVD

Date: June 01, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Request for a variance to allow the construction of a new 13,049 square foot two story residence with a point of measurement of 17.17 feet North American Vertical Datum ("NAVD") in lieu of the 15.16 foot NAVD maximum allowed for the (i) overall building height and (ii) building height. 2. A request to have a building height plane setback 53.16 feet in lieu of the 69 foot minimum setback required for the gable end pediment architectural feature.

ADDRESS: 1030 S OCEAN BLVD

OWNER: PORRECA VANESSA

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-35-00-002-0220

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 35-43-43, E 212.19 FT OF S 156.15 FT OF N
704.58 FT OF GOV LT 2 W OF OCEAN BLVD AS
INOR1720P856

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/26/18

APPLICATION NO.: Z-18-00100 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 1030 S OCEAN BLVD

DESCRIPTION:

1. Request for a variance to allow the construction of a new 13,049 square foot two story residence with a point of measurement of 17.17 feet North American Vertical Datum ("NAVD") in lieu of the 15.16 foot NAVD maximum allowed for the (i) overall building height and (ii) building height. 2. A request to have a building height plane setback 53.16 feet in lieu of the 69 foot minimum setback required for the gable end pediment architectural feature.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	4/19/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	6/1/2018	The required sketch of a Stormwater System and coordination with Landscape Architect have been provided. The exfiltration calculations are not checked at this level of review. The 10-foot wide underground utility easements along the street frontages of Via Palma, South Ocean Boulevard and Algoma Road has been shown.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	4/19/2018	Town Ordinance will require the structure to be fully sprinkled.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	6/1/2018	This project requires review and approval from the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	6/1/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/1/2018	I do not understand what the hardship is to granted the requested variance for this new house. Should comply with the Town's Zoning Code requirements.

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

*Also admitted in New York

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

June 5, 2018

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-18-00100 – 1030 S Ocean Blvd

Dear Paul and Kelly:

Please defer the above referenced matters from the June 13, 2018 Town Council agenda to the July 11, 2018 Town Council agenda. The reason for the deferral is due ARCOM deferring the project at the May 23, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,


Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00103 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND

VARIANCE(S) Zoning District: R B Low Density Residential The application of SAILFISH CLUB OF FLORIDA INC, Applicant, relative to property located at **1338 N LAKE WAY SUITE: SITE**, legal description on file, is described below.

1. A request for special exception approval with site plan review to allow the following modifications to the Sailfish Club property: Expand kitchen 505 square feet to the east into existing service area (wall and parapet roof will be extended); create a 157 square foot walkway from existing parking lot to existing electrical room and new generator room for service access. Pool deck renovation to include: replace existing pool deck floor with new floor finishes, eliminate cabanas and replace with new locker rooms, new cabanas, youth recreation rooms and seating area, add covered walkway from north side of pool deck to south side of pool deck, awnings to the west side of the pool deck and north side of existing pool deck between existing terrace and dining area (see roof plan), add a 704 square foot sun deck on the southwest side of the pool deck; Install 150 KW generator in a 325 square foot building on east side of the building; Replace wood shake roof with new roof to match existing. 2. A variance is being requested to allow a decrease in landscaped open space to 19.2 % in lieu of the 20.1 % existing and 45% minimum required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project. Carried 7-0.]

Presenter

ATTACHMENTS:

Memorandum dated May 30, 2018 from Paul Castro, Acting Director of

- ▢ **Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00103 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION**
1338 N LAKE WAY SUITE: SITE

Date: May 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1. A request for special exception approval with site plan review to allow the following modifications to the Sailfish Club property :Expand kitchen 505 square feet to the east into existing service area (wall and parapet roof will be extended); create a 157 square foot walkway from existing parking lot to existing electrical room and new generator room for service access."Pool deck renovation to include: replace existing pool deck floor with new floor finishes, eliminate cabanas and replace with new locker rooms, new cabanas, youth recreation rooms and seating area, add covered walkway from north side of pool deck to south side of pool deck, awnings to the west side of the pool deck and north side of existing pool deck between existing terrace and dining area (see roof plan), add a 704 square foot sun deck on the southwest side of the pool deck; Install 150 KW generator in a 325 square foot building on east side of the building; Replace wood shake roof with new roof to match existing. 2. A variance is being requested to allow a decrease in landscaped open space to 19.2 % in lieu of the 20.1 % existing and 45% minimum required in the R-B Zoning District.

ADDRESS: 1338 N LAKE WAY SUITE: SITE

OWNER: SAILFISH CLUB OF FLORIDA INC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-03-02-000-0022

ZONING DISTRICT: R-B Low Density Residential

Page Two

LEGAL DESCRIPTION:

PL OF WALTON TR N 45 FT OF LT 2, LT 3,
N 5 FT OF LTS 5 & 8 & LTS 6 & 9 & CAYUGA
ESTATES PL 2 PB15P10 LT 15 W OF LAKE WAY,
LT 16 & UNMBRD LT W OF LAKE TRAIL &
EDEN VILLA PB6P79

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
 pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/26/18

APPLICATION NO.: Z-18-00103 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 1338 N LAKE WAY SUITE: SITE

DESCRIPTION:

1. A request for special exception approval with site plan review to allow the following modifications to the Sailfish Club property :Expand kitchen 505 square feet to the east into existing service area (wall and parapet roof will be extended); create a 157 square foot walkway from existing parking lot to existing electrical room and new generator room for service access."Pool deck renovation to include: replace existing pool deck floor with new floor finishes, eliminate cabanas and replace with new locker rooms, new cabanas, youth recreation rooms and seating area, add covered walkway from north side of pool deck to south side of pool deck, awnings to the west side of the pool deck and north side of existing pool deck between existing terrace and dining area (see roof plan), add a 704 square foot sun deck on the southwest side of the pool deck; Install 150 KW generator in a 325 square foot building on east side of the building; Replace wood shake roof with new roof to match existing. 2. A variance is being requested to allow a decrease in landscaped open space to 19.2 % in lieu of the 20.1 % existing and 45% minimum required in the R-B Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	4/20/2018	Proposed modifications must meet accessibility code requirements.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	5/31/2018	Please provide an overall understanding of the stormwater management system for the site. Please indicate the age and show the locations of the site stormwater collection and storage system(s) and the basin(s) they treat. A plan and calculations to quantify the new and redeveloped impervious area for the site may be required. If there are any stormwater issues on the property, the proposed work should address them.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	5/30/2018	All life safety systems will need to protect any changes in the cooking equipment that may be planned with the expansion.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	5/29/2018	This project will require Architectural Commission (ARCOM) review as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/20/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	5/29/2018	I have no comment on the special exception and site plan review portion of the application. Does not appear to be a hardship on the landscape open space variance. Applicant should make up the lost landscape open space lost by the proposed improvements elsewhere on the subject property.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 11-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Modifying Building, Height Of (Applicable Only In The R-B Districts) To Correct The Definition's Intent And Building Height Of, Corner Lot To Correct A Scriveners Error Which Inadvertantly Eliminated Language In The Definition Related To The Definition's Applicability To The R-B Zoning District; Article II, Administration, Section 134-172, Hearing Procedure, Section 134-328, Review By Director Of Planning, Zoning And Building Or His/Her Designee And Section 134-330. Action By Town Council; Deviations; Time Limit For Beginning Work, To Increase The Notice Requirements For Special Exceptions, Variances And Site Plan Reviews That Are An Intensification Of Use Or For Off-Street Parking Variances; To Require The Legal Notices To Be Mailed By The Applicant; And To Allow 36 Months To Commence Work By The Issuance Of A Building Permit Related To The Zoning Application; Section 134-532, Public Hearings, To Add A 300 Foot Mailing Notice And Legal Advertising Requirement For PUD Applications; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 1, 2018 From Paul Castro**
- ▣ **Ordinance No. 11-2018**

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council Meetings on:
June 13, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning and Building

Re: Proposed Modifications and Changes to Chapter 134, Zoning,
Ordinance No. 11-2018

Date: June 1, 2018

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency recommend approval, and that the Town Council approve Ordinance No.4-2018 at first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its April 17, 2018 and May 15, 2018 meetings, considered and recommended approval of proposed Zoning Code modifications as outlined herein.

BACKGROUND

There are three proposed zoning text amendments incorporated into proposed Ordinance No.11-2018, for your consideration. The first is a housekeeping item, which modifies the definition of building height in the R-B zoning district and building height for corner lots. When the flood prevention changes were made to Chapter 134 in 2017 there were Scrivener errors that inadvertently changed the height definitions identified above. The proposed changes correct that error.

The second proposed amendment in the Ordinance is related to the existing mailing notice requirement, and was initiated by the Town Council after a contentious zoning application was submitted regarding a proposed private club. After many complaints from neighbors about not being noticed on the application, the Council instructed Staff and the Commission to consider an increase in the notice distance for zoning applications that intensify the use of property. Staff was also instructed to work with the Commission on a definition for intensification of use.

Staff reviewed the legal notice requirements for zoning applications and recommended that the mailing notice distance for off-street parking and more intensive uses, such as service stations, restaurants, nightclubs, lounges/bars, nightclubs and a private social, swimming, tennis or yacht

clubs, be increased from 300 feet to 1,000 feet of the subject property. Staff also recommended that within the notice provisions in the Code, more intensive characteristics of other uses also have the same increased property owner notice requirement. Staff defined “intensification of use” as increased tenant square footage, increased seating, increased off-street parking demand, increased hours of operation, or any other characteristic of use the Planning, Zoning and Building Director determined to be more intensive than existed on the subject property. There were also other proposed changes related to advising of the date and location of when an application would be heard by the Town Council.

Staff also recommended that notice requirements related to PUDs and PUD amendments be stated in the Code. The existing PUD application notice requirement states that the Town Council hold a public hearing only after “notice as required by law.” However, there is no specific notice requirement in the Code. Staff believes the notice requirement for PUDs and amendments should, at minimum, be the same as the notice requirements for other zoning applications. The existing notice requirement for other zoning applications is a legal advertisement in a newspaper and a mailing notice to all property owners within 300 feet. The notice requirement for PUD applications should also be for both the Planning and Zoning Commission and Town Council hearings; currently notice and legal advertisement is only required for Town Council hearings. Staff had also recommended that the Planning, Zoning and Building Director have the discretion to increase the notification distance to 1,000 feet for any use more intense than the use that previously existed on the property.

The last proposed zoning text amendment in the proposed Ordinance is related to the existing one-year time limit requirement for expiration of zoning approvals. Commencement by Code is determined by Architectural or Landmarks Preservation Commission approval, or the submission of a building permit application if Commission approval is not required. In most cases, applicants meet those requirements. However, there are times when extenuating circumstances require the applicant to request more time. In those cases, time extensions have always been granted. In order to eliminate processing time for these types of extensions, Staff recommended providing a three-year timeframe to commence the work approved in a zoning application. In addition, Staff recommended that if the commencement time is increased, that the definition of commencement change to the issuance of a building permit, and not Commission approval or submission of a permit application.

The Planning and Zoning Commission, at its April 17, 2018 and May 15, 2018 meetings, considered Staff’s recommended changes related to the existing mailing notice requirements for zoning applications, and reduced the proposed notice distance from 1,000 feet to 750 feet; eliminated increased notice for height, building height and cubic content; eliminated the increased notice distance for PUD applications and also eliminated the discretion of the Planning, Zoning and Building Director to increase the notice for an intensification of use not already outlined in the proposed code changes. Staff has made one minor modification to that recommendation in two code sections related to when the work related to an approved application had to start. The change clarified that commencement of work is the issuance of a building permit for the work related to the application, and not just the issuance of a building permit.

The relevant zoning text changes are in add/delete format in Ordinance No. 11-2018. Staff will

explain the proposed changes to the relevant Zoning Code provisions at the meeting. If you have any questions about the agenda or proposed Zoning Code changes, please contact me at your convenience at 227-6406 .

TOWN ATTORNEY REVIEW

Ordinance No. 11-2018 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Planning and Zoning Commission
Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
zf

ORDINANCE NO. 11-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AS FOLLOWS: AT ARTICLE I, IN GENERAL, SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION, BY MODIFYING BUILDING, HEIGHT OF (APPLICABLE ONLY IN THE R-B DISTRICTS) TO CORRECT THE DEFINITION'S INTENT AND BUILDING HEIGHT OF, CORNER LOT TO CORRECT A SCRIVENERS ERROR WHICH INADVERTANTLY ELIMINATED LANGUAGE IN THE DEFINITION RELATED TO THE DEFINITION'S APPLICABILITY TO THE R-B ZONING DISTRICT; ARTICLE II, ADMINISTRATION, SECTION 134-172, HEARING PROCEDURE, SECTION 134-328, REVIEW BY DIRECTOR OF PLANNING, ZONING AND BUILDING OR HIS/HER DESIGNEE AND SECTION 134-330. ACTION BY TOWN COUNCIL; DEVIATIONS; TIME LIMIT FOR BEGINNING WORK, TO INCREASE THE NOTICE REQUIREMENTS FOR SPECIAL EXCEPTIONS, VARIANCES AND SITE PLAN REVIEWS THAT ARE AN INTENSIFICATION OF USE OR FOR OFF-STREET PARKING VARIANCES; TO REQUIRE THE LEGAL NOTICES TO BE MAILED BY THE APPLICANT; AND TO ALLOW 36 MONTHS TO COMMENCE WORK BY THE ISSUANCE OF A BUILDING PERMIT RELATED TO THE ZONING APPLICATION; SECTION 134-532, PUBLIC HEARINGS, TO ADD A 300 FOOT MAILING NOTICE AND LEGAL ADVERTISING REQUIREMENT FOR PUD APPLICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, after public hearings pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modification to the Code of Ordinances; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and as the Local Planning Agency 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 requires that the aforesaid Chapter 134, ZONING, of the Code of Ordinances, be amended as hereinafter set forth.

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

Section 1. Article I, IN GENERAL, Section 134-2, Definitions and rules of construction, is hereby amended to read as follows:

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

(a)...

(b) *Definitions* The following words, terms and phrase, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building, height of (applicable only in the R-B districts) means the vertical distance from zero datum (excluding garage) to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs the measurement is to the point where the ceiling meets the exterior wall. If the lot grade is raised more than 18 inches pursuant to section 134-898, the building height zero datum shall be from a point 18 inches above the highest street elevation or the minimum flood elevation, whichever is ~~lower~~ higher. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of first floor slab of the existing building.

Building height of, corner lot. In those cases involving a corner lot as defined in this section, the zero datum of the lot set forth in the definition of the term “building, height of (applicable to all districts except the R-B district)” and the definition of the term “building, height of (applicable only in the R-B district)” shall be measured from the average elevation (taken at the crown of the street) of each of the two intersecting streets abutting the lot. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of the first floor slab of the existing building.

Section 2. Article II, ADMINISTRATION, Section 134-172, Hearing procedure, is hereby amended to read as follows:

Sec. 134-172. Hearing procedure.

(a) Applications for special exceptions or variances shall be accompanied by proper exhibits, which shall be timely filed and shall include plans, documents and other materials to adequately depict and support the request. At a minimum, all applications for a variance shall include a plot plan identifying the following information: Location of structure(s), lot size, setbacks, percent of lot coverage, percent landscaped open space (front yard and total lot), and finished topographical elevations. In addition, if historic/specimen trees are located on the subject property, a signed and sealed survey with all pertinent information including the location of historic/specimen trees is required and a detailed written explanation of how said trees shall be protected by barricading shall accompany said application. Upon receipt of the application for a special exception or variance, the procedures in this section shall be undertaken.

(b) The director of planning, zoning and building or designee shall examine all applications requesting rezoning, special exception uses, dimensional variances or other matters requiring a public hearing to determine if they meet the requirements of this chapter, and that the action or approval requested is properly allowable by the town council under this chapter and if so shall prepare a report setting forth his recommendations. If the director or designee determines the application fails to meet the provisions of this chapter, he may schedule a pre-application conference and request modifications as may be required to bring the application within the provisions of this chapter.

(c) After completion of subsection (b), a copy of such application shall be mailed to the owners of the property and the property immediately adjacent thereto and across the street therefrom and to all property owners within 300 feet from any part of the subject property at the address shown on the county property appraiser's tax records, together with a notice from the director or designee advising the date, time and location of the hearing on such application before the town council. If a variance is being requested that exceeds the maximum density or the maximum off-street parking requirements allowed in the zoning district ~~based on the maximum density allowed by the future land use designation on the property~~, the notification distance shall increase to 1,000 feet. A density variance is not allowed which is inconsistent with the maximum density allowed in the Town's Comprehensive Plan.

If a special exception application is being requested for a service station, restaurant, lounge/bar, nightclub, private social, swimming, tennis or yacht club, or any other use deemed by the Director of Planning, Zoning and Building to be an intensification of use on a property, the notification distance shall increase to 750 feet. For the purpose of this section of the Code, intensification of use shall include, but not be limited to, increased tenant square footage, increased seating, increased off-street parking demand, increased hours of operation of a special exception use. Such list of property owners, together with a notification map, shall be provided by the applicant along with addressed and properly stamped envelopes and shall be certified by the applicant as being true and accurate. The applicant shall be required to mail the application to the property owners within the notification area within five days of submittal of the application to the Town.

(d) The director or designee shall also cause to be published in a newspaper of general circulation in Palm Beach or West Palm Beach a brief summary of such application and the date of the hearing, directed "to all to whom it may concern"; such notice to be published on two separate days not less than seven days apart, the first to be at least ten days before the meeting of the town council to consider such application. The cost of such publication shall be borne by the applicant.

(e) No application shall be heard less than ten days after the first publication of the notice and 15 days after the mailing to property owners directly affected as provided in this section, and all applications will be heard at regular meetings of the town council unless otherwise ordered by the town council in accordance with sections 134-141, 134-142, 134-201 and 134-226.

(f) An initial deferral requests received by the town more than seven days prior to scheduled town council hearing date may be granted for one month only or the next succeeding regular town council meeting, if that should occur on a different date. Any deferred action request received seven days or less from the scheduled meeting date shall be made in person at the town council meeting at the time the action item appears on the agenda. The applicant must explain or justify the request, which the town council may approve or deny. A second request for deferral shall be made in person at the town council meeting at the time the item appears on the agenda. The applicant must explain or justify the request, which the town council may approve or deny. A third request for deferral shall be denied unless the applicant can demonstrate to the town council that a compelling reason exists. Any deferral which is required due to a case being deferred by the architectural commission or landmark preservation commission shall be an exception to the regulation above. In no case shall a deferral exceed six months.

(g) An application request seeking substantially the same relief cannot be accepted for consideration after it has been denied by the town council until after 12 months have elapsed from the date of denial.

(h) The work or use authorized under an approved variance or special exception application must be commenced within ~~42~~ 36 months from the date of the town council approval thereof, and if not so commenced the special exception or variance shall be null and void. Commencement shall be considered as ~~either landmarks preservation commission or architectural commission application approval, whichever is appropriate, or the submission the~~ issuance of a building permit for the work related to the application or a business tax receipt if no building permit is required. application if said commission's approval is not required. A building permit, if required, must be issued within one year of the date of commencement or ~~said special exception or variance approval shall expire.~~ In addition, all authorized work under the building permit for said approved special exception or variance must be completed within the timeframe set forth in section 105.4.1.6. of the Florida Building Code as amended in section 18-242 of this Code or said special exception or variance shall expire.

(i) A request for a time extension from any of the requirements in subsection (h) may be granted or denied by the town council for just cause. Said time extension request shall be submitted in writing to the planning, zoning and building department at least one month prior to the expiration date or said special exception or variance approval shall expire.

Section 3. Article II, ADMINISTRATION, Section 134-328, Review by director of planning, zoning and building or his/her designee; notice of hearing, is hereby amended to read as follows:

Sec. 134-328. Review by director of planning, zoning and building or his/her designee; notice of hearing.

(a) A copy of such application for site plan review shall be mailed to the owners of the property and the property immediately adjacent thereto and across the street therefrom and to all owners of all other property within 300 feet from any part of the subject property at their respective

addresses as shown on the county property appraiser's tax records, together with a notice from the director of planning, zoning and building or designee advising of the date, time and location of the hearing on such application before the town council. Such list of property owners, together with a notification map, shall be provided by the applicant along with addressed and properly stamped envelopes and shall be certified by the applicant as being true and accurate. The applicant shall be required to mail the application to the property owners within the notification area within five days of submittal of the application to the Town. No application shall be heard less than ten days after the first publication notice as provided in this section and 15 days after the mailing to property owners directly affected, and all applications will be heard at regular meetings of the town council unless otherwise ordered by the town council.

(b) The director or designee shall also cause to be published in a newspaper of general circulation in Palm Beach or West Palm Beach a brief summary of such application and the date of the hearing, directed "to all to whom it may concern", such notice to be published on two separate days not less than seven days apart, the first to at least ten days before the meeting of the town council to consider such application. The cost of such publication shall be borne by the applicant.

Section 4. Article II, ADMINISTRATION, Section 134-330. Action by town council; deviations; time limit for beginning work, is hereby amended to read as follows:

Sec. 134-330. Action by town council; deviations; time limit for beginning work.

(a) After review and preparation of the findings, the town council shall approve, approve with changes, or deny the application for site plan review and direct the director of planning zoning and building or designee to approve or withhold approval of the building permit.

(b) An approval of a site plan review application by the town council shall include, as a part thereof, all of the information and exhibits as required by this chapter. No subsequent deviation or change may be made from this information and the exhibits as approved by the town council in the implementation of the town council approval except upon new application to and approval by the town council. The application shall include size, shape, style and location of buildings, number of dwelling units, location of parking facilities, driveways, accessory uses and buildings, landscaping concepts, and all other aspects of the proposed development germane to the site plan review. Any deviation will result in a stay of work until resolved.

(c) An initial deferral request received by the town more than seven days prior to scheduled town council hearing date may be granted for one month only or until the next succeeding regular town council meeting, if that should occur on a different date. Any deferred action request received seven days or less from the next scheduled meeting date shall be made in person at the town council meeting at the time the action item appears on the agenda. The applicant must explain or justify the request, which town council may approve or deny. A second request for deferral shall be made in person at the town council meeting at the time the item appears on the agenda. The applicant must explain or justify the request, which town council may approve or deny. A third request received for deferral shall be denied unless the applicant can demonstrate to the town council that a compelling reason exists. Any deferral

which is required due to a case being deferred by the architectural commission or landmark preservation commission shall be an exception to the regulation above. In no case shall a deferral exceed six months.

(d) The work authorized by town council approval of a site plan review must be commenced within ~~42~~ 36 months after the date of town council approval thereof, and if not so commenced town council approval shall thereupon become null and void. Commencement shall be considered ~~either landmarks preservation commission or architectural commission approval or the submission of the issuance of a building permit for the work related to the application if said commission's approval is not required.~~

Section 5. Article II, ADMINISTRATION, Section 134-532. Public hearings, is hereby amended to read as follows:

Sec. 134-532. Public hearings

(a) Upon submission of a complete planned unit development application, the planning and zoning commission shall hear said application within 60 days of the application being deemed complete by the director of the planning, zoning and building department or designee. A public hearing on the planned unit development application shall then be held by the planning and zoning commission and town council after public notice is given in accordance with law. A copy of the PUD application shall be mailed to the owners of the property and the property immediately adjacent thereto and across the street therefrom and to all property owners within 300 feet from any part of the subject property at the address shown on the county property appraiser's tax records, together with a notice from the director or designee advising the date, time and location of the hearing on such application before the planning and zoning commission and town council. Such list of property owners, together with a notification map, shall be provided by the applicant and shall be certified by the applicant as being true and accurate. The applicant shall be required to mail the application to the property owners within notification area within five days of submittal of the application to the Town. No application shall be heard less than ten days after the first publication notice as provided in this section and 15 days after the mailing to property owners directly affected, and all applications will be heard at regular meetings of the town council unless otherwise ordered by the town council.

(b) A transcript of the hearing shall be caused to be made by the town council, copies of which shall be made available at cost to any party to the proceedings, and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. The planning and zoning commission shall report on the proposed planned unit development not less than 15 days before the public hearing, and the report shall be available for public inspection during reasonable hours.

Section 6. 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 7. 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 8. Codification.

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

Section 9. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of June, 2018, second reading and final adoption on this ____ day of ____, 2018.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Any Other Matters

Agenda Title

Stop Work Order Under 3-Strike Rule

223 Orange Grove Road

Presenter

Paul Castro, Acting Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated June 4, 2018 From Paul Castro**
- ▣ **Letter from Veronica Close dated August 9, 2017 regarding second citation and warning**
- ▣ **Letter from Paul Castro dated May 30, 2018 regarding third citation and Stop Work Order**
- ▣ **Letter Dated June 5, 2018 From Paul Brazil**
- ▣ **Letter Dated June 5, 2018 From Steve Davis**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning & Building

Re: Stop Work Order Under 3-Strike Rule – 223 Orange Grove Road

Date: June 4, 2018

STAFF RECOMMENDATION

Staff recommends consideration of lifting the Stop Work Order for 223 Orange Grove Road with conditions identified in this memorandum.

GENERAL INFORMATION

The Town's STANDARDS APPLICABLE TO PUBLIC RIGHTS-OF-WAY AND EASEMENTS WITHIN THE TOWN OF PALM BEACH outlines construction parking regulations (known as the 3-Strike Rule) in Chapter XII. These rules specify that pending an appeal to the Public Works Director, a contractor who receives three (3) construction parking violations is subject to a Stop Work Order issued by the Building Official. This Stop Work Order may only be lifted upon application to the Town Council, who makes the final determination.

Southland Contractors Group, Inc. is the contractor at 223 Orange Grove Road, and has been cited on three separate occasions for violations of the 3-strike rule: March 29, 2017 (for 6 unauthorized vehicles), July 27, 2017 (for 3 unauthorized vehicles) and May 25, 2018 (for 2 unauthorized vehicles). After the second citation July 27, 2017, the Town issued a second strike warning to Gregory Stepp, the Qualifier for Southland Contractors Group, Inc. (See Exhibit A). That warning advised Mr. Stepp that a third strike would result in a Stop Work Order. After the third citation on May 25, 2018, Mr. Stepp was notified by correspondence on May 30, 2018, (see Exhibit B) that failure to appeal the three strikes by June 4, 2018, or denial of an appeal by the Public Works Director, would result in a Stop Work Order. Mr. Stepp filed the appeal and that appeal was denied by Paul Brazil, who notified the Planning, Zoning and Building Department to issue a stop work order. The Stop Work Order cited three violations, all related to the 3-strike rule. Mr. Stepp has requested to be placed on the Town Council agenda for consideration of lifting the Stop Work Order as it relates to the 3-strike rule.

The project is one of seven major construction projects on Orange Grove Road since 2014, four of which are still ongoing. The construction on that street and the on-street construction parking and loading have been the source of much irritation to the neighbors, in particular, Cynthia Martin,

who resides at 220 Orange Grove Road. The Department recommends that the Stop Work Order pertaining to the 3-strike rule be lifted, only upon the following conditions:

- Contain all parking on site until completion of the project.
- Any future parking violation assessed a fine of \$500 per occurrence, as stated in the 3-Strike parking regulation.
- Immediate, repeat Stop Work Order to be issued if and when a subsequent parking violation occurs.
- Payment of all parking fines accrued to date.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Director of Public Works
Anne-Marie Taylor, Acting Police Chief
Benjamin Alma, Parking/Code Enforcement Manager
William Bucklew, Building Official

EXHIBIT A



TOWN OF PALM BEACH

Planning, Zoning & Building Department

8/9/2017

Gregory Stepp, Qualifier
Southland contractors Group Inc
13290 SW 16 CT
Davie, FL 33425

Re: Construction Vehicle Parking Citations – 223 Orange Grove Rd, Palm Beach
Warning Notice

On July 27, 2017, you received a second citation for violation of the "3-Strike Rule", which regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building sites. These regulations are contained in the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach and information regarding these regulations is attached to all construction permits issued to a job site. Specifically, when possible all vehicles should be parked on private property. Permits (up to three in number) can be approved when private parking availability is limited and sufficient spaces in the right-of-way are available.

If three parking citations are received, the Director of Public Works may notify the Planning, Zoning & Building Department of these violations, and request that a "Stop Work" order be issued as allowed by Section 18-204 of Town Code (referred to as the "3-strike" rule).

You have received parking citations on two separate occasions: March 29, 2017 (for 6 vehicles) and July 27, 2017 (for 3 vehicles). This is to notify you that if you receive a third citation, under the Town's rules a "Stop Work" order will be issued by this Department. Please note that if a "Stop Work" order is issued by the Building Official, no work may be performed at the site under any permits issued by the Town of Palm Beach, until the Town Council determines if and under what conditions the work may proceed.

Your cooperation in observing the parking regulations of the Town will assist in ensuring that your job proceeds without disruption.

Truly yours,

Veronica W. Close
Assistant Director

cc: Reid J Boren, Property Owner
H. Paul Brazil, Public Works Director
Lt. Nicholas Caristo, Police Department
Benjamin Alma, Parking and Code Enforcement Manager
John S. Page, Director, Planning, Zoning & Building Department
William Bucklew, Building Official

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5430

EXHIBIT B



TOWN OF PALM BEACH

Planning, Zoning & Building Department

May 30, 2018

Hand Delivered, Emailed and mailed May 30, 2018

Gregory Stepp, Qualifier
Southland Contractors Group, Inc.
13290 SW 16th Ct
Davie, FL 33425

Re: Construction Vehicle Parking Citations – 223 Orange Grove Road, Palm Beach
Stop Work Order

As you know, the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations. When possible, all vehicles should be parked on private property. Permits (up to three in number) can be approved when private parking availability is limited.

Our records indicate that you have received two (2) parking permits for your project at the above address which have subsequently expired. In addition, you were issued a warning notice on August 9, 2017, for having received two (2) strikes under the Town's "3-strike rule."

You have received parking citations on three separate occasions: March 29, 2017 (for 6 unauthorized vehicles), July 27, 2017 (for 3 unauthorized vehicles) and May 25, 2018 (for 2 unauthorized vehicles). The third violation has not been paid as of this date. Under the Town's rules (referred to as the "3-strike" rule), you have ten (10) days from the date the third citation was issued to appeal the citation to the Director of Public Works.

You are advised that appeal of any citation is required to be in writing and delivered to the Director of Public Works by June 4, 2018, if you believe there are mitigating circumstances related to the issuance of the parking tickets. If mitigating circumstances are found to exist related to a strike, it may be waived upon payment of all tickets, and payment of a fine of \$250. **Failure to appeal the citation by the June 4th deadline, or denial of an appeal, will result in a "Stop Work Order" by the Building Official or designee, as allowed by Section 18-204 of the Town Code of Ordinances.**

Please be advised unless you provide compelling information that mitigating circumstances were involved, any the Stop Work Order will remain in effect until you and/or the property owner provides a written request to the Planning, Zoning and Building Department to place this item on

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5430

POSTED 5/30/18
3:20 PM 100

the next regularly scheduled Town Council meeting for consideration of lifting the Stop Work Order, and the Town Council has acted upon your request.

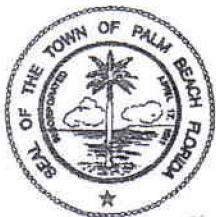
If you have any questions please feel free to contact me at (561) 227-6406 or Paul Brazil, Director of Public Works at (561) 838-5440.

Regards,



Paul Castro
Acting Director of Planning, Zoning and Building

cc: Michelle & Reid Boren, Property Owners
Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Public Works Director
Major Nicholas Caristo
Benjamin Alma, Parking and Code Enforcement Supervisor
John Moriarty, Code Enforcement Officer
William Bucklew, Building Official



PW-- 4614

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: BOREN DATE: 5/25/

JOB ADDRESS: 223 ORANGE GROVE

- ☐ Working in right-of-way without permit \$ 150 X _____ = _____
- ☐ Failure to have permit on job 2 Vehicles \$ 150 X _____ = _____
- ☒ Construction parking without permit* \$ 150 X _____ = _____
1st = \$150 2nd = \$250 and thereafter = \$500
- ☐ Inadequate Maintenance of Traffic ~~\$ 150 X~~ _____ = \$ 250.00
- ☐ Right-of-way littered by site dirt or debris \$ 150 X _____ = _____
- ☐ Failure to maintain safe sidewalk \$ 150 X _____ = _____
- ☐ Failure to carry-out permit terms/conditions \$ 150 X _____ = _____
- ☐ Storage of materials in right-of-way \$ 150 X _____ = _____
- ☐ Use of right-of-way as work area \$ 150 X _____ = _____
- ☐ Damage to infrastructure in right-of-way \$ 150 X _____ = _____
- ☐ Dewatering without a permit \$ 150 X _____ = _____
- ☐ Illegal discharges to Town sewers** \$ 500 X _____ = _____
- ☐ Other _____ \$ _____ X _____ = _____
- ☐ 2nd and added days of violation, double fine \$ _____ X _____ = _____

TOTAL FINE: \$ 250.00

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

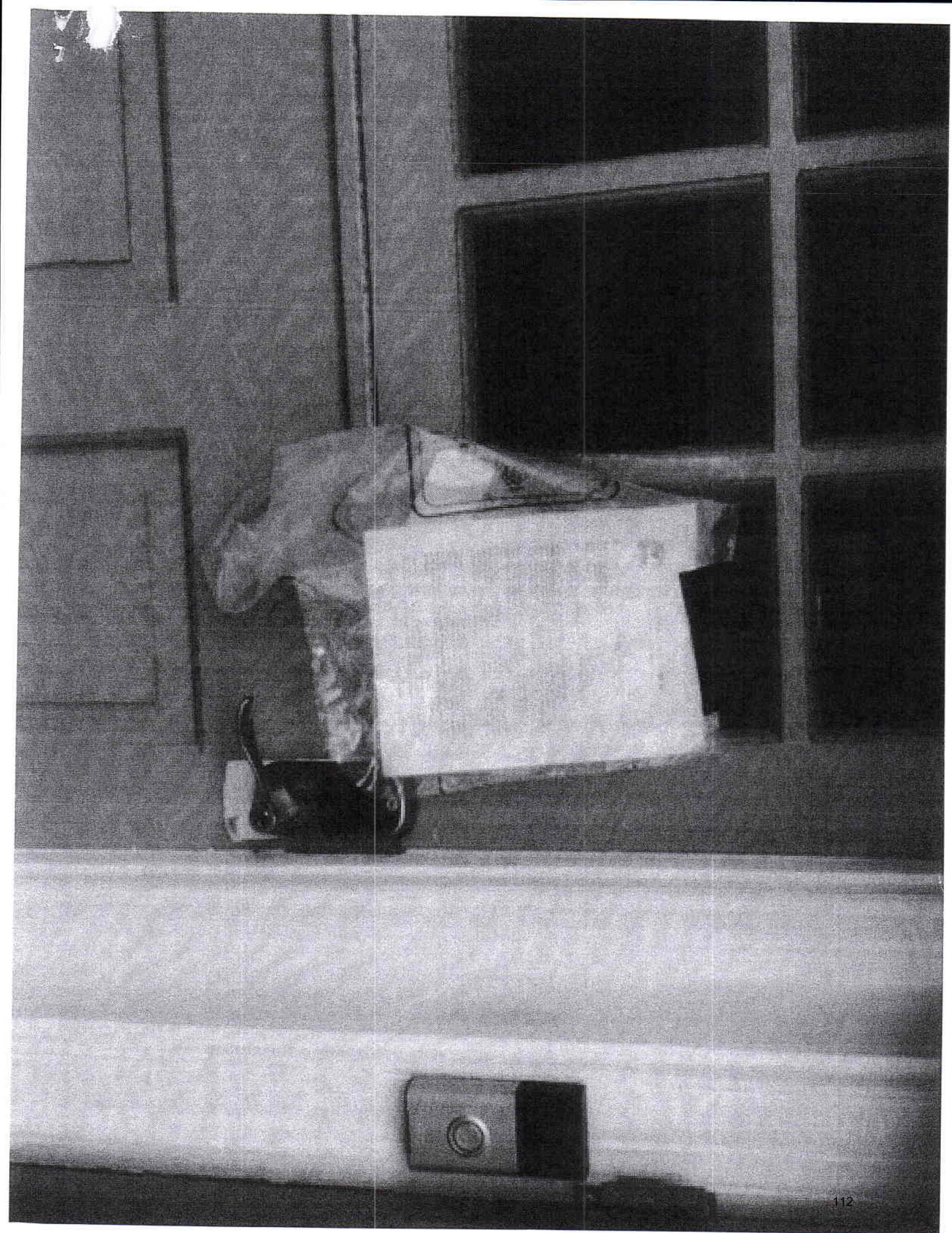
Right of Way restoration - \$30 per day until restored.

ISSUER Joseph L. Walsh

white/violator

yellow/PW

pink/issuer



STOP WORK

223 ORANGE GROVE RD

PER ATTACHED LETTER

DATED JUNE 5, 2018

RE: "3 STRIKE RULE"

6-5-2018

DATE

SIGNED

TOWN INSPECTOR



TOWN OF PALM BEACH
Public Works Department

June 5, 2018

Mr. Steve Davis, Manager
Southland Contractors Group, Inc.
13290 SW 16th Court
Davie, Florida 33425

RE: Appeal of Right-of-Way Violation Citations

Dear Mr. Davis:

On June 1, 2018 you met with myself and Town Engineer, Patricia Strayer, at our Public Works office. You requested this meeting to appeal one or more of the citations referenced in the May 30, 2018 letter from the acting Director of Planning Zoning and Building, Paul Castro.

The letter you sent to me dated June 1, 2018 (attached) states that one of the three sets of tickets you have received at the site should not have been issued to you as they were service people who were called to the site by the owner. By your own admission, site supervision has been lacking. This is consistent with the complaints that we have received, my staff's observation, and was also documented on the attached May 25, 2018 Violation Notice. Proper supervision is a requirement and could have prevented the citations you are appealing.

I am denying your appeal and will inform the Planning, Zoning and Building Director that a Stop Work Order is warranted based on the Town's "3 Strike Rule". It will be necessary for you to request that the Stop Work Order be lifted, which will need to be heard by the Town Council. Please contact the Director of Planning, Zoning and Building, Paul Castro (561) 227-6406, to make the necessary arrangements.

Sincerely,


Paul H. Brazil, P.E.
Director of Public Works

cc: Michelle and Reid Boren, Property Owners
Jay Boodheshwar, Deputy Town Manager
Paul Castro, Director of Planning, Zoning and Building
Patricia Strayer, Town Engineer
Bill Bucklew, Planning, Zoning and Building, Building Official

MAILING ADDRESS: Post Office Box 2029 • 300 South County Road • Palm Beach, Florida 33480 • (561) 838-5440
LOCATION: Suite A • 991 Old Okeechobee Road • West Palm Beach, Florida 33401 • Fax No. (561) 835-4601

June 5, 2018

Steve Davis, Mgr.
Southland Contractors Group, Inc.
13290 SW 16th Ct
Davie, FL 33425

Mr. Paul Castro
Acting Planning Zoning and Building Director
Town of Palm Beach

**RE: Stop Work Order/ Permit Suspension; Building Permit #B-17-62779
Town Council Hearing Request – 223 Orange Grove Road, Palm Beach**

Mr. Castro,

We have been informed of the decision by the Public Works Director, Mr. Paul Brazil, to deny our appeal as it pertains to the parking and use of the right of way. I would like to formally request on behalf of Mr. Reid Boren (Property owner) and Mr. Greg Stepp (License Qualifier, Southland Contractors Group, Inc.) that we be added to the agenda for the June 13, 2018 meeting of the Town Council.

We plan to request from the town council that they lift the stop work order and allow us to finish the work on the property as it pertains to the pool, hardscape and landscape installation. We realize the complexity of the problem as it pertains to the parking and right of way situation on the street. Our goal is to be more pro-active in our approach to completing the project and we would offer the following as our plan going forward.

- Full-time person dedicated to the site with his sole purpose being to manage the site conditions such as;
 - No parking on the street unless a town placard is displayed.
 - Restricted use of the Right of Way with prior notification and approval by the town for any deliveries.
 - Awareness and timely responsiveness to any concerns by the neighbors
 - Monitoring site activities such that we remain within the time restrictions for making noise.
- We have begun the process of emailing our schedule of construction events to the town right of way inspector. We would gladly continue that process and include you or anyone else on your staff until completion of the project.

If there is anything in addition to the above items that you feel could be beneficial to us moving forward, please make us aware of those so that we may incorporate them into our work plan.

Respectfully,

A handwritten signature in black ink, appearing to read 'Steve Davis', written over a horizontal line.

Steve Davis

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 13, 2018

Section of Agenda

Any Other Matters

Agenda Title

Discussion of the Lot Split Administrative Approval Process in Chapter 110, Subdivisions, in the Code of Ordinances

Presenter

Julie Araskog, Town Council Member

ATTACHMENTS:

No Attachments Available