



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

WEDNESDAY, MAY 11, 2011

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

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

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

VI. APPROVAL OF AGENDA

VII. RESOLUTIONS

- A. RESOLUTION NO. 31-11 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Establishing An Abandoned Real Property Registration Fee; Providing An Effective Date. [John Page, Director of Planning, Zoning, and Building]

Page 6

VIII. ORDINANCES

- A. Second Reading

None

- B. First Reading

1. ORDINANCE NO. 14-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, At Section 134-2 To Create Definitions Of Business Directory Sign and Menu Sign; At Section 134-2435 By Creating A Provision To Permit Business Directory Signs At The Entrances To A Via Or Esplanade; Section 134-2446 By Creating Said Section To Provide A Provision To Allow A Menu Sign At The Entrance Of A Restaurant Or Merchant Retail Take-Out Food Establishment; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

Page 11

IX. DEVELOPMENT REVIEWS

- A. Appeals

None

- B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 1170 South Ocean Boulevard (Bath and Tennis Club) Per Letter Dated April 21, 2011, from Nicolas Gomez.

Page 17

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #6-2011 WITH SPECIAL EXCEPTION AND VARIANCES** The application of Little Broad Beach Partners; relative to property commonly known as **95 North County Road**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a modification to the Site Plan and two Special Exception approval requests to convert the existing post office building located at 95 North County Road into an office building which will result in a second floor interior addition and will expand the current gross square footage from 10,656 square feet (5,651 gross leasable square feet) to 14,495 gross square footage (11,255 gross leasable square feet). The Special Exception requests are to expand the second floor area and to have an office which exceeds 2,000 square feet. Since the proposed office is in excess of 2,000 square feet, the applicant is required to obtain Town Council approval of a special exception and a finding that the proposed use is town serving. The site plan will be modified by eliminating the access driveway on the east side of the property and relocating it to the south side of the property and will also change the parking configuration. A Variance is requested to allow an office use on the first floor in the C-TS Zoning District which does not meet all of the conditions of subsection (18). The variance is to allow a first floor office use which does not meet the requirement that more than 50% of the existing first floor tenant spaces within 300 feet in the same zoning district are required to be office uses. Variances are also requested from the requirement to provide seventeen (17) additional off-street parking spaces above the amount calculated by the principal of equivalency zoning requirement to convert a 5,651 square foot post office to a 11,255 square foot office building in the C-TS Zoning District and to not provide a loading berth as required in Section 134-2211 of the Zoning Code.
[Attorney: Maura A. Ziska]
Deferred from the April 13, 2011, Town Council Meeting (Special Circumstances).

Page 30

2. New Business

- a. **SPECIAL EXCEPTION #11-2011** The application of Noreen S. Dreyer, Esq.; relative to property commonly known as **285 Sunrise Avenue**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting Special Exceptions for a bank and drive-in service facility with greater than 2,000 square feet of gross leasable area. The bank is replacing Wachovia Bank at that location.
[Attorney: Noreen S. Dreyer, representing JP Morgan Chase]
- b. **SPECIAL EXCEPTION #12-2011** The application of Palm Beach Executive Center; relative to property commonly known as **2875 South Ocean Blvd.**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a Special Exception to lease 9,536 square feet in Suite 200, for executive office suites in C-TS zoning district. The space contains forty individual offices within the suite.
[Attorney: Neil Schiller]

D. Other

1. Consideration of Conditions of Approval for Café Milano, Special Exception #16-2010, 375 South County Road. Page 46
[John Page, Director of Planning, Zoning, and Building]
2. Reconsideration of Supplemental Shared Off-Street Parking for Coco's Restaurant located at 290 Sunset Avenue and 139 North County Road, Special Exception # 4-2011. Page 49
[John Page, Director of Planning, Zoning, and Building]
3. Request to Consider Zoning Ordinance No. 14-11 Prior to 5:00 p.m. at the June 15, 2011, Town Council Meeting. Page 51
[John Page, Director of Planning, Zoning, and Building]

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

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

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

TOWN OF PALM BEACH

Town Council Meeting on: May 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 31-11 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Establishing An Abandoned Real Property Registration Fee; Providing An Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 28, 2011, from John Page, Director of Planning, Zoning, and Building
- Resolution No. 31-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Establishment of an Abandoned Property Registration Fee
Resolution No. 31-11

Date: April 28, 2011

STAFF RECOMMENDATION

Staff recommends Town Council adopt the resolution delineated below.

BOARD OR COMMISSION RECOMMENDATION

The Ordinance, Rules, and Standards Committee has considered this issue and recommends approval of the establishment of an abandoned property registration fee.

GENERAL INFORMATION

During the ORS Committee's comprehensive review of the Town Code of Ordinances, the Town Attorney presented a draft ordinance which added Article VIII Abandoned Real Property to the Town's Code of Ordinances at Chapter 42 Environment. The ordinance was subsequently adopted by the Town Council, and included the requirement to register each abandoned real property with the Planning, Zoning & Building Department, and remit a registration fee in conjunction with the registration of each property.

The Department is proposing that a fee of \$150 be established for each registration. This fee is similar to the amount charged by other communities for registration of properties under similar ordinances, and has been determined by the staff to be adequate to cover any processing expenses related to the registration.

Resolution No. 31-11 contains the fee (\$150) and is attached.

FUNDING/FISCAL IMPACT

Revenue from the establishment of this fee is expected to be minimal.

TOWN ATTORNEY REVIEW

This resolution has been reviewed by the Town Attorney for legal form and sufficiency.

Attachments

JSP:VWC:pc

cc: John C. Randolph, Town Attorney
Thomas G. Bradford, Deputy Town Attorney

RESOLUTION NO. 31-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,
ESTABLISHING AN ABANDONED REAL PROPERTY
REGISTRATION FEE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 18 of the Town Code of Ordinances requires the registration of
abandoned real property, and the payment of a registration fee; and

WHEREAS, it has been determined a registration fee for abandoned real property is
necessary.

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

Section 1. This Resolution is hereby adopted to establish an abandoned real
property registration fee of \$150.

Section 2. This Resolution shall become effective immediately upon passage by
the Town Council.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of May, 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 11, 2011

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 14-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, At Section 134-2 To Create Definitions Of Business Directory Sign and Menu Sign; At Section 134-2435 By Creating A Provision To Permit Business Directory Signs At The Entrances To A Via Or Esplanade; Section 134-2446 By Creating Said Section To Provide A Provision To Allow A Menu Sign At The Entrance Of A Restaurant Or Merchant Retail Take-Out Food Establishment; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated April 28, 2011
- Ordinance No. 14-11

TOWN OF PALM BEACH

Information for Town Council Meetings on: May 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: First Reading by Town Council of Ordinance No. 14-11, Proposed Modifications and Changes to Chapter 134, Zoning
Ordinance No. 14-11

Date: April 28, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 14-11 on first reading .

PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY RECOMMENDATION

The Planning and Zoning Commission/Local Planning Agency, at its April 19, 2011 meeting, recommended by a 7-0 vote, approval of Ordinance No. 14-11.

GENERAL INFORMATION

The Planning and Zoning Commission, at its March 15, 2011 meeting, provided staff with directions to create provisions for business directory signs in vias and menu signs for restaurants. Staff conducted a survey of existing business identification signs and contacted a local sign company (Phil Rowe Signs) to discuss an appropriate size and font for directory signs. The proposed code language in attached Ordinance No. 14-11 allows for a reasonably sized sign facing both directions of a sidewalk, and font size on the sign that is easily visible to pedestrians.

The Town did not begin regulating signage in the vias until April 9, 2004. There are many grandfathered business directory signs at the entrances to vias. In addition, there are also grandfathered signs at entrances to open stairways in the vias which identify upper floor commercial tenants. Staff believes that all of these existing signs are nonconforming and are allowed to remain. However, business directory signs installed after that date without a valid permit will be required to meet these proposed new zoning regulations.

First Reading by Town Council of Ordinance No. 14-11, Proposed Modifications and Changes to Chapter 134, Zoning
April 28, 2011
Page 2

In addition, the proposed ordinance also addresses menu signs. The proposed code revisions allow a restaurant or take-out food establishment, such as Pastry Heaven and Sandwiches by the Sea, to place a reasonably sized sign which would display the menu and price of items to passing pedestrians. The menu sign would be required to be placed within a reasonable distance (four feet) from the restaurant entrance and could be in the form of either a wall, window or pedestal sign.

On April 19, 2011, the Planning and Zoning Commission, as the Local Planning Agency, recommended by a 7-0 vote that the Town Council adopt proposed Ordinance No. 14-11.

If you have any questions about the draft Ordinances please contact Paul Castro, Zoning Administrator, at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance No. 14-11 was approved by Town Attorney Randolph for legal form and sufficiency.

Attachment

cc: Peter B. Elwell, Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building
Paul W. Castro, AICP, Zoning Administrator
John Lingdren, AICP, Planning Administrator

ORDINANCE NO. 14-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, AT SECTION 134-2 TO CREATE DEFINITIONS OF BUSINESS DIRECTORY SIGN AND MENU SIGN; AT SECTION 134-2435 BY CREATING A PROVISION TO PERMIT BUSINESS DIRECTORY SIGNS AT THE ENTRANCES TO A VIA; SECTION 134-2446 BY CREATING SAID SECTION TO PROVIDE A PROVISION TO ALLOW A MENU SIGN AT THE ENTRANCE OF A RESTAURANT OR MERCHANT RETAIL TAKE-OUT FOOD ESTABLISHMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, after public hearing pursuant to notice required by law, the Local Planning Agency considered all testimony and recommended that the Town Council adopt the subject Ordinance; and,

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

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

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

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

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

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

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

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

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

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

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

Sec. 134-2446. Menu Signs.

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

Section 4. Severability.

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

Section 5. Repeal of Ordinances in Conflict.

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

Section 6. Codification.

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

Section 7. Effective Date.

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

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

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

Michael J Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: May 11, 2011

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction Work, at 1170 South Ocean Boulevard (Bath and Tennis Club) Per Letter Dated April 21, 2011, from Nicolas Gomez.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 28, 2011, from John Page, Director of Planning, Zoning, and Building
- Letter Dated April 21, 2011, from Nicholas Gomez
- Plans for 1170 South Ocean Blvd
- Letter Dated April 27, 2011, from Nicholas Gomez

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Waiver of Town Ordinance 42-198, Extension of Work Hours
1170 South Ocean Boulevard

Date: April 28, 2011

STAFF RECOMMENDATION

Staff recommends work be allowed to be performed as requested at the Bath and Tennis Club. Work will cause minimal disturbance to the surrounding properties. If Town Council decides to approve this waiver, the following conditions are recommended:

- All work performed during the hours granted by this waiver shall be to the interior of the building, no exterior construction is allowed. **NOTE: Per Town Code Section 42-199, construction hours during the requested work dates of June 1 - October 31 are restricted to 8:00 a.m. until 6:00 p.m., except Sunday and legal holidays. The request now pending is to extend the work day until 9:00 p.m. Monday through Saturday. No work should be permitted Sundays or on legal holidays.**
- No machinery, tools, or equipment shall be operated outside the building which disturbs the neighbors.
- Any violation of these conditions may result in revocation of this waiver.

GENERAL INFORMATION

The Bath and Tennis Club has been undergoing complete refurbishment over the past three years. This is the fourth phase of work which will include finishing the third floor interior build out, renovations to select areas of the first floor and employee locker room, and re-roofing portions of the existing roof. This waiver is to allow the contractor to work on the interior of the building only during any extended hours. All exterior work will be performed during normal construction hours.

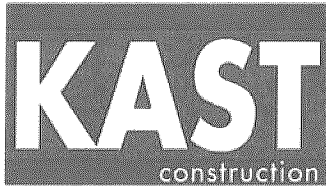
A similar waiver was granted to this contractor last year to allow construction to be completed while the Club was closed. This request is similar to last year's request which was completed with no complaint from the public.

This contractor performed the work on Phase Three and is familiar with the job site, working conditions, and the requirements of the Town. This extension will allow the Bath and Tennis Club to complete work during the summer season and before reopening in the fall.

Attachments

JP/jlt

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



April 21, 2011

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

RE: Bath and Tennis Club
1170 South Ocean Blvd.
Palm Beach, FL 33480
Hours of Construction Ordinance Waiver

Dear Sir or Madam,

Please accept this as our written request to waive Town Ordinance 42-199, Hours of Construction, as indicated below:

Monday – Saturday: 8:00 AM through 9:00 PM.

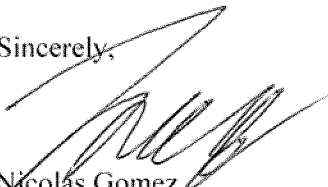
The construction work being proposed includes interior renovation of existing Bath and Tennis Club, Upper Level, portions of Entry Level, and roofing repairs (please see attached floor plan). All work completed outside regular working hours will be interior work and shall have no impact on adjacent properties.

The work is to be completed from June 1, 2011 to October 31, 2011.

This waiver is necessary in order to be able to complete the renovation work within the allocated time for the project.

Should you need any additional information, please let us know. Your cooperation with this matter is greatly appreciated.

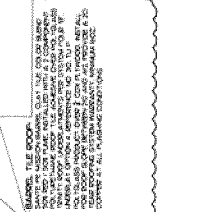
Sincerely,



Nicolás Gomez
Project Manager
Kast Construction III, LLC.


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SANTE PRE MISSION BARNES CLAY TILE COLOR BLEND SOLID 2" FOR ROOF. INSTALLED WITH A 2" COMPANION POLYURETHANE FOAM TILE ADHESIVE OVER SOLID 1/2" THIN TILE ROOF UNDERLAYMENTS PER SYSTEM HOLD TO UNDERLAY OPTION 4. DEFERENCE NO. 30. 1/2" POLYURETHANE PRODUCT OVER 2" COX PLYNCO INSTALL FOR ROOF SLOPE BETWEEN 3/4" AND 2" PROVIDE A 20 YEAR ROOFING SYSTEM WARRANTY. MINIMUM ROOF SLOPE AT ALL RAINFALL CONDITIONS.



Handrail

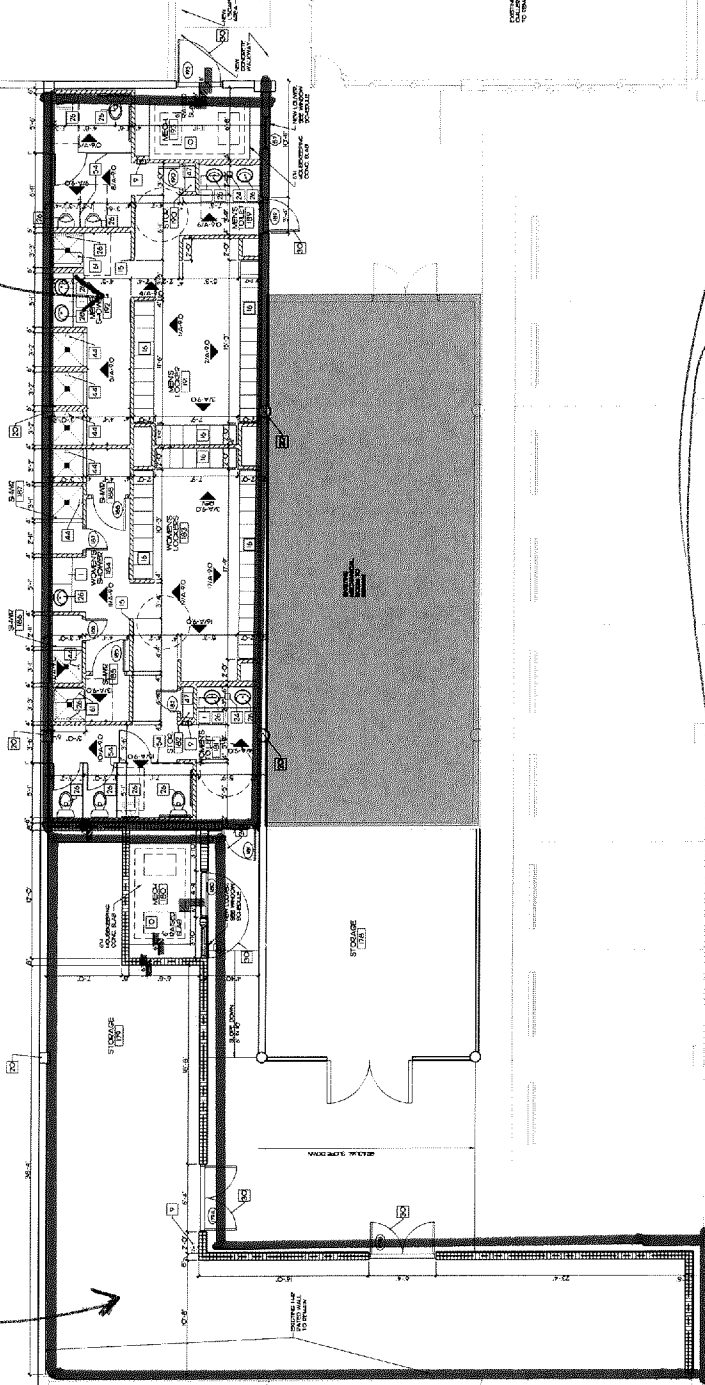
Staircase

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EXISTING TENNIS
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NEW
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INTERIOR
RENOVATION



EMPLOYEE LOCKER ROOMS

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

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GROUND LEVEL

AREAS SHADED INDICATE 200
COMPLETED WORK - NO NEW
WORK THIS AREA

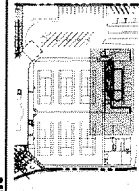
KEY NOTES

1. BATH IN GARMENT OF ONE CORNER - PROVIDE THE DETACHED BATHING AS REQUIRED
2. NEW FACTORY "HUNTER" ALUM. LAMINATE - SEE DETAIL A-1.1
3. PROVIDE 2" DIA. TO REMAIN - NEW FLOOR FINISH AS NEW MATERIALS - SEE DETAIL A-1.1
4. NEW CEILING - SEE DETAIL A-1.1
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WALL LEGEND

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KEY PLAN



ENLARGED BEACH LEVEL PLANS



SCALE 3/8" = 1'-0"

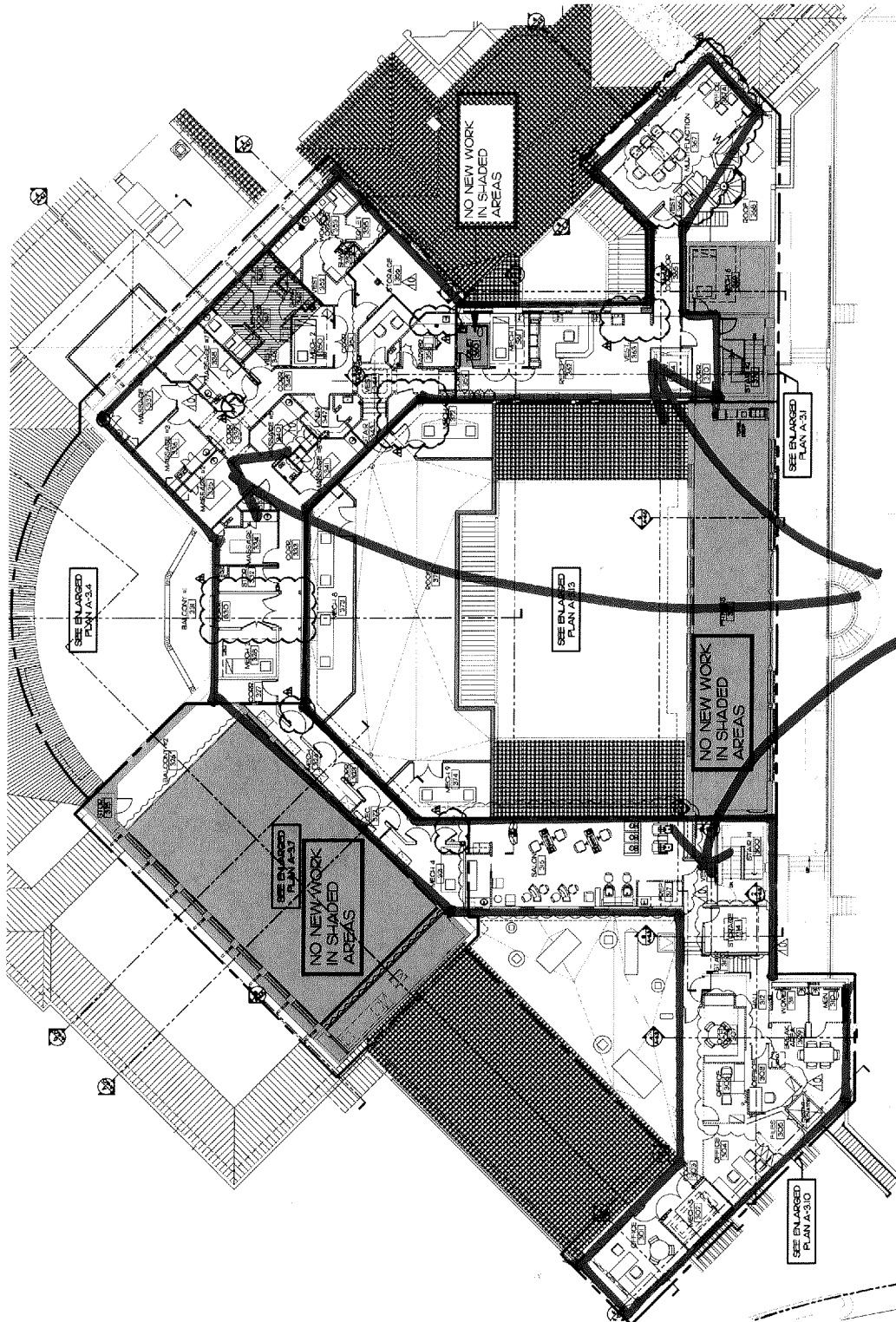
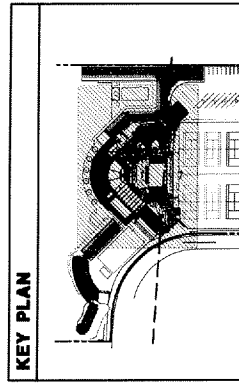
GLIDDEN, SPINA & PARTNERS
ARCHITECTURE, INTERIOR DESIGN, INC.
1401 FORUM WAY, SUITE 1000, WEST PALM BEACH, FLORIDA 33401
PHONE: 561.684.6844 • FAX: 561.684.5594 • E-MAIL: info@glidden-spina.com
170 S. OCEAN BLVD.
PALM BEACH, FLORIDA 33480
CHECKED BY: JAG
DATE: 02/12/10
PROJECT NO: 07060
REVISIONS:
1. REVISED - 02/11/10

2011 ENTRY & UPPER LEVEL RENOVATIONS
BATH & TENNIS CLUB
170 S. OCEAN BLVD.
PALM BEACH, FLORIDA

Sheet Title: ENLARGED BEACH LEVEL PLANS
Drawing No: 07060
Project No: 07060
Date: 02/12/10
Checked By: JAG
Project No: 07060
Revision: 1. REVISED - 02/11/10

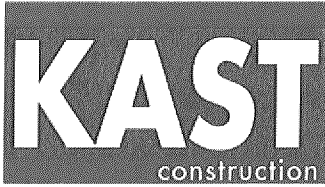
A-1.1

HATCH NOTE
 HATCH AREA REPRESENTS NEW 1" PLYWOOD
 SEATING OVER 1" COOK OVER EXISTING FLOOR
 NEW WALL FRAMING SHALL BE APPLIED OVER 14S
 NEW SEATING



3RD FLOOR
 INTERIOR RENOVATION

N
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April 27, 2011

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

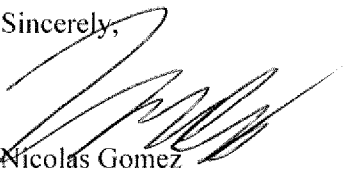
RE: Bath and Tennis Club
1170 South Ocean Blvd.
Palm Beach, FL 33480
Hours of Construction Ordinance Waiver - AFFIDAVIT

Dear Sir or Madam,

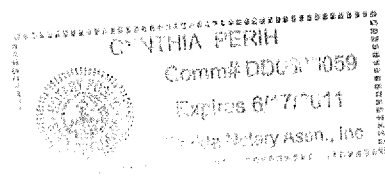
This is to confirm that notifications to all property owners within 200 feet of the work site were mailed 10 days or more prior to the May 11, 2011 scheduled Town Council meeting.

Attached is a copy of the letter sent to the property owners and list of property owners obtained from the Property Appraiser's Office. Should you need any additional information, please let us know.

Sincerely,


Nicolas Gomez
Project Manager
Kast Construction III, LLC.


NOTARY





April 25, 2011

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 1170 South Ocean Blvd., Palm Beach, FL 33480 to complete the interior renovations of the Club. This waiver is requested from June 1, 2011 until October 31, 2011.

This matter will be presented to the Palm Beach Town Council at the regular scheduled meeting on May 11, 2011. Any concerns regarding this matter should be expressed at this meeting.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Nicolas Gomez", is written over the printed name.

Nicolas Gomez
Project Manager
Kast Construction III, LLC.

50434335000020390 200
MAR A LAGO CLUB INC
1100 S OCEAN BLVD
PALM BEACH FL 33480 5004

50434335000020410 200
GREENE JEFFREY &
1200 S OCEAN BLVD
PALM BEACH FL 33480 5000

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BERNSTEIN MICHAEL E &
153 KINGS RD
PALM BEACH FL 33480 5001

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FORD BEATRIZ A
300 REGENTS PARK RD
PALM BEACH FL 33480 5014

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LOUIS EDDY J
500 REGENT PARK RD
PALM BEACH FL 33480 5011

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PRICE KATHLEEN M
400 REGENT PARK RD
PALM BEACH FL 33480 5018

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MILNER JOYCE L
200 REGENT PARK RD
PALM BEACH FL 33480 5010

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BATH & TENNIS CLUB INC
1170 S OCEAN BLVD
PALM BEACH FL 33480 5004

Property Appraiser GIS - PCN listing

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ORDER # _____

DATE RECEIVED _____

GARY R. NIKOLITS, CFA
PALM BEACH COUNTY PROPERTY APPRAISER
REQUEST FOR DATA RUN
PROPERTY INFORMATION

NAME OF COMPANY AND/ OR INDIVIDUAL: KAST CONSTRUCTION
(PRINT)

ADDRESS: 701 S. OLIVE AVE, SUITE 105, WPB FL
(PRINT)

TELEPHONE NUMBER(S): 561 689-2910 E-MAIL ADDRESS: 260MEERKASTBUILD.COM

RADIUS - OPTIONAL - WHERE NEEDED, (INDICATE NUMBER OF FEET FROM STARTING POINT): 200 FT

PROPERTY CONTROL NUMBERS (PCN'S) - FOR VARIANCES:

1170 S. OCEAN BLVD.
Bach AND Tennis Club
50-43-43-35-06-000-0010

PUBLIC RECORDS - DESCRIPTION OF RUN OR AREA REQUESTED: _____

CHECK ITEM
NEEDED:

_____ VARIANCE REQUEST

_____ RADIUS MAP

☒ LABELS 1 SETS

_____ INDIVIDUAL OWNERS OF EACH CONDO UNIT

_____ PRINT-OUTS _____ SETS

_____ TAX ROLL RECEIPTS

(ORDER WILL BE PROCESSED ONLY AS MARKED OR AS INDICATED ABOVE)

I, THE UNDERSIGNED, WISH TO ORDER THE ABOVE DESCRIBED DATA RUN.

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR ANY CHARGES INCURRED FROM PROCESSING THIS ORDER.
OUR OFFICE MAY CALL YOU TO REQUEST PAYMENT IN ADVANCE OR NON-REFUNDABLE DEPOSIT BEFORE THE
WORK IS PROCESSED.

CONTACT: MAPPING COUNTER - VARIANCES
PHONE: 561-355-2881 FAX: 561-355-1528

CONTACT: PROPERTY APPRAISER RECORDS
PHONE: 561-355-2881 FAX: 561-355-1528

OFFICE USE ONLY

NICOLAS Gomez

(PRINT CONTACT NAME)

(SIGNATURE)

4/21/11

(DATE)

TOWN OF PALM BEACH

Town Council Meeting on: May 11, 2011

Section of Agenda

Old Business - < 15 Minutes

Agenda Title

SITE PLAN REVIEW #6-2011 WITH SPECIAL EXCEPTION AND VARIANCES

The application of Little Broad Beach Partners; relative to property commonly known as **95 North County Road**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a modification to the Site Plan and two Special Exception approval requests to convert the existing post office building located at 95 North County Road into an office building which will result in a second floor interior addition and will expand the current gross square footage from 10,656 square feet (5,651 gross leasable square feet) to 14,495 gross square footage (11,255 gross leasable square feet). The Special Exception requests are to expand the second floor area and to have an office which exceeds 2,000 square feet. Since the proposed office is in excess of 2,000 square feet, the applicant is required to obtain Town Council approval of a special exception and a finding that the proposed use is town serving. The site plan will be modified by eliminating the access driveway on the east side of the property and relocating it to the south side of the property and will also change the parking configuration. A Variance is requested to allow an office use on the first floor in the C-TS Zoning District which does not meet all of the conditions of subsection (18). The variance is to allow a first floor office use which does not meet the requirement that more than 50% of the existing first floor tenant spaces within 300 feet in the same zoning district are required to be office uses. Variances are also requested from the requirement to provide seventeen (17) additional off-street parking spaces above the amount calculated by the principal of equivalency zoning requirement to convert a 5,651 square foot post office to a 11,255 square foot office building in the C-TS Zoning District and to not provide a loading berth as required in Section 134-2211 of the Zoning Code. [Attorney: Maura A. Ziska]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated April 28, 2011
- Declaration of Use Agreement
- E-mail dated April 5, 2011, from Marion Gorelick

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Proposed Declaration of Use Agreement for Site Plan Review #6-2011 with Special Exceptions and Variances, 95 North County Road

Date: April 28, 2011

STAFF RECOMMENDATION

It is recommended that the Town Council consider the proposed Declaration of Use Agreement governing future use of the Post Office (with Staff's proposed modifications as identified).

GENERAL INFORMATION

On April 13, 2011, the Town Council considered Site Plan Review #6-2011 with Special Exceptions and Variances to modify the post office property at 95 North County Road. The modifications would allow the addition of square footage to the second floor interior of the building and modify the parking lot, driveway access and entrances to the existing building. At that meeting, the Council discussed concern about the limited amount of off-street parking being provided based on the amount of square footage being proposed. After a lengthy discussion on the matter, the Council deferred the application and directed staff to work with the applicant on a Declaration of Use Agreement.

Staff's understanding is that the Agreement is to allow additional square footage to the building, yet limit the use of floor area to use(s) that are not expected to create a parking shortage. The Agreement is to include a provision(s) holding the Town harmless if parking demands/related on-site parking availability prevent all of the expanded floor area from being used by the owner and future tenants. In addition, the Agreement is to also require all future tenants to demonstrate to the Town Council adequate on-site parking capacity before being allowed to occupy the building.

Staff has reviewed the draft Agreement which was prepared by attorney Maura Ziska. The attached proposed Agreement incorporates Staff's recommended changes (which the applicant's attorney has also reviewed). The additional or modified conditions that Staff recommends be included in the proposed Agreement are identified in bold add/delete format for discussion. Per date of this memorandum, the applicant has not committed to any of the proposed staff changes.

If you have any questions about the proposed Declaration of Use Agreement, please contact Paul Castro, Zoning Administrator, at 227-6406.

Proposed Declaration of Use Agreement for Site Plan Review #6-2011 with Special
Exceptions and Variances, 95 North County Road
April 28, 2011
Page 2

TOWN ATTORNEY REVIEW

The proposed Declaration of Use Agreement was approved by Town Attorney Randolph for legal form and sufficiency.

ATTACHMENT

PBE/jsp/pc

cc: Mayor and Town Council
Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
Raychel Houston, Code Enforcement
pf & zf

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

LITTLE BROAD BEACH PARTNERS, L.P.

May, 2011

**Prepared by and return to:
Maura A. Ziska, Esquire
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
(561) 802-8960**

TABLE OF CONTENTS

	Page
ARTICLE 1	RECITALS.....4
ARTICLE 11	REPRESENTATION OF OWNERSHIP.....4
ARTICLE III	OFFICE BUILDING4
ARTICLE IV	CONDITIONS.....5
ARTICLE V	VOLUNTARY AGREEMENT.....5
ARTICLE VI	REMEDIES FOR VIOLATION.....5
ARTICLE VII	PROVISIONS TO RUN WITH LAND/RECORDING.....6
ARTICLE VIII	ENTIRE AGREEMENT.....7
ARTICLE IX	EFFECTIVE DATE.....7
ARTICLE X	MISCELLANEOUS.....7

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this ____ day of _____, 2011 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town"); and LITTLE BROAD BEACH PARTNERS, LP, 95 North County Road, Palm Beach, Florida 33480 (hereinafter called "Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH :

WHEREAS, the land described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Land") is located within the municipal limits of the Town;

WHEREAS, the proposed use of the building is to be "office use" which is a conforming use in the C-TS Zoning District;

WHEREAS, Town Council approved Site Plan Review No. #6-2011 with Special Exceptions and Variances on May 11, 2011 which approved the renovation of the existing post office building to convert the interior to an office with a second floor level which will result in 14,495 gross square foot building of which 11,255 is considered gross leasable square feet.

WHEREAS, the renovation of the building is subject to the conditions set forth herein and the approval of Site Plan Review No. 6-2011 with Special Exceptions and Variances and this Agreement, and on the basis of the Owner's application, the testimony on behalf of the Owner, and the specific finding of the Town Council that the approval of the Site Plan is in compliance with said conditions, will not be adverse to the public interest and upon a finding of the Town Council that the applicable provisions of the Town Code governing the use of the Land and the site plan criteria have been met;

WHEREAS, the Town Council approved on May 11, 2011, the Special Exception request, subject to the conditions set forth herein and the approval of this Agreement on the basis of the Owner's application, the testimony on behalf of the Owner, and the specific finding of the Town Council that the proposed office use will be town-serving and will be beneficial and compatible with the neighborhood, and upon a finding by the Town Council that the applicable provisions of the Town Code governing the use of the Land and special exception criteria have been met;

WHEREAS, the Town Council approved on May 11, 2011, those certain Variances, subject to the conditions set forth herein and the approval of this Agreement, and on the basis of the Owner's application, the testimony on behalf of the Owner, and the specific finding of the Town Council that the necessary hardships exist, and that the approval of the Variances, in compliance with said conditions, will not be adverse to the public interest, and upon a finding by the Town Council that the applicable provisions of the Town Code governing the use of the Land and criteria for granting the variances have been met;

WHEREAS, in approving Site Plan Review No. 6-2011 with Special Exceptions and Variances, the conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, as well as to insure that said use shall not be adverse to the public interest; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Site Plan with Special Exception and Variances are conditioned upon the representations made herein and all of the conditions herein imposed.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

ARTICLE I

RECITALS

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II

REPRESENTATION OF OWNERSHIP

Owner has full right to enter into this Agreement and to bind the Land and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which Owner or the Land are subject.

ARTICLE III

OFFICE BUILDING

The use of the Land shall be for the operation of a private office for the Owner to conduct his businesses and his charitable organizations in compliance with all of the information and exhibits, not inconsistent with the terms and conditions set forth herein, as set forth in the application submitted to the Town for Site Plan Review #6-2011 with Special Exception and Variances, as modified and approved by Town Council on May 11, 2011 (hereinafter referred to as the "Approval"). The Approval is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon an application to and approval by the Town Council. Any additional uses of the Land shall be subject to approval by the applicable governmental authority including, but

not limited to, the Town Council of the Town, the Landmark Preservation Commission of the Town, Palm Beach County, the State of Florida, the United States Government, and/or any agencies under any of the foregoing governmental authorities.

ARTICLE IV

CONDITIONS

1. Provided that the Owner supplies the Town with an acceptable Hold Harmless Agreement prior to the issuance of a building permit, Owner shall be allowed to build ~~out the entire~~ 14,495 square foot of building floor area pursuant to the plans approved herein but shall only be allowed to use ~~7,000~~ 5,650 gross leasable square feet of the renovated building for Owner's private office and charitable organizations. Owner shall be allowed to use the remaining square footage for ~~storage~~ office filing and record storage.

2. In the event Owner wants to sublet all or any portion of the building in excess of the ~~7,000~~ 5,650 gross leasable square foot limit mentioned in Paragraph 1 above, the prospective tenant shall come before the Town Council to obtain approval by filing the appropriate zoning application. The Town Council shall have the authority to approve, approve with conditions or deny any tenant or expansion of any business, charitable organization or tenant to ensure there is adequate parking capacity for all uses on the Land.

3. In the event Owner wants to sublet more square footage than the Town-serving limitation, the prospective tenant shall be required to obtain approval of a special exception from the Town Council, as required by Chapter 134, Zoning of the Code Ordinances, prior to occupying the building.

ARTICLE V

VOLUNTARY AGREEMENT AND HOLD HARMLESS

Owner agrees to be bound by the terms and conditions in this Agreement, and Owner waives any legal objection it might otherwise have to said terms and conditions or parts thereof. Owner acknowledges that it is only able to use a portion of the office building until such further time as may be approved by the Town. Owner is proceeding at its own risk and agrees to hold the Town harmless for any reason claims that may arise out of not using the entire gross leasable square footage.

ARTICLE VI

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this agreement *or* any other provision in the Town Code of Ordinances, and upon notice in writing from the TOWN to OWNER or OWNER's representative of said violation(s) and the date upon which said violations(s) shall be corrected,

owner or owner's successor or assigns shall pay to the TOWN a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this agreement or rescind the approval of the use.

In the event owner disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this agreement, or in the event the owner disputes any code violation, owner may appeal the determination of the Director of the Planning, Zoning and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days of the written notice of violation.

2. In addition to the above, the TOWN shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the TOWN is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the TOWN shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the TOWN prevails, either before or as a result of litigation, including appeals.

ARTICLE VII

PROVISIONS TO RUN WITH LAND/RECORDING

This Agreement shall run with the Land and shall be binding upon the Owner and their respective heirs, legal representatives, successors and assigns. This Agreement shall be recorded by the Town in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Agreement shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE VIII

ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE IX

EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

ARTICLE X

MISCELLANEOUS

Wherever the word “laws” appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

This Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

TOWN OF PALM BEACH

By: _____
Gail Coniglio, Mayor

By: _____
David Rosow, President
Town Council

By: _____
Peter B. Elwell
Town Manager

Little Broad Beach Partners, L.P.

By: _____
Its: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2011, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2011, by David Rosow, the President of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

TATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2011, by Peter B. Elwell, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2011, by _____, the _____, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

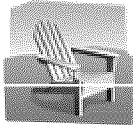
Printed Name of Notary Public
Commission Expires:_____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By:_____
John C. Randolph, Esquire

EXHIBIT “A”

LEGAL DESCRIPTION



Pw: Palm Beach Post Office Application #6--2011 Zoning

Cheryl Kleen to: John Page

04/05/2011 02:43 PM

Cc: Paul Castro, Kathleen Ruderman, Patricia Gayle-Gordon, Anne Boyles

----- Forwarded by Cheryl Kleen/PalmBeach on 04/05/2011 02:43 PM -----

From: "Maura Ziska" <MZiska@floridawills.com>
To: <CKleen@Townofpalmbeach.com>
Date: 04/05/2011 02:32 PM
Subject: FW: Palm Beach Post Office Application #6--2011 Zoning

Please include this in the back up for the Post Office project. Thank you. Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)

This electronic message transmission contains information from the law firm of Kochman & Ziska PLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

From: mariongorelick@gmail.com [mailto:mariongorelick@gmail.com] **On Behalf Of** Marion Gorelick
Sent: Tuesday, April 05, 2011 2:30 PM
To: Maura Ziska
Subject: Palm Beach Post Office Application #6--2011 Zoning

Dear Maura Ziska Esq.

RE : #6-2011 with Special Exception and Variances.

I am the resident owner of 173 Main Street, which is directly north of the PB Post Office. As one of the persons most affected by the proposal. **I endorse it wholeheartedly and urge your approval of it.**

The conversion of the existing post office into an office building will be a positive improvement to the neighborhood. I have lived across the street for over 20 years. The facility has been a beehive of activity from 4:30 am when the initial mail delivery is brought by a huge commercial truck, to the rear of building. Very loud back up beeps lasts until all mail is unloaded. sleep is almost imposable. As late as midnight, on many occasion fleets of mail delivery trucks are washed, fueled and serviced with high powered pressure hoses.

During the day each mail truck must start its engines and blow its horn, to make sure it works. There is a constant flow of vehicular and pedestrian traffic in and out of the building.

It is obvious that the elimination of these noises from large delivery trucks, and commercial loading dock, and traffic will result in a more tranquil environment for all concerned.

I urge the town council to approve the application, for the better of Palm Beach and Main Street.

Please send this letter to the Town Council.

Sincerely ,

Marion Gorelick
173 Main Street
Palm Beach Fl. 33480
561-832-1238

TOWN OF PALM BEACH

Town Council Meeting on: May 11, 2011

Section of Agenda

Development Review - Other

Agenda Title

Consideration of Conditions of Approval for Café Milano, Special Exception #16-2010, 375 South County Road.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated April 28, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Consideration of Conditions of Approval for Café Milano, Special Exception #16-2010,
375 South County Road

Date: April 28, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council reaffirm all previous conditions of approval as detailed in this memorandum.

GENERAL INFORMATION

On October 13, 2010, the Town Council conditionally approved the subject zoning application to allow a new restaurant (Café Milano) to operate at 375 South County Road. As a condition of approval, the applicant was required to come back to the Town Council six months from opening to ensure compliance with all conditions. The following are conditions of approval which relate to the operation of the restaurant and their status:

1. No dinner orders shall be placed in the outside dining area after 10:00 p.m.
The applicant is in compliance.
2. No dinner shall be ordered in this business after 12:00 midnight.
The applicant is in compliance.
3. The last call at the bar shall be 1:00 a.m.
The applicant is in compliance.
4. Only the windows along South County Road and the southwest corner of Peruvian Avenue may be opened (This specifically excludes the windows on the portion of the restaurant that was expanded by the approval of Special Exception No. 16-95 and the windows in the bar area along Peruvian Avenue).
The applicant is in compliance.
5. Breakfast may be allowed at the subject business after 7:30 a.m. and all windows in the restaurant shall be closed for the breakfast serving hours.
The applicant is not serving breakfast at this time.

6. Valet parking shall be allowed, however, the applicant must obtain a valet parking permit from the Police Department.

The applicant has a valid valet parking permit.

7. The applicant shall come back to the Town Council six (6) months after the restaurant opens for business to consider whether the applicant has met all previous conditions of approval placed on the operation of the restaurant (If it is determined that the outside dining area is negatively impacting the surrounding area, the Town Council can eliminate any or all of the outside dining on the south side of the building).

The applicant is complying with this condition. Staff has received no complaints on the outdoor dining on the south side of the building.

8. Prior to the issuance of a business tax receipt, the applicant shall enter into a parking agreement acceptable to the Town for the 22 required parking spaces at the Apollo parking lot.

The applicant has provided the Town with the parking agreement for 22 spaces at the Apollo parking lot.

9. All garbage, including glass, shall be stored in the restaurant after 6:00 p.m. and not placed in the dumpster area until after 8:00 a.m. the next morning.

The applicant is complying with this condition.

10. The kitchen air filters (scrubbers) for the restaurant shall be cleaned on a weekly basis.

The applicant is complying with this condition.

11. The kitchen door at the back of the restaurant shall remain closed after 6:00 p.m. and not be opened until after 8:00 a.m.

The applicant is complying with the condition.

The applicant is in compliance with all conditions at this time. If you have any questions about this issue please contact Paul Castro, Zoning Administrator at 227-6406.

cc: Thomas Bradford, Deputy Town Manager
Veronica B. Close, Asst. Director, Planning, Zoning & Building
Susan A. Owens, Town Clerk
Paul Castro, Zoning Administrator
Kirk Blouin, Captain, Police Department
zf & pf

TOWN OF PALM BEACH

Town Council Meeting on: May 11, 2011

Section of Agenda

Development Review - Other

Agenda Title

Reconsideration of Supplemental Shared Off-Street Parking for Coco's Restaurant located at 290 Sunset Avenue and 139 North County Road, Special Exception No. 4-2011.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page, Director of Planning, Zoning, and Building, dated April 28, 2011

TOWN OF PALM BEACH

Information for Town Council Meetings on: May 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Reconsideration of Supplemental Shared Off-Street Parking for Coco's Restaurant
located at 290 Sunset Avenue at 139 North County Road, Special Exception No. 4-2011

Date: April 28, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council allow Coco's Restaurant to continue to operate off-site, shared, valet parking service at 139 North County Road provided that the applicant enter into an acceptable off-site parking agreement.

GENERAL INFORMATION

On January 12, 2011, the Town Council conditionally approved the above referenced application to allow Cocos Restaurant located at 290 Sunset Avenue to have supplemental, off-site shared parking for thirty valet parking spaces at 139 North County Road. The condition of approval of the application was that the applicant return to the May 11, 2011 Council meeting to address any issues that may have arisen from the valet operation at that location.

Staff has reviewed the operation of the valet parking at this location. The Police Department and Code Enforcement has had no complaints or issues with the valet traffic circulation or shared parking, and therefore Staff recommends that the Council allow the off-street shared parking to continue. However, to ensure that off-street valet parking is provided for Coco's restaurant at night, staff would recommend that the Council require the applicant to enter into a recorded off-street parking agreement with the owner of 139 North County Road. The agreement would ensure that the off-street parking for the restaurant would be provided at this location for as long as the restaurant is open, or in the alternative, that the Town be notified, and the applicant apply for and receive approval of a special exception to allow off-street, off-site parking at another location. This agreement, which would be the same as a previous agreement by the applicant, would be required to be reviewed and approved by the Town staff prior to being executed and recorded.

PBE/jsp/pc

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Veronica B. Close, Asst. Director, Planning Zoning & Bldg. Department
Paul W. Castro, AICP, Zoning Administrator
zf

TOWN OF PALM BEACH

Town Council Meeting on: May 11, 2011

Section of Agenda

Development Review - Other

Agenda Title

Request to Consider Zoning Ordinance No. 14-11 Prior to 5:00 p.m. at the June 15, 2011, Town Council Meeting.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated April 28, 2011

TOWN OF PALM BEACH

Information for Town Council Meetings on: May 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Request to Consider Zoning Ordinance No. 14-11 prior to 5:00 p.m. at the June 15, 2011 Town Council meeting

Date: April 28, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council conduct the remaining public hearing on Ordinance No. 14-11 at the June 15, 2011 meeting prior to 5:00 p.m.

GENERAL INFORMATION

Staff is requesting that the Town Council elect to conduct the second and final reading of Ordinance No. 14-11, which will be considered at the June 15, 2011 meeting, during the course of the normal Council business. This may occur before 5:00 p.m. Florida Statutes require the Town Council to hold at least one of two public hearings to adopt a zoning ordinance after 5:00 p.m. However, the Statute provides that the time can be changed if a majority plus one of the local governing body elect to have the hearing at another time.

PBE:jsp:pc

cc: Thomas G. Bradford, Assistant Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator
John Lindgren, AICP, Planning Administrator
zf